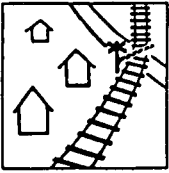




APPENDIX B: ORDINANCES AND COMPREHENSIVE PLANS



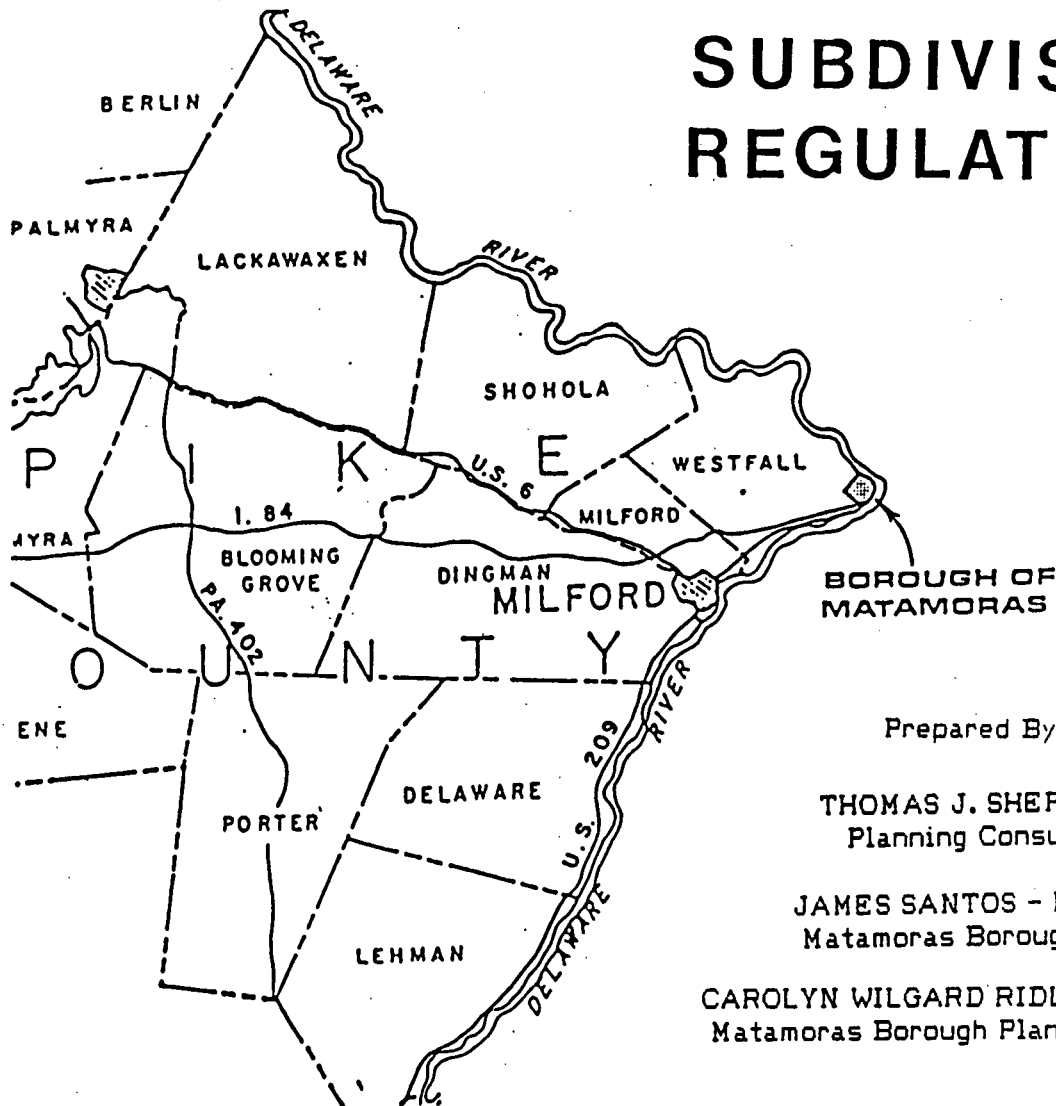


COMMUNITY PLANNING & TRANSPORTATION CORPORATION
100 Fourth Street
Honesdale, PA 18431

MATAMORAS BOROUGH

Pike County, Pennsylvania

SUBDIVISION REGULATIONS



Prepared By:

THOMAS J. SHEPSTONE
Planning Consultant

JAMES SANTOS - President
Matamoras Borough Council

CAROLYN WILGARD RIDLEY - Chairperson
Matamoras Borough Planning Commission

PHONE: (717) 253-5433

MATAMORAS BOROUGH SUBDIVISION REGULATIONS

TABLE OF CONTENTS

Article I - General Provisions

- 1.100 Title and Short Title
- 1.200 Authority
- 1.300 Purposes
- 1.400 Jurisdiction
- 1.500 Interpretation, Conflict and Separability
- 1.600 Variations
- 1.700 Appeals
- 1.800 Violations and Penalties
- 1.900 Amendments
- 1.1000 Enactment and Effective Date

Article II - Plan Submission and Review Requirements

- 2.100 Procedures and Requirements for Minor Subdivisions
- 2.200 General Procedures for Major Subdivisions
- 2.300 Sketch Plans for Major Subdivisions
- 2.400 Preliminary Plan Requirements for Major Subdivisions
- 2.500 Requirements for Guarantee of Improvements
- 2.600 Final Plan Requirements for Major Subdivisions
- 2.700 Fees
- 2.800 Lot Improvements

Article III - Design Standards

- 3.100 Application
- 3.200 General Site Requirements
- 3.300 Blocks and Lots
- 3.400 Common Open Space
- 3.500 Water Supply
- 3.600 Sewage Disposal
- 3.700 Erosion and Sedimentation
- 3.800 Storm Drainage
- 3.900 Street Requirements
- 3.1000 Commercial and Industrial Subdivisions
- 3.1100 Multi-Family Residential Subdivision

Article IV - Recreational Land Developments

- 4.100 Design Standards
- 4.200 Other Regulations

Article V - Definitions

- 5.100 General
- 5.200 Glossary of Terms

MATAMORAS BOROUGH SUBDIVISION & LAND DEVELOPMENT REGULATIONS

Article I - General Provisions

1.100 Title and Short Title

This is an Ordinance providing for the regulation of subdivisions and land developments within the Borough of Matamoras, Pike County, Pennsylvania. It may be cited as the "Matamoras Borough Subdivision & Land Development Regulations."

1.200 Authority

This Ordinance is adopted under the authority provided Matamoras Borough by the Pennsylvania Municipalities Planning Code, Act 247 of 1968 as amended.

1.300 Purposes

This Ordinance is adopted for the following purposes;

- a. Promoting the orderly growth and development of the Borough in accordance with the Matamoras Borough Comprehensive Plan.
- b. Providing for the health, safety, and welfare, of Borough residents and preservation of the environment.
- c. Minimizing foreseeable maintenance and improvement problems as well as economic burdens associated with development of land.

1.400 Jurisdiction

This Ordinance shall apply to all subdivisions of land and land developments made on or after the effective date of the Ordinance and not yet recorded, including recreational land developments.

1.500 Interpretation, Conflict and Separability

1.501 Interpretation

The provisions of these regulations in their interpretation and application shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

1.502 Conflict

These regulations are not intended to interfere with, abrogate, or annul any other Ordinance rule or regulation statute or provision of law. Where any of the provisions of these regulations imposes restrictions different than any other Ordinance rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. This Ordinance, however, shall repeal the Matamoras Borough Subdivision Regulations of January, 1974 along with all subsequent amendments which may have preceded this 1985 Ordinance.

1.503 Separability

If any part or provision of these regulations or application thereof to any person or circumstances is judged invalid by any Court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in all controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Borough hereby declares that it would have enacted the remainder of these regulations even without such part, provision or application.

1.600 Variations

a. The Borough Council shall have the power to authorize variations from the requirements of these regulations.

b. Applications for such variations shall generally be submitted in writing by the subdivider at the time the preliminary plan is filed for the consideration of the Commission except in cases where a variation is proved necessary at a later date by construction conditions or a change in conditions. The application shall state fully the grounds for the application and all the facts relied upon by the subdivider.

c. The Borough Council may, by resolution, authorize a variation from these regulations when, in its opinion, unreasonable hardship will result from strict compliance therewith, subject, however, to the provisions of the following:

1. No resolution authorizing a variation shall be considered by the Council until a public hearing shall first be held pursuant to public notice. The person applying for a variation shall pay to the Borough Secretary, in advance, such sum as the Secretary shall estimate to be the cost of holding the meeting.

2. Any resolution of the Borough Council authorizing a variation from these regulations shall state in it the reasons on which the Council bases its finding that unreasonable hardship will result from strict compliance with these regulations.

d. In authorizing a variation, the Council may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of these regulations. Variations may be granted only where the following conditions occur;

1. There is no possibility, because of unique physical circumstances, that the property can be developed in strict conformity with the provisions of these regulations.

2. The above hardship would be unique and not shared by other properties in the immediate vicinity.

3. The variation would not change the character of the area and would preserve the purpose and intent of these regulations.

1.700 Appeals

In any case when the Borough Council disapproves a subdivision plan, any person aggrieved thereby may appeal the decision pursuant to the Pennsylvania Municipalities Code.

1.800 Violations and Penalties

Any person, partnership, or corporation who or which being the owner or agent of any lot, tract, or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel, or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers, rents, leases, conveys by other means, or agrees or enters into an agreement to do the same with any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them responsible for such violation, pay a fine not exceeding One Thousand Dollars (\$1,000) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the Matamoras Borough Council. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided. The Borough Council may also initiate and maintain civil action:

a. To obtain a writ of injunction against the subdivider who attempts the improper sale, lease, or conveyance of land.

To set aside and invalidate any conveyance of land made prior to recording of any subdivision.

Nothing herein shall prevent the Borough from taking such other action necessary to prevent or remedy any violation.

1.900 Amendments

The Council may, after public hearing, amend these regulations pursuant to the Pennsylvania Municipalities Planning Code. These regulations shall also be considered amended whenever any provision of the aforementioned Code is itself amended to require or authorize actions different from those specified herein.

1.1000 Municipal Liability

The approval of a subdivision and/or land development plat, or of any improvement installed, shall not constitute a representation, guarantee, or warranty of any nature by the municipality or any official, employee, or appointee thereof, of the safety of any land, improvement, property or use from any cause whatsoever, and shall create no liability upon, or a cause of action against the municipality or such official, employee or appointee for any damage that may result pursuant thereto.

1.1100 Enactment and Effective Date

BE IT ENACTED into law this _____, 1985 to be effective five days following.

SEAL

Borough Secretary

Matamoras Borough Council

MATAMORAS BOROUGH SUBDIVISION REGULATIONS

Article II - Plan Submission and Review Requirements

2.100 Procedures and Requirements for Minor Subdivisions

The following procedures and requirements shall apply to minor subdivisions only (See Section 5.224). All other subdivisions and re-subdivisions, regardless of the total number of lots involved, shall be processed as major subdivisions according to the procedures and requirements specified in Sections 2.200-2.700 of this Ordinance. Minor subdivisions shall not be subject to these particular requirements, but shall comply with the remainder of this Ordinance.

2.101 Application Requirements

Any person proposing to create a minor subdivision shall submit along with plans required in 2.102 below, five copies of an application for minor subdivision approval. This application may be in letter form and shall specify and/or include:

- a. The name, address and telephone number of the property owner of record and those of the subdivider, if different.
- b. The name or number of the road where the proposed subdivision is to be located.
- c. The name, address and telephone number of the surveyor or engineer preparing the subdivision plans.
- d. The type of water supply proposed.
- e. The type of sewer system proposed and permit number, if granted.
- f. Fee or receipt for the same from the Borough Planning Commission Secretary

2.102 Plan Requirements

The subdivider shall submit five (5) copies of the Final Plan and required supplementary data for the proposed subdivision. This plan shall be prepared by a Registered Engineer or Registered Surveyor and shall show all the lots proposed to be created. The Final Plan shall meet the following requirements:

- a. The map shall be drawn at a scale compatible with Pike County tax maps and shall be not less than 8 1/2" X 11" nor more than 36" X 48" in size.
- b. The names of all abutting property owners and the size of any remaining acreages in the tract from which lots are being taken shall be shown.
- c. The map shall show the name of the Borough, name of the owner of record, North Point, scale, and date.
- d. Soil types found on the site shall be shown unless the lots involved are lot improvements or contain existing sewage systems. Soil Conservation Service Classifications shall be used.
- e. Existing public roads shall be identified by traffic, legislative route numbers or their posted Borough names and numbers; and private roads by their names and locations.
- f. Proposed lot or parcel lines shall be drawn to scale and dimensions given in feet and hundredths of a foot. Lot areas shall be shown in square feet. The map shall depict the proposed subdivision as a part of the contiguous holdings of the subdivider, and show adjacent lots already taken from the parcel.

g. A Planning Module for Land Development (or such other comparable documentation as may be required by the Pennsylvania Department of Environmental Resources), along with a soils evaluation by the test pit method and/or other required supplemental data shall be reviewed by the Borough Sewage Enforcement Officer and submitted in a form suitable for adoption by the Borough as a supplement to the Borough Official Wastewater Disposal Plan.

2.103 Procedures for Minor Subdivisions

The subdivider shall submit the application for minor subdivision approval, along with the required copies of the plan, to the Planning Commission Secretary prior to the meeting of the Borough Planning Commission at which action is desired. The Planning Commission Secretary shall note receipt of the application and collect any fees due.

A copy of the application shall also be forwarded, at the time it is submitted to the Borough Planning Commission, to the Pike County Planning Commission per requirements of the Pennsylvania Municipalities Planning Code. The subdivider shall assume this responsibility.

The Borough Planning Commission shall act on the application no later than their second regular meeting following receipt of the same, unless the application determined to be incomplete and is not accepted for filing. Incomplete applications shall be returned to applicants by the Borough Planning Commission Secretary with or without the Planning Commission's advice, and shall be accompanied by a written explanation of the items which are missing. The Commission shall act on applications making recommendations to the Borough Council, which recommendations shall be in letter form or noted on the plats submitted. One copy shall be retained for Commission files and the remainder returned to the Secretary.

The Borough Council shall approve or disapprove the minor subdivision only after receiving the Planning Commissions' recommendations on the same, unless a period of forty-five (45) days has expired since the filing date (see Section 6.221) and no Planning Commission recommendations have been received. The Council shall act no later than seventy-five (75) days following the filing date.

The Council shall concurrently act on the proposed supplement to the Official Wastewater Disposal Plan and shall communicate their decisions in writing to the applicant within fifteen (15) days following the action (within ninety days following the filing date), setting forth any reasons for disapproval if that should be their decision.

2.200 General Procedures for Major Subdivisions

A Sketch Plan may be submitted to the Planning Commission by the owner of any land to be subdivided or developed, for the purpose of classification and preliminary discussion of the proposed subdivision or land development. No action will be taken by the Planning Commission with respect to a Sketch Plan and no discussions concerning the same shall later be construed to have implied approval of any sort.

Nine copies of an application and Preliminary Plan shall be required for all proposed major subdivisions and land developments. The Preliminary Plan shall include all the items identified in Section 2.400 below and shall be submitted

to the Planning Commission Secretary who shall note receipt of the application and collect any fees due. Copies shall be distributed in the manner provided for minor subdivisions. The Planning Commission shall review the Preliminary Plan to ascertain whether it complies with the requirements of this Ordinance. It may request the subdivider to submit additional information, make certain corrections or changes, or advise the Borough Planning Commission Secretary to return the Plan as incomplete and, therefore, not acceptable for filing.

The Commission shall, no later than forty-five (45) days following the filing date, make its recommendation for approval or disapproval and submit five signed copies of the Preliminary Plan and accompanying Planning Module for Land Development to the Borough Council. The Borough Council shall make its decision regarding the Preliminary Plan within thirty (30) days of its receipt from the Planning Commission and communicate that decision in writing to the applicant within fifteen (15) days, (90 days total from the filing date) setting forth any reasons for disapproval, should that be the decision.

The Borough Council shall concurrently make its decision with respect to the Planning Module for Land Development to revise or supplement its Official Wastewater Facilities Plan and, if approval is granted, said revision or supplement will promptly be forwarded to DER. Preliminary approval shall be conditional upon DER acceptance of the proposed revision.

Applications for subdivision and land development shall also be concurrently forwarded to the Pike County Planning Commission for a review, together with a fee (if one is required) sufficient to cover the costs of the review, which fee shall be paid by the applicant. The subdivider shall assume this responsibility.

After receiving approval of a Preliminary Plan, (or when conditions are removed), the subdivider shall install or guarantee installation of the improvements required by this Ordinance and commence the preparation of Final Plans. In the absence of actual installation of improvements, the subdivider may otherwise guarantee them according to the requirements of Section 2.500.

Following the installation and inspection of improvements or preparation of satisfactory guarantees for their installation and maintenance, the subdivider may submit Final Plans to the Borough, which shall be processed in the same manner as Preliminary Plans. Final Plans may be submitted in stages. However, no Preliminary Plan (or portions of such Plan) shall remain valid for development of Final Plans after a period of five years from Preliminary Approval and no Final Plans will be accepted for any subdivision or land development for which DER has not approved the necessary revision to the Official Wastewater Disposal Plan.

Following approval of the Final Plan by the Borough Council the subdivider shall, within ninety (90) days, officially record the Final Plan in the Office of the Pike County Recorder of Deeds. Failure to do so will render the plan void and the subdivider shall resubmit the Plan for approval including any filing fees required.

2.300 Sketch Plans for Major Subdivisions

The Sketch Plan should be at a scale sufficient to show the entire tract on one sheet, and should show or include the following:

- a. The location of that portion which is to be subdivided in relation to the entire tract.
- b. All existing structures and wooded areas within the portion to be subdivided.
- c. The name of the owner and of all adjoining property owners as disclosed by the most recent deed or tax records.
- d. All streets or roads, drainageways, catch basins, storm sewers, streams, water, sewage and gas and power lines within 200 feet of the subdivision.
- e. The tentative layout of the remainder of the tract owned by the subdivider.
- f. North Point, scale and date
- g. A location map with sufficient information to enable the locating of the property.

2.400 Preliminary Plan Requirements for Major Subdivisions

The Preliminary Plan shall be clearly and legibly drawn at a scale compatible with Pike County tax maps. Maps shall be not less than 8 1/2" X 11" nor more than 36" X 48" in size and shall show the entire tract to be divided.

The Plans will contain the following information:

- a. Proposed name of the subdivision. This name shall not duplicate in spelling or pronunciation any recorded subdivision within Pike County.
- b. Location by Borough, County and State. The plan should also include tax map numbers for affected and adjacent parcels..
- c. North point, date and graphic scale.
- d. Boundaries of total tract and acreage contained within it.
- e. Locations, names and widths of rights-of-way of all streets, widths of utility rights-of-way, parks and public grounds, permanent buildings in, or adjacent to the subdivision which will have an effect on the design, and all open space easements.
- f. Approximate locations of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines, and all other items above or below ground with direction of flow and pressure.
- g. Names of owners of abutting properties, and lines showing where they intersect.
- h. Existing contours at intervals of at least every twenty feet. U.S.G.S. maps may suffice for the basis of this item. The Borough reserves the right to request greater detail when the scope or nature of the development demands the same, particularly in regard to stormwater concerns.
- i. Proposed layout of streets, alleys and other public rights-of-way, including widths and proposed names which shall not duplicate existing names by spelling or pronunciation. The street proposals shall be accompanied by a submission of plans as required by Borough Road and Street Encroachment Ordinances (if either shall exist), including profiles, cross-sections, and preliminary designs for bridges and culverts.
- j. The proposed layout, numbering and approximate dimensions and acreage of lots.
- k. Parcels to be dedicated to the public, or reserved for their use, or to be reserved by covenant for residents, shall be shown and marked as such.
- l. Building setback lines. Where lots are located on a curve, or side lines are not parallel, the width at the building line shall be shown.
- m. All drainage easements shall be shown and marked as such.

- n. Approximate final grades in areas of cut or fill shall be shown.
- o. Any lots designated for uses other than residential shall be indicated.
- p. Proposed covenants and restrictions.
- q. The subdivider shall present a letter from each utility company servicing the area indicating that the utility company is aware of and will provide service to the proposed subdivision.
- r. Erosion and sedimentation plan prepared in cooperation with the Pike County Conservation District (where required).
- s. Storm water management plan prepared in cooperation with the Pike County Conservation District (where required).
- t. Planning Module for Land Development, along with all information required in order to approve as a revision or supplement to the Official Plan.
- u. All applicable zoning data.
- v. A properly executed Application on a form provided by the Council.

2.500 Requirements for Guarantee of Improvements

2.501 Methods to be followed:

After approval of the Preliminary Plan, the subdivider, in a manner consistent with the Pennsylvania Municipalities Planning Code, shall provide for the installation of the required improvements (those physical additions and changes which may be necessary to provide useable and desirable lots). Before requesting Final Plan approval the subdivider must:

- a. Install all the improvements required in Article III at the standards required, or
- b. File with the Secretary of the Borough a performance guarantee to insure installation and construction of all required improvements at the standards required. Such guarantee shall meet with the approval of the Borough Solicitor as to form and procedure.

The subdivider shall meet with the Borough Engineer to develop a schedule, so that at the time each improvement is to be installed and upon its completion, adequate inspections can be made.

2.502 Performance Guarantee:

This Section is designed to be consistent with Section 509-11 of the Pennsylvania Municipalities Planning Code and the Borough hereby incorporates all authorities and requirements contained therein as part of this Ordinance.

a. Posting - The performance guarantee must be approved by the Council with the advice of the Commission, and must:

- 1. Be a corporate surety bond, certified check, or other security, provided the same is satisfactory to the Council and consistent with the requirements of the Pennsylvania Municipalities Planning Code.
- 2. Be payable to the Borough of Matamoras .
- 3. Be in an amount sufficient to complete the improvements in compliance with these regulations plus expected cost increases. A statement of specifications and costs of improvements certified by the Borough Engineer or other qualified individual designated by the Borough shall be provided.
- 4. In the case of cash or its equivalent, be held in an escrow fund in the name of the Borough.

5. Specify a satisfactory completion date for improvements which shall not be more than one (1) year from the date of the Final Approval. Provisions may also be made, pursuant to the aforementioned Code, for completion of improvements in phases or over a longer period, in cases of large developments.

b. Return - When the improvements have been completed and approved for conformity with these regulations by the Borough Engineer or other qualified individual designated by the Borough, the guarantee must be released and returned. When any of the required improvements have been completed and approved or materials for the same have been secured on-site, a portion of the security commensurate with the cost of these improvements, may be released and returned.

c. Default - In the event of default, the obligor and surety shall be liable thereon to the Borough for the cost of the improvements or parts thereof not installed. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

2.503 Fees to Cover Inspection and Related Costs

Prior to the certification of any improvements or release of any guarantee, the subdivider shall pay all inspection and related costs (for professional services, meetings, advertisements and expenses) associated with the improvements or guarantees. These costs will be assessed as a special fee apart from the regular fees provided for in Section 2.800 of these Regulations. Said payment shall be made to the Borough.

2.504 Maintenance Bond

Where improvements are being dedicated to the Borough, the subdivider shall comply with the applicable requirements of any other Borough Ordinances governing dedication of improvements and submit a maintenance bond or other approved performance guarantee to guarantee maintenance and repair of those improvements for eighteen months from the date of dedication. The maintenance bond shall generally be a maximum of 15% of the costs of improvements, subject to approval of the Borough Council.

2.600 Final Plan Requirements for Major Subdivision

The Final Plan shall be drawn on new, permanent, transparent material. The Plan shall be prepared on one or more sheets of a uniform size and scale coinciding with those used on tax maps for Pike County. Final Plan attachments and exhibits shall be numbered and labeled in accordance with the requirements of this Section and a "subdivision checklist" to be developed by the Borough. The Final Plan shall include, in addition to the information required for the Preliminary Plan submission, the following:

- a. Exact locations, widths and names of all streets and all crosswalks within the subdivision.
- b. Complete curve data for all curves included in the Plan.
- c. Exact descriptions of all easements being provided for services or utilities in the subdivision, and any limitations placed on the use of such easements.
- d. Accurate outlines of any lots or areas to be reserved or dedicated for common use by residents of the subdivision, or for general public use, with the purpose indicated thereon.
- e. Front building lines, shown graphically with dimensions.
- f. A final version of all restrictions and covenants, if any, the developer intends to place in the deeds to the lots in the subdivision. If no such restrictions or covenants are to be imposed, a statement to that effect shall be included.
- g. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and close with an error of closure not to exceed one (1) foot in twenty-thousand (20,000) feet; provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify, using the form specified in the Appendix, to the accuracy of the survey, the drawn plan, and the placement of the monuments.
- h. A certificate signed by the project engineer indicating that all improvements have either been installed and approved by the proper officials or agencies, or that a guarantee in an amount satisfactory to the Borough Engineer or other qualified individual designated by Borough Council and sufficient to ensure their installation has been submitted to the Borough.
- i. Complete final construction plans and profiles of installed or proposed storm drains, with grades and pipe sizes.
- j. Complete final construction plans of installed or proposed public water distribution systems showing pipe sizes and locations of valves and fire hydrants, if any, unless private wells are to be used.
- k. Evidence of actual arrangements made with utility companies or agencies for supplying each lot in the subdivision.
- l. A key map for the purpose of locating the site to be subdivided, at a scale of not less than 2000 feet to one inch, showing the relation of the property to adjoining property and to all streets, roads and municipal boundaries existing within 1000 feet or any part of the property proposed to be subdivided. U.S.G.S. quadrangle maps may suffice as a base for such a key map.
- m. Approval blocks for signature of the Borough Planning Commission and Borough Council shall appear on the first sheet of the set of plans. The responsible officials will also sign a set of reproducible drawings on mylar or comparable material.
- n. A statement that Erosion and Sedimentation and Storm Water Management Plans, as required, have been prepared and where appropriate approved by the Pike County Conservation District.

Each Final Plan submission shall, in addition to the items required above, include new submissions of Preliminary Plan data in any instance where there has been a change in the plans or the circumstances surrounding them.

2.700 Lot Improvements

In cases of lot improvement subdivisions, wherein a parcel of land is added to an existing lot for the purposes of increasing the size of the existing lot or a number of small lots are re-subdivided or re-alloted so as to make a lesser number of larger lots, the provisions of this Ordinance shall be waived, provided that:

1. The grantor's remaining lands comply in all respects to the provisions of this Ordinance; and
2. Three copies of the subdivision plan are submitted to the Planning Commission.

After the Planning Commission shall have determined that the conditions for a lot improvement waiver have been met, they shall notify the Borough Council of such determination and the Borough Council shall sign the plans at their next regular meeting. The following notation shall be placed on the plans which are processed as a waiver under this action: "Action is granted for recording purposes only in accordance with Section 2.800 of the Subdivision and Land Development Regulations."

2.800 Fees

At the time an Application for subdivision approval is filed, a fee shall be paid to the Borough by the subdivider; such fee to be determined from a schedule of fees as adopted by the Borough Council from time to time by resolution.

MATAMORAS BOROUGH SUBDIVISION REGULATIONS

ARTICLE III - DESIGN STANDARDS

3.100 Application

The design standards and requirements set forth in this Article shall be observed as minimums by the subdivider in the design of each subdivision within Matamoras Borough. The Borough may require more-restrictive standards where necessary to protect health, safety and welfare of the public, and where circumstances unique to the property so dictate.

3.200 General Site Requirements

The subdivision shall fully comply with the provisions of the Matamoras Borough Zoning Ordinance and conform to the Borough Comprehensive Plan.

All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses, so that remnants and land-locked areas shall not be created. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations.

In all subdivisions, care shall be taken to preserve natural features such as trees, water courses, views, and historical features which will add attractiveness and value to the remainder of the land. Damming, filling, relocating or other interference with the natural flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Borough and, where appropriate, the Pennsylvania Department of Environmental Resources.

Wherever possible, lot lines shall follow Borough lines rather than cross them. Unusable parcels, the principal purpose of which is to simply limit access to other lots, public rights-of-way, public lands or adjacent private lands for "nuisance value" are prohibited.

3.300 Blocks and Lots

3.301 Blocks

a. Pedestrian interior walks may be required, where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a width of not less than 10 feet and be all-weather-surfaced for not less than 4 feet in width.

b. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth, except where an interior street parallels a major street, or where it backs up to a railroad, creek, or other natural barrier or unsubdivided area.

c. Cul-de-sac streets, permanently designed as such, shall not exceed 600 feet in length and shall furnish access to not more than 12 dwelling units. Cul-de-sac streets shall have at the closed end a turn-around with the right-of-way having a minimum outside radius of not less than 50 feet and shall

be paved to a radius of not less than 40 feet. Drainage of cul-de-sacs shall preferably be toward the open end.

3.302 Lots

a. All side lines of lots shall be at approximate right angles to straight street lines and radial to curved street lines, except where a variation to this rule will provide a safer layout.

b. Double frontage lots shall ordinarily not be platted, except as specifically provided herein. In that event a planting strip of at least 20 feet in width may be required along the back of the lot.

c. If remnants of land exist after subdividing, they shall be incorporated in existing or proposed lots.

d. Corner lots shall have an average width of at least 100 feet. Either of the two sides of a corner lot may be designated as the front, provided the rear yard shall always be opposite the frontage so designated. All corner lots shall have a curve with a minimum radius of (20) feet joining the intersecting right-of-way lines.

e. All lots shall front on a public or private street (existing or proposed) and the right-of-way of the principal access to any subdivision shall be a minimum of fifty (50) feet in width. No subdivision will be approved where the width of the existing right-of-way is less than 50 feet unless the subdivider is able to secure such additional right-of-way as may be required to achieve this width. However, upon written request by the subdivider, the Borough may grant a waiver from this and other street requirements of this Ordinance to permit access to a single-family residential lot from a private drive, provided a release has been given the Borough making clear that the Borough is exempted from all responsibility for the maintenance of the same and the lot in question is not capable of being subdivided further or is so restricted.

f. The dimension standards contained within the Matamoras Borough Zoning Ordinance shall apply to all lots created.

g. Monuments shall be placed at perimeter corners and the corner of each street, and markers set at the corner of each lot, to permanently and accurately define the metes and bounds of the block and lots created. Monuments shall be of the following type or approved equal:

1. Reinforced concrete, 4" x 48".
2. Cut stone, preferably granite, 4" x 48".
3. 2" x 48" galvanized iron pipe filled with concrete.
4. Brass pin, 3/4" in diameter, grouted 4" into rock.

Monuments shall extend 42" below ground or to solid rock. Lot corner markers shall be of pipe or steel at least 3/4" in diameter and 18" in length, and must be set at all corners of all lots prior to final approval.

3.400 Water supply

The subdivider shall construct a system of water mains and connect with the Borough Water system and provide a connection for each lot. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system including fire hydrants.

3.500 Sewage Disposal

All subdivision and land developments shall be provided with an adequate sewage disposal system. All residential lots shall contain suitable areas for on-lot sewage disposal systems or be served by an approved off-site sewage disposal system. Plans and specifications, including a Planning Module for Land Development complete with all appropriate components as required by the Pennsylvania Department of Environmental Resources (to revise or supplement the Borough Official Plan), shall be submitted with all preliminary subdivision or land development plans. Following preliminary plan approval, the Borough will submit copies of the module and necessary documentation to the Commonwealth for review. Commonwealth approval of the module and the Borough's revision or supplement to its Official Plan shall be required prior to final approval.

On-site systems shall be provided in accordance with criteria set forth by the Pennsylvania Department of Environmental Resources. The Borough Sewage Enforcement Officer's site and soils evaluation by the test pit method and favorable report is required prior to preliminary plan approval. The Sewage Enforcement Officer shall determine the number and location of test pits and soil percolation tests necessary to determine the general suitability of soils throughout the subdivision or land development for on-lot subsurface sewage disposal.

Lot improvement subdivisions shall, pursuant to Section 2.700, be exempt from this and other requirements provided a Planning Module is not required by the Department of Environmental Resources.

3.700 Erosion and Sedimentation

In the event that any developer shall intend to make land changes by grading, filling, excavating or the removal or destruction of the natural topsoil or vegetative covering thereon in accordance with a subdivision plan submitted to the Borough, the same shall only be approved and accomplished after the developer has submitted to the Borough an Erosion and Sedimentation Plan and otherwise complied with Commonwealth regulations respecting such plans. Measures in the plan shall meet with the approval of the Pike County Conservation District.

3.800 Storm Drainage

A storm water drainage plan may be required in certain cases for major subdivisions or land developments. Such a plan, along with Section 3.700 above, shall comply with of Pennsylvania DER Regulations. Such a plan shall also be prepared in consultation with the Pike County Conservation District and the Soil Conservation Service, which shall suggest methods and appropriate measures for meeting the intent of the Pennsylvania Storm Water Management Law. The general performance standard shall be that the amount of uncontrolled stormwater leaving the site along any property line after development shall not exceed that estimated for the site prior to development. The following additional requirements shall apply:

- a. Lots shall be laid out and graded to prevent cross-lot drainage away from proposed building areas. Natural drainage courses shall be maintained.

- b. The existing points of natural drainage discharge onto adjacent property shall not be altered, nor shall the rate of water runoff be increased because of development, without the written approval of all

affected land owners.

c. No storm water runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions.

d. Facilities shall be designed to accommodate storms of a 10 year frequency unless a more stringent standard shall be recommended by the Borough Engineer.

e. Drainage structures that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that office indicating such approval shall be directed to the Borough prior to final plan approval.

f. All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way. The slope of the crown on proposed streets shall be 1/4" per foot away from the center line.

g. All proposed surface drainage structures shall be indicated on the preliminary plan.

h. Drainage plans shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials and elevations.

i. Storm drains or storm sewer facilities may be required in any development situation where the Borough Planning Commission and Borough Council determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.

j. Drainage systems shall be designed in accordance with such design standards as may be promulgated by the Pennsylvania Department of Environmental Resources or the Pennsylvania Department of Transportation, using hydraulic computations to show effects of the flow of water. In no case shall any pipe system of less than 15" in diameter be used underneath a street or driveway.

k. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water course, drainage way, channel or stream, and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the Pennsylvania Department of Environmental Resources, Division of Dams and Encroachments.

l. All drainage systems and structures shall be subject to the approval of the Borough Engineer, Borough Council or any such other qualified person as may be appointed for this purpose by the Borough Council.

3.900 Street Requirements

3.901 General

The arrangement, character, extent, width, grade and location of all streets shall conform to the Comprehensive Plan. Where not shown on the Comprehensive Plan, the arrangement and other design standards of streets shall conform to the provisions found herein. Every subdivision shall have access to a public right-of-way.

3.902 Design and Arrangement

a. In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic, with the exception that minor streets shall be laid out including the use of loop streets and cul-de-sacs, so that their use by through traffic will be discouraged.

b. Where a subdivision abuts or contains an existing or proposed arterial street, marginal access streets may be required, in order to protect residential areas from heavy traffic and also to provide separation between local and through traffic.

c. Streets shall be logically related to the topography so as to produce useable lots and reasonable grades as required by this and other Borough Ordinances applicable to street standards.

d. New half or partial streets will not be permitted. Wherever a tract to be subdivided borders an existing half or partial street, the remaining portion of the street shall be platted within such tract.

e. Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when designed as cul-de-sacs.

f. Where adjoining areas are not subdivided, the arrangement of streets in new subdivisions shall make provision for the proper protection of streets.

g. Streets shall be laid out to intersect as nearly as possible at right angles; in any event, no street shall intersect another at less than sixty (60) degrees. Intersections of more than two streets shall be avoided.

h. Street and driveway intersections with arterial streets shall not be so numerous, nor so close to each other, as to impede the flow of traffic.

i. Clear sight triangles shall be provided at all street intersections. Within such triangles, no structure or vision-obstructing object other than utility poles, street lights, street signs, or traffic signs shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of seventy-five (75) feet from the point of intersection of the centerlines.

3.903 Alleys

Alleys may be permitted in residential areas under special circumstances, but in no case shall an alley provide the only means of access to a lot. Alleys are required on the rear of all commercial and industrial lots, if no other provisions are made for adequate service access or for parking.

3.904 Street Grades

Minimum vertical and horizontal visibility (measured 4-1/2 feet eye level to tail lights 18" above ground level), for curves shall be no less than 150 feet for all streets.

3.905 Street and Alley Width

The minimum right-of-way widths for streets and alleys are as follows:

Streets	50 feet minimum right-of-way
Alleys	20 feet minimum right-of-way
Crosswalks	10 feet minimum right-of-way

Where the proposed subdivision fronts on an existing public right-of-way of less than the required width as specified above, the subdivider shall provide additional right-of-way as may be required to conform with these standards. Where the proposed subdivision fronts on only side of such a road, the entire additional width required shall be provided on that side.

3.906 Dead-end Streets

Any dead-end street of a temporary nature, if longer than two hundred (200) feet or fronted by existing lots, shall have a surfaced turning area equal in diameter to the right-of-way width of said street at its termination.

3.907 Grading

The entire width of the travel way of each street in a proposed subdivision shall be graded and suitably prepared for installation of paving, drainage structures, curbs and gutters, in accordance with the appropriate standards for the class of street. The subgrade shall be free of sod, vegetative matter, or other similar material. Where poor subsurface drainage conditions exist, adequate drainage shall be installed. The subgrade construction shall conform to minimum standards of the Pennsylvania Department of Transportation.

3.908 Pavement

a. The width of pavement required shall vary, depending upon the character of the development served and the amount of traffic expected to utilize the street. The following are minimum street pavement widths:

TYPE OF STREET	MINIMUM SHOULDER WIDTH (EACH SIDE)	MINIMUM	
		CLEARANCE BEYOND SHOULDER (EACH SIDE)	MINIMUM PAVEMENT WIDTH
Major Streets	10 feet	10 feet	24 feet
Collector Streets	10 feet	8 feet	22 feet
Minor Streets	4 feet	4 feet	20 feet
Alleys			12 feet

Waivers of these standards may be granted to conform to present conditions where an extension of an existing street is proposed.

b. The pavement shall be constructed in accordance with specifications and standards contained in the Borough Road Ordinance, if such Ordinance exists.

3.909 Berms and Embankments

a. Street shoulders shall be constructed with materials as specified by the Pennsylvania Department of Transportation. The entire shoulder area shall be uniformly and thoroughly compacted by rolling and must be level with the top of the road paving, or as directed by the Engineer.

b. Embankments at the sides of streets and cross-sections of drainage

ditches shall not exceed a maximum slope of two (2) feet horizontally to one (1) foot vertically in a cut or fill section. In special cases, the Engineer may require more-rigid standards.

3.910 Walls, Slopes and Traffic Guards

a. Where the grade of the street is above or below the grade of the adjacent land, walls or slopes shall be constructed in a manner satisfactory to the Borough, and shall be sufficient to support the street or the adjacent land, as the case may be.

b. Where the grade of the street is three (3) feet or more above the grade of the adjacent land, guards shall be built to protect travel, if required by the Borough Engineer.

3.911 Street Improvements (Generally)

All streets, including cul-de-sacs and alleys, shall be constructed as shown on the Preliminary and Final Plan approved by the Council members and in conformity with the Borough Road Ordinance. Where such Ordinance does not provide a clear standard, the Borough may rely upon the standards promulgated by the Pennsylvania Department of Transportation for local streets.

3.912 Street Name Signs

Four-way street name signs of a design approved by the Borough Council members will be installed at each street intersection by the subdivider at his own expense. Streets that are extensions of, or obviously in alignment with, existing streets shall bear the name of existing streets. Street names shall not be repeated within the Borough and shall be subject to Borough approval.

3.913 Street Lighting

Street lighting is the responsibility of the applicant to provide, and the lot owners to maintain and operate. The Borough Engineer will determine when and if street lighting is necessary, evaluating need on the basis of safety considerations and commonly accepted standards of lighting.

Whether or not street lights are initially installed, the developer shall be responsible for providing utility easements for future street lighting installation, upon consultation with the public service utility company involved.

3.914 Shade Trees

Reasonable efforts should be made by the subdivider to preserve existing shade trees along any proposed street right-of-way.

3.915 Requirement for Road Occupancy and Other Permits

a. No driveway, street or drainage facility or structure shall be constructed or altered within a state right-of-way, and no drainage facility of the Pennsylvania Department of Transportation shall be altered or connected onto without first obtaining a permit from Penn DOT.

b. No driveway, local road or drainage facility or structure shall be constructed or altered within a Borough right-of-way, and no drainage facility of Matamoras Borough shall be altered or connected onto without first obtaining a permit from the Matamoras Borough Council.

3.916 Private Drives

Individual driveways serving only one single-family each shall not be subject to street improvement requirements of this Ordinance or of the Borough Road Ordinance. Also, private drives to service no more than two single-family dwellings shall be permitted provided the Borough is given satisfactory evidence, in the form of declaration of restrictive covenants, that the private status of said road is permanent and the following standards are met:

Minimum Right-of-Way	-	25 feet
Minimum Pavement Width	-	12 feet
Minimum shoulder Width	-	3 feet

Pavement may consist of any all-weather surface satisfactory to the Borough Engineer. If there is a potential for re-subdivision of either of the lots to be serviced by private drive such that eventually more than two lots might result, the subdivider shall provide additional right-of-way as necessary to serve the maximum potential number of lots. All drainage plans shall be subject to approval by the Borough Council on the advice of the Borough Engineer.

3.1000 Commercial and Industrial Subdivisions

3.1001 Application

All commercial and industrial subdivisions shall comply with the requirements of the sections below:

3.1002 Street Systems

a. 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.

b. 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.

c. The points of ingress shall be designed so as not to require commercial or industrial traffic to pass through residential areas, insofar as possible.

3.1003 Block Layout

Block layout shall conform with due consideration of site conditions, with best possible service to customers, traffic and parking circulation, and pick-up and delivery services. In no case shall a block length conform to adjoining parcels or blocks. Where safety considerations mandate, larger blocks may be required as a minimum.

3.1004 Size

Lot sizes shall be based on the following factors:

- a. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping, and other facilities.
- b. Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, and operated as a unit. In no case will narrow, highway ribbon developments be approved.

3.1100 Multi-family Residential Subdivisions

The standards contained in Section 404 of the Borough Zoning Ordinance shall apply to all multi-family residential subdivisions and townhouse developments, but no building permits for the same shall be issued until preliminary plan approval has first been obtained under these regulations. No certificates of use shall be granted until final plan approval has been obtained hereunder.

MATAMORAS BOROUGH SUBDIVISION REGULATIONS

ARTICLE IV - Recreational Land Developments

4.100 Design Standards

4.101 Minimum Development Area

A campground or recreational land development shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.

4.102 Screening Requirements

All campgrounds shall provide and maintain a vegetative screening strip of planted or natural growth, along all property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area within a reasonable (5-10 years) time period. A planting plan specifying types, size and location of existing and proposed plant material shall be required and approved by the Borough Council.

4.103 Lot and Siting Requirements

a. Recreational land development lots or camping sites shall be at least fifty (50) feet wide and one hundred (100) feet deep (a minimum of 5000 square feet in area) and shall not exceed eight (8) per acre in density. Frontages on cul-de-sacs may be varied.

b. Individual recreational land development lots or camping sites shall be separated from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet. Also, notwithstanding the requirements of Section 4.102 above, no recreational vehicle or tent platform shall be located closer than twenty-five (25) feet to the street right-of-way; closer than twenty-five (25) feet to any other recreational vehicle or tent platform; or two-hundred (200) feet to any adjacent property line.

4.104 Off-street Parking Requirements

At least two off-street parking spaces shall be provided for each site. At least one such off-street parking space shall be provided on each lot as required.

4.105 Streets

a. Non-transient recreational land developments - The residential street design standards contained in Article III of this Ordinance shall apply to streets within non-transient recreational land developments.

b. Transient recreational land developments - Transient recreational land development streets shall be not less than fifty (50) feet in right-of-way width, and shall be cleared, graded and constructed as required by the Borough Council upon recommendation of the Borough Engineer, based upon the size of the development, site conditions and type of development proposed (i.e. primitive tent camping or RV camping).

4.106 Sewage and Water Supply

No individual on-site sewage or water supply shall be permitted, and all community systems for the common use of campsite occupants shall fully comply, as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Resources and Matamoras Borough.

4.200 Other Regulations

The following additional regulations shall apply to all recreational land developments:

4.201 Appurtenances - No permanent external appurtenances, such as carports, cabanas or patios, may be attached to any travel trailer or other recreational vehicle parked in a recreational land development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.

4.202 Location - A recreational land development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per acre, nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of 150 feet of frontage on a State or Borough highway shall be required.

4.203 Common Use Areas - A minimum of 10% of the gross site area of the recreational land development shall be set aside and developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.

4.204 Entrances and Exits - Entrances and exits to recreational land developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle, for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Borough highway shall be located where less than 500 feet of sight distance exists in either direction along the State or Borough highway, nor shall such intersection be located within 140 feet of any other intersection.

4.205 Parking Areas - In connection with the use of any recreational land development, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds; or any private grounds not part of the recreational land development, unless the owner has given written permission for such use. Each recreational land development operator shall provide off-street parking, loading and maneuvering space located and sealed so that the prohibitions above may be observed, and shall be responsible for violations of these requirements.

4.206 Occupancy - Campsites shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilizing

purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than 12 consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Borough may require any owner to remove a recreational vehicle for a period of 24 hours, unless such owner can establish a prior removal within the immediately preceding 12 months. These requirements shall be attached to each campsite sale in non-transient recreational land developments by restrictive covenant.

4.207 Records - The management of every recreational land development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The Borough shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Borough Council shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a recreational development until the owners and/or management provide evidence of compliance with these provisions.

4.208 Sanitary Waste Disposal - No owner or occupant of any campsite or recreational land development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the recreational land development shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided within six-hundred (600) feet of each lot or campsite.

4.209 Fences - All property lines within the development shall be kept free and open; and no fences, except as may be required by screening sections or may exist naturally, ledges or walls, shall be permitted thereon. This shall not, however, preclude the erection of fences around the perimeter of the development.

4.210 Nuisances - No noxious or offensive activities or nuisances shall be permitted on any campsite.

4.211 Animals - No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.

4.212 Garbage and Refuse Disposal - No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in airtight receptacles for the same. No owner shall permit the accumulation of litter or refuse or junk vehicles on a campsite.

4.213 Camping Accessories - Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.

4.214 Ditches and Swales - Each owner shall keep drainage ditches and

swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite.

4.215 Drilling and Mining - No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite.

4.216 Vehicle Parking - No recreation vehicle shall be parked on any street or roadway within the development.

4.217 Fire Rims - Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.

4.218 Water Supply - Potable water drinking fountains shall be provided within three-hundred (300) feet of each campsite.

The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient recreational developments and shall be made part of a management plan for any transient recreational developments, which covenants and/or plan shall be approved by the Borough Council in its review of preliminary and final plans for the recreational development. A management plan shall be required for all recreational land developments and restrictive covenants incorporating the standards of this section shall be required of all non-transient recreational developments. This shall be in addition to the submission requirements contained in Article II of this Ordinance. A plan or set of covenants which does not adequately provide for conformance with this section shall not be approved. The plan and/or covenant shall also provide the Township with the option (but not the obligation) of being a party to their enforcement and include a right for the Borough to periodically inspect the development for continued compliance with the plan and/or covenants.

MATAMORAS BOROUGH SUBDIVISION REGULATIONS

ARTICLE V - Definitions

5.100 General

As used in these Regulations, words in the singular include the plural and those in the plural include the singular. The words "shall" and "will" for the purpose of these Regulations are defined as mandatory.

For the purpose of these Regulations, the following terms shall be considered interchangeable:

- a. The words Ordinance and regulation(s)
- b. The terms Borough and Matamoras Borough
- c. The terms subdivider and developer; subdivision, development and land development

Unless otherwise expressly stated, the following definitions shall, for the purpose of these Regulations, have the meaning herein indicated. Any pertinent word or term not a part of this listing shall be construed to have its legal definition.

5.200 Glossary of Terms

The following is a list of specific terms, found elsewhere in the Ordinance, along with definitions of their intended meaning:

5.201 Alley - A permanent service way providing a secondary means of access to abutting lands.

5.202 All-Weather Surfaced - The surfacing of a street, parking area, access or walkway to a mud-free or otherwise permanently passable condition during all seasons of the year and under adverse weather conditions. Macadam, gravel, crushed stone and shale surfaces will all suffice to meet this test but the depth and installation of the material shall be subject to the approval of the Borough Engineer.

5.203 Applicant - A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

5.204 Berm or Shoulder - That portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.

5.205 Block - A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines or watercourses, or boundary lines of the Borough.

5.206 Building - A building is any structure which is permanently affixed to the land, has one or more floors or stories, and is bounded by either lot lines or yards. A building shall not include such structures as billboards or

fences; or structures with interior surfaces not normally accessible to human use, such as gas tanks, grain elevators, coal bunkers or similar structures. A building may accommodate more than one family and have more than one dwelling unit, and be used for residential or commercial or manufacturing purposes. Mobile homes shall be considered buildings but recreational vehicles shall not.

5.207 Clear Sight Triangle - An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

5.208 Commission - The Matamoras Borough Planning Commission

5.209 Commonwealth - The Commonwealth of Pennsylvania and any of its Departments or agencies.

5.210 Common Open Space - A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of the development. It does not include streets, off-street parking areas and areas set aside for utility placement, rights-of-way or similar public facilities.

5.211 Common Property - All of the land and improvements part of a subdivision or land development which is to be jointly owned and maintained by the lot owners, lessees and/or members of the development and identified as such by the subdivider on any plan offered to the Borough for approval.

5.212 County - The County of Pike, Commonwealth of Pennsylvania, and its Planning Commission.

5.213 Cul-de-sac - A minor street intersecting another street at one end and terminated at the other by a vehicular turn-around.

5.214 Dedication - The deliberate appropriation, by its owner, of land for any general or public uses. This shall not be construed as acceptance by the Borough of responsibility for maintenance and/or ownership of such land and attendant facilities, except where appropriate legal documents specifically relating to the same have been executed.

5.215 DER - The Pennsylvania Department of Environmental Resources

5.216 Developer - The owner, or authorized agent of the owner; including but not limited to, any individual, partnership or corporation that undertakes a subdivision or land development or any of the activities covered by this Ordinance, particularly the preparation of a subdivision plan showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider," even though the personnel involved in successive stages of this project may vary.

5.217 Driveway - A defined private access from an individual lot to a public or approved private right-of-way.

5.218 Dwelling - A building arranged, intended, designed, or used, as the living quarters for one or more families living independently of each other upon the premises. The term "dwelling" shall not be deemed to include hotel, motel, rooming house or tourist home.

a. Single-Family: A building arranged, designed and intended, for and occupied exclusively by, one family.

b. Two-Family: A building arranged, designed and intended, for and occupied by two families living independently and having no cooking or sanitary facilities in common with any other dwelling unit.

c. Multi-Family: A building arranged, designed and intended, for and occupied by three (3) or more families living independently and having no cooking or sanitary facilities in common with any other dwelling unit; including apartment houses, apartment hotels, flats, and garden apartments.

5.219 Easement - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public or private purpose, and within which the lessee or owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

5.220 Filing Date - The date of the regular meeting of the Planning Commission next following the date an application for preliminary or final approval of a subdivision or land development is received by the Planning Commission Secretary. If said next regular meeting occurs more than thirty days following its receipt, the filing date shall be the thirtieth day following its receipt by the Secretary. Submissions lacking information required by this Ordinance will not be considered filed.

5.221 Interior Streets (Access Drives) - Streets intended to provide access to lots bordering a public right-of-way to which access has been limited or prohibited, and generally running parallel to such right-of-way.

5.222 Lot - A tract or parcel of land held in single or joint ownership, not necessarily shown on a duly recorded map, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed, or required. The term lot shall also mean parcel, plot, site, or any similar term.

a. Lot Area - The area of land contained within the limits of the property lines bounding that lot. Any portion of a lot included in a street right-of-way shall not be included in calculating lot area.

b. Lot Width - The average of the widths of a lot at the building setback line and the rear lot line.

5.223 Major Subdivision - Any subdivision or land development which is not a minor subdivision, or is a recreational subdivision or land development, a mobile home park, or a land development designed to accommodate commercial and industrial uses, multi-family dwellings or two-family dwellings. Any subdivision which involves the utilization of off-site sewage disposal systems or water supplies, the construction of any streets, or the utilization of clustering techniques shall also be considered a major subdivision, regardless of the number of lots or other considerations.

5.224 Minor Subdivision - A subdivision or development containing not more than three lots, or a cumulative development on a lot-by-lot basis for a total of three lots, of any original tract of land of record (i.e., not previously subdivided or developed subsequent to the effective date of this Ordinance, by the owner or the owner's duly appointed agent) where no new streets or accesses

are required. Use of the land is limited to a single-family dwelling. Minor subdivisions shall otherwise meet the definition of a "Supplement to the Borough Official Plan" as provided for in Chapter 71 of the Regulations of the Pennsylvania Department of Environmental Resources.

5.225 Official Wastewater Disposal Plan - A comprehensive plan for the provision of adequate sewage systems, adopted by a municipality or municipalities possessing authority or jurisdiction over the provision of such systems, and submitted to and approved by the State Department of Environmental Resources, as provided by the Pennsylvania Sewage Facilities Act and Chapter 71, Rules and Regulations, promulgated thereunder.

5.226 Off-site Sewage and Water Supply - A sewage system or water supply system designed to serve more than one dwelling unit or building; not including the use of a single well or disposal system for two dwellings on the same parcel of land.

5.227 On-site Sewage and Water Supply - Sewage disposal and water supply systems designed to accommodate no more than two families on the same parcel of land.

5.228 Parcel - An area of land resulting from the division of a tract of land for the purposes of transfer of ownership, use or improvement.

5.229 Pavement - Improvement of the traveled portion of a roadway with a hard, solid surface material conforming to the standards of the Matamoras Borough Road Ordinance.

5.230 Performance or Completion Guarantee - A surety bond, certified check or other security meeting the requirements of Act 247 (Pennsylvania Municipalities Planning Code), and the terms of which are satisfactory to the Borough Solicitor, guaranteeing the subdivider will install all required or planned improvements.

5.231 Person - Any individual, firm, trust, partnership, public or private association or corporation, or other entity.

5.232 Plan or Plot - A map or chart indicating the subdivision or re-subdivision of land, which in its various stages of preparation can include the following:

a. Sketch Plan - An informal plan, identified as such with the title "Sketch Plan" on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision, to be used as a basis for consideration by the Borough.

b. Preliminary Plan - A complete plan prepared by a registered professional engineer or registered surveyor, identified as such with the wording "Preliminary Plan" in the title, accurately showing proposed streets and lot layout and such other information as required by this Ordinance.

c. Final Plan - A complete and exact plan, identified as such with the wording "Final Plan" in the title, with professional engineer's or registered surveyor's seal affixed, and prepared for official recording as required by this Ordinance, to define property rights and proposed streets and other improvements.

5.233 Planning Commission - The Matamoras Borough Planning Commission.

5.234 Professional Engineer or Engineer - A person registered and licensed to practice engineering within the Commonwealth of Pennsylvania. The "Borough Engineer" shall be a Professional Engineer licensed as such by the Commonwealth and appointed or hired on a consulting basis to provide engineering advice to the Borough.

5.235 Public Improvements - Those physical changes to the land necessary to produce usable and desirable lots from raw acreage; including, but not limited to, grading, pavements, curbs, storm and sanitary sewers, gutters, drains, and betterments to existing water courses, sidewalks, street signs, crosswalks, shade trees, sodding or seeding, street name signs, and monuments.

5.236 Public Notice - Notice (given not more than thirty (30) days and not less than fourteen (14) days in advance of any public hearing required by the Act). Such notice shall be published once each week for two successive weeks, in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days, or less than fourteen (14) days, from the date of the hearing.

5.237 Recreational Land Development - The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition.

Transient recreational subdivisions or land developments are publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

Non-transient recreational subdivisions or land developments are planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall, for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common, or may be owned individually by deed conveyance, or may be leased on an annual basis.

5.238 Recreational Vehicle - A vehicular unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power or is mounted on, or drawn by, another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

5.239 Right-of-Way - Land reserved for use as a street, alley, interior walk, or for other public purposes. The right-of-way shall not be considered as land area when computing lot size.

5.240 Secretary - The Matamoras Borough Secretary.

5.241 Setback or Building Line - The line within a property defining the required minimum distances between any structure and the adjacent right-of-way or property line of any lot. The setback shall be measured from the edge of the right-of-way bordering the property.

5.242 Sewage Permit - A form filled out and issued by the Matamoras Borough certified Sewage Enforcement Officer, based on his inspection of the proposed site for installation of an on-lot sewer system.

5.243 Sight Distance - The distance one can see in any direction from a given point on a street.

5.244 Soils Evaluation by Test Pit Method - The excavation of a hole on a lot, tract, or parcel to reveal soil and rock strata, followed by evaluation and preparation of a soils log by a qualified soils scientist or otherwise qualified individual as designated by the Council, for the purpose of determining suitability for on-lot sewage disposal, soils bearing capacity, and other determinations.

5.245 Street - A strip of land, including the entire right-of-way, intended for use as means of vehicular and pedestrian circulation.

a. Major Traffic Streets are those servicing large volumes of comparatively high-speed and long-distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

b. Collector Streets are those which, in addition to giving access to abutting properties, intercept minor streets and provide routes, carrying considerable volumes of traffic, to community facilities and to major traffic streets.

c. Minor Streets are those which primarily provide access to abutting properties.

d. Marginal Access Streets are those parallel to major traffic or collector streets and providing access primarily to abutting properties.

e. Street Width is the shortest distance between the lines delineating the right-of-way of a street.

5.246 Subdivider - Same as "Developer"

5.247 Subdivision and Land Development

a. Subdivision - A division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development.

b. Land Development - The improvement of one or more contiguous lots, tracts, or parcels of land for any purpose involving:

1. A group of two or more buildings, including mobile homes, used for residential, business, industrial, or other non-residential purposes.

2. The division or allocation of land or space between or among two or more existing or prospective occupants, by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features. (usually this includes the leasing of land but it may include the leasing of building or other space). Examples of such land developments include campgrounds, apartment complexes,

shopping centers, and some industrial parks.

5.248 Surveyor - A registered land surveyor licensed by the Commonwealth of Pennsylvania.

5.249 Watercourse - A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and be permanent in nature, or it may originate from temporary sources such as runoff from rain or melting snow.

MATAMORAS BOROUGH WESTFALL TOWNSHIP

PIKE COUNTY, PENNSYLVANIA



COMPREHENSIVE PLAN and OPEN SPACE, GREENWAYS AND RECREATION PLAN



This Plan was financed in part by grants from:

- The Land Use Planning and Technical Assistance Program, administered by the Pennsylvania Department of Community and Economic Development.
- The Community Conservation Partnerships Program, Keystone Recreation, Park and Conservation Fund, under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation.
- The Pike County Scenic Rural Character Preservation Program.
- The Upper Delaware Council, Narrowsburg, NY 12764. (The Upper Delaware Council logo is copyrighted by the Upper Delaware Council. All rights reserved. Logo may not be copied or reproduced without written permission from the UDC.)

MATAMORAS BOROUGH WESTFALL TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

COMPREHENSIVE PLAN

FEBRUARY 2011

Prepared By

Comprehensive Plan Committee
Borough and Township Planning Commissions
Matamoras Borough Council
Westfall Township Board of Supervisors

Planning Assistance By

Pike County Office of Community Planning
Sarcinello Planning & GIS Services
Herbert, Rowland & Grubic, Inc.
Community Planning and Management, LLC

TABLE OF CONTENTS

SECTION 1 INTRODUCTION AND OVERVIEW

Planning Needs	1
Matamoras-Westfall	2
Gateway Community	2
Planning Issues Overview	4
Planning Process	4

SECTION 2 COMMUNITY CONSERVATION AND DEVELOPMENT GOALS AND OBJECTIVES

Need for Goals and Objectives	1
Community Balance	1
County Planning and Area Wide Planning	2
A Guide and Policy Statement	2
General Community Development Objectives	2
Goal 1 - Quality Lifestyle	4
Goal 2 - Natural Resources and Open Space	6
Goal 3 - Historic Resources	9
Goal 4 - Circulation System	10
Goal 5 - Land Use	12
Goal 6 - Housing	15
Goal 7 - Community Facilities and Services	17
Goal 8 - Recreation and Open Space Conservation	20

SECTION 3 FINDINGS AND SUMMARY OF ACTIONS

Demographics and Economic Base	1
Planning and Development in Pike County, Contiguous Municipalities and the Region	3
Land Use	4
Natural Resources and Open Space	16
Housing	24
Community Facilities, Services and Utilities	28
Transportation	35
Historic Resources	40

SECTION 4 PLANNING PROCESS AND INTERRELATIONSHIP OF PLAN ELEMENTS AND IMPLEMENTATION STRATEGIES

Framework for the Future	1
Planning <i>Process</i>	1
Conservation of Community Character	1
Community Vision	2
Community Involvement	2
Community Partnerships	3
Implementation Strategies	3

SECTION 5 PLANNING AND DEVELOPMENT IN PIKE COUNTY, CONTIGUOUS MUNICIPALITIES AND THE REGION

Planning Code	1
County Planning	1
County Plan Mission	1
Planning and Zoning in Contiguous Municipalities	2
Matamoras-Westfall Border	4
NJ and NY	5
Contiguous Municipality Review	5
Regional Planning	5

SECTION 6 LAND USE PLAN

Introduction

Growth and Development	1
Importance of Regional Location	1
Need for Area Wide Planning	1

Land Use Goal and Objectives

Existing Conditions

Land Use Overview	4
Land Use Trends	4
Existing Land Use	5
Residential Land	5
Commercial	6
Institutional	6
Open Land	7
Katz Settlement Agreement	8
Katz - Applicability of Comprehensive Plan and Ordinances	10
Katz - ED Zone	10
Katz - GC Zone	10
Katz - Sewer and Water	11

Build-Out Analysis

Overview	12
Matamoras Borough	12
Westfall Township	12
Conventional v. Conservation	13
Open Space Gain	14

Planning Implications

Overview	14
Potential for Development	16
Existing Land Use and Environmental Controls	16

Future Planning Policies and Actions

Overview	17
Future Land Use	17
Current Zoning Districts Affirmed	18
Residential Neighborhoods	18
Residential Policies and Actions	18
Nonresidential Development	19
Nonresidential Policies and Actions	19
Forestry	20
Forestry Policies	21
Mineral Extraction	21

Mineral Extraction Policies	22
Environmental Protection	22
Local Authority for Regulation	22
Integrated Approach	23
Range of Standards	23
Open Land Preservation	23
Fiscal Benefits of Open Land Preservation	24
Innovative Zoning for Conservation	25
Conservation Subdivision Design	26
Conservation Design in Practice	28
Conservation Design Process	28
Regulate Density Instead of Lot Size	30
Conservation Design Policies and actions	31
Transferable Development Rights	32
Traditional Neighborhood Development	33
Considerations for Conservation Design, TDR and TND	33
Conservation Easements	34
Agricultural Land Preservation	34
Tax Incentives - Clean and Green	35
Specific Actions for Open Land Conservation	36
Key Implementation Strategies	
Overview	36
Cooperative Zoning	36
Cooperative Zoning Actions	37
The Official Map	37
<i>What Should be shown on the Official Map?</i>	39
<i>What Are the Benefits of the Official Map?</i>	39
Official Map Actions	39
Specific Ordinance Changes	
Each Zoning Ordinance	40
Matamoras Borough Zoning Ordinance	40
Westfall Township Zoning Ordinance	40

SECTION 7 NATURAL RESOURCES PROTECTION PLAN

Introduction	
Overview	1
The Plan	1
Natural Resources Goal and Objectives	1
Existing Conditions	
Overview	3
Physiography and Topography	3
Planning Implications: Steep Slopes	4
Geology and Hydrology	5
Glaciers in Pike County	6
Significant Glacial Deposits	7
Groundwater	8
Groundwater Recharge	8
Planning Area Recharge	9
Planning Implications: Need for Conservation	9
Nitrogen and Chloride Aquifer Study	10
Planning Implications: Groundwater Quality	11
Soils	12
Soils: Findings	13

Planning Implications: Soils	14
Forest and Vegetative Cover	14
Forest Pests	16
Planning Implications: Forest Lands	16
Wetlands	17
Wetland Regulation	18
Planning Implications: Wetlands	18
Watersheds and Surface Waters	19
Stream Classification	19
Water Quality Regulation	20
DRBC Regulation	20
Planning Implications: Watersheds and Surface Waters	21
Floodplain	21
Floodplain Regulation	22
Floodplain Maps	22
Planning Area Flood Zones	22
Planning Area Flooding	23
Planning Implications: Floodplain	23
Natural Areas	23
Statewide Significance	24
Planning Implications: Natural Areas	24
Future Planning Policies and Actions	
Overview	25
Environmental Protection	25
Local Authority for Regulation	25
Integrated Approach	25
Topography and Geology	26
Improving Stormwater Management	27
Groundwater Conservation and Protection	29
Soils	31
Soil Erosion and Sedimentation Control	31
Forest and Vegetation	32
Wetlands	32
Watersheds and Surface Waters	33
Floodplain	33
Habitat and Natural Areas	34
Ridge Lines	34
Upper Delaware National and Scenic Recreational River	36
Upper Delaware Council	37
Delaware Water Gap National Recreation Area	37
Matamoras and the NPS	37
Dark Skies	38
Zoning Standards for Lighting and Glare	39

SECTION 8 HOUSING

Introduction	1
Housing Goal and Objectives	1
Housing Considerations	
Municipalities Planning Code Requirements	2
Housing Affordability	3
Affordability in a Growing Community	3
Existing Housing Conditions	
Overview	4

Housing Trends	4
Age of Housing	6
Housing Demand	7
Home Ownership	7
Housing Value	9
Housing Structural and Vacancy Characteristics	10
Housing Affordability in the Planning Area	12
Planning Implications	
Affordability - A Regional Issue	13
Housing Stock	13
Housing Programs	13
Future Planning Policies and Actions	
Overview	13
Policies and Actions	13
Implementation Strategies	
Overview	14
Zoning Ordinances	14
SALDO	14
Additional Measures	15

SECTION 9 COMMUNITY FACILITIES AND SERVICES

Introduction	
Overview	1
Local Providers	1
Cooperation	1
Community Facilities and Services Goal and Objectives	2
Existing Conditions and Actions	
Overview	4
Survey Results	4
Municipal Facilities	5
Schools	6
Police, Fire and EMS	7
Hospitals	9
Emergency Management	10
Road Maintenance	10
Sidewalks, Streetscapes, and <i>Avenue in Bloom</i>	11
Shade Trees	12
Parking	12
Cultural Institutions	13
Library	13
Solid Waste Disposal	13
Water Supply	13
Wastewater Treatment	14
Matamoras Wastewater	14
Westfall Wastewater	15
Private Wastewater Facilities	15
Westfall Township Municipal Authority	15
Westfall On-Lot Disposal	16
Stormwater Management	16
PA Stormwater Management Act	16
Pike County Stormwater Plan	16
Local Stormwater Problems	17
Electricity Service	17

Telecommunications	17
Planning Implications	
Summary	17
Growth Area	18
Water and Sewer	18
Sewage Planning	18
Cooperation	18
Future Planning Policies and Implications	
Overview	18
Emergency Services	19
Communications and Utilities	19
Circulation	19
Groundwater	19
Stormwater	20
Wastewater	20
Other Facilities and Services	21

SECTION 10 TRANSPORTATION

Introduction	
Transportation System	1
Land Use and Transportation	1
Circulation System Goal and Objectives	1
Existing Conditions and Actions	
Overview	3
Planning Issues	3
Access - Mobility	3
Highway Classification Factors	4
Functional Classification	5
Expressway	5
Arterial Highway	5
Collector Road	7
Local Road	7
Roads in the Planning Area	8
Traffic Volume	8
Level-of-Service	8
Congested Corridor Improvement Program	9
Other Problem Areas	11
Planning Implications	
Need for Regional Transportation Planning	12
Municipal Roads	12
State Roads	13
Bridges	13
Subdivision Roads	13
Bicycle Routes	14
Airports, Railroads and Public Transportation	14
Future Planning Policies and Actions	
Overview	14
Local Roads	14
Local ordinances	15
Official map	15
Congested Corridor	15
State Roads	16
Bicycle Routes	16

Public Transportation	16
-----------------------------	----

SECTION 11 HISTORIC PRESERVATION

Introduction	1
Historic Goal and Objectives	1
Existing Historic Resources	
Early Development	2
Historic Resources	3
National Register	3
Register Eligibility	3
Locally Significant	7
Planning Implications	
PA Historic District Act	7
Historic Districts in the Planning Area	8
PA Planning Code	8
Future Planning Policies	
Overview	8
Policies	8
Implementation Strategies	
Overview	9
Historical Society	9
Site and Sign Design Guidelines	10
Pennsylvania Avenue Revitalization	10
Ordinances	11
NPS Certified Program	11

SECTION 12 DEMOGRAPHIC PROFILE

Introduction	1
Population	
Population Trends	2
Municipal Immigration	3
Age Cohorts	4
Seasonal Population	4
Population Growth - Northeast Pennsylvania	5
Population Projections	6
Socioeconomic Characteristics	
Age of Population	7
Income	8
Poverty Status	8
Employment	9
Place of Work	10
Planning Implications	11
Demographic Profiles	11

SECTION 13 PENNSYLVANIA AVENUE REVITALIZATION PLAN

Introduction	
Overview	1
Background	1
Revitalization Goal and Objectives	2

Existing Conditions	4
Physical Assessment	4
Assets	4
Challenges	5
Current Revitalization Initiatives	
Matamoras Revitalization Committee	6
Keystone Community Club	6
Avenue in Bloom	6
Market Conditions	
Retail Trade Area	7
Trade Area Demographics	8
Business Inventory	12
Retail Potential	13
Business Owners Survey	
Distribution	17
Ownership	17
Years in Business	17
Disadvantages/Weaknesses	17
Market Area	17
Issues/Obstacles	17
Critical Factors for Success	18
Current Business Level	18
Changes to Business	18
Needed Information/Assistance	18
Types of Businesses Needed to Improve Pennsylvania Avenue	18
Improvement and Marketing Actions	19
Interest in Participating	19
Planning Implications	
Physical Improvements	19
Business Development	19
Organization and Commitment	19
Future Planning Policies and Actions	
Funding	20
Organization	20
Physical Improvements	20
Buildings	21
Enforcement	21
Pedestrians	21
Infrastructure	22
Parking	22
Traffic	22
Economic Development	23

MATAMORAS BOROUGH WESTFALL TOWNSHIP

PIKE COUNTY, PENNSYLVANIA



COMPREHENSIVE PLAN and OPEN SPACE, GREENWAYS AND RECREATION PLAN



This Plan was financed in part by grants from:

- The Land Use Planning and Technical Assistance Program, administered by the Pennsylvania Department of Community and Economic Development.
- The Community Conservation Partnerships Program, Keystone Recreation, Park and Conservation Fund, under the administration of the Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation.
- The Pike County Scenic Rural Character Preservation Program.
- The Upper Delaware Council, Narrowsburg, NY 12764. (The Upper Delaware Council logo is copyrighted by the Upper Delaware Council. All rights reserved. Logo may not be copied or reproduced without written permission from the UDC.)

MATAMORAS BOROUGH WESTFALL TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

COMPREHENSIVE PLAN 2011

Prepared By

Comprehensive Plan Committee
Borough and Township Planning Commissions
Matamoras Borough Council
Westfall Township Board of Supervisors

Planning Assistance By

Pike County Office of Community Planning
Sarcinello Planning & GIS Services
Herbert, Rowland & Grubic, Inc.
Community Planning and Management, LLC

INTRODUCTION AND OVERVIEW

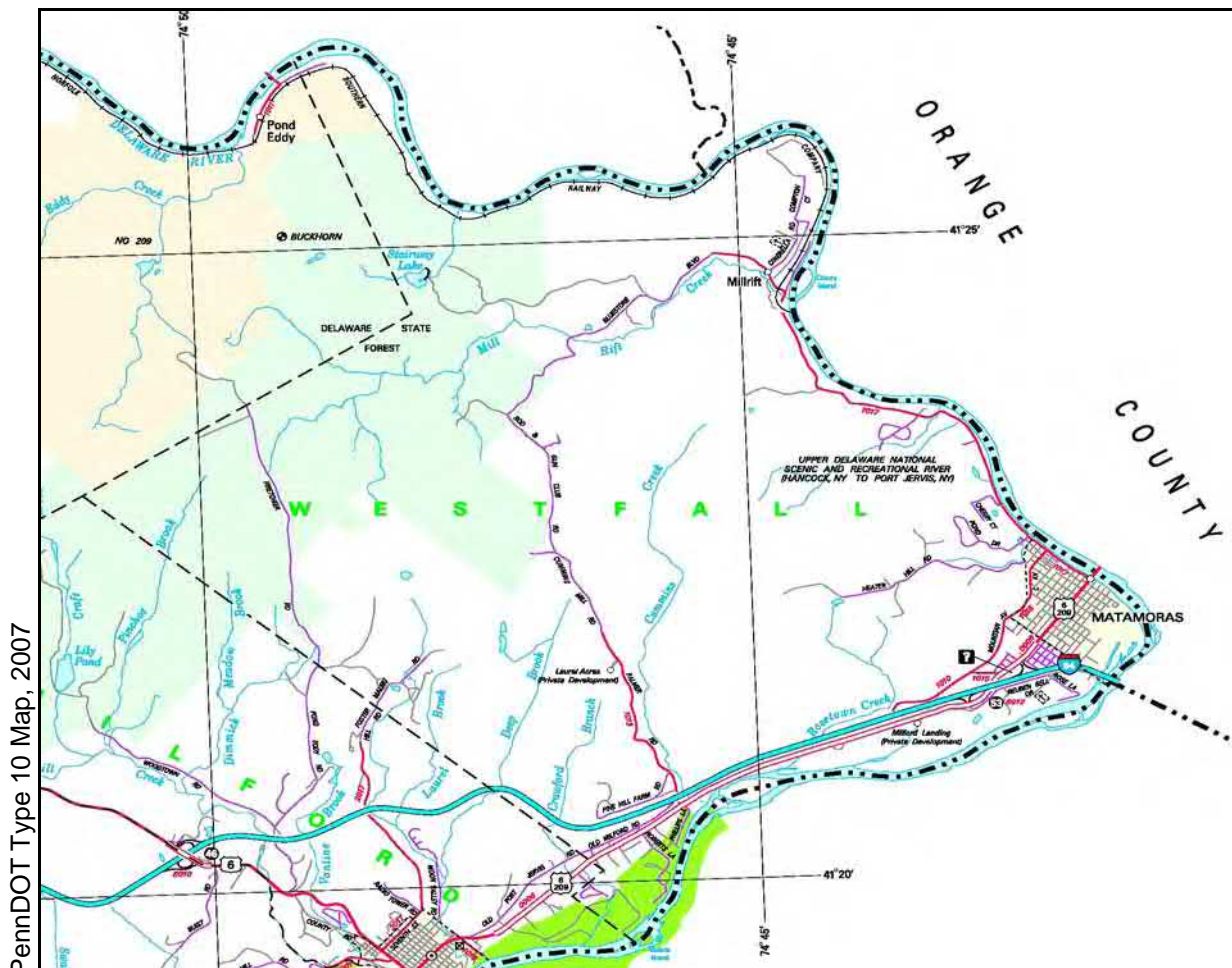
Planning Needs

This *Comprehensive Plan* was undertaken by the local officials of both Matamoras Borough and Westfall Township in recognition of a number of principal critical community needs:

COMPREHENSIVE PLAN

A comprehensive plan does not have the force of law. Instead, it serves as a policy statement and an action guide. As community conditions change, the actions in the Plan may require adjustment. The Plan should be continually reviewed to assess what adjustments are necessary to address these community changes.

- to identify and inventory the changes which have taken place in both municipalities over their development histories, particularly since the update of the Westfall Township Comprehensive Plan in May 1997 and amendment in October 2005;
- to establish a framework for the conservation of the historic character, residential neighborhoods, open land, and environment while concurrently providing for sustainable growth and development;
- to provide the foundation for updated land use management tools, principally zoning ordinances and subdivision and land development regulations, to ensure well designed development and to minimize sprawl;
- to organize for the most efficient administration of local government and the delivery of community facilities and services; and,



- to fully explore the possibilities and benefits of inter-municipal cooperation for providing facilities, services and administration.

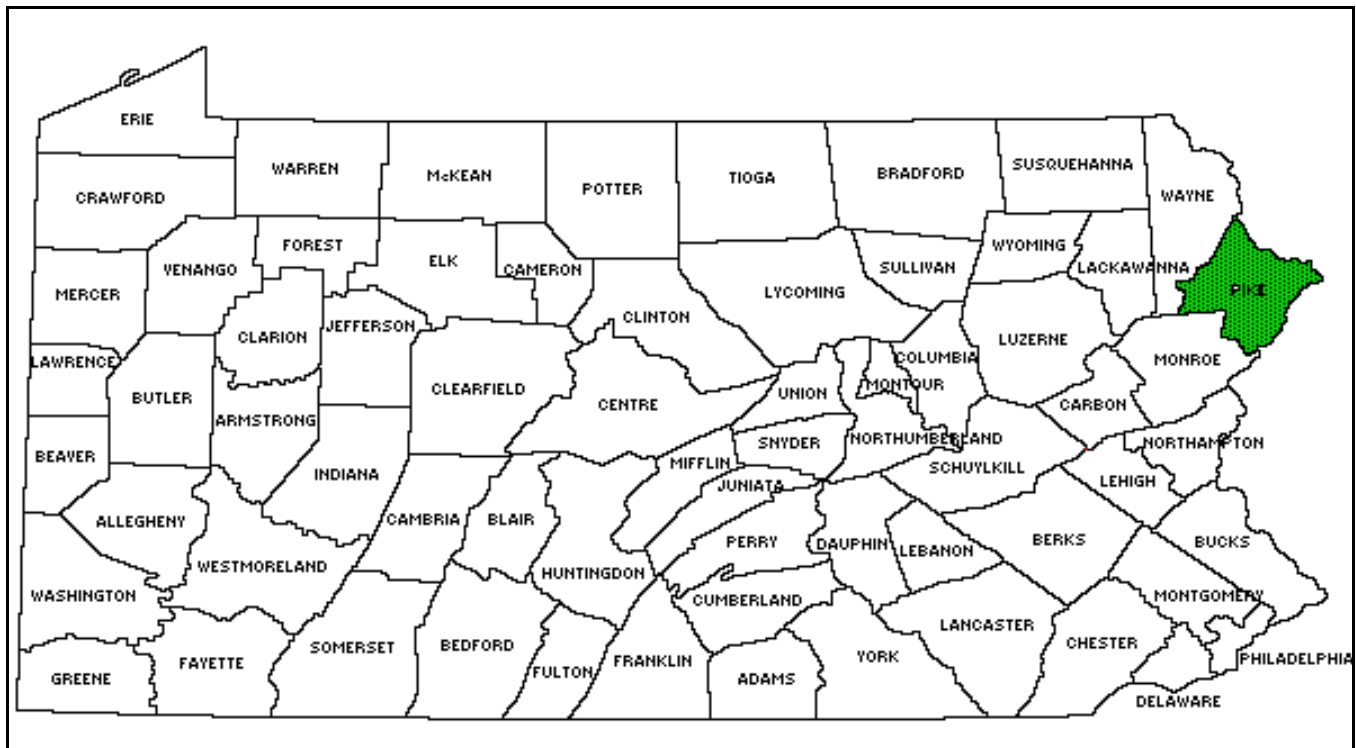
Matamoras-Westfall

Every community is unique in terms of community character and development concerns. The Borough and Township are grappling with and must manage the tremendous population growth occurring in Pike County. Geographically, the Borough and Township lie at the extreme eastern edge of Pike County where the first Interstate 84 interchange accesses Pennsylvania. I-84 carries thousands of vehicles each day, and many of these are destined for the Matamoras-Westfall Planning Area. Many of these travelers are second home owners and tourists; however, in recent years, more and more are permanent residents of Pike County and are commuting to work. This position has been key to shaping the character of the Borough and Township and will perpetually affect its future growth and development as Pike County continues as the fastest growing county in the Commonwealth.

In past years, the Planning Area was seen largely as a rural-small town community. However, in recent years more and more families are *equity exiles* who sell expensive metropolitan area homes and purchase more affordable homes in Pike County. (See the *Equity Exiles Figure* on Page 3.)

Gateway Community

The recent and future growth and development of the Planning Area is aptly described as a *Gateway Community* in Balancing Nature and Commerce in Gateway Communities: Communities that once promised refuge from the ills of the city have been transformed into congested towns with clogged highways, burgeoning crime rates, and mile after mile of look-alike shopping malls, franchise architecture, and soulless housing tracts.



Pike County in Pennsylvania



Matamoras-Westfall in Pike County

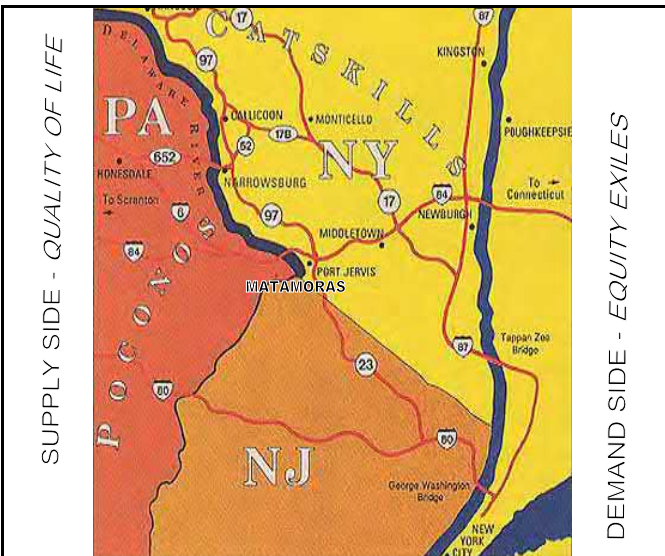
It should come as no surprise, then, that Americans are once again on the move, this time in a migration that pushes growth even farther into the countryside. Increasing numbers of people are fleeing the suburbs and choosing to live in the small towns and open spaces surrounding America's magnificent national and state parks, wildlife refuges, forests, historic sites, wilderness areas, and other public lands.

Gateway communities – the towns and cities that border these public lands – are the destinations of choice for much of the country's migrating populace. With their scenic beauty and high quality of life, gateway communities have become a magnet for millions of Americans looking to escape the congestion, banality, and faster tempo of life in the suburbs and cities.¹

Unlike many U.S. cities and suburbs, gateway communities offer what an increasing number of Americans value: a clean environment, safe streets, and a friendly, small-town atmosphere. But just as in the suburbs, unplanned growth and rapid development in gateway communities can create the same social and scenic ills from which many Americans are now fleeing. Worse, rising real estate values and higher property taxes brought on by an increased demand for housing can force lifelong residents from the communities they call home. Skyrocketing property values can quickly translate into housing shortages for longtime residents.²

If current demographic trends continue, gateway communities will experience astronomical growth rates for at least the next 20 years.³

The Borough and Township clearly serve as a gateway community lying between the 15,600-acre Delaware Water Gap National Recreation Areas and the Upper Delaware National Scenic and



Equity Exiles

Recreational River, and at the eastern edge of a county with some 95,000 acres of state park, state forest and state game lands. In addition, offering many of the national big-box retailers, the Matamoras-Westfall community has evolved into a regional shopping destination for many residents of the Tri-State Area.

¹Balancing Nature and Commerce in Gateway Communities, Howe, J., McMahon, and Propst, L., Island press, Wash., D.C., 1997, p. 1.

²Ibid., p. 2.

³Ibid., p. 3.

**Planning Issues
Overview**

Although not increasing in population at a rate as high as Pike County and other municipalities in the county, the Matamoras-Westfall Planning Area, continued growth and demographic change is expected. Matamoras Borough is largely developed with relatively few vacant lots. Commercial development in the Borough is primarily retail and service found along Pennsylvania Avenue. This development merges with that in the Township. Although served by a public water system, the entire Borough relies on on-lot sewage disposal systems.

The Route 6/Route 209 corridor in Westfall Township is now a major regional shopping destination and continued commercial development is anticipated. The densely settled Bell Manor area of the Township is essentially a part of Matamoras, and many planned subdivisions are found throughout the Township. Nevertheless, much of Westfall Township remains undeveloped woodland including some 4,250 acres of State Forest Land, 165 acres of State Game Lands, and about 310 acres owned by the National Park Service as part of the Delaware Water Gap National Recreation Area.

Given the amount of undeveloped land in the Township portion of the planning area and adjoining municipalities, the attractive lifestyle associated with the traditional, small town character, and the close proximity to the New Jersey and New York metropolitan and developing areas, continued growth in population and number of housing units and associated commercial development and traffic is expected for the Borough and Township. Clearly, the Borough and Township are poised to become one of the most changing areas of Pike County. This anticipated change presents to the municipalities the challenge of providing public services and facilities to meet the demands of the increasing population. Concurrently, the municipalities are responsible to ensure that the growth and development occurs in accord with sound planning principles with the goal of preserving the environment and community character. In short, the citizens and public officials must resolve the land use conflicts which result from the necessary balance between new development and the need for facilities and services, environmental protection, community character and open land conservation.

This combination of growth and development issues clearly demonstrates the critical need for this *Comprehensive Plan*, continued intermunicipal cooperation, and the consideration of new and innovative land use and community management techniques. Each individual municipality must choose its direction, and continue to work cooperatively to accomplish the goals of the *Plan*.

Planning Process

The comprehensive planning process was conducted cooperatively under recent amendments to the Pennsylvania Municipalities Planning Code. Local planning in the Commonwealth is governed by the Pennsylvania Municipalities Planning Code and this *Comprehensive Plan* was prepared and adopted in accord with Planning Code requirements. The two municipalities, recognizing the changes occurring in the area, came together and organized this intermunicipal planning effort.

The elected officials from Matamoras Borough and Westfall Township organized the planning process, and each governing body appointed members

to the Planning Committee that managed the process. Community Planning and Management, LLC, Paupack, Pennsylvania, Sarcinello Planning & GIS Services, West Chester, Pennsylvania, and Herbert, Rowland and Grubic, Inc., Bartonsville, Pennsylvania, provided professional planning assistance. The Pike County Office of Community Planning assisted throughout the project as well.

In short, the planning process involves finding the sometimes complex answers to three simple questions:

1. *Where are we?*
2. *Where do we want to be?*
3. *How do we get there?*
4. *How are we doing?*

Where are we?

Background Studies - The initial step in the process is the collection and analysis of information on a wide range of community characteristics and concerns aimed at defining the existing condition of the community and identifying planning implications. This data is compiled in the *Plan* background studies.¹

Where do we want to be?

Goals and Objectives/ Plans - The *Plan Goals and Objectives* are a vision of how residents and local officials expect the community to develop and evolve into the future. Objectives are specific actions which are designed to achieve goals and satisfy community needs. The *Goals and Objectives* were formulated by the Planning Committee and local officials based on the public participation process and the findings of the background studies. Based on this community vision and the needs identified in the planning process, various plans to guide the future growth and development of the Matamoras-Westfall Planning Area were developed.

How do we get there?

Implementation Strategies - The specific means to effect the various plans are also included, and are detailed in the *Planning Process and Interrelationship of Plan Elements and Implementation Strategies* section and discussed at various points in the various specific plans. In addition, and to facilitate on-going use of the *Comprehensive Plan*, the actions and the responsible entities required to carry out the plan's expectations are summarized in a matrix titled *Implementation Strategies And Specific Actions*. Examples of *implementation strategies* include zoning ordinance and subdivision and land development ordinance updates, historic structures preservation, and capital improvement budgeting.

Basic Planning Steps

Where are we? - inventory

Where do we want to be? - goals/plans

How do we get there? - implement

How are we doing? - evaluate



How are we doing?

Need for Continued Planning - It is important to emphasize that a comprehensive plan should not simply be considered a *document on a shelf*, but instead, one element of a community management process dependent upon the attitude and on-going foresight of the public officials charged with the responsibility of guiding the growth and development of the community. A comprehensive plan is a starting point - a blueprint to guide the future development of the two-municipality area and should be revised and updated periodically to reflect changing conditions, attitudes, situations, and goals of the community. The success of the planning program will be measured only in the form of accomplishment. The effectuation of the plan will be the responsibility of the area's residents. It will require public support and positive action by the local municipal officials.

State Mandated Plan Review

A recent amendment to the Pennsylvania Municipalities Planning Code (§301,c) requires local municipal comprehensive plans to be reviewed *at least every ten years*. The change suggests a greater Commonwealth emphasis on planning and the need for local municipalities to incorporate the planning process into normal functions. However, the ten-year review window is certainly far too long. Planning, that is, assessing how decisions and community changes fit into the plan, should be practiced continually.

Community Survey

As part of the planning process a community survey was conducted. Although the results of the survey are mentioned in the Comprehensive Plan it is important to note that the survey results do not represent the majority opinion of Planning Area residents. Instead, it simply reflects the opinions of those who responded to the survey.

COMMUNITY CONSERVATION AND DEVELOPMENT GOALS AND OBJECTIVES

Need for Goals and Objectives

Any community planning effort by its very nature must include goals. Without goals there would be little direction to the future of the community. In the case of planning for a rapidly changing community such as the Matamoras-Westfall Planning Area, goals establish the framework for change and growth management, and the foundation for maintaining key community characteristics. Goals pronounce the community's expectations and provide a vision of how the community plans to evolve into the future. Objectives are specific actions which are designed to achieve goals and satisfy community needs. Making decisions based on planning goals and attaining specific objectives improves the physical condition of the community and sustains and enhances the overall quality of life.

Community Balance

Rural communities and residents of rural communities are characteristically unique from their more urban counterparts, and have the opportunity to directly mold their communities. The same can be said for the Matamoras-Westfall Planning Area which is clearly a rural community in transition. *The rural community is seen as the conservator of its own resources, habitat, and culture. Local citizens are directly involved in the control of community assets as they plan for the retention, enrichment, and equitable use of those assets for present and future generations. Along with the community's goals, specific objectives must be identified; actions and methods for achieving the goals. Some objectives will be the direct responsibility of local elected and appointed officials. Others will require the cooperation and participation of other levels of government and the private sector.*¹

The goals of all residents of the community will not be the same. Some residents will demand community conservation and environmental protection while other residents will favor increased economic development. Some residents will demand more community facilities and services, while others prefer lower taxes. Some residents will strive for land use diversity while others would prefer to live in a residential community. One function of the community planning process is to strike a balance between these varied expectations and develop a shared vision to meet the overall goals of the community.

Shared Vision - *Every successful business, organization, or individual has a plan for the future. Communities are no different. If nothing else, a community needs to agree on a shared vision of what it wants to become. This vision should address the full range of local concerns: schools, housing, economic development, neighborhoods, parks and open space. Creating a shared vision is important because it provides a blueprint for the future of the community. People may differ on how to achieve the community's vision, but without a blueprint nothing will happen.*

Source: *Balancing Nature and Commerce in Gateway Communities*, Howe, J., McMahon, and Propst, L., Island press, Wash., D.C., 1997, p. 48.



¹ P. Lusk, J. A. Rivera, F. O. Sargent, M. Varela, (1991) *Rural Environmental Planning for Sustainable Communities*, Island press, Washington, D. C., p. 5

County Planning and Area Wide Planning

A key factor in formulating a set of local goals and objectives is the planning conducted at the county level. Typically, a county-wide comprehensive plan establishes a broad framework for the future growth and development of the county. As mandated by the Pennsylvania Municipalities Planning Code (MPC), the Pike County Planning Commission and Board of Commissioners adopted the first county-wide comprehensive plan in 1993, and adopted an updated plan in 2006. The Pennsylvania Municipalities Planning Code §301.4, states *municipal comprehensive plans which are adopted shall be generally consistent with the adopted county comprehensive plan*. This *Matamoras-Westfall Comprehensive Plan* should strive to maintain consistency with the recommendations of the *Pike County Comprehensive Plan* to the extent that the *County Plan* is not untenable in terms of the key provisions of the *Matamoras-Westfall Plan*.

Another test of consistency for this plan will be addressed in terms of the plans of neighboring municipalities along with the plans of other public entities and community organizations providing community facilities and services and dealing with growth and development issues. The Delaware Valley School District is a good example of such an entity.

A Guide and Policy Statement

This *Comprehensive Plan* is intended to serve as a means of addressing the future growth and development of the Borough and Township by identifying key issues and establishing goals and objectives. The community planning process is also aimed at fostering cooperation between Pike County and the two municipalities as envisioned by §306 of the Pennsylvania Municipalities Planning Code which states, *both the county and the municipality shall each give the plan of the other consideration in order that the objectives of each plan can be protected to the greatest extent possible*.

The following goals and objectives were developed by local officials based on the planning process. The goals and objectives are intended to serve the Borough and Township as a guide and policy statement for land use management and community facilities and services decision making. Any significant action taken by a local municipality, be it the adoption of a zoning ordinance amendment or the improvement of a municipal building, should be evaluated in terms of the community's goals and objectives. In addition, community planning and land conservation and development management is an on-going process, and the municipalities must periodically evaluate the goals and objectives to ensure that they adequately reflect current community conditions and the expectations of residents and officials.

General Community Development Objectives

This statement of the General Community Development Objectives is intended to set the overall tone for the Comprehensive plan and its implementation. More detailed goals and specific objectives for particular aspects of the community follow in a later section.

Cooperation	To use the comprehensive planning process to expand the level of intermunicipal cooperation between the Borough and Township, and to foster cooperation with adjoining municipalities and the County on growth and development issues of area wide concern.
Internal Coordination	To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, appointed boards, community interest groups, and residents.
Public Information	To achieve greater awareness, understanding and participation of residents in carrying out the recommendations in the <i>Comprehensive Plan</i> via an active public information process using such methods as a web site, newsletter, and public meetings.

Use of Land	To achieve the best use of the land within the Borough and Township while allowing for reasonable residential and commercial development. In the Borough, the focus will be on preserving historical character and achieving a pedestrian friendly ambiance in the commercial district. In the Township, the focus will be on the preservation of the environment and open space. This will ensure that the varying uses of land will complement one another and thus improve the economic, social, and aesthetic character of the overall community.
Range of Land Uses	To allow a range of residential and commercial uses at appropriate locations and establish performance standards through zoning to ensure that such uses do not unduly affect adjoining properties or the public health, safety and general welfare and are consistent with the historic and gateway character of the communities.
Population Density	To establish realistic population densities in order to ensure health standards, privacy and open space and in order to allow for the provision of community facilities and services in the most convenient and efficient manner.
Streets and Roads	To maintain and improve the street and road system for better internal circulation and to protect residential neighborhoods from through traffic.
Facilities and Services	To provide the necessary community facilities and services to meet the needs of increased development and the increasing and changing population.
Environmental Protection	To guide the location of future development and establish performance standards to minimize <i>externalities</i> (negative impacts) on the natural and community environment.
Housing	To provide the opportunity for a wide-range and variety of housing types at reasonable densities to meet the needs of all residents; newly-formed households, growing families and senior citizens.
Economic Development	To provide, within the context of overall community conservation, the opportunity for local business and strengthen the area economy by encouraging well-planned commercial, industrial, residential, and recreational growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.
Monitoring	To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions, and to meet a changing population, both current and new residents, in concert with maintaining small town character and quality environment

GOAL 1

Protect and enhance the Matamoras-Westfall Planning Area's quality lifestyle by maintaining the Borough's small town character and the Township's open space; and, recognize forest land and other open land as important elements of the local economy, character, and scenic setting.

The Planning area's physical environment, regional location and past development practices have shaped and maintained its character. The Borough's small town setting and the Township's rural landscape are key. Without careful planning, vigilant land use management, and continued community conservation, the quality lifestyle sought by so many from nearby metropolitan areas can succumb to the cumulative effects of the demands of an increasing population. The two municipalities are perceived as an attractive community offering a high quality of life, located within an easy commute to employment in the greater New Jersey and New York metropolitan area. Future development must be controlled and managed with an overriding concern to sustain the area's community character while meeting the needs and expectations of residents for employment, shopping, services and community facilities.

Note About Open Space

Open space is the land and water features of the natural landscape that have not been developed for intensive human uses, such as residential neighborhoods, business districts and industrial sites. Open spaces include, but are not limited to, wildlife areas, ridgelines, river and stream corridors, wetlands, parks and recreation areas, as well as productive forestry and agricultural lands. Open space can be publicly or privately owned and managed for production, conservation or outdoor recreation. Open space can protect and enhance environmental quality, provide wildlife habitat, and provide locations for active and passive recreation. An open space network refers to a system of large open spaces and connecting corridors called greenways.

OBJECTIVES:**Open Land Conservation and Rural Character**

Preserve and conserve agricultural land, forest land, open space, significant natural features, and sensitive land areas to maintain rural character.

- Important Areas - Identify and prioritize areas important for preservation.
- Connections - Form a connected network of open space to facilitate natural resource and habitat protection and passive recreational opportunities (e.g., trail networks) with particular attention to connection with public lands and the Delaware River.
- Innovative Conservation Methods - Evaluate more progressive means of open land preservation including purchase of conservation easements and transferable development rights, especially in cooperation with land trust organizations or other partners.
- Conservation Design - Consider requiring the use of *conservation subdivision design* to cluster residential development away from important natural, historic, scenic and cultural features, and preserve the resulting open space.
- Cooperative Zoning - Consider the use of cooperative zoning in the Planning Area as a means of directing higher density residential and commercial/industrial development to areas best suited for such development.

Small Town Character**Develop a coordinated program to maintain the small town character of the Borough.**

- Streetscape - As a means of enhancing the Borough's appeal, improve the appearance of the Commercial District with streetscape improvements.
- Pedestrians - Provide a safe environment for pedestrians by improving sidewalks, controlling traffic, and requiring new development to address pedestrian traffic.
- Street Trees - Recognize the importance of the Borough's street trees and plant, preserve and replace street trees via the Borough Shade Tree Commission.
- Volunteer Organizations - Foster the support and cooperate with the business community and other community volunteer organizations for the enhancement of the Borough.
- Consistent Setbacks - Require in the zoning ordinance the reduction of front yard setbacks for new building to be consistent with the setbacks of adjoining, existing buildings.
- Building Orientation - Require in the zoning ordinance that building orientation be consistent with adjoining structures.
- Transition Area - Recognize that the Pennsylvania Avenue corridor in the Township includes areas immediately adjacent to the Borough which are of a transitional land use nature and require special zoning treatment ranging from intensity of development to sidewalks.

Commercial Uses**Ensure consistency of commercial uses with existing community character.**

- Performance Standards - Apply zoning performance standards to address noise, lighting, outdoor storage, and other potential effects as well as ensuring appropriate landscaping and signage.
- Commercial Design - Develop guidelines for commercial building design, landscaping and parking that will ensure high aesthetic quality and while meeting basic development needs.
- Community Scale - Encourage community-scaled businesses with innovative design as opposed to strip commercial development.

GOAL 2

Conserve natural resources and open space and use the resources in a way to sustain the area's economy, including maintaining a strong connection to the Delaware River.

Without careful planning and management, the use of the natural resources and sensitive environmental areas in the Matamoras-Westfall Planning Area can lead to the decline of community character and the quality lifestyle it affords, with eventual direct threats to the environment and public health and safety. Of special concern are streams, ground water, forest and soil resources. If the quality of the area's natural resources are diminished, the quality of life and the local economy will suffer.

The purpose of conservation: The greatest good to the greatest number of people for the longest time.
- Gifford Pinchot

Recognize the right and duty of this generation to develop and use our natural resources, but I do not recognize the right to waste them, or to rob by wasteful use, the generations that come after us.
- Theodore Roosevelt

If we learn, finally, that what we need to "manage" is not the land so much as ourselves in the land, we will have turned the history of American land-use on its head.
- Gaylord Nelson, Founder of Earth Day

OBJECTIVES:**Conservation and Sensitive Natural Areas**

Conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.

- Identification Identify sensitive natural areas such as wetlands, groundwater recharge areas, woodlands, steep slopes, poor soils and flood plains, and adopt regulations to protect such areas by requiring resource sensitive development.
- Critical Resource Areas - Promote the conservation of open space within the Planning Area and the County and actively promote the long-term preservation and maintenance of valuable natural resource areas through public negotiated acquisition, private dedication of easements, and other cooperative efforts.
- Land Use Ordinances - Evaluate and develop land use ordinances to minimize effects on natural resources with the goal of maintaining open space to the greatest extent possible while allowing a reasonable density of development.
- Development Incentives - Implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway and trail system for the benefit of present and future residents.
- Conservation Design - Use *conservation subdivision design* to cluster residential development away from important natural, historic, scenic and cultural features, and preserve the resulting open space.

Conservation and Sensitive Natural Areas

- Transferrable Development Rights - Use transferrable development rights to direct development to locations with adequate infrastructure and enable conservation-minded landowners to preserve their properties.
- Area Wide Cooperation - Coordinate environmental preservation efforts with neighboring jurisdictions, and establish an action plan targeting environmental concerns that require a regional approach.
- Bureau of Forestry - Coordinate with the PA DCNR Bureau of Forestry on the review of development plan applications as they may relate to the broader region.
- Economic Development - Encourage local economic development groups to make natural resource protection an integral part of all promotion efforts.

Water Supply and Quality and Surface Water Quality**Protect the supply and quality of drinking water and protect surface water quality.**

- Source Water - Identify important source water areas and inform consumers about the protection of their drinking water.
- E & S Control - Reduce erosion and sedimentation by requiring compliance with DEP regulations
- Stormwater - Adopt an up to date stormwater ordinance to control runoff through the use of BMP's.
- Water Quality - Consider the impacts of residential and nonresidential development on water quantity and quality and encourage the use of best management practices.
- Sewage Disposal - Monitor the effectiveness of on-lot sewage disposal systems and evaluate central sewage disposal as a means of correcting any widespread problems.
- Well Ordinance - Apply well construction standards with a well ordinance in areas not served by community water supply.
- Community Water Supplies - Apply well head protection standards to maintain good drinking water quality.

Wildlife Habitat**Protect critical wildlife habitat areas.**

- Pike County Natural Heritage Inventory - Protect sites of rare, threatened, and endangered species as identified in the Pike County Natural Heritage Inventory.
- Forest - Conserve large forested areas that provide wildlife habitat.
- Corridors - Protect important wildlife corridors, consisting of networked open space areas and stream corridors.

**Ridge Lines and
Scenic View Sheds****Conserve ridge lines and scenic viewsheds.**

- Development Standards - Consider measures that will preserve the characteristics of important ridge lines and scenic viewsheds by limiting the amount and type of clearing associated with development.

GOAL 3

Protect historic sites and structures as an important part of the character of the Borough and Township.

A number of historic landscapes, sites and structures are found in the Matamoras - Westfall Planning Area, ranging from traces of the Leni Lenape Native Americans and early settlers, to more recent residences and outbuildings, to schools and churches. Buildings were erected as part of a growing community, and although many of the early structures are now gone, the many which remain add tremendously to the character of the community. In addition to buildings, stone walls and fences are significant historic features throughout the Township. Originally an integral part of early agricultural practices, stone walls and fences are now being incorporated into home design and as the prime feature in landscaping. The preservation of historic buildings and other features, and encouraging new development to be consistent with the existing historic character are critical to the future of the Planning Area.

Pennsylvania has more than 100,000 historic resources identified by the National Register of Historic Places. Thousands more could be identified across the state, in cities, towns and villages, and rural areas. This rich heritage is under threat from abandonment and demolition of decaying urban building stock, destruction of rural landscapes and prime farmland for housing and business, and highway construction to accommodate the tidal wave of trucking and passenger traffic. As with our natural resources, we must strengthen our values and develop strategies to maintain our historic resources. Historic resources are worth saving. Without these resources, communities would lose their integrity, identity, and their attractiveness to newcomers. The goal is to strike a balance between development and saving what's important to the community's past.
Source: *Better Models for Development in Pennsylvania*, p. 83.

OBJECTIVES:**Identify and Evaluate**

Develop an inventory of historic resources and evaluate the resources for register status.

- Historic Register - Based on the historic resources inventory, create a local historic register and consider nomination of qualifying structures and places to the National Register of Historic Places.

Adaptive Reuse

Encourage the adaptive reuse of historic resources.

- Adaptive Use - Allow the adaptive use of large older homes to enable owners to adequately maintain the structures.

Design Guidelines

Develop guidelines for residential and commercial development to encourage historically sensitive design.

Education

Educate property owners on the significance and value of historic resources, and of the opportunities for their preservation.

Funding

Identify funding sources for historic preservation.

GOAL 4

Establish and maintain an adequate circulation system to safely and efficiently move people and goods.

Safe and well maintained roads are vital to all communities, serving not only as the means of travel within the community, but also as the direct link to the region and beyond. The interstate and state routes provide easy access to and from the area, and will certainly foster continued development. Local officials must plan carefully to ensure adequate funding for the improvement and maintenance of locally-owned roads. Land use management tools must consider the capacity of roads, directing commercial and higher density development to areas served by roads capable of carrying increased traffic and the trucks necessary to serve commercial establishments. Providing safe pedestrian circulation in the Borough and Bell Manor can reduce the amount of car trips for goods and services.

C*irculation* - Planners typically talk about "circulation" rather than transportation because circulation (getting around) is the goal of the citizens they serve, whereas transportation is just a method of achieving that goal. A good circulation plan includes more than streets and roads – it includes means of pedestrian and bicycle circulation and, in many communities, some form of mass transportation.

Although good circulation plans involve more than roads, the starting point for an existing conditions analysis of circulation is a map of streets and highways in the community.

Source: Community Planning, an Introduction to the Comprehensive Plan, p. 80.

OBJECTIVES:**Classification**

Inventory and classify according to function all public roads and bridges, and assess maintenance and safety concerns and the improvements needed.

- Road Task Force - Participate in the Pike County Road Task Force to address regional traffic impacts and highway improvement needs.
- Planning - Actively participate in all County and PennDOT highway planning programs.
- Improvements Program - Develop a local road and intersection maintenance and capital improvements program.
- Pennsylvania Avenue - Specifically address the traffic on Pennsylvania Avenue and its effect on pedestrian circulation.

Local Actions

Develop a coordinated Borough - Township program to maintain an adequate capacity of the road network.

- Development Location - Limit higher density and higher traffic impact development to areas with adequate highway capacity.
- Parking and Access - Require adequate off-street parking and loading, limit curb cuts, and require well designed access points.
- New Development - Maintain up-to-date standards for construction of new subdivision roads.

Local Actions

- Road Linkages - Include the consideration of through road connections as part of the development review process.
- Road Dedication - Evaluate the acceptance of public dedication of development roads in terms of public benefit versus long term costs and apply road design standards for the dedication of roads .
- Official Map - Using an official map, establish and reserve public street alignments and adequate rights-of-way for planned street improvements.

Pedestrians and Bicyclists

Consider the needs of pedestrians and bicyclists in all transportation planning.

GOAL 5

Develop a Borough - Township coordinated land use plan that integrates all aspects of growth and development including residential, commercial, industrial and open space.

Land use management is a complex process that depends on the interrelationship of a number of factors including the historic development pattern, regional location, demographics, the regional economy, the transportation network, and soils and land capability. Most of these factors are beyond the control of local municipalities. However, this *Matamoras - Westfall Comprehensive Plan* gives the Borough and Township the opportunity to work together, while maintaining local autonomy, to direct the growth and development of the community using innovative land use management ordinances, careful programming of public facilities, and active participation of residents.

Rampant land conversion is a first consequence of the way Pennsylvania is growing. Quite literally, development-as-usual is consuming the Commonwealth's traditional rural landscape of farmland, forests, wetlands, and open spaces. Overall, Pennsylvania developed some 1.14 million acres, or 1,800 square miles, of fields, open space, and natural land between 1982 and 1997 – the sixth-largest such conversion after Texas, Florida, Georgia, North Carolina, and California.

This also means that fully one-third of all the land that the Commonwealth has ever urbanized since its founding was developed in just 15 recent years. Put another way, over those 15 years the state consumed land at a rate equivalent to 209 acres a day, or 9 acres an hour, every hour.

Source: *Back To Prosperity, A Competitive Agenda for Renewing Pennsylvania*, p. 47.

OBJECTIVES:**Incompatible Uses****Provide adequate separation between incompatible land uses.**

- District Location - Evaluate the location of zoning districts relative to one another.
- Residential - Eliminate incompatible uses in residential districts.
- Commercial - Limit permitted uses within commercial zoning districts to retail, office, and service uses.
- Industrial - Create an industrial district for manufacturing, warehousing, and similar high impact uses.
- Setback/Buffers - Provide appropriate setbacks and buffers between land uses.
- Landscaping - Provide landscaping along road frontages in commercial and industrial areas
- Cooperative Zoning - Use cooperative zoning as a means of recognizing the regional nature of development patterns and for locating commercial and industrial uses proximate to such existing uses and where community facilities are adequate.

Residential**Encourage the development of livable communities and preserve existing neighborhoods.**

- Open Space Access - Create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- Diversity - Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be maintained.
- Landowner Development Options - Provide multiple development options for landowners in order to minimize impacts on environmental resources (sensitive lands such as stream corridors, wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls)..
- Design - Provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- Residential - Eliminate incompatible uses in residential districts.

Commercial**Promote innovative forms of commercial development that are in harmony with the small town and rural character of the community.**

- Scale - Provide opportunities for innovative and community-scaled retail commercial use as opposed to strip commercial development.
- Services - Facilitate community service uses such as a pharmacy and medical center.
- Pennsylvania Avenue - Encourage neighborhood scale professional and business offices along Pennsylvania Avenue.
- Streetscape - As a means of enhancing the Borough's appeal, improve the appearance of the Commercial District with streetscape improvements.

Economic Development**Expand the Planning Area's existing economic base by exploring economic development opportunities consistent with and building on the existing *community* character in order to strengthen the existing general and tourist economy, create employment opportunities and generate tax revenue.**

- Location - Welcome new commercial and industrial development to areas of existing similar development and where community facilities

Economic Development

are adequate so that the development is compatible with existing land use and community character.

- Home Occupations - Encourage local economic viability by allowing home occupations consistent with residential districts.
- Economic Development - Recognize the importance of the regional economy and cooperate with local business development organizations to promote commercial development which builds on community assets and which will not compromise the quality of life.
- Regional Image - Create a distinctive image of the region by developing common welcoming signage themes and promoting local activities collectively.
- Government Efficiency - Continue to maintain an efficient government and keep taxes low as an incentive for economic development.
- Scale of Development - Limit the type and intensity of new land uses in the Borough to be consistent with existing development via cooperative zoning with the Township.
- Community Partnership - Work with existing businesses and property owners to ensure the continued viability of the Borough's existing commercial area.
- Existing Business - Support the continued development and possible expansion of existing businesses providing local employment and contributing to the tax base.
- Delaware River - Recognize the Delaware River as an invaluable asset for the local tourism economy and work with the Upper Delaware Council and the National Park Service to conserve its value.
- Visitors Center - Use the PA Visitors Center to the advantage of local businesses.

GOAL 6**Provide for secure and sound housing in a variety of types and densities.**

Families and individuals of all income levels reside in the Matamoras - Westfall Planning Area and need continued access to decent and affordable housing with proper community facilities. The special needs of young families looking for their first home and senior citizens on fixed incomes must be addressed. Similar to commercial development, the Borough and Township can employ cooperative zoning to direct housing types and densities to the most appropriate locations in the Planning Area.

The Pennsylvania Municipalities Planning Code requires a plan to meet the housing needs of present residents and of those individuals and families anticipated to reside in the municipality, which may include conservation of presently sound housing, rehabilitation of housing in declining neighborhoods and the accommodation of expected new housing in different dwelling types and at appropriate densities for households of all income levels.

Zoning must provide for housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.

OBJECTIVES:**Current Residents****Meet the housing needs of current Planning Area residents.**

- Sound Housing - Encourage preservation of presently sound housing.
- Rehabilitation - Promote rehabilitation of houses in decline.
- Housing Programs - Encourage participation in all county, state and federal housing rehabilitation and assistance programs to ensure residents receive full benefit from such programs.

Housing Growth**Accommodate anticipated housing growth in appropriate locations, at appropriate densities, and with suitable amenities.**

- Location - Coordinate the location of new housing with pending road improvements
- Density - Provide for varying densities suited to the Planning areas character and landscape.
- Townhouses - Allow townhouses in conservation design in all zoning districts at the same density as single-family dwellings.
- Amenities - Provide for recreation and open space amenities within residential developments
- Senior Housing - Encourage the development of nursing homes, adult care centers, assisted living facilities and other housing types which provide amenities that are attractive to retirees.
- Commercial District Dwellings - Where adequate off-street parking and sewage disposal are available, encourage the use of second and third floor spaces in the Borough Commercial District for dwellings.

Types and Affordability**Provide a diversity of housing types and affordability levels.**

- Type and Density - Allow residential development of various types in suitable areas at a density sufficiently high to moderate the land cost of the increasing cost of housing, while requiring adequate off street parking, water supply and sewage disposal.
- Fair Share - Ensure that the Planning Area provides its required “fair share” of all types and densities of housing.
- Gated Alternatives - Promote alternatives to private, gated communities.
- Innovative Design - Advocate conservation design, village style or traditional neighborhood development.
- Incentives - Consider density and design incentives to encourage the development of age-restricted and affordable housing.

GOAL 7**Ensure that community facilities and services are provided to meet the needs of the Matamoras - Westfall Planning Area.**

Residents rely on community and public facilities and services to meet their transportation, educational, water supply, sewage disposal, police protection, emergency response, recreation and other daily living needs. Municipalities do not, and cannot, provide all the facilities and services demanded by residents, many such services are being provided by other levels of government or volunteer organizations. Nevertheless, without diligent and ongoing attention to the operation and maintenance of existing facilities and services, and planning for new facilities and services, a municipality can fall short in adequately serving its residents.

Community facilities and utilities should be considered resources with limited capacities that are to be provided in appropriate places to support and implement a multi-municipal comprehensive plan. The location of certain key facilities, including water, sewer, schools, and roads, are often essential to providing the necessary services to accommodate more intensive residential and nonresidential development. Conversely, these services will facilitate unintended development in areas, such as important farming areas or areas with limiting natural resources, where growth may not be appropriate. The location of other services, facilities, and utilities should be considered in relation to their ability to support or conflict with the land use planning for the multi-municipal area. The land use planning should facilitate the efficient and economic provision of public, quasi-public, and privately provided community services wherever possible.

Source: *Planning Beyond Boundaries*, p. 3-18.

OBJECTIVES:**Public Facilities and Services****Maintain existing public facilities and services and plan carefully for new public facilities and services.**

- Maintenance - Provide necessary maintenance of existing municipal buildings, equipment and other community facilities to extend the useful life and forestall unnecessary capital expenditures.
- Efficiency - Manage all municipal facilities and services efficiently and effectively.
- Capital Improvements Program - Systematically identify the need for local municipal community facilities and services, including useful life replacement of existing facilities, and develop a capital budget to meet the needs.
- Water and Sewer Extensions - Evaluate the extension of any central water supply or central sewage disposal service in terms of stimulating unwanted development.
- Infrastructure Needs - Encourage the County to take the lead with area municipalities to coordinate planning for the infrastructure needs of Eastern Pike County.
- Cooperation - Encourage and participate in any area intergovernmental cooperation efforts for community facilities planning and economies of scale for joint purchasing, recreation and other facilities and services.

Public Facilities and Services

- Sidewalks - Recognize the importance of sidewalks to the quality of life in the Borough and develop a sidewalk inventory, improvement, construction, and maintenance program to ensure long term viability of sidewalks.

Emergency Services**Protect the Planning Area with effective emergency services.**

- Expanded Service - Identify isolated and under served areas and assess the need for expanded or additional fire and ambulance stations.
- Volunteer Organizations - Acknowledging the critical importance of such groups to the community, encourage and continue to support volunteer fire, ambulance and other public service organizations.
- Police Protection - Maintain existing levels of police protection and continue cooperation as demand for service increases.

Water Supply and Sewage Disposal**Ensure adequate water supplies and sewage disposal facilities.**

- Source Water - Identify important groundwater supply areas and actively protect the sources.
- Borough Water Authority - Monitor the need to extend the Borough water system to serve new customers as demand dictates and the supply permits.
- Well Ordinance - Apply well construction standards with a well ordinance in areas not served by community water supply.
- Community Water Supplies - Apply well head protection standards to maintain good drinking water quality.
- Township Sewer Authority - Monitor the need to extend the sewer system to serve new customers as demand dictates and the treatment capacity permits.
- Sewage Disposal - Monitor the effectiveness of on-lot sewage disposal systems and evaluate central sewage disposal as a means of correcting any widespread problems.
- On-Site Sewage Systems - Ensure that on-site sewage systems are maintained, and that failing systems are repaired and new systems are installed in accord with DEP standards.

Storm Water**Improve Stormwater Management.**

- Planning - Evaluate storm water management facilities and participate in the Pike County storm water planning project to address existing problem and minimize future problems
- Improvements - Include require stormwater management improvements in the capital improvements program.

Storm Water

- Innovate Controls - Incorporate innovative stormwater management techniques into new development.
- Education - Address existing problems with stormwater runoff through outreach and education of landowners.

New Development

Ensure that an adequate and safe water supply system, a proper sewage disposal system, well designed and constructed roads, stormwater management and other facilities are provided by developers as part of any residential development.

GOAL 8

Provide adequate recreation facilities and programs for Planning Area residents and provide open space open to the public.

Airport Park in Matamoras serves as a regional park serving residents not only from the Borough and Township, but other areas of Pike County and nearby areas of New Jersey and New York as well. This *Comprehensive Plan* enables the Borough and Township to cooperate to identify recreation needs and improve and develop new facilities and programs.

Westfall Township includes some 4,500 acres of public forest land which provide a myriad of outdoor recreation opportunities. Careful planning of new development can ensure the conservation of additional open land and promote the creation of connections to existing public lands.

National Recreation and Parks Association
We believe that parks and recreation:

- *Enhances the human potential by providing facilities, services and programs that meet the emotional, social and physical needs of communities.*
- *Articulates environmental values through ecologically responsible management and environmental education programs.*
- *Promotes individual and community wellness that enhances the quality of life for all citizens.*
- *Utilizes holistic approaches to promote cultural understanding, economic development, family public health and safety, by working in coalitions and partnerships with allied organizations.*
- *Facilitates and promotes the development of grassroots, self-help initiatives in communities across the country.*

Source: <http://www.nrpa.org>

OBJECTIVES:**Facilities and Programs**

Provide adequate recreation facilities and programs to serve the community.

- Existing Facilities - Maintain the existing facilities at Airport Park.
- Identify Needs - Analyze and address the need for additional sports and play facilities, passive recreation areas, and recreation programs.
- Plan - Create a plan for municipal park and recreation facilities and programs that is responsive to current needs and to additional demands created by future development.

Trails

Establish a trail network that would provide connections between public lands, identified open space, scenic and historic areas, and trails in adjoining townships and the Delaware River.

- Existing Trails - Work with the County Office of Community Planning to inventory and map existing trails.
- New Trails - Promote new hiking trails that link existing trails with landmarks and community focal points, historic sites, neighboring townships, and the Delaware River.
- Development Connections - Encourage pedestrian connections between developments, while addressing concerns with trespassing.

Trails

- Bike Trails - Create a marked and mapped system of bikeways and bike trails.
- Multiple Uses - Evaluate needs for other trail users, including equestrians, mountain bikers, cross country skiers, snow shoers, snowmobilers, and ATV enthusiasts.
- Design - Design trails to minimize conflicts between different users and with adjacent property owners.

Interconnected Open Space**Create a contiguous and interconnected system of protected greenways and open space.**

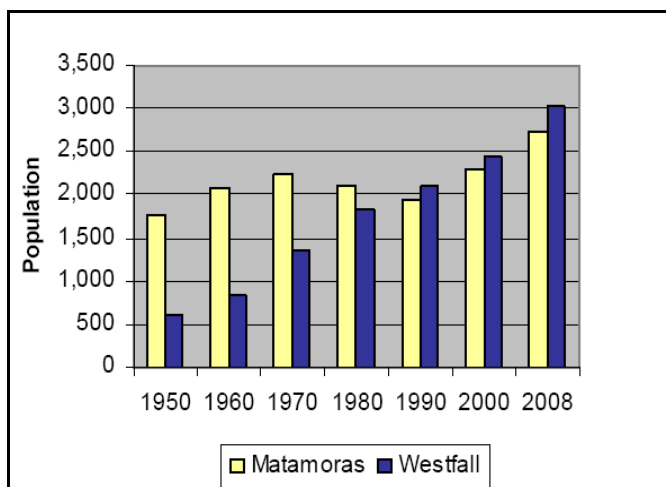
- Prioritization - Prioritize areas to be protected based on natural resources, historic resources, potential trail connections, and proximity to existing conservation areas.
- Habitat - Use open space to protect habitat and water resources.
- Passive Use - Provide for passive recreational uses within open space areas.
- Linkages - Identify opportunities to link open space and greenways to adjoining townships to create a regional open space system.

FINDINGS AND SUMMARY OF ACTIONS

FINDINGS: DEMOGRAPHICS AND ECONOMIC BASE

Westfall Township has increased steadily in population since 1950. Matamoras Borough population decreased between 1970 and 1990 and then increased 1990 and 2000.

The Borough population decreased from 2,244 persons in 1970 to 1,934 persons in 1990, increased to 2,312 by 2000, and was estimated at 2,736 in 2008. It is projected to reach 2,853 by 2010.



Population 1950 - 2008

The Township population increased from 599 persons in 1950 to 2,430 persons in 2000, was estimated at 3,030 in 2008, and is projected to reach 3,201 by 2010.

Population density in Matamoras Borough, 3,300 persons per square mile in 2000, is the highest in Pike County; Westfall Township population density in 2000 was 80 persons per square mile.

Approximately one-third of the population of both the Borough and the Township emigrated from other areas suggesting that the two communities are attracting new residents from outside areas who presumably want to be in close proximity to New York and New Jersey.

The age of a community's population is important in terms of the types of community facilities and services which must be provided.

Population growth occurred across all age cohorts between 1990 and 2000, with the most dramatic increase occurring in Matamoras Borough where the school-aged population (under 18 years) increased by 36%.

In addition to the demand for more dwelling units and building lots, the increase in the number of families with children in the population not only results in more demand on the school system, but results in more demand for such community facilities as recreation parks and playgrounds as well.

The number of second homes in the Borough and Township in 2000 was reported at 6 and 87, respectively. The effects of the seasonal population in the Matamoras-Westfall Planning Area is not significant when compared to other townships in Pike County.

In 1999 per capita and median household income levels of Westfall Township were generally consistent with the County and the Commonwealth, with the majority of households in the lower-middle to

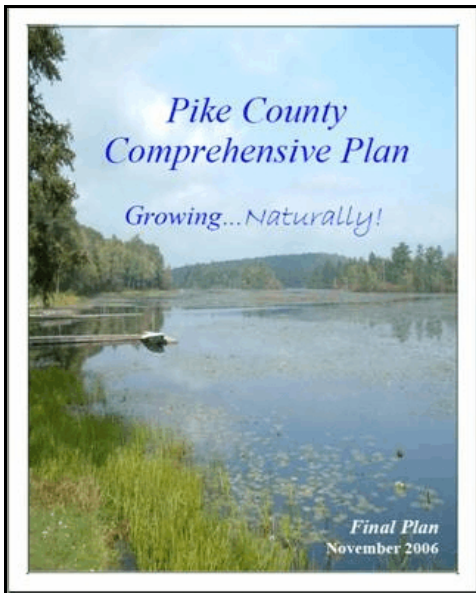
middle income ranges. Income in Matamoras Borough was substantially lower by comparison.

- ☞ Despite the Borough's lower incomes, the number of persons below poverty level decreased substantially, from 120 persons in 1989 to 91 persons in 1999. The opposite was seen in Westfall Township, where, despite higher incomes, the number of persons below poverty level rose from 145 to 162 persons during the same time period.
- ☞ The average travel time to work for Borough residents increased from 20 to 30 minutes between 1990 and 2000, and from 25 to 30 minutes for Township residents, documenting the increased connection of employment to the tri-state area, as well as nearby metropolitan areas.
- ☞ The 2000 Census reported that the greatest proportion of employed persons from the Township worked in the *education, health & social services; arts & entertainment; retail and construction* sectors, showing a strong reliance on the tourist trade.

Planning Implications

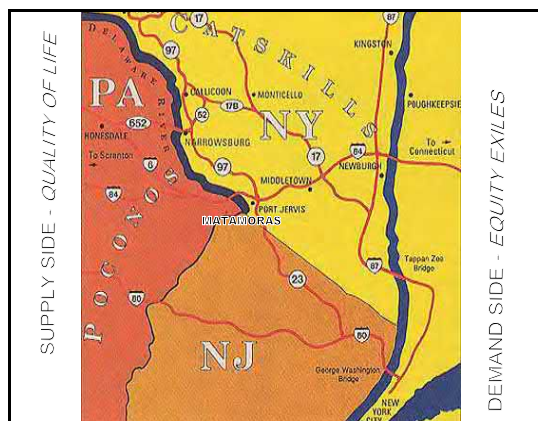
- ☞ While growth in Matamoras Borough is limited by the scarcity of available land, Westfall Township remains a predominantly undeveloped community with the potential for dramatic, long-term population growth.
- ☞ As population increases, the demand for land, housing, facilities, utilities, and services will increase along with traffic congestion.
- ☞ These factors place a strain on the Matamoras-Westfall Planning Area's financial resources and rural small town character.
- ☞ Preserving forest land and open space and increasing the commercial base can help off-set the costs associated with new residential development and reduce the need for tax increases.
- ☞ An increasing population provides a potential market for the retail centers along Route 209 and the small businesses in Matamoras Borough.
- ☞ A coordinated land use pattern that preserves the rural small town character while accommodating projected growth and supporting the local economy is key to the long-term health and well-being of the Matamoras-Westfall Planning Area.

FINDINGS: PLANNING AND DEVELOPMENT IN PIKE COUNTY, CONTIGUOUS MUNICIPALITIES AND THE REGION



- ☞ The *Pike County Comprehensive Plan Update* was adopted in 2006 with the intent to set *Countywide planning goals and priorities, develop partnerships, and enhance the quality of life for the residents of the County*, and to be used as a guideline for municipal plans and regulations.
- ☞ The *County Plan* notes that each municipality retains the right to prepare multi-municipal or individual municipal plans; to control zoning within its boundaries, whether through individual zoning ordinances or a joint zoning ordinance; and to regulate subdivision and land development, and retain their autonomy.
- ☞ As required by the Pennsylvania Municipalities Planning Code, Borough and Township planning, as documented in this *Comprehensive Plan* is generally consistent with County planning.
- ☞ Based on the zoning district locations and uses permitted in the districts; zoning ordinance performance standards; county, state and federal land ownership; and natural features, the potential for land use conflicts between adjoining municipalities is minimized.
- ☞ While the Delaware River provides a significant buffer in terms of direct landowner-to-landowner conflicts, planning in nearby communities in New Jersey and New York can have an impact in terms of traffic, housing demand, tourism and economic development.
- ☞ No significant inconsistencies are anticipated between the plans of adjoining municipalities and this *Plan*.
- ☞ Borough and Township officials should work with the officials of adjoining municipalities to establish agreements so that any municipality potentially affected by a zoning change or a development project has the opportunity for review.
- ☞ The Northeastern Pennsylvania Alliance serves as a planning and development information source and funnel for grants and special projects for Westfall Township, Matamoras Borough and Pike County, but has no municipally authorized regional planning power.

FINDINGS: LAND USE



- ☛ The challenge in developing a land use plan for the Matamoras-Westfall Planning Area is to provide for the essential economic growth and development of the Township while concurrently conserving its scenic and natural environment and natural resources.
- ☛ The environmental quality, scenic beauty, small town character and proximity of the Planning Area to metropolitan areas are key factors affecting growth and development.
- ☛ Most growth and development issues extend beyond municipal boundaries and can best be addressed through the cooperation of the municipalities in the planning area and region.

- ☛ The future land use, environmental quality and character of the Borough and Township will evolve in response to the actions of community leaders and active citizens combined with the forces of the local and regional economy, and the demand for land and community facilities and services.

Existing Conditions

- ☛ The Matamoras - Westfall Planning Area includes some 19,400 acres of land area, or 30.3 square miles – 0.7 square miles for the Borough and 29.6 for the Township.
- ☛ Matamoras is a mature community in terms of land use with very little land available for new development.
- ☛ The 1997 Westfall Comprehensive Plan notes that *in the early 1980's, residential uses accounted for approximately 700 acres or 3.5% of the Township's land area., and commercial uses accounted for 150 acres or .07%. By 2008, residential land had increased to 1,400 acres and commercial land to 390 acres, documenting the dramatic increase over the last 20 years.*

Land Use	Matamoras Borough		Westfall Township	
	Acres	% of Total	Acres	% of Total
Residential - Single-Family	165.25	37.95%	1321.06	6.97%
Residential - Multi-Family/Townhome	9.42	2.16%	82.07	0.43%
Commercial	14.58	3.35%	390.91	2.06%
Institutional	7.00	1.61%	141.03	0.74%
Forestland/Agriculture	77.68	17.84%	8024.96	42.32%
Recreation (Federal/State/Local/ Community Assoc.)	63.65	14.62%	5817.86	30.68%
Club (Rod & Gun Clubs)	0	0.00%	1828.91	9.64%
Conservation Easement	0	0.00%	662.62	3.49%
Utility/Railroad	0	0.00%	191.53	1.01%
Roadway	97.93	22.49%	503.74	2.66%
Total	435.49	100.00%	18964.69	100.00%

Existing Land Use - 2008 (Source: Consultant/Planning Committee Analysis)

☛ R

esidential is the principal type of development in the Planning Area – 175 acres or 40% of the total land area in the Borough and 1,400 acres or 7.5% in the Township.

- ☞ Commercial activities in the Planning Area occupy almost 406 acres – 3.4% or almost 15 acres in the Borough and 2.1% or 391 acres in the Township.
- ☞ Land in the Planning Area used for public and semi-public facilities and services includes such uses as the Borough and Township buildings, fire companies, Delaware Valley Schools, and the PennDOT Visitors Center.



- ☞ Although the Borough and adjoining parts of the Township are densely developed, open land remains a predominate feature of the Planning Area landscape.
- ☞ More than 16,400 of the total 19,400 acres are, or 85% of the land in the Planning Area, is undeveloped, with the bulk of that being forested.
- ☞ The Pennsylvania Bureau of Forestry owns 4,246 acres as part of the Delaware State Forest, the Pennsylvania Game Commission owns 165 as part of State Game Lands No. 209, and the National Park Service owns 308 acres as part of the Delaware Water Gap National Recreation Area, totaling 4,719 acres or 24.25% of the total area of Westfall Township.
- ☞ Most of the 77 acres of undeveloped land in the Borough is the 63-acre parcel adjoining Airport Park.
- ☞ While forestry continues as an important element of the local economy, commercial agriculture in the Planning Area is essentially nonexistent.

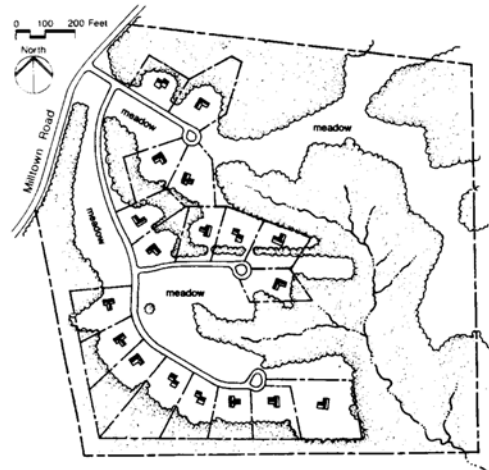
Katz Settlement Agreement

In 2005, the Westfall Township Board of Supervisors adopted Ordinance 123 which created the ED - Enterprise Zone and the GC - General Commercial Zone applicable to three specific parcels located off of Mountain Avenue based on a adjudicated settlement agreement.

- ☞ This Comprehensive Plan and any amendment to the Westfall Zoning Ordinance or the Subdivision and Land Development Ordinance cannot be applied to the specified Katz properties in conflict with Ordinance 123.
- ☞ Ordinance 123 includes specific standards applicable to the ED and GC Zones based on the 1985 Zoning Ordinance and the 1985 Subdivision and Land Development Ordinance as modified by the settlement agreement.
- ☞ A 2005 Order of Court issued by the U.S. District Court for the Middle District of Pennsylvania addressed the provision of sewer and water service to the Katz properties.



18 2-acre Lots in Conventional Subdivision



18 lots Based on 2-acre Density with Open Space

Density Instead of Lot Size

Conservation Design

The use of conservation design would result in an estimated 1,720 acres of additional open space in the Township at build-out. Under conventional subdivision practice almost 36% of the Township would be in residential use while the use of conservation design would limit the area to 27%.

Additional open space could be preserved by:

- ☞ Providing a density bonus for conserving a larger percentage of open space.
- ☞ Making conservation design development the basis for all subdivisions and the only way for developers to achieve full density.
- ☞ Requiring conservation design in situations where conservation is essential.

Planning Implications

- ☞ The Planning Area holds great potential for growth and development.
- ☞ Development will occur on new lots subdivided from open land.
- ☞ Local officials must begin an outreach effort and partner with landowners and local conservation organizations to preserve or conserve priority areas as identified as critical for open space.
- ☞ The provisions of Westfall Township Ordinance 123 and the Katz Equitable Settlement Agreement and the Settlement Agreement/Release have a significant and continuing effect on the long term land use of the entire Planning Area.
- ☞ Development in the Borough will involve primarily in-fill of existing lots and redevelopment of businesses.
- ☞ Commercial development and redevelopment in the Borough should follow a plan aimed at revitalizing the Pennsylvania Avenue business district.

- ☞ More residential development will spawn more pressure for retail/service commercial development and increased demand for municipal facilities and services.
- ☞ The land owned by the Pennsylvania Bureau of Forestry, the Pennsylvania Game Commission and the National Park Service, and Airport Park will likely remain in public ownership.

Note About the *Summary of Actions*

Much of the work of carrying out the Plan, the assessment of the accomplishment of goals and objectives, and the periodic Comprehensive Plan review can be accomplished by the Planning Commissions and citizen volunteers who are appointed to special committees or task forces along with Borough and Township officials. These groups can provide evaluations and recommendations to the Borough Council and the Board of Supervisors for action.

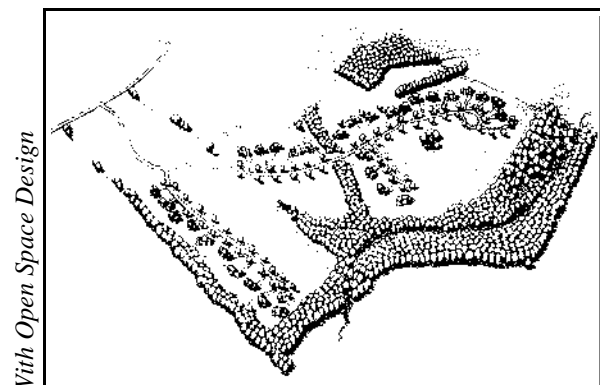
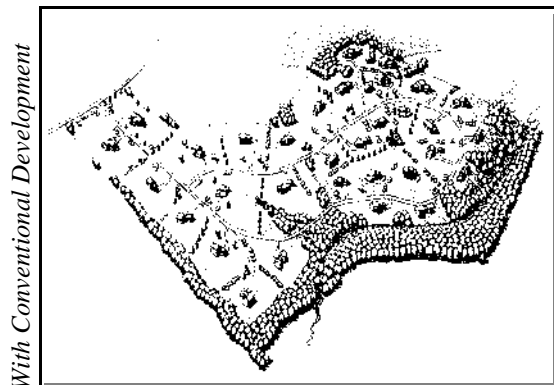
The Basic Land Use Planning Approach

of this *Comprehensive Plan* is to:

- provide incentives for good design and open space preservation as property is developed.
- encourage landowners to participate in local and state programs to preserve open space.
- protect residential neighborhoods and planned subdivisions from incompatible development.
- revitalize the Borough's main street.
- provide appropriate areas to accommodate projected growth.
- conserve and protect valuable natural resources and sensitive environmental areas.
- encourage the preservation of historic buildings and sites.

The Future Land Use Plan is intended to accommodate projected growth and provide for needed community facilities and services while preserving the Borough's small town character and conserving the Township's open space and natural resources. It addresses land conservation, sustainable residential development, creation of a town center, opportunities for commercial and office development, and remedies for potential incompatible land uses. The plan is also attentive to state law, which requires municipalities to accommodate all categories of land use or to cooperate on zoning for the Planning Area as a whole.

SUMMARY OF ACTIONS: LAND USE			
#	ACTION	RESPONSIBILITY	TIMING
1	<u>Future Land Use</u> - Preserve the Borough’s small town character and conserve the Township’s open space and natural resources.	Planning Commissions Council Supervisors	ongoing zoning
2	<u>Zoning Districts Affirmed and Updated</u> - The future land use plan is based on the affirmation of the current zoning districts with the caveat that the Borough and Township will periodically evaluate the effectiveness of the districts, the range of uses in each district, and the need for additional opportunities for commercial and light manufacturing development.		
RESIDENTIAL			
3	<u>Zoning Districts</u> - Provide protection for residential areas by maintaining separate residential and nonresidential zoning districts, applying environmental, development and operational performance standards to commercial and industrial uses, and establishing increased lot sizes, setbacks, and buffers where such uses adjoin residential development.	Planning Commissions Council Supervisors	ongoing zoning
4	<u>Higher Density</u> - Allow higher density residential development only in areas where community water supply and community sewage disposal is available.		
5	<u>Conservation Design</u> - Encourage the use of zoning and subdivision and land development ordinance provisions to effect conservation design development to conserve open land, conserve sensitive natural areas, preserve historic resources and maintain community character.	Planning Commissions Council Supervisors	2 years
6	<u>Require Conservation Design</u> - Consider requiring conservation design in certain districts and/or areas as a means of conserving open space.		
7	<u>Mixed Use</u> - Allow for the integration of retail and service establishments in large residential developments.		
8	<u>Home Occupations</u> - Allow a reasonable range of home occupations consistent with residential neighborhoods.	Planning Commissions Council Supervisors	ongoing zoning



SUMMARY OF ACTIONS: LAND USE			
#	ACTION	RESPONSIBILITY	TIMING
NONRESIDENTIAL			
9	Performance Standards - Review and update as needed the nonresidential performance standards to address changing development patterns and ensure community and environmental protection.	Planning Commissions Council Supervisors	ongoing zoning
10	Location - Allow commercial, manufacturing and institutional land uses only in appropriate districts based on compatibility with surrounding land uses, access potential, and logical extension of utilities.		
11	Reasonable Standards - Do not make standards and the development review process so onerous that commercial and manufacturing development is discouraged.		
12	Home Occupations - Allow for a variety of professional and personal services to be conducted as home based businesses in all areas provided nuisance elements are controlled and ensure that <i>no-impact home-based businesses</i> as defined by the MPC are allowed as principal permitted uses in all zoning districts in the Borough and Township.		
13	Cooperative Zoning - Consider Borough-Township cooperative zoning to allocate commercial and industrial land uses throughout the Planning Area instead of in each municipality, and coordinate commercial zoning standards between the Township and Borough.	Planning Commissions Council Supervisors	1.5 years
14	Site Clearing - Allow the clearing of vegetation and grading only after a development plan has been approved.		
15	Site Characteristics - Require nonresidential development to consider the physical characteristics of the site as part of the design in order to protect environmentally sensitive areas.		
16	Revitalization - Carefully evaluate the range of commercial uses in the Borough's downtown area in terms of revitalization efforts.	Planning Commissions Business Committee Council Supervisors	1.5 years
17	Design Guidelines - To the extent that zoning cannot adequately govern design, prepare and promote design guidelines for commercial, manufacturing, and institutional development to encourage the most efficient use of commercial land and development consistent with community character.		
18	Economic Development - Encourage area economic development organizations to include efforts for the retention of existing business, improvement of the small business climate, and the promotion of tourism instead of simply committing resources to <i>attracting industry</i> .	Planning Commission Supervisors Business Owners Residents	immediate

Commercial Design Standards and Guidelines

Design guidelines, along with development standards and permit approval requirements for specific location and site details can be used to retain community character. Standards and design guidelines in rural areas should consider historic design trends in the built environment and should specifically address issues surrounding the massing, form, materials, and color of new buildings or structures. Zoning performance standards in Pennsylvania generally cannot be used to govern the specific architectural appearance of buildings. Design guidelines, which can be suggested by the municipality and voluntarily adopted by the developer, can be effective for ensuring building designs are consistent with community character.

Site design zoning standards should include, for example, maximum impervious cover, landscaped setbacks between buildings and the road, modest parking lot size, interior landscaping for larger parking lots, sign requirements, and vegetated buffers along property lines. A critical requirement is the retention of existing vegetation to the greatest extent possible. Development standards for lighting, circulation, parking, landscaping, and noise should be consistent with the rural area.

SUMMARY OF ACTIONS: LAND USE			
#	ACTION	RESPONSIBILITY	TIMING
FORESTRY			
19	Zoning Standards - Review the forestry standards in the Westfall Zoning Ordinance to ensure reasonableness, and not so onerous as to discourage forestry enterprises and can be enforced. Essential elements include: <ul style="list-style-type: none"> • requirements for logging plans and the use of good forest management practices • road and property line setbacks for landings • road access and drainage requirements • mandating compliance with environmental laws 	Planning Commission Supervisors	0.5 year
20	Principal Permitted Use - Include <i>forestry</i> as a principal permitted use in all zoning districts in Matamoras to comply with the Planning Code.	Planning Commission Council	0.5 year
21	Businesses - Provide ample opportunity for the development of <i>value added</i> enterprises that use the plentiful forest resources available in the Township.	Planning Commission Supervisors	ongoing zoning
22	Economic Development - Encourage the local economic development organizations to work with the forest industry to promote and grow forestry related enterprises, particularly in the realm of <i>value added</i> products.	Planning Commissions Council Supervisors Business Owners	immediate

SUMMARY OF ACTIONS: LAND USE			
#	ACTION	RESPONSIBILITY	TIMING
MINERAL EXTRACTION			
23	Zoning - Update the mineral extraction standards in the Westfall Zoning Ordinance to ensure conformity with the MPC and case law, to ensure that mineral extraction is controlled to the greatest extent possible .	Planning Commission Supervisors	1.5 years
24	State Requirements - Confirm that proposed mineral extraction operations will comply with state environmental regulations	Supervisors Zoning Officer	ongoing
25	Cooperative Zoning - To the extent possible under the terms of the Planning Code, ensure via cooperative Borough/Township zoning that mineral extraction operations are located in suitable areas where impacts will be minimized.	Planning Commissions Council Supervisors	

Mineral Extraction and the Municipalities Planning Code

The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use and severely limits the range of development and operational standards which can be applied to mineral extraction by local municipalities, with location standards the primary tool available to the Township. Planning Code §603(l) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.* The Code, at §603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act. These Acts regulate such things as setbacks, dust, noise, blasting, water supply effects, and reclamation.

Advantages Offered by Conservation Easements:

Private Ownership: The property remains in private ownership and continues to contribute to the local tax base. The landowner may choose to live on the land, sell it, or pass it on to heirs.

Owners Satisfaction: Gives the landowner the satisfaction that the land will remain unchanged.

Flexibility: Easements are flexible and can be written to meet a particular land-owner's needs while protecting the property's resources.

Permanency: Most easements are permanent, remaining in force when the land changes hands. The easement holder ensures that the restrictions are maintained.

Tax Reduction: There are significant tax advantages if easements are donated rather than sold.

Charitable Taxes: The donation of a conservation easement to a land trust is treated as a charitable gift of the development rights. The donation creates a charitable tax deduction, equal to the value of the conservation easement, on the landowner's Federal and State income tax returns.

Estate Taxes: Estate taxes are significantly lower, sometimes making the difference between heirs holding onto the family land or selling it to pay inheritance taxes.

Property Taxes: Conservation easements will sometimes lower property taxes, a result of reduced valuation on property subject to the conservation easement.

Minimizes Effect of Development: Minimizes other impacts of residential development such as increased population, traffic, and demand for community facilities and services.

SUMMARY OF ACTIONS: LAND USE			
#	ACTION	RESPONSIBILITY	TIMING
LAND CONSERVATION PLANNING			
26	<u>Conservation Design</u> - Consider incorporating conservation design as a preferred option for residential development and providing density incentives as a means of encouraging conservation design.	Planning Commissions Council Supervisors	1 to 2 years
27	<u>TDR and TND</u> - Evaluate providing for the use of transferable development rights and traditional neighborhood development in the Borough and Township using cooperative zoning to direct development to areas with adequate water supply and sewage disposal.		
28	<u>Conservation Organizations</u> - Support the efforts of local land conservation organizations such as the Delaware Highlands Conservancy.	Planning Commissions Council Supervisors Residents	immediate and ongoing
29	<u>Landowners</u> - Encourage and support private landowner efforts to maintain large tracts as open space.		
30	<u>Agricultural Land Preservation</u> - Cooperate with landowners and the County Agricultural Land Preservation Program in the creation of agricultural security areas and the acquisition of agricultural easements.		
31	<u>Committee</u> - Form a Township Open Space Committee to conduct education and outreach to encourage landowners to conserve land through conservation easements, TDR, and other available means.	Supervisors	1 year
32	<u>Local Open Space Funding</u> - Consider a local municipal referendum on a modest earned income tax and other financing options to fund open space conservation.	Supervisors	2 years

SUMMARY OF ACTIONS: LAND USE			
#	ACTION	RESPONSIBILITY	TIMING
COOPERATIVE ZONING ACTIONS			
33	Committee - Appoint a Borough-Township ad hoc committee to consider cooperative zoning and make recommendations to the Borough Council and Township Board of Supervisors.	Council Supervisors	immediate after Plan
34	Plan - Develop a cooperative zoning plan based on existing land use, current zoning districts, potential impacts of land use types, and available or proposed infrastructure.	Committee	1.5 years
35	Intermunicipal Agreements - If deemed beneficial, enter into intermunicipal agreements and make the necessary zoning changes.	Council Supervisors	2 years

Pennsylvania Municipalities Planning Code Provisions for Cooperative Zoning

- §302 authorizes multimunicipal plans.
- Article VI provides the basic authority for zoning.
- §1006-A(b.1) directs the courts to *consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and . . . not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged* in terms of providing for all legitimate uses.
- Article XI enables municipalities to enter into intergovernmental agreements for cooperative planning and zoning.

SUMMARY OF ACTIONS: LAND USE			
#	ACTION	RESPONSIBILITY	TIMING
OFFICIAL MAP FOR OPEN SPACE AND PUBLIC FACILITIES			
36	Ordinance and Map - Consider an official map for the Borough and the Township and the required ordinance in accord with Planning Code Article IV.	Planning Commissions Council Supervisors	2 years
37	Identified Priorities - Include on the maps needed community facilities and road and intersection improvements, and critical open space areas identified in this <i>Comprehensive Plan</i> .		

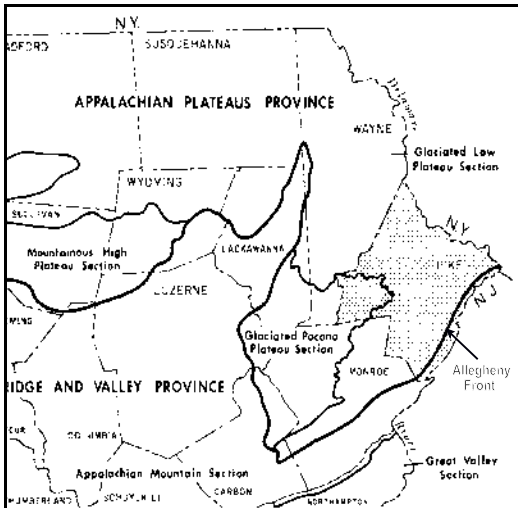
SUMMARY OF ACTIONS: LAND USE			
#	ACTION	RESPONSIBILITY	TIMING
SPECIFIC ZONING ORDINANCE CHANGES - BOROUGH AND TOWNSHIP			
38	ED and GC Districts - Include the uses allowed in the Westfall ED and GC Districts in the evaluation of providing the Planning Area's <i>fair share</i> of land uses which could enable allowing fewer residential uses in commercial districts.	Cooperative Committee Planning Commissions Council Supervisors	2 years
39	Standards - Review, update and add standards to ensure adequate provisions for: <ul style="list-style-type: none">• Yards, Buffers and Screening• Landscaping• Operations and Storage• Radioactivity or Electric Disturbance• Noise• Vibration• Lighting and Glare• Smoke• Odors• Other Forms of Air Pollution• Surface and Ground Water Protection• Storm Water Management and Soil Erosion Control• Waste Materials• Settling and/or Storage Ponds and Reservoirs	Planning Commissions Council Supervisors	2 years
SPECIFIC ZONING ORDINANCE CHANGES - BOROUGH			
40	C-1, C-2 and I Districts - Evaluate the range of uses allowed in the C-1, C-2 and I Districts to ensure compatibility with existing uses and appropriateness of location.	Planning Commission Zoning Officer Council	2 years
41	District Intent - Review and update the District Intent for each District to be consistent with any changes in uses.		
42	Small C-1 and C-2 Districts - Assess the possibility of eliminating the small C-1 and C-2 Districts which are surrounded by the R-1 District.		
43	Landscaping Standards - Include landscaping standards for nonresidential uses, multi-family dwellings and parking lots, and link the standards to the SALDO landscaping requirements.		
44	Accessory Windmills - Determine if and where accessory windmills are appropriate in the Borough, and include the necessary standards.		
SPECIFIC ZONING ORDINANCE CHANGES - TOWNSHIP			
45	Schedule of Uses - Provide a Schedule of Uses for each zoning district to list all uses allowed in the district classified as permitted by right, special exception, conditional use and accessory to complement the current tables and facilitate the understanding and use of the Ordinance	Planning Commission Zoning Officer Supervisors	
46	ED and GC Districts - Include a Schedule of Uses for the ED and GC Districts to ensure the full details are part of the Zoning Ordinance.	Planning Commission Zoning Officer Supervisors	2 years

SUMMARY OF ACTIONS: LAND USE			
#	ACTION	RESPONSIBILITY	TIMING
47	<u>Residential Uses in Commercial Districts</u> - Evaluate the appropriateness of residential uses in the C-1, C-2 and C-3 Districts in terms of reserving adequate areas for commercial and industrial development.		
48	<u>Wind Energy Facilities</u> - Include standards for wind energy facilities (wind farms).		
49	<u>Landscaping Standards</u> - Consider updating the landscaping standards and buffer requirements for nonresidential development, multi-family dwellings and parking lots.		

FINDINGS: NATURAL RESOURCES

Geology and Topography

- The uplands of Westfall Township and most of Pike County are located within the Glaciated Low Plateau Section of the Appalachian Plateaus Province, which is characterized by rounded hills and valleys formed by fluvial and glacial erosion and glacial deposition.



Physiographic Divisions of Northeastern PA

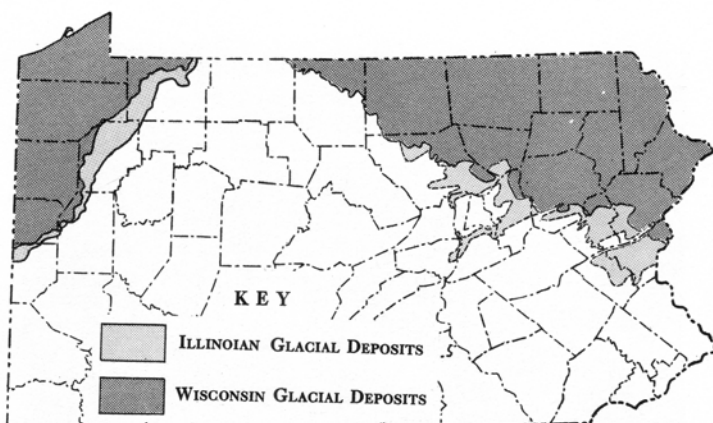


The Allegheny Front

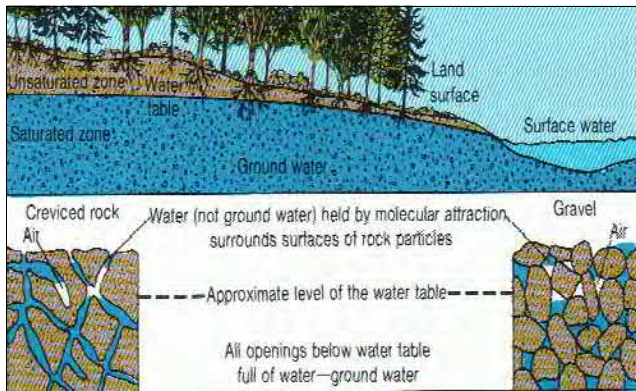
- The relatively level River Valley lies below the Allegheny Front, the escarpment which parallels the Delaware River and which predominates the landscape.
- The steepest slopes in the Planning Area are found along the escarpment with additional steep slopes found most consistently on ridge tops and along the stream and other drainage corridors.
- Although, development on steep slopes is technically feasible, development costs increase dramatically as the slope increases, and the environmental concerns also escalate.
- Steep slopes in the Borough are not an issue and most of the Township falls below the 25% steep slope threshold, so steep slopes are not significant in terms of limiting overall development.
- Bedrock geology and glacial geology are key factors affecting the natural environment and development pattern of the Borough and Township by providing the base for the formation of soils.
- Pike County as a whole is underlain primarily by sandstone, siltstone and shale of the Devonian Age which are some 365 to 405 million years old.
- The glaciation in Pike County has had considerable effect on the soils and groundwater water supply by depositing varying depths of overburden on the underlying rock formations.

Groundwater

- Groundwater is the sole source of water supply in the Planning Area with most of the supply pumped from deep wells.
- Based on recharge rates and water use, the overall supply of groundwater should be adequate to sustain development and meet the needs of the foreseeable future.
- Groundwater availability is a regional issue



Glacial Deposits in Pennsylvania



Water Bearing Geology

and adequate supply is not a valid reason for postponing or avoiding action to ensure continued adequate supply.

- ☞ No significant groundwater contamination problems have been reported in the Matamoras-Westfall Planning Area but quality protection must be addressed.
- ☞ Proper siting, design, installation and maintenance of on-site disposal systems and water supply wells, and groundwater quality, must continue to be a municipal concern and proper land use controls must be applied to protect groundwater recharge areas.

Soils



Typical Profile of River Valley Soil

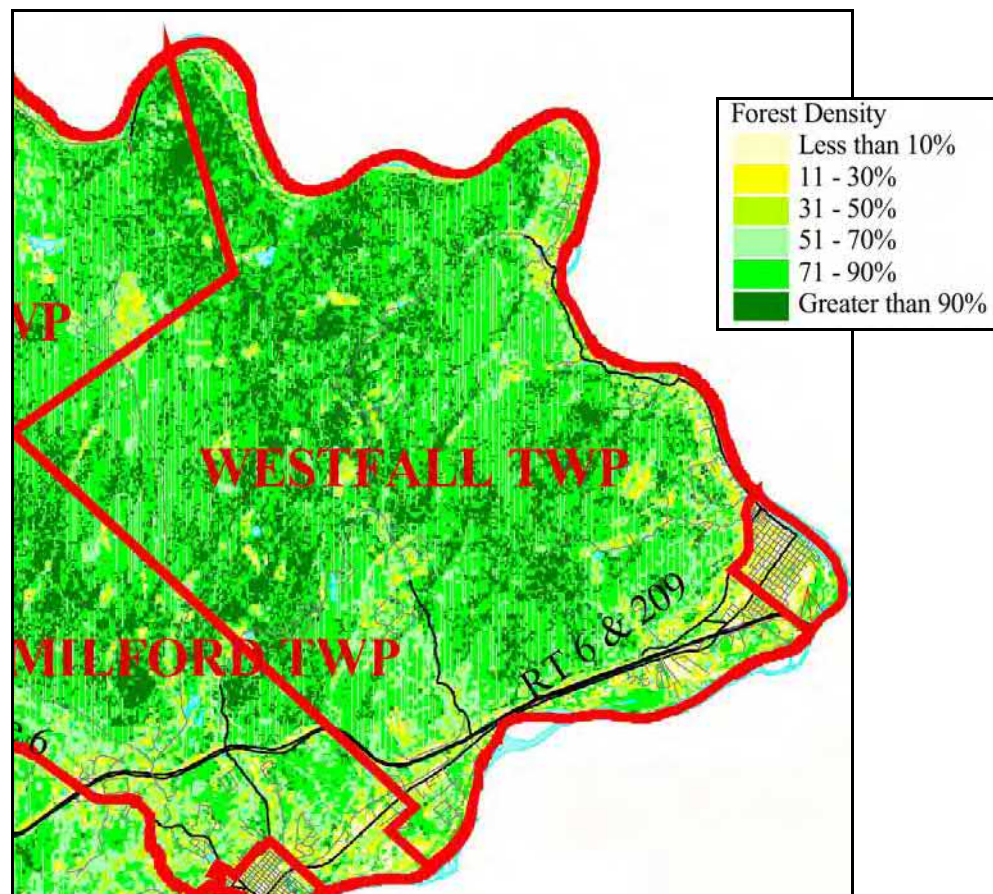
- ☞ Soil conditions, along with slope and underlying geology, pose severe limitations to septic absorption throughout the Borough and Township.
- ☞ Poorly renovated effluent from existing sewage systems on poor soils poses a threat to the quality of surface waters and groundwater supplies.
- ☞ Poor soil conditions in much of the Township uplands present a major challenge to the traditional development type consisting of single-family dwellings with on-lot septic. Site-specific investigations are required to identify suitable areas.
- ☞ The well drained River Valley soils are comprised of stratified silt, sand and gravel, and some cobbles. On-lot sewage systems may appear to be working, but in some cases percolation rates are too rapid with possible poor renovation of septic effluent prior to reaching the water table.
- ☞ Limitations for septic absorption, aging and un-maintained on-lot sewage systems on poor soils, and the lack of sufficient ground for on-lot septic replacement threaten to contaminate soil and groundwater. Long-term maintenance of on-lot sewage systems is critical.
- ☞ Local standards for erosion and sedimentation control must be linked to Pike County Conservation District and Pennsylvania Department of Environmental Resources requirements.

Nitrogen and Chloride Aquifer Study

The U.S. Geological Survey, in 1994, published a study that assessed the effect of septic systems and road and parking lot runoff on groundwater quality in the glacial outwash and kame-terrace aquifer underlying the Route 6/209 corridor between Milford and Matamoras. Nitrates and chlorides from these sources can move through the soil into the groundwater and elevated concentrations above the safe drinking water limits - 10 mg/l for nitrates and 250 mg/l for chloride. While no critical levels of nitrates were identified and chlorides were largely relatively low, the study does show the vulnerability of the sand and gravel aquifer, the study noted that *groundwater quality in the glacial aquifer is threatened by salts and nutrients*. Chlorides in wells near an old tanning business in Westfall Township registered chloride concentrations up to 680 mg/l from contamination via discharge to a septic system.

Forest and Vegetative Cover

- ☞ Westfall Township, and the Planning Area as a whole, remain largely forested owing to the large holdings of the Pennsylvania Department of Conservation and Natural Resources (DCNR) and a number of private landowners.
- ☞ The Borough is almost fully developed with the exception of the 63-acre parcel adjacent to Airport Park which is grassland, and the riparian area of Airport Park which is forested.
- ☞ Forest density throughout Westfall Township is generally greater than 70% with areas of 90% to 100% in some of the large private and state tracts.
- ☞ In many areas, the over-population of white-tailed deer has resulted in poor forest regeneration and the loss of many understory herbaceous species and the expansion of invasive species.



Forest Cover (Source: Pike County Comprehensive Plan)

- ☞ Severe infestations of the gypsy moth caterpillar have occurred in the region in recent years, damaging thousands of acres of forest.
- ☞ Infestations of the hemlock wooly adelgid are also problematic, especially in the Township's hemlock forested stream corridors. Destruction to hemlock stands over the long term could negatively impact stream systems and water quality.

- ☞ Despite infestations of the gypsy moth, hemlock wooly adelgid and other forest pests, and past development, the Planning Area currently has a healthy, diverse and expansive forest ecosystem.
- ☞ The opportunity to preserve large tracts of forest and vegetative cover remains and Planning Area and County officials must continue to take action to preserve its large forest expanses while opportunities still exist.

Wetlands



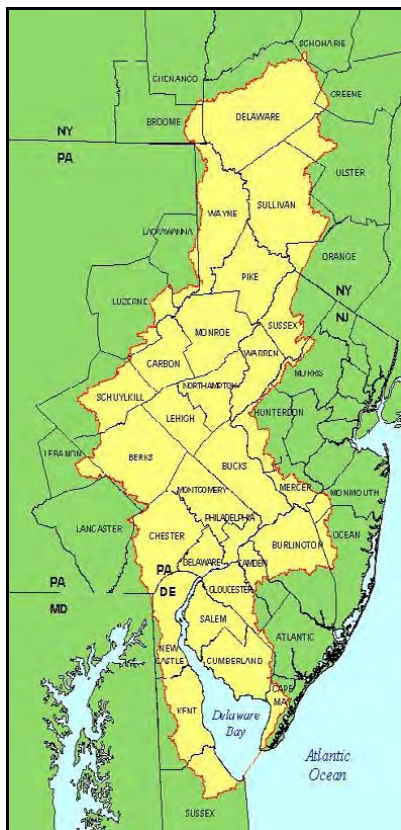
Typical Pike County
Emergent Wetland

- ☞ The environmental value of wetlands in the Planning Area is significant and the development which does occur must provide for the conservation of wetlands.
- ☞ The presence of wetlands will temper, but not significantly limit, the overall development of the Planning Area.
- ☞ State and federal regulations protect wetlands but do not require a buffer around wetlands.
- ☞ Local municipalities can include wetland protection in zoning and subdivision and land development ordinances to augment federal wetland regulations.



Forested Wetland
Cummins Hill Road

Watersheds and Surface Waters



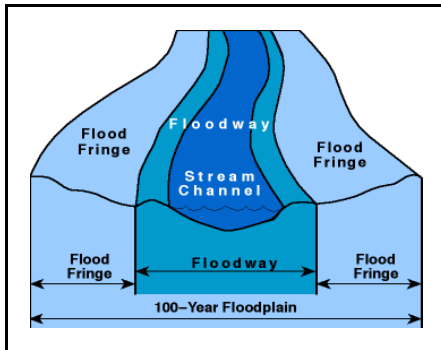
Delaware River Watershed

- ☞ The Borough and Township, along with all of Pike County, lie within the Delaware River Watershed.
- ☞ The Township drains to a number of sub-watersheds, the principal ones being Bush Kill Creek, Cummins Creek, and Vandermark Creek via Deep Brook.
- ☞ The Borough drains directly to the Delaware River.
- ☞ Pennsylvania Department of Environmental Protection regulations provide special protection for streams designated as *exceptional value waters* or *high quality waters* beyond basic standards.
- ☞ In the case of the Planning Area, Bush Kill Creek Watershed and Deep Brook Watershed are classified as *exceptional value* with the balance of the watersheds designated as *high quality*.
- ☞ The Delaware River Basin Commission sets additional standards for new and expanding industrial and municipal wastewater treatment plants when the proposed facility is designed to discharge a daily average rate of 10,000 gallons a day or more.
- ☞ Maintaining good water quality is critical to the quality of life in the Planning Area. In addition to supporting the local tourism and recreation economy, good quality streams and well-conserved watersheds are a good measure of overall environmental quality.

- ☞ State and federal regulations go a long way to protect water quality, but local municipalities often adopt additional standards such as buffers and conservation subdivision design to afford additional protection.

Floodplain

- ☞ The 100-year flood area in the Borough is largely confined to below the top of the River bank except for the low lying areas adjacent to Airport Park and approaching the pedestrian tunnel under I-84.



Floodplain Cross Section



Welcome Center - 2005
(Matamoras EMA)

- ☞ Most of the Borough is included in the 500-year flood area.
- ☞ Most of the developed part of Bell Manor in Westfall is outside the 100-year zone but in the 500-year zone.
- ☞ The 100-year zone extends under the I-84 underpass into the Mountain Avenue and Blue Ridge Avenue areas and to the PA Welcome Center.
- ☞ Much of the River side of I-84 is included in the 100-year zone with the balance in the 500-year zone or subject to 100-year floods of less than 1-foot depth.
- ☞ The Borough and Township have each adopted flood plain regulations which comply with the minimum state and federal requirements. The Borough and Township regulations:
 - Prohibit development in General Floodplain Areas within fifty-feet of the top-of-bank of the watercourse without proper state and federal permits.
 - Allow residential structures in floodplain areas if the lowest floor is elevated at least 1.5 feet above the 100-year flood elevation.
 - Allow nonresidential structures to be flood-proofed or elevated.
- ☞ The Borough and Township have had a long history of flooding resulting from high River levels and ice jams; this will certainly continue as it has in the past due to periodic heavy rains and continued upstream development.
- ☞ In critical floodplain areas where the health, safety and welfare of residents are at stake, municipalities can go beyond the minimum standards and consider stronger floodplain regulations to protect residents over the long term.
- ☞ The *Pike County Natural Areas Inventory* lists the following areas of significance in the Planning Area with rare and endangered plants and animals for protection of biological diversity: Millrift Cliffs, Millrift Flats, Mashipacong Shale Cliff (across from Delaware Valley School complex), and Matamoras Cliffs.

Natural Areas

MILLRIFT CLIFFS - The Acidic Cliff Community is located along the Delaware River and contains an excellent population of a state-endangered plant species. The site should be protected for its biological importance and for its scenic contribution to the Delaware River area. Although a road and several houses occur along the top of the cliff, the impact appears to be minimal at present. However, attempts to log and build new housing have placed the plant species in jeopardy. It is important that water quality and flow pattern not be changed if the species is to remain on the wet cliff face. Diversion of overland and subsurface flow and logging east of the road will adversely impact the species. It is strongly recommended that further development and logging be prevented east of the road and be carefully scrutinized within the entire watershed outlined on the map. TNC (The Nature Conservancy) has begun to pursue conservation easements in this area and the county and township should encourage conservation among the various landowners.

MILLRIFT FLATS - This Xeric Central Conifer Forest is an unusual occurrence along a sandy alluvial terrace in Pennsylvania. This fact and the five animals of special concern make this site a high priority for protection. A few houses have encroached on the natural community and may become a prime development area soon. This area should be protected through conservation easements, tax incentives to landowners or through purchase. The entire watershed which offers a scenic view of the river and also contains a small natural community on the slopes above Millrift Flats should also be included in any protection plan.

- ☞ Habitats identified by the Natural Areas Inventory are most at risk from direct development or watershed disturbance including degradation due to encroaching development, logging and forestry operations, and contamination from wastewater and stormwater runoff.
- ☞ Protection of habitat and Natural Areas Inventory sites requires a combination of local municipal environmental regulations and state and federal resource management and use regulations.
- ☞ Some of these sites are on private land and will require an outreach effort to inspire voluntary protection by the land owners (e.g. establishment of conservation easements).

SUMMARY OF ACTIONS: NATURAL RESOURCES			
#	ACTION	RESPONSIBILITY	TIMING
1	<p>Integrated Approach - The Borough and Township will periodically review and update environmental standards to ensure the most effective protection. The possible range includes:</p> <ul style="list-style-type: none"> • Environmental impact analysis requirements for large scale and environmentally problematic uses. • Retention of existing vegetation on development sites and soil stabilization and landscaping. • Stream, lake and wetland buffers. • Stormwater best management practices including quality treatment and infiltration. • Floodplain management. • Hydrogeologic studies for proposed uses with large groundwater consumption. • On-site sewage disposal system management. • Limitations and special standards for development on steep slopes. 	Planning Commissions Council Supervisors	ongoing

Preservation/Conservation Techniques

Comprehensive Planning - enables counties, boroughs, and townships to create a vision for the future which can focus on open land preservation.

Maximum Lot Size Standards - limits the amount of land devoted to a use as a means to preserve agriculture.

Lot Averaging Standards - overall density is maintained while the individual lot size varies.

Flexible Lot Size - sets lot size based on the availability of public water supply and/or sewage disposal.

Transferable Development Rights - the right to develop is sold from areas to be preserved to areas where development is encouraged; the overall area density development remains the same. Units which would be constructed on the *sending* property are developed on the *receiving* property, and the *sending* property is preserved.

Overlay Zoning - applies special standards in addition to the underlying zoning district for areas of special concern (e.g., floodplain, prime farmland, steep slopes).

Riparian Buffers - areas of vegetation left undisturbed along streams and lakes.

Greenways - corridors of public and private lands preserved as open space, often along streams.

Open Space and Natural Area Acquisition - conservation easements or fee simple title acquired by public bodies or conservation organizations. Permanently limits uses of the land in order to protect its conservation value.

Wellhead and Aquifer Protection - special standards wells and groundwater sources to protect water quality.

Sewage Facilities Planning - conducted in accord with DEP regulations and aimed at assuring adequate sewage disposal and water quality protection.

Floodplain Management - local regulations based on National Flood Insurance Program standards to minimize flood related damages to structures.

Stormwater Management - local regulations based on area wide plans to minimize stormwater runoff.

Erosion and Sedimentation Control - coordination with County Conservation District to minimize soil loss and protect water quality.

Differential Assessment - agricultural and forest land is assessed at its value for agriculture/forestry instead of the fair market value; e.g., Act 319 Clean and Green.

SUMMARY OF ACTIONS: NATURAL RESOURCES

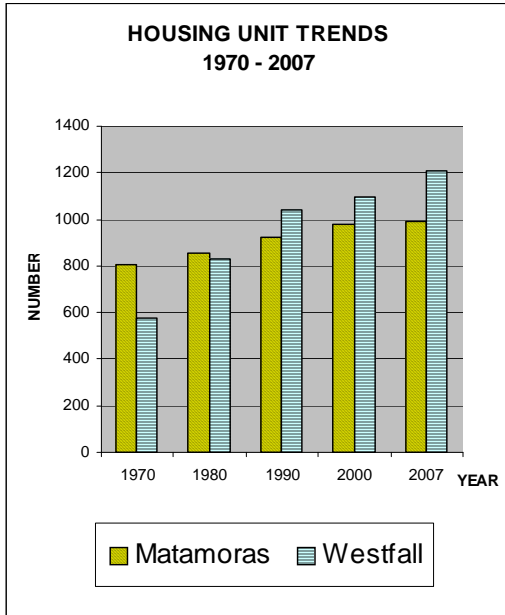
#	ACTION	RESPONSIBILITY	TIMING
2	Wetlands - Require wetland identification prior to development and apply wetland buffer and preservation standards.	Planning Commissions Council Supervisors	ongoing
3	Surface Waters - Apply surface water quality protection standards such as buffers and development best management practices.		
4	Floodplain - Apply current regulations to development in floodplain.		
5	E&S Control - Require an approved soil erosion and sediment control plan for all major subdivisions and land developments and any zoning use involving earth disturbance.		

SUMMARY OF ACTIONS: NATURAL RESOURCES			
#	ACTION	RESPONSIBILITY	TIMING
6	Steep Slopes - Review and update steep slope standards and consider standards to control development of very steep slopes and exclude steep slopes from lot area calculations.	Planning Commissions Council Supervisors	1 year
7	Soils - Consider standards to limit soil removal, limit building on wet soils and exclude wet soil areas from lot area calculations, and continue to enforce on-lot sewage regulations.		
8	Groundwater Protection Standards - Update and apply performance standards related to groundwater: zoning, sewage, stormwater, and well construction.		
9	Forest and Vegetation - Set specific standards for maintaining natural vegetation and require the developer to show why the existing vegetation cannot be maintained to the greatest extent possible		
10	Habitat and Natural Areas - Protect critical habitat areas through protection of topography and geology, soils, forest and vegetative cover, wetlands, floodplain, watersheds and streams, and sites identified in the Pike County Natural Areas Inventory via updated standards.		
11	Dark Skies - Update lighting and glare standards and apply to all residential and nonresidential uses.	Planning Commission Supervisors	1 year
12	Ridge Lines - Consider ridge line and scenic vista protection standards in terms of balancing private property rights with a clearly stated public purpose.		
13	Groundwater Conservation / Protection - Consider undertaking an organized groundwater conservation and protection program including the identification of groundwater recharge areas, protection zones, and measures for protection/education.		
14	Stormwater Management - Update stormwater requirements to be consistent with the County Stormwater Management Plan and DEP requirements	Planning Commissions Council Supervisors	County Plan completion

FINDINGS: HOUSING

Housing Trends

- ☞ In Matamoras Borough, housing units in 2007 were estimated at 1,020, based on the 44 building permits issued since 2000. The increase is on par with the increases since 1970.



- ☞ Based on the 114 permits issued, the number of housing units in Westfall Township in 2007 were estimated at 1,155, with the anticipated 10-year increase well below prior decades.
- ☞ Matamoras has limited potential for increased numbers of dwelling units given few vacant lots and little vacant land, while Westfall Township, with hundreds of acres of open land, holds great potential.

Age of Housing

- ☞ The housing units in the Borough are considerably older than in the Township, which would be expected given the early development pattern of the Planning Area.
- ☞ The age of the housing stock does not appear to be a factor in housing condition and dilapidated housing in the Planning Area is not an issue.

Home Ownership

- ☞ Home ownership rates in Westfall Township were higher than the Commonwealth, but lower than the County.
- ☞ In Matamoras Borough, the proportion of homeowners was on par with the State, but less than Westfall Township and the County.
- ☞ There was an insignificant change in home ownership in the Township between 1990 and 2000. Homeownership declined somewhat in the Borough during the same period.

Housing Value

- ☞ The Township has a higher proportion of homes of greater value than the Borough, probably a reflection of the age of housing in the Borough with smaller lots, fewer high value vacation homes, and more families working in the local economy instead of commuting to metropolitan areas.
- ☞ After adjustment for inflation, median housing value in the Borough, Township and County actually decreased significantly in the ten years between 1990 and 2000.

Housing Characteristics

- ☞ The housing stock is dominated by single-family detached dwellings.
- ☞ Multi-family housing units account for almost 22% of the total housing stock in the Borough, but less than 5% in the Township.
- ☞ The number of dwellings for season or recreation use in the Planning Area is very low when compared to Pike County as a whole, and the number of such homes declined between 1990 and 2000.

Housing Affordability

- ☞ Real estate values in Matamoras Borough and Westfall Township, and all of Pike County, have increased rapidly given the appeal of the quality lifestyle so close to metropolitan areas.

The Municipalities Planning Code

requires a plan to meet the housing needs of present residents and of those individuals and families anticipated to reside in the municipality, which may include conservation of presently sound housing, rehabilitation of housing in declining neighborhoods and the accommodation of expected new housing in different dwelling types and at appropriate densities for households of all income levels.

Zoning must provide for housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.

- ☞ Barriers to affordable housing associated with land use regulations, include:
 - insufficient amount of land zoned for medium and high density residential development
 - excessive lot frontage and setback requirements which dictate greater lot sizes
 - excessive street widths and construction standards unrelated to expected traffic volumes
 - lack of provisions for conservation design and planned residential development
 - limitations on the use of mobile homes and manufactured homes
 - plan review and administrative delays
- ☞ The U.S. Department of Housing and Urban Development defines *affordable housing* as costing no more than 30% of a household's gross monthly income.

- ☞ In both the Borough and Township a significant proportion of home owning households (25% and 27%) and renting households 48% and 34%) had Year 2000 housing costs which exceed the *thirty percent rule* for household income and housing expense.

Planning Implications

- ☞ With the exception of ensuring that land use and building regulations are reasonable in terms of affecting costs, small municipalities can do little to manage housing affordability which is so dependent on regional economic real estate market factors.
- ☞ Municipalities can take steps to encourage innovative forms of housing that meet the community's needs and satisfy the market; age restricted housing is a good example.
- ☞ The housing stock in the Planning Area appears to be healthy in terms of condition and overall mix of housing types.
- ☞ The percentage of cost burdened homeowners and renters is high, increasing the chance for instability of home ownership.
- ☞ Residents must look to the Wayne County Housing Authority, under contract with Pike County, for access to publically funded housing development, rent assistance and housing rehabilitation programs.

Housing Policies

- Promote mixed-use development that would accommodate various dwelling types in proximity to commercial and civic services.
- Provide for a variety of housing types, including single-family attached and multi-family dwellings, in order to accommodate individuals and families of various income levels.
- Review land use controls in terms of standards not directly linked to public health and safety which increase housing costs.
- Provide for age-restricted housing in proximity to services to accommodate seniors.
- Consider a market study to determine the need for affordable owner and rental units and propose required actions.
- Investigate ways to bring relief to cost burdened households (owner and renters).
- Permit a mix of lot sizes within residential developments to encourage diversity of housing structures and styles.
- Encourage rehabilitation of substandard housing.
- Cooperate with area municipalities and the County to plan for housing needs regionally and as housing needs are identified consider the development of joint housing plans with neighboring municipalities.

SUMMARY OF ACTIONS: HOUSING			
#	ACTION	RESPONSIBILITY	TIMING
Zoning Ordinance and SALDO			
1	<u>Flexible Design</u> - Update/adopt and promote the use of conservation design, traditional neighborhood, and planned residential development, and development incentives such as density bonuses as a means of providing more affordable housing.	Planning Commissions Council Supervisors	1 year
2	<u>TDR</u> - Consider the use of transferrable development rights to enable the shift of density from more remote parcels to zoning districts allowing higher residential density.		
3	<u>Age / Affordable Incentives</u> - Consider providing some incentives (density or design) for developers who provide age restricted and/or affordable housing.		
4	<u>Multi-Family</u> - Allow multi-family housing where compatible with surrounding land uses, with access to transportation corridors, and in keeping with the logical extension of utilities and public services.	Planning Commissions Council Supervisors	ongoing
5	<u>Cooperative Zoning</u> - Consider the use of cooperative zoning to provide higher density housing in areas with adequate infrastructure.	Planning Commissions Committee Council Supervisors	2 years
6	<u>Design Guidelines</u> - Create design standards that promote attractive, interconnected communities with pedestrian access and appropriate landscaping.		

SUMMARY OF ACTIONS: HOUSING			
#	ACTION	RESPONSIBILITY	TIMING
Additional Measures			
7	Programs - Support the housing recommendations of the Housing Authority relative to subsidized housing programs for low and moderate income families and ensure area residents receive fair consideration for available programs.	Council Supervisors Residents	ongoing
8	Pike County - Encourage Pike County to assess the need and benefit of a County authority or agency (as opposed to contracting with the Wayne County Housing Authority) to address housing needs.		
9	Housing Study - Conduct an in depth housing study to address issues related to affordability and the supply of various types of housing.	Housing Authority Borough/Township Committee	3 years

FINDINGS: COMMUNITY FACILITIES, SERVICES AND UTILITIES



Westfall Township Municipal Building



Matamoras Borough Municipal Building

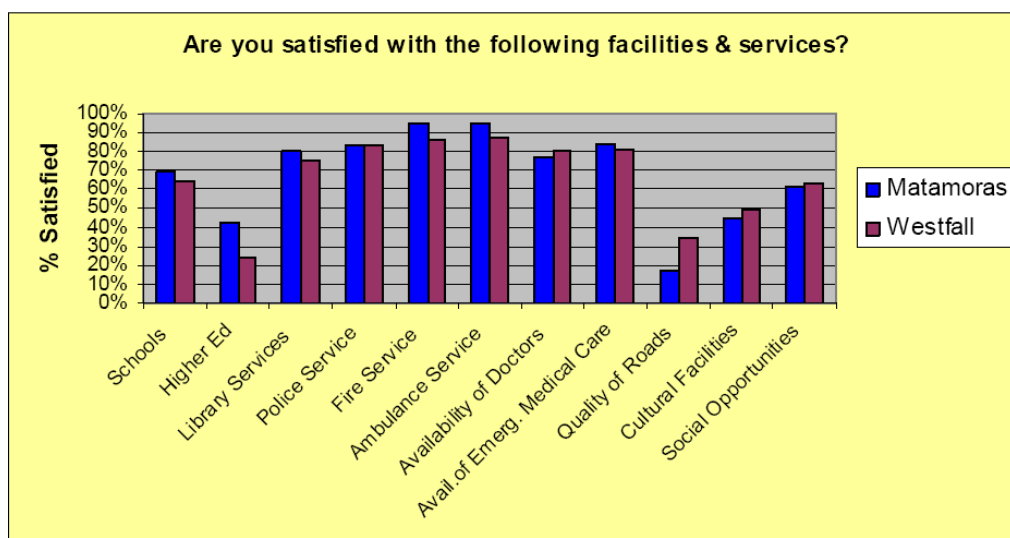
Municipal Facilities

- ☞ Community facilities and services can serve as a tool, or as an unexpected trigger, to guide or stimulate community growth and development. For example, a public sewage disposal system can stimulate commercial and residential development.
- ☞ Public community facilities and services to serve Planning Area residents are provided on several levels, and the provision of these facilities and services is dependent on tax dollars, whether in the form of federal and state aid, county supported programs, or locally funded facilities and services.
- ☞ Excerpts of the survey results for Matamoras Borough and Westfall Township are shown in the *Community Facilities Survey Results Figure*. The survey conducted by Pike County in 2005 reveals that respondents from the Planning Area are generally satisfied with the various community facilities and services, with the exception of *Higher Education*, *Quality of Roads*, and *Cultural Facilities*, where fewer than 50% of residents are satisfied.

- ☞ Both the Borough building and barn are in need of upgrades. The most immediate concerns are the lack of an adequate back-up power supply and a lack of local communication systems, including emergency and radio communications.
- ☞ Only minor maintenance issues exist in reference to the Township Building.

Electricity Service

- ☞ The Township also experiences frequent power outages and has no back-up power system.



Source: Pike County Comprehensive Plan, Township Specific Survey Results, July 2005

- ☛ Electricity surges and brownouts have been a real and increasing problem due to aging electric utility infrastructure.

News Media

- ☛ The Planning Area has no daily newspaper and no Pennsylvania television stations, which severely limits the local government's ability to communicate with its residents and contributes to a lack of participation in local affairs.

School Districts and the Municipalities Planning Code

Section 305. The Legal Status of Comprehensive Plans Within School Districts. Following the adoption of a comprehensive plan . . . , any proposed action of the governing body of any public school district located within the municipality or county relating to the location, demolition, removal, sale or lease of any school district structure or land shall be submitted to the municipal and county planning agencies for their recommendations at least 45 days prior to the execution of such proposed action by the governing body of the school district.

School District

- ☛ In 2009, the Delaware Valley School District enrolled some 5,800 students and the Pennsylvania Department of Education projected the enrollment to increase to almost 6,100 by 2010 and to 6,700 by 2014. However, recent enrollment rates have been stable with a slight decline at the elementary school level.
- ☛ The District reports that families moving into and out of the District results in changing students and needs to which the District must respond.

Emergency Services

- ☛ Police services are provided by the Eastern Pike Regional Police Department, whose jurisdiction includes Matamoras Borough and Westfall Township.



Matamoras Fire Department



Mill Rift Fire Department



Westfall Fire Department

- ☛ Matamoras Borough Fire Department is an all volunteer department providing fire protection, basic life support and water rescue services.
- ☛ Fire protection and basic life support in Westfall Township are provided primarily by the Mill Rift Fire Department and the Westfall Fire Department, both volunteer organizations.
- ☛ Fund raising is the largest source of funds for the three volunteer departments with additional support from the Borough and Township.
- ☛ Funding to purchased updated equipment and maintenance is the most pressing need for all three departments.
- ☛ Rural emergency service providers, including those serving the Matamoras-Westfall Planning Area, are finding it more and more difficult to find volunteers given the increased demands for training and qualifications.
- ☛ Advanced Life Support (ALS) is provided by Pike County Advanced Life Support, formed in May 2003 with paid paramedics and volunteer Emergency Medical Technician (EMT) drivers.
- ☛ As the number of residents and commercial establishments increase, police, fire, and EMS services currently stretched to their limits, will be further stressed to provide adequate emergency protection for the Planning Area.

	<ul style="list-style-type: none">☞ The Borough and the Township have appointed Emergency Management Coordinators who work with the County Emergency Management Agency on planning and emergency response.
Streets and Sidewalks	<ul style="list-style-type: none">☞ The Borough and Township each employ road crews for normal winter and summer maintenance, but contract for larger scale road maintenance and improvement projects such as paving and shoulder reconstruction☞ Using a grant from PennDOT, the Borough has installed sidewalks along the east side of Pennsylvania Avenue, but additional funds are needed to complete the project.☞ Sidewalk improvements are also important on side streets.☞ Street trees in the Borough and Bell Manor section of the Township add to the quality of life and community character.☞ There is a critical need for improved parking to serve businesses along Pennsylvania Avenue.
Solid Waste and Recycling	<ul style="list-style-type: none">☞ Township residents contract with private haulers for solid waste disposal while the Borough provides collection twice weekly.☞ Planning Area residents may deposit recyclables at the Borough recycling center and the County center at the Milford Township building.
Water Supply	<ul style="list-style-type: none">☞ The Matamoras Municipal Authority supplies water to all of the Borough and adjacent portions of Westfall Township serving a population of approximately 2,900 via 1,089 connections from four deep wells.☞ The remaining portion of Westfall Township is served by on-lot, private wells and community water supply systems drawing from groundwater.☞ To date there have been no reports of problems involving insufficient water supply in the Planning Area.
Wastewater	<ul style="list-style-type: none">☞ Most wastewater treatment in the Planning Area and all of Pike County is treated by private, on-lot septic systems with potential for groundwater contamination if systems are not installed and maintained properly.☞ The lack of a central sewer system inhibits commercial growth in the Borough by limiting the types and sizes of businesses that can operate.☞ If widespread on-site sewage system malfunctions are documented and if financially feasible, central sewer provided by the Municipal Authority of the Township of Westfall may be an option for the Borough.☞ The Authority primarily serves the commercial properties located within the State Route 209/6 corridor in Westfall Township and has been ordered by the Federal District Court to plan for the sewage needs of the area known as the Katz properties.

- ☞ The Authority is preparing a Regional 537 Plan update which would expand the service area to include regional growth and evaluate alternatives for treatment.
- ☞ Two private sewage treatment plants operate in the Township serving specific facilities - Delaware Valley School District and Milford Senior Care and Rehabilitation Center. A third treatment plant, M&S Sanitary Sewage Disposal, Inc., treats septage generated by on-lot septic systems and sludge generated by wastewater treatment plants delivered by private haulers.
- ☞ The balance of the Township is served by on-lot septic systems and no significant problems have been reported.
- ☞ Proper installation and maintenance of on-lot sewage disposal systems is important for water quality protection.

Stormwater

- ☞ Stormwater runoff problems have been identified throughout the Planning Area resulting in large part from development lacking stormwater management systems, roads without adequate stormwater conveyance and infiltration systems, and the general topography of the area.
- ☞ Matamoras Borough has specifically identified a need to upgrade its storm drains and install pumps to enable proper drainage.
- ☞ Other specific issues and problem areas have been identified and are cited in the Pike County Stormwater Management Plan being prepared by the County Conservation District.

Planning Implications

- ☞ Projected increases in the population will likely require increased police protection and emergency services, and expanded community facilities and services.
- ☞ Community facilities, services and utilities must be coordinated with the future higher density growth areas of Matamoras Borough and Bell Manor, and the moderate density growth areas of the immediately surrounding areas of Westfall Township.
- ☞ The aim is to achieve more efficient allocation of services and reduce the adverse environmental effects that often arise from un-managed growth and inadequate water and sewerage facilities.
- ☞ Wastewater treatment planning must consider the financial and development impacts that can result from an expanded central sewer system.
- ☞ The Borough and Township should continue to cooperate with each other and other municipalities, the School District, and the County to provide and improve facilities and services which are best provided regionally.

SUMMARY OF ACTIONS: COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Emergency Services			
1	<u>Funding</u> - Continue financial support of the Eastern Pike Regional Police and local fire departments.	Council Supervisors	ongoing
2	<u>Fire Departments</u> - Consider consolidation / regionalization of fire departments.	Fire Departments Council Supervisors	as needed
3	<u>Volunteers</u> - Assist fire departments with promoting volunteerism.	Council, Supervisors Residents	ongoing
4	<u>EMA Projects</u> - Provide support for planned emergency management projects.	Council Supervisors	available funding
Communications and Utilities			
5	<u>Local System</u> - Pursue the establishment of a local communications system via television, radio, and news print.	Council Supervisors	2 years
6	<u>School District</u> - Continue the lines of communication with the Delaware Valley School District on planning related matters.	Council, Supervisors, Police Department, EMA	ongoing
7	<u>Telecommunications</u> - Bring and maintain state of the art telecommunications to the Planning Area.	Council, Supervisors County, School District, State	2 years
8	<u>Electric Service</u> - Negotiate necessary upgrades with the electric company.	Council, Supervisors County, School District, State	3 years
Circulation			
9	<u>Road Maintenance</u> - Explore cost effectiveness of sharing road maintenance duties or partnering with roads departments in the Pike County COG.	Council Supervisors Road Departments	immediate
10	<u>PA Avenue Improvement</u> - Pursue funding to complete the sidewalk and streetscape project in the Borough.	Council Avenue in Bloom	ongoing
11	<u>Side Streets</u> - Prioritize side streets in the Borough for sidewalk and streetscape enhancements.	Council Avenue in Bloom	2 years
12	<u>Parking</u> - Investigate the feasibility of installing parking lots behind and/or to the side of the businesses on Pennsylvania Avenue.	Planning Commissions Council Road Department	3 years
13	<u>New Development</u> - Include provisions in the SALDO for sidewalks and shade trees in any new high to moderate density subdivisions and land developments as appropriate.	Planning Commissions Council Supervisors	1 year

SUMMARY OF ACTIONS: COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Groundwater			
14	<u>Land Development</u> - Protect the Planning Area's Exceptional Value and High Quality watersheds by prohibiting development of environmentally constrained land, such as wetlands, stream banks, very steep slopes, and hydric and high water table soils.	Planning Commissions Supervisors	ongoing
15	<u>Vegetation</u> - Protect forest and vegetative cover, especially in headwater drainage areas.	Planning Commission Supervisors Developers	immediate
16	<u>Wellhead Protection</u> - Provide wellhead protection buffer zones surrounding community drinking water wells via a zoning ordinance amendment.	Planning Commissions Council, Supervisors, Water Authority	1 year
17	<u>Upgrade Facilities</u> - Pursue funding through the State to upgrade stormwater management and wastewater disposal facilities.	Council Supervisors	as needed
Stormwater			
18	<u>Upgrade Facilities</u> - Pursue funding through the State to upgrade stormwater management facilities.	Council	ongoing
19	<u>Planning</u> - Participate fully in the County stormwater management planning process.	Council, Supervisors Committee Reps	ongoing
20	<u>Update Standards</u> - When complete, use the County model stormwater management ordinance to develop standards to meet local needs	Planning Commissions Council, Supervisors	1 year after complete
21	Require stormwater management systems that employ Best Management Practices,	Planning Commissions Council, Supervisors Conservation District	ongoing
22	Limit the use of impervious cover and promote the use of pervious surfaces	Planning Commissions Council, Supervisors	ongoing
23	Encourage the use of conservation design development to reduce the volume and rate of stormwater runoff.	Planning Commissions Council, Supervisors	immediate
24	Require regular maintenance of stormwater management facilities.	Planning Commissions Council, Supervisors	1 year
Wastewater			
25	<u>Matamoras</u> - If widespread malfunctions are documented and if financially feasible and affordable for residents, pursue opportunities to bring central sewer to Matamoras Borough through the Westfall Municipal Authority.	Council Authority	available funding
26	<u>On-Lot Management</u> - Consider a management plan for on-lot septic systems that would require routine maintenance of such systems.	Council Supervisors SEO's	ongoing

SUMMARY OF ACTIONS: COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
27	Central Sewage Planning - Comply with DEP's <i>Water Quality Antidegradation Guidance</i> , which requires that land-based sewage disposal alternatives should be examined first for new sewage disposal concepts.	Supervisors Authority	ongoing
28	Ensure that residential lot sizes will provide sufficient isolation distance for on-lot systems and replacement areas.	Planning Commissions Council Supervisors SEO's	ongoing
29	Limit development of lots with unsuitable soils and steep slopes that are not appropriate for individual septic systems.		
Other Facilities and Services			
30	Fully explore and take advantage of any opportunities to improve facilities and services offered by inter-municipal cooperation, Matamoras and Westfall, the Pike County Council of Governments and the Pennsylvania <i>Piggyback</i> (purchasing) Program.	Council Supervisors	ongoing
31	Re-institute curbside recycling pick-up in the Borough when financially feasible.	Council	as possible
32	Rejuvenate the Borough Shade Tree Commission and consider renewed participation in <i>Tree City USA</i> to support Pennsylvania Avenue revitalization efforts.	Council Shade Tree Comm.	1 year

FINDINGS: TRANSPORTATION

Overview

- ☞ A sound transportation system includes adequate and well-maintained roads, available public transportation, safe and convenient pedestrian access, and bicycle routes. However, few small communities with limited budgets are able to achieve this ideal level of service.
- ☞ Local municipalities must evaluate transportation needs, set priorities, and garner all available resources to make improvements.
- ☞ Interstate Route 84, the only expressway in the Planning Area, played a key role in the recent growth and development of the Township and region and will continue to serve as the major transportation routes.

Planning Issues

Issues of concern related to circulation have been identified as follows:

- ☞ Given its adjacency to New York State and I-84, the Matamoras - Westfall Planning Area suffers much of the traffic entering and leaving Pike County.
- ☞ The Planning Area also provides significant retail and service needs to residents of the region, especially along the Route 6 corridor.
- ☞ Many of the Planning Area streets are substandard relative to design and functionality.
- ☞ The Borough streets are narrow and little curbing to control traffic and drainage.
- ☞ There is limited access from the north portion of the Planning Area to the southern portion.
- ☞ Heavy traffic in the Borough makes pedestrian circulation difficult and detracts from small town character.
- ☞ Business parking along Pennsylvania Avenue is extremely limited.
- ☞ Increased residential development is placing more demand for the maintenance and improvement of Township roads.



Classification



- ☞ Interstate 84 is the only expressway in Pike County. Planning Area access is at the Matamoras - Westfall Interchange.
- ☞ Route 6 and route 209 are classified as arterial highways and provide connection between commercial and population centers in the region.
- ☞ Collector roads carry traffic from local streets to arterials and in the Planning Area include Delaware Drive, Mountain Avenue and Avenue C, Cummins Hill Road and Tenth Street north of Pennsylvania Avenue.

I - 84

- Those land uses which generate larger volumes of traffic should logically be located in the areas of a community served by roads with greater carrying capacity.

Congested Corridor Improvement Program

In December 2004 PennDOT issued the *Congested Corridor Improvement Program Report* for the U.S. 6 / U.S. 209 corridor in Pike County. *The US 6 / US 209 corridor was nominated for the CCIP due to traffic congestion resulting from overwhelming population and retail growth over the last 20 years. Weekend travel is particularly bad, causing residents to schedule simple travel and chore trips around peak congestion times. In addition to heavy congestion, safety has been cited as a serious issue along the corridor. The corridor study limits are a heavily traveled link connecting the Borough of Milford and the Borough of Matamoras in Pike County.*

- The level of service will decline significantly over ten years if no improvements are made to the corridor.
- Constitution Avenue & Reuben Bell Road/ I-84 Eb from the I-84 off ramp is of particular concern at the intersection. Heavy delays for these left turns result in intersection operation of LOS (level-of-service) E during the PM and Saturday peak periods.*
- Congestion in the borough and at I-84 ramp intersections sometimes impeded emergency vehicle response during peak traffic times.

Municipal Roads

- The Township owns and maintains 21.20 miles of roads and the Borough 13.11 miles.
- Township and Borough roads are generally in good condition, with the primary concerns being routine maintenance and drainage improvements.

State Roads



I - 84 / Route 6/209

- The condition of the state roads in the Planning Area is also generally good with the following concerns:

- Correction of dangerous intersections
- Increasing volumes of traffic
- Horizontal and vertical alignment
- Speed limit enforcement
- Adequate maintenance
- Improved signs for hazards and traffic control
- Improvement of Route 6 and Cummins Hill Road intersection
-

New Subdivision Roads

- The Borough and Township Subdivision and Land Development Ordinances includes standards to ensure adequate roads and other facilities for new development.

Bicycle Routes

- Bicycle PA Route Y1* runs along the Route 6/Route 209 corridor and any transportation planning should consider the establishment of additional bicycle routes in the Planning Area.

Airports, Railroads, and Public Transportation

- Area residents rely on regional airports in Pennsylvania, New York and New Jersey for major commercial carrier service.

- ☞ Railroad freight service is available in nearby Port Jervis, New York as is passenger service to New York City used by many Pike County residents.
- ☞ The Shortline Bus Company provides limited service in Pike County.
- ☞ A recent study conducted by the Pike County Area Agency on Aging concluded that a fixed route bus service in the County is currently not financially feasible.

SUMMARY OF ACTIONS: CIRCULATION			
#	ACTION	RESPONSIBILITY	TIMING
Local Roads			
1	<u>Maintenance and Drainage</u> - Continue regular maintenance of local municipal roads and improve drainage.	Council, Supervisors Road Departments	ongoing
2	<u>Inventory</u> - Maintain an up-to-date inventory of road maintenance equipment to plan for replacement and inclusion the capital improvements program.	Council Supervisors Road Departments	immediate
3	<u>Speed Limits</u> - Work with the Eastern Pike Regional Police Department to enforce speed limits.	Council, Supervisors Police Department	ongoing
4	Complete and update annually a detailed road inventory and evaluation to identify needs and develop an improvements schedule.	Council Supervisors Road Departments	immediate
5	<u>CIP</u> - Develop a Transportation Capital Improvement Program to plan and budget for improvements.	Council Supervisors Road Departments	1 year
6	<u>Private Roads</u> - Partner with community associations to address road maintenance issues.	Supervisors Associations	1 year
Local Ordinances			
7	<u>Road Construction/Dedication</u> - Maintain up-to-date road ordinance and SALDO standards for construction of roads and establishing procedures for dedication to the public, but carefully weigh the costs and benefits of accepting private roads for dedication.	Planning Commissions Council Supervisors	1 year
8	<u>Reasonable Standards</u> - Review road construction standards to ensure adequacy for public safety and eliminate excessive requirements to minimize the consumption of resources for construction and long term maintenance.		
9	<u>Road Occupancy</u> - Maintain an up-to-date road occupancy ordinance setting standards for driveway access to Borough and Township roads and for stormwater and utility improvements within the road right-of-way.		
10	<u>Parking and Loading Areas</u> - Review and update zoning standards for parking and loading areas to ensure safe and adequate parking facilities.		

SUMMARY OF ACTIONS: CIRCULATION			
#	ACTION	RESPONSIBILITY	TIMING
Local Roads			
11	<u>Maintenance and Drainage</u> - Continue regular maintenance of local municipal roads and improve drainage.	Council, Supervisors Road Departments	ongoing
12	<u>Sensitive Design</u> - Include context sensitive design standards in the road construction regulations.		
13	<u>Emergency Access</u> - Amend the SALDOs to provide rights-of-way for emergency access and road connections through dedication of land and easements.		
14	<u>Traffic Impact Study</u> - Amend SALDOs and zoning ordinances to require a Traffic Impact Study for higher intensity developments.		
15	<u>Impact fees</u> - Consider the adoption of an Act 209 Traffic Impact Fee Ordinance, which allows municipalities to assess developers for a portion of the transportation capital improvements costs necessitated by, and attributed to their development.	Planning Commissions Council Supervisors	2 years
16	<u>Official Map</u> - Consider an Official Map to identify and reserve land needed for road improvements and connections.		
Congested Corridor			
17	<u>Improvements</u> - Pursue road intersection improvements in the Congested Corridor Improvement Program. <ul style="list-style-type: none"> • Route 6/209 and Reuben Bell Road / I-84 Eastbound Ramps Intersection. • Pennsylvania Avenue and Mountain Avenue Intersection. • Pennsylvania Avenue and Stella Street / I-84 Westbound Ramps Intersection. • Intersections with insufficient storage lengths. 	Council Supervisors PennDOT	available funding
18	<u>12-Year Program</u> - Work with PennDOT to place priority road and intersection improvements on the Twelve-Year Transportation Program.	Council, Supervisors Pike Co., PennDOT, NE PA Alliance	ongoing
19	<u>Message Signs</u> - Install two Dynamic Message Signs in Westfall Township to display the 1-84 traffic conditions in realtime.	Supervisors PennDOT	available funding
20	<u>Signals</u> - Implement mid-day coordinated signal timings on all five traffic signals in Westfall Township.	Supervisors PennDOT	1 year
21	<u>PA Ave Delays</u> - Address stacking and delays on Pennsylvania Avenue due to left turns by eliminating curb cuts and limiting left turn opportunities.	Council PennDOT	available funding
22	<u>Access Management Plan</u> - Develop and adopt an Access Management Plan throughout the Borough of Matamoras to limit curb cuts, require shared driveways and parking, provide service roads, and accommodate pedestrians and public transit.	Planning Commissions Council Supervisors PennDOT	2 years
23	<u>Design Guidelines</u> - Establish site design guidelines to minimize development impacts on the corridor.		

SUMMARY OF ACTIONS: CIRCULATION			
#	ACTION	RESPONSIBILITY	TIMING
State Roads			
24	<u>Customer Advisory Board</u> - Participate in the PennDOT Customer Advisory Board to communicate concerns to PennDOT.	Council Supervisors	ongoing
25	<u>Road Task Force</u> - Continue to work with the Pike County Road Task Force and PennDOT officials to discuss highway improvement needs and prioritize and promote specific improvement projects.		
26	<u>Studies</u> - Work with local legislators, the County and PennDOT to schedule studies to identify improvements to correct identified road and intersection deficiencies.	Council Supervisors	immediate
Bicycle Routes			
27	<u>Route 6/209</u> - Consider the establishment of a bicycle lane on Route 6/209 to accommodate Bicycle PA Route Y1.	PennDOT	available funding
28	<u>Additional Routes</u> - Consider opportunities to establish additional bicycle routes in the Planning Area.	Council, Supervisors PennDOT	available funding
Public Transportation			
29	<u>Ride-Share</u> - Encourage the establishment of a ride-share (car pool) system. A ride-share program could be coordinated by a Planning Area Transportation Task Force or ride-share participant volunteers. Information regarding the program could be posted on a local website.	Council, Supervisors Residents PennDOT	2 years
30	<u>Public Transportation Planning</u> - Recognize the potential future need for public transportation and plan accordingly (e.g., locate residential development along main roads where transit stops are most like to be located).	Planning Commissions Council, Supervisors	ongoing

FINDINGS: HISTORIC PRESERVATION

- ☞ Archaeological investigations in the area have uncovered artifacts supporting human occupation of the valley as early as 12,000 years ago.
- ☞ Native American inhabitants subsisted in the valley until circa 1758 when European-American settlers forced the last of the Minisink Indians to leave.
- ☞ Post-European settlement of the area, beginning in the early 18th Century, centered around agriculture and later progressed to recreation and tourism.
- ☞ The many historic resources in Matamoras Borough and Westfall Township are key components of the small town character of the community and the rural-recreation landscape.

Pike County Historic Resources Study

This Study, completed in 1997 by Pike County and Cultural Heritage Research Services, Inc., details the many historic resources in Pike County including Matamoras and Westfall. The Study reports:

Eligible for National Register Listing

- Simon Westfael House
- Matamoras Elementary school (razed)
- Charles S. Peirce House
- Conrail #2 Bridge

Potentially Eligible for National Register Listing

- 16 buildings in Matamoras
- an historic farm complex in Westfall

Not Eligible for National Register Listing

- Matamoras Historic District
- Mill Rift Historic District

- ☞ According to the Pennsylvania Historical and Museum Commission, Mill Rift Hall is the only building in the Township listed on the National Register of Historic Places. The Nearpass House was listed but was razed in 2008. None in the Borough are listed.
- ☞ Although not included on the National Register, historic resources of local significance are still meaningful and important to the community's heritage.
- ☞ There are currently no historic districts in the Planning Area and the 1997 *Pike County Historic Resources Study* concluded:
 - *Matamoras was determined not eligible for listing as a historic district in the National Register of Historic Places.*
 - *The Village of Mill Rift Historic District was determined not eligible for listing as a historic district in the National Register of Historic Places.*

- ☞ Although site and sign design guidelines would not be mandatory outside of a historic district listed on the National Register they can encourage commercial establishments and signs to be consistent with the community's heritage.

Historic Preservation Policies

- Continue the identification of historic sites (nationally and locally significant) and pursue National Register listing.
- Promote public education to raise awareness of the Borough's and Township's history and historic resources.
- Promote preservation of historic buildings and structures during the land development process.
- Preserve historic buildings by incorporation in commercial areas as commercial uses.
- Preserve historic sites by promotion as recreational or tourist destinations.
- Pursue technical assistance and funding for historic resource identification and preservation.

SUMMARY OF ACTIONS: HISTORIC PRESERVATION			
#	ACTION	RESPONSIBILITY	TIMING
1	Historical Society - Encourage and support community efforts to create a Local Historical Society to promote the benefits of historic preservation and document and preserve local history and historical artifacts.	Council Supervisors Residents	ongoing
2	Public Outreach - Conduct a public outreach program, perhaps through a newsletter or web site, to provide educational materials on the Planning Area's history and historic resources.	Historical Society	3 years
3	Local Register - Develop a local historic register program aimed at identifying properties eligible for state and national recognition, and encourage and support efforts to list and preserve such properties on the National Register.		
4	Technical Assistance - Seek technical assistance from historic preservation organizations, such as the PHMC and Preservation Pennsylvania for inventorying and documenting resources and nominating resources for the National Register.		
5	Funding - Seek funding from organizations such as the National Park Service, National Trust for Historic Preservation, PHMC, and DCNR, and from programs such as the Federal Rehabilitation Tax Credit Program.		
6	Data Maintenance - Create a system for efficient storage, mapping, and retrieval of historic resource data and maintain a historic resources database.		
7	Design Guidelines - Prepare and adopt design guidelines for commercial, industrial, and institutional development to encourage the most efficient use of commercial land and development consistent with community character.	Planning Commissions Historical Society Business Committee	2 years
8	PA Avenue - Incorporate the preservation of locally significant historic structures into the revitalization program for Pennsylvania Avenue.	Historical Society Business Committee	3 years
9	Ordinances - Consider: <ul style="list-style-type: none"> Adopting a historic resource protection ordinance to <ul style="list-style-type: none"> Require demolition review. Prohibit demolition by neglect. Include provisions for use and adaptive re-use of historic resources. Provide incentives for rehabilitation of historic resources Allow home occupations in all zoning districts as a means of encouraging productive use of historic structures which tend to be larger and more difficult to maintain. Incorporate the preservation of historic resources in conservation design for residential and commercial development. 	Planning Commissions Council Supervisors	2 years ongoing 1 year

SUMMARY OF ACTIONS: HISTORIC PRESERVATION			
#	ACTION	RESPONSIBILITY	TIMING
10	NPS Certified Program - Consider participation in the Certified Local Government Historic Preservation Program of the National Park Service and the Pennsylvania Bureau of Historic Preservation.	Historical Society	3 years

CERTIFIED LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAM

The Certified Local Government Program is a preservation partnership between local, state and national governments focused on promoting historic preservation at the grass roots level. The program is jointly administered by the National Park Service (NPS) and the State Historic Preservation Offices (SHPOs) in each state, with each local community working through a certification process to become recognized as a Certified Local Government (CLG). CLGs then become an active partner in the Federal Historic Preservation Program and the opportunities it provides.

Why become a CLG? The key reason is the access certification provides to the expert technical advice of the State Offices as well as the NPS. Partnerships with the National Alliance of Preservation Commissions, Preserve America, the National Trust for Historic Preservation, and the National Main Street Center are also networks that CLGs have an opportunity to tap into. Of course, access to Federal funding is another benefit, making certified communities able to access the portion of Federal funds set aside by each SHPO for just CLGs annually. Being a CLG also shows your community's commitment to keeping what is significant from the past for future generations. As a certified town, city, or county seeking other opportunities, it becomes easy to demonstrate a readiness to take on a preservation project and be successful.

What is a CLG required to do?

A community must show both the state and NPS that they are committed to historic preservation. They can do this by addressing the following minimum goals.

- * Establish a Preservation Commission*
- * Establish an ordinance*
- * Maintain an active survey of local historic resources*
- * Participate in the National Register process*

(Source: www.nps.gov/history/hps/clg/)

PLANNING PROCESS AND INTERRELATIONSHIP AMONG PLAN ELEMENTS AND IMPLEMENTATION STRATEGIES

Framework for the Future

This *Matamoras/Westfall Comprehensive Plan* provides a framework for the growth and development of the Borough and Township. Although the *Plan* is comprised of a number of separate elements, each element, and, in fact, each planning and development action taken by a public body or private individual, is inextricably interrelated with other plan elements and planning and development actions. For example, the development of housing implementation strategies cannot be accomplished without taking into account land use controls and economic development trends. Economic development strategies cannot be formulated without considering land use controls and transportation needs. Community facilities and services planning requires an assessment of future development, transportation needs, and housing affordability. In most cases, these types of interrelationships and implementation strategies are discussed in the various comprehensive plan elements.

Planning Process

A theme consistent throughout all elements of this *Comprehensive Plan* is the concept of *process*. The published comprehensive plan document represents only the first step of what should evolve into an on-going planning process. If this *process* frame of mind is not firmly established, local officials, businessmen, land developers, and citizens, all players in the community growth and development arena, will have little chance of achieving the sustainable growth vital to the social, economic and environmental future of the Planning Area. This process will also allow the recognition of the shifting interrelationships of community growth and development decisions vital to the success of long-term planning efforts.

Conservation of Community Character

Another key theme of this *Plan* is the conservation of the Planning Area's rural recreation landscape and residential and small town character. All public and private actions must be assessed in terms of its effect on the community's character. For example, residential development standards in the normal pattern of large lots will fragment remaining open land. The alternative, conservation design or planned residential development, provides the opportunity to conserve open land. The conundrum of central sewage disposal provides another good example of planning interrelationships. This community facility is often the only means of correcting sewage disposal problems yet can stimulate development of more land at higher population densities. Increases in population would trigger the need for improved or new community facilities and services such as schools and police protection. In short, without careful analysis, one *implementation action* taken by a municipality can have unexpected and often undesirable effects.

To achieve growth and development goals and to establish the community's planning process for the future, this *Plan* makes the following overall recommendations:

- Evaluate all public and private actions with the goal of preserving open land as a viable part of community character.

- Direct development away from environmentally sensitive areas and conserve large blocks of open land.
- Identify areas for growth within and adjacent to existing developed areas.
- Require adequate community facilities for new development.
- Carefully consider any sewer extensions to assess effects on stimulating development.
- Plan for transportation improvements to minimize traffic congestion and maximize safety.
- Provide for sound housing and all types of housing.
- Provide for sufficient parks and recreational facilities.
- Promote historic preservation.
- Promote the idea of growth management - an effort to manage the location, type, and timing of future growth.
- Encourage increased local, intermunicipal, and regional cooperation for comprehensive planning and land use control implementation; and overall local municipal administration and management.
- Encourage a mix of business and commercial development in appropriate locations in the planning area.

Community Vision

This *Comprehensive Plan* outlines a vision for the future of the Borough and Township and recommends a course of action to achieve growth and development goals. However, the effective implementation of the *Plan* is necessary to make the planning program a success. Many of the resources, programs and techniques available for implementing the comprehensive plan are not within the direct control of local government. For example, although zoning and subdivision ordinances, the chief tools for land use control and land use plan implementation, are the purview of local governments, the funding, construction and maintenance of major roads and improvements have historically been the responsibility of the state and federal governments. Demand for housing in the Planning Area is generated in large part by external market forces, that is, residents of the larger region who choose to relocate to the Planning Area. The implementation of the *Plan* and the creation of an on-going planning process, must be a community-wide effort fostered by local municipal officials.

Community Involvement

It is obvious that the implementation of the *Comprehensive Plan* will require broad-based community involvement and coordination and cooperation among various federal, state, and local agencies. Plan implementation will require both a commitment of financial resources and human resources. The human resources can include both volunteer and paid staff and professional assistance. Many of the recommendations identified in the *Plan* could require increased staff support and demand for volunteer services.

Community Partnerships

Cooperation among community organizations will also be critical to the future success of the community. The dedicated work of community non-profit, service and similar organizations add considerably to the quality of life. Emergency service providers and the Borough Recreation Board are prime examples. All of these organizations should plan and work together to accomplish community goals and objectives.

Implementation Strategies

A variety of implementation strategies have been recommended in this *Plan* and are oriented to developing long-term policies for growth management, strengthening land use management programs, anticipating capital improvement needs and facilitating inter-governmental cooperation to accomplish local and regional goals. The key implementation strategies in this *Plan* include:

- Reviewing this *Plan* at least annually to evaluate new development and regional issues which warrant plan changes.
- Developing a short-term and long-term capital improvements program to prioritize needed improvements and allocate funds to those improvements; with annual progress evaluations and adjustments in capital project timing and capital equipment purchases.
- Continuing education for local officials via seminars and workshops.
- Diligent updating of land use management ordinances to effect the land use plan, provide environmental protection, preserve open land, maintain rural and historic character, and achieve community facilities and services and housing objectives.
- Focusing limited municipal resources on those community facilities and services which are most critical to meet resident needs.
- Monitoring community facilities and services provided by the county, state, and federal government to ensure such services are adequate and the Planning Area is obtaining its *fair share*.
- Participating in all county, state and federal entitlement and grant funding programs, not solely for the sake of participation, but only if such programs can be sensibly used to achieve valid community development objectives.
- Reviewing all subdivision and land development proposals and all zoning actions and changes for consistency with this Comprehensive Plan.

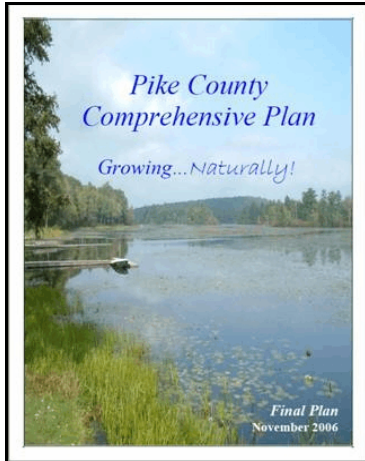
By focusing the available resources on implementation of the this *Plan*, and the continuance of the *planning process* with an eye to preserving open land and rural small town character, the Borough and Township can achieve sustainable growth and development into the future and maintain the quality of life in the community.

PLANNING AND DEVELOPMENT IN PIKE COUNTY, CONTIGUOUS MUNICIPALITIES, AND THE REGION

Planning Code

The Pennsylvania Municipalities Planning Code (MPC) dictates, and common sense suggests, that planning and development in contiguous municipalities, the county and the region be considered when a local municipal plan is adopted. MPC §301.4(a) goes on to state that *municipal comprehensive plans which are adopted shall be generally consistent with the adopted county comprehensive plan.*

County Planning



In 1988 the Pennsylvania Municipalities Planning Code (MPC) was amended to require all counties in the Commonwealth to prepare and adopt a comprehensive plan within three years. Pike County adopted its first comprehensive plan in 1993 which identified a broad range of growth and development issues facing the County, suggested a framework to address the issues, called for ongoing planning, and recognized the importance of intermunicipal cooperation. The same, but much intensified, issues continue to face the County, and the Board of Commissioners and the County Planning Office of Community Planning initiated the preparation of a *Comprehensive Plan Update* in 2003 and the *Update* was adopted in November of 2006.

Given that the *County Plan Update* sets goals which are similar to those of this *Matamoras Borough / Westfall Township Comprehensive Plan* and will provide a broad framework for the future, no inconsistencies between the two plans are anticipated. In addition, local municipalities are responsible for many of the actions proposed by the *County Plan*, particularly those related to land use management and community facilities and services.

County Plan Mission

The Introduction of the County Plan notes:

The primary purpose of this update to the Pike County Comprehensive Plan is to set Countywide planning goals and priorities, develop partnerships, and enhance the quality of life for the residents of the County. The plan's mission is to:

- *Manage growth and development pressures;*
- *Stimulate progressive planning and visionary thinking;*
- *Improve County-Municipal partnerships/ cooperation;*
- *Identify infrastructure needs;*
- *Preserve sensitive lands/open space;*
- *Enhance local land use controls;*
- *Increase housing options;*
- *Enhance economic development;*
- *Enhance tourism opportunities;*
- *Improve on our quality of life .*

The goals and objectives and proposed actions of this *Matamoras / Westfall Comprehensive Plan* are consistent with, and largely mirror, the County Plan mission. In the case of tourism and economic development, Borough and Township goals and objectives recognize the need for county leadership.

The County Plan Update goes on to state:

In the end, the success in managing growth, improving the quality of development, protecting the natural resources of Pike County, and creating partnerships to achieve the vision for the County depends upon active participation of municipal officials; state and federal government agencies; municipal commissions, boards and committees; community associations; and most importantly, the citizens of Pike County. Ultimately, this plan is about the citizens of Pike County, intended to protect the quality of their environment and enhance the quality of their lives.

Municipal Guideline

This (Pike County) Comprehensive Plan is not an ordinance or regulation, but is a guideline for municipal plans and regulations and the basis for undertaking specific County functional plans designed to implement the policies set forth within this Plan. Each municipality retains the right to prepare multi-municipal or individual municipal plans; to control zoning within its boundaries, whether through individual zoning ordinances or a joint zoning ordinance; and to regulate subdivision and land development, and retain their autonomy. The County will be available as a resource that municipalities can utilize to assist in their planning efforts.

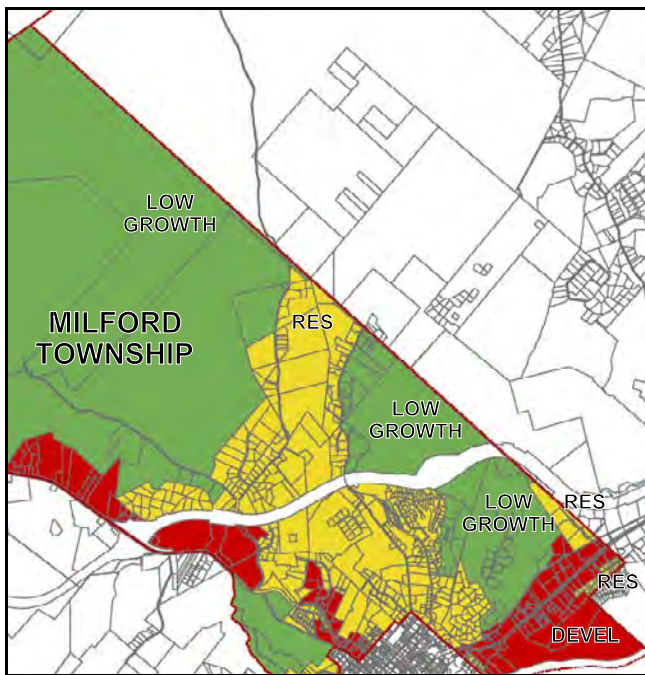
This Comprehensive Plan is not a means to stopping development but rather to ensure that development considers the County's resources and occurs in designated growth areas where it will not adversely impact the County's character and quality of life. Economic development is important to the County, but it should occur with better design, better mix of uses, and more attention to addressing traffic and environmental impacts.

Municipal Bottom Line

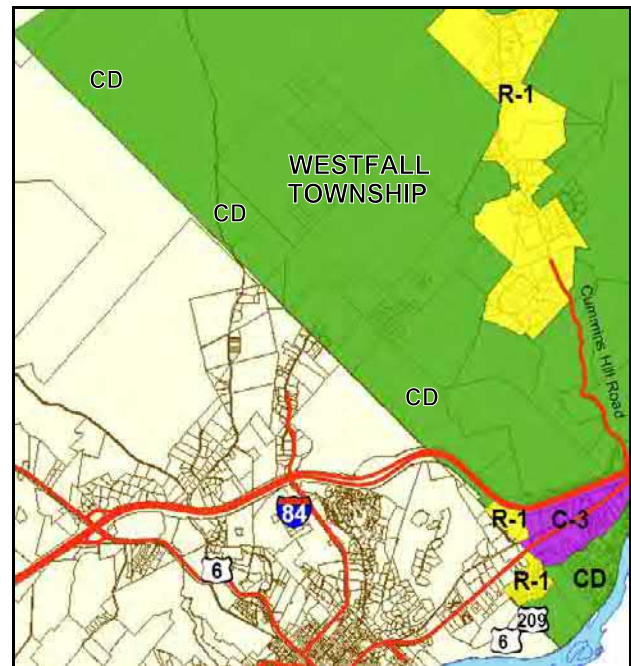
What does the Plan mean for the 11 Townships and 2 Boroughs in the County and why is it relevant to them? The Plan presents policies and actions that will guide how County government will work with the municipalities in the future to address growth issues. The Plan recognizes the important role the municipalities play in land use decisions and implementation of their individual municipal Comprehensive Plans. It indicates how the County intends to provide technical assistance to municipalities. In addition to identifying sources of funding, it supports and sets priorities for future planning efforts and grant applications which will benefit the municipalities.

**Planning and Zoning
in Contiguous
Municipalities**

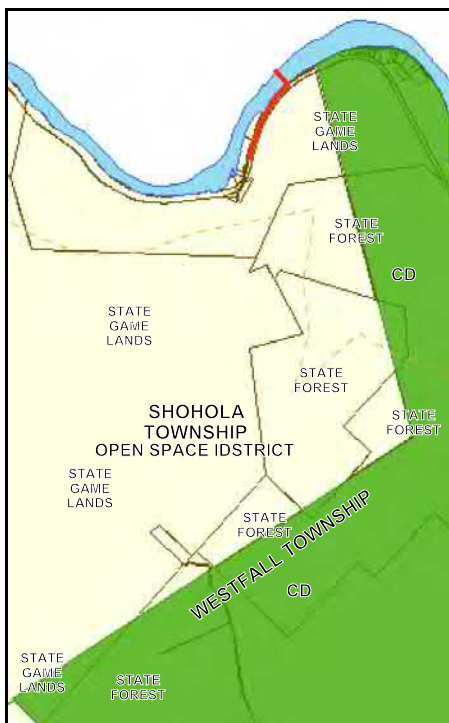
Two municipalities in Pike County adjoin the Matamoras / Westfall Planning Area, both contiguous to Westfall Township: Milford Township and Shohola Township. Milford Township adopted a comprehensive plan with Milford Borough in November 2006 and Lackawaxen Township and Shohola Township adopted a joint comprehensive plan in the fall of 2009. Although the 2006 Milford/Milford Plan and the pending Lackawaxen/Shohola Plan vary to a degree in content, each concentrates on similar issues related to quality of life and conservation issues and no significant inconsistencies are anticipated between those municipal planning programs and ongoing planning in Matamoras Borough and Westfall Township. The public review and adoption process for this *Comprehensive Plan* enabled municipal officials of the contiguous municipalities review and comment on the *Plan* and no potential inconsistencies were identified.



Milford Township Zoning Districts



Westfall Township Zoning Districts

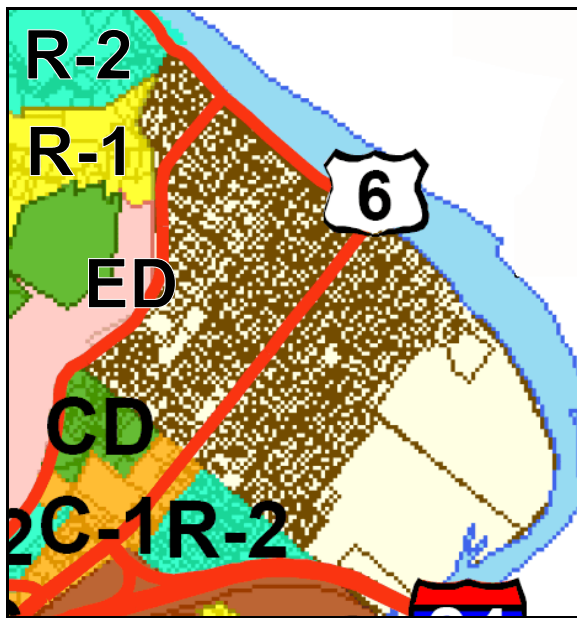


Shohola - Westfall Zoning Districts

The real issue in terms of effects on adjoining municipalities is zoning and the potential for land use conflicts is minimal.

- Milford Township and Shohola Township have each adopted a zoning ordinance.
- With the exception of the narrow strip between the Delaware River and the railroad in Pond Eddy, the entire border between Westfall Township and Shohola Township is either State Game Land or State Forest Land where development is restricted.
- In the area along the common border, Milford Township and Westfall Township are generally similar in character, that is, residential largely adjoins residential, commercial adjoins commercial, and open land adjoins open land.
- Milford Township zoning districts along the Westfall Township border include Residential, Development and Low Growth, and the Westfall districts include CD Conservation, R-1 Low Density Residential, and C-3 Mixed Commercial/Industrial.
- Based on the zoning district locations and uses permitted in the districts, the area along the Delaware River where the Milford Township Development District adjoins the Westfall Township Conservation District appears to be the area of most potential conflict. However, Pike County is in the process of acquiring the parcel for a park.

- While the potential for conflicting land uses does exist, this is the case where any two dissimilar districts adjoin, and zoning ordinance performance standards are expected to provide protection for adjoining uses.

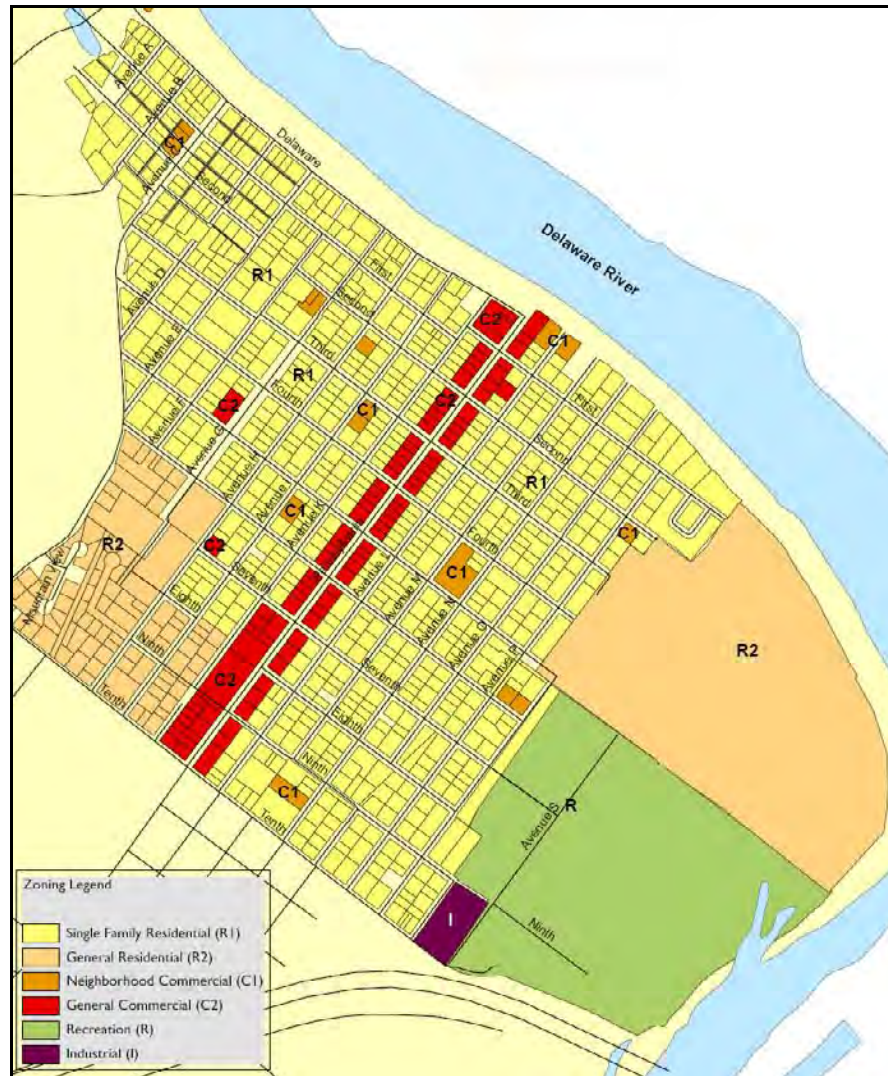


Westfall Zoning Districts

Matamoras - Westfall Border

The potential for land use conflicts along the border between Matamoras Borough and Westfall Township is also low. Based on this joint Comprehensive Plan, the Borough and Township can work together on zoning to allocate land uses in the Planning Area as a means to further minimize conflicts

- Residential districts adjoin residential districts.
- The Westfall C-1 Neighborhood Commercial District aligns with the Matamoras C-2 General Commercial District.
- The escarpment along Avenue C provides a buffer between the Borough and potential development in the Westfall Township ED Enterprise Zone District where a relatively wide range of residential and commercial uses are allowed.



Matamoras Zoning Districts

- The Matamoras I Industrial District adjoins a Westfall R-2 General Residential District but the land is owned by the Borough.
- The Westfall Township CD Conservation District adjoins a R-2 General Residential District in Matamoras but the CD District is largely developed with residences.

NJ and NY

The Matamoras - Westfall Planning Area is bordered by municipalities in New Jersey and New York. While the Delaware River provides a significant buffer in terms of direct landowner-to-landowner conflicts, planning in nearby communities can have an impact in terms of traffic, housing demand, tourism and economic development. All of the adjoining communities have adopted relatively recent comprehensive plans and supporting land use management ordinances. Clearly, the Borough and Township have no control over land use decisions in adjoining communities, but must continue to monitor any land use changes which may have a regional impact.

Existing plans in nearby communities of New Jersey and New York include:

- Town of Deerpark - 2003 Comprehensive Plan
- Town of Lumberland - 2003 Comprehensive Plan
- Township of Montague - 2004 Comprehensive Plan
- City of Port Jervis - 2003 Strategic Plan; Waterfront Revitalization Plan in progress

Contiguous Municipality Review

The Municipalities Planning Code (MPC) §502.1(b) provides standing for local municipal governing bodies to appear before and provide comments to any contiguous municipality considering a proposed subdivision, change of land use, or land development, thereby allowing issues of conflicts to be raised. Any changes made to zoning districts must be considered in terms of the zoning and existing land uses in any adjoining municipality to avoid such land use conflicts. For example, it would be inappropriate to designate an industrial or heavy commercial area adjacent to an existing residential development or residential zoning district in an adjoining municipality.

Borough and Township officials should work with the officials of adjoining municipalities to establish agreements to formalize this process among contiguous municipalities so that any municipality potentially affected by a zoning change or a development project has the opportunity for review. The MPC already requires this for comprehensive plans and plan amendments. This could also be extended to those communities across the Delaware in New Jersey and New York. The Upper Delaware Council serves to facilitate this process among the Upper Delaware communities as discussed in detail in the *Natural Resources Protection Plan*.

Regional Planning

Regional planning in the Pike County area of Pennsylvania is not formalized in any municipally organized body. Each county planning agency is responsible for review and coordination of planning within its jurisdiction. The Northeastern Pennsylvania Alliance, located in Pittston, Luzerne County, serves as a community and economic planning and development information source and funnel for grants and special projects for Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill and Lackawanna Counties, but has no municipally authorized regional planning power.

LAND USE PLAN

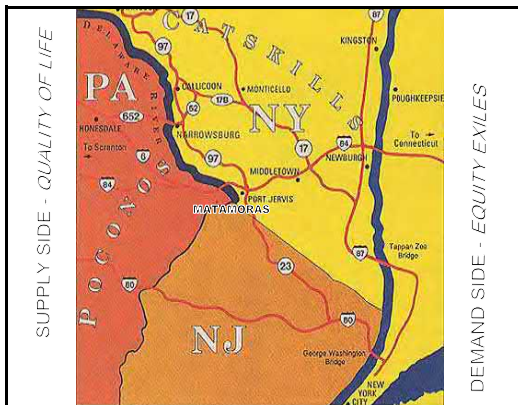
INTRODUCTION

Growth and Development

A community's growth and development is affected by a broad range of interrelating factors including such things as regional location, the transportation system, natural resources, land suitability for agriculture and development, available community facilities such as sewage disposal, condition of the general economy, local land values and real estate taxes. A change in one factor will in all likelihood result in a change in another factor, and the overall character of the community. In short, how a community's character has developed and how it will change into the future, are the result of a complex interaction of sometimes opposing forces ranging from no growth, exclusionary land use controls to unbridled commercial and residential development. Land use patterns in a community are the result of this complex interaction played out over the community's history.

Importance of Regional Location

The environmental quality and scenic beauty of Westfall Township and the small town charm of Matamoras Borough are key factors affecting growth and development. This, coupled with the proximity to the New York and New Jersey metropolitan area, have resulted in the growth and change in the Planning Area and all of Pike County. In any case, it is clear that if this trend continues the two municipalities could, quite literally, become suburbs of the nearby urban areas and employment centers.



The challenge in developing a land use plan for the two municipalities is to strike a balance for sustainable development. That is, to provide for the essential economic growth and development of the area as a whole, while concurrently conserving its scenic and natural environment, particularly open land and natural resources, and its small town character. Without continued careful planning and control of growth, the landscape and community character of the two municipalities will be forever altered by haphazard development. Such development results from uncoordinated individual decisions made by separate property owners.

This *Comprehensive Plan* will serve to guide this set of independent decisions in a direction aimed at coordinated growth and development.

Need for Area Wide Planning

The future land use, environmental quality and character of the Borough and Township will evolve in response to the actions of community leaders and active citizens combined with the forces of the local and regional economy, and the demand for land and community facilities and services. The area's growth and development will be tempered by the land's physical limitations (e.g., steep slopes, poor soils, and wetlands) and must be guided by the application of traditional and innovative land use controls, open land preservation techniques and environmental regulations as part of the planning and development process.

Many of these issues extend beyond municipal boundaries and can best be addressed through the cooperation of the municipalities in the planning area and region. The idea is that the Borough and Township can avoid the impact of uncoordinated land use control decisions made independently and by other agencies involved in the growth and development management process. The Pennsylvania Municipalities Planning Code provides specific authorization for cooperative municipal planning and goes on to authorize cooperative municipal zoning via intermunicipal agreements. This enables communities to locate particular land uses in the most appropriate locations in the area rather than providing for every type of use in each participating municipality.

LAND USE GOAL AND OBJECTIVES

Land Use Goal:

Develop a Borough - Township coordinated land use plan that integrates all aspects of growth and development including residential, commercial, industrial and open space.

Land use management is a complex process that depends on the interrelationship of a number of factors including the historic development pattern, regional location, demographics, the regional economy, the transportation network, and soils and land capability. Most of these factors are beyond the control of local municipalities. However, this *Matamoras - Westfall Comprehensive Plan* gives the Borough and Township the opportunity to work together, while maintaining local autonomy, to direct the growth and development of the community using innovative land use management ordinances, careful programming of public facilities, and active participation of residents.

Rampant land conversion is a first consequence of the way Pennsylvania is growing. Quite literally, development-as-usual is consuming the Commonwealth's traditional rural landscape of farmland, forests, wetlands, and open spaces. Overall, Pennsylvania developed some 1.14 million acres, or 1,800 square miles, of fields, open space, and natural land between 1982 and 1997 – the sixth-largest such conversion after Texas, Florida, Georgia, North Carolina, and California.

This also means that fully one-third of all the land that the Commonwealth has ever urbanized since its founding was developed in just 15 recent years. Put another way, over those 15 years the state consumed land at a rate equivalent to 209 acres a day, or 9 acres an hour, every hour.

Source: *Back To Prosperity, A Competitive Agenda for Renewing Pennsylvania*, p. 47.

Objectives:

Incompatible Uses



Provide adequate separation between incompatible land uses.

- District Location - Evaluate the location of zoning districts relative to one another.
- Residential - Eliminate incompatible uses in residential districts.
- Commercial - Limit permitted uses within commercial zoning districts to retail, office, and service uses.
- Industrial - Create an industrial district for manufacturing, warehousing, and similar high impact uses.
- Setback/Buffers - Provide adequate setbacks and buffers.

- Landscaping - Provide landscaping along road frontages in commercial and industrial areas
- Cooperative Zoning - Use cooperative zoning as a means of recognizing the regional nature of development patterns and for locating commercial and industrial uses proximate to such existing uses and where community facilities are adequate.

Residential

Encourage the development of livable communities and preserve existing neighborhoods.

- Open Space Access - Create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.



- Diversity - Provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups and residential preferences, so that the community's population diversity may be maintained.
- Landowner Development Options - Provide multiple development options for landowners in order to minimize impacts on environmental resources (sensitive lands such as stream corridors, wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls)..
- Design - Provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- Residential - Eliminate incompatible uses in residential districts.

Commercial

Expand the Planning Area's existing economic base by exploring economic development opportunities consistent with and building on community character in order to strengthen the existing general and tourist economy, create employment opportunities and generate tax revenue.



- Location - Welcome new commercial and industrial development to areas of existing similar development and where community facilities are adequate so that the development is compatible with existing land use and community character.
- Home Occupations - Encourage local economic viability by allowing home occupations consistent with residential districts.
- Economic Development - Recognize the importance of the regional economy and cooperate with local business development organizations to promote commercial development which builds on community assets and which will not compromise the quality of life.



- Regional Image - Create a distinctive image of the region by developing common welcoming signage themes and promoting local activities collectively.
- Government Efficiency - Continue to maintain an efficient government and keep taxes low as an incentive for economic development.
- Scale of Development - Limit the type and intensity of new land uses in the Borough to be consistent with existing development via cooperative zoning with the Township.
- Community Partnership - Work with existing businesses and property owners to ensure the continued viability of the Borough's existing commercial area.
- Existing Business - Support the continued development and possible expansion of existing businesses providing local employment and contributing to the tax base.

EXISTING CONDITIONS

Land Use Overview

The Matamoras - Westfall Planning Area includes some 19,400 acres of land area, or 30.3 square miles based on 640 acres per square mile - - 0.7 square miles for the Borough and 29.6 for the Township. This represents 5.5% of Pike County's 547-square mile area. The thirteen local municipalities in Pike County range in size from the one-half square mile of Milford Borough to the 79 square miles of Lackawaxen Township.

Land Use Trends

Land use in Matamoras Borough has not changed significantly over the past 20 years except for the construction of new homes and changes in businesses in existing commercial buildings or redevelopment of commercial lots. Matamoras is a mature community in terms of land use with very little land available for new development.

The 1997 Westfall Comprehensive Plan reported land use; however, direct comparison to current information is somewhat difficult due to differing mapping methods and categorization. Nevertheless, the 1997 Plan notes that *in the early 1980's, residential uses accounted for approximately 700 acres or 3.5% of the Township's land area., and commercial uses accounted for 150 acres or .07%.* By 2008, residential land had increased to 1,400 acres and commercial land to 390 acres, documenting the dramatic increase over the last 20 years.

Absent any land use trend data, the visible increases in traffic on Pennsylvania Avenue and Route 6/209 and the continuing residential and commercial development in the Township clearly documents the growth and change occurring in the Planning Area.

Land Use	Matamoras Borough		Westfall Township	
	Acres	% of Total	Acres	% of Total
Residential - Single-Family	165.25	37.95%	1321.06	6.97%
Residential - Multi-Family/Townhome	9.42	2.16%	82.07	0.43%
Commercial	14.58	3.35%	390.91	2.06%
Institutional	7.00	1.61%	141.03	0.74%
Forestland/Agriculture	77.68	17.84%	8024.96	42.32%
Recreation (Federal/State/Local/ Community Assoc.)	63.65	14.62%	5817.86	30.68%
Club (Rod & Gun Clubs)	0	0.00%	1828.91	9.64%
Conservation Easement	0	0.00%	662.62	3.49%
Utility/Railroad	0	0.00%	191.53	1.01%
Roadway	97.93	22.49%	503.74	2.66%
Total	435.49	100.00%	18964.69	100.00%

Existing Land Use - 2008 (Source: Consultant/Planning Committee Analysis)

Existing Land Use

The Existing Land Use Map shows individual tax parcels coded according to the current use of the property and the totals are included in the Existing Land Use - 2008 Table. The data was compiled from County tax assessment records, recent aerial photographs and Planning Committee review.

The Delaware River, the bluff line overlooking the River Valley, and the thousands of acres of public and private forest land in the Township are key features of the Planning Area landscape. Historically, development was concentrated in Matamoras, and as noted earlier, relatively little open land available for development remains in the Borough. In more recent decades, land development has shifted to the Township.

Residential Land

Residential is the principal type of development in the Planning Area.



- Single-family dwellings and associated lots occupy about 38% of the Borough and multi-family dwellings add another 2% for a total of 40%.
- At 7.5%, the proportion of residential land in the Township is much lower, but the actual land area is 8 times higher at 1,400 acres.
- Dwellings are spread throughout the Borough except on the Airport Park and a vacant 63-acre parcel adjoining the Park.
- The Bell Manor and Delaware Drive/Avenue C sections are the most densely developed sections of the Township, and from a community perspective, blend into the Borough.
- Many of the homes in the Township are found in planned subdivisions. Although some of the lots remain undeveloped in these residential subdivisions, future subdivisions should be expected, either in the form of planned developments or lot-by-lot subdivision from larger parcels.



- Occupying only some 90 acres, multi-family dwellings represent only a small proportion of residential land use in the Planning Area.
- The roadways in the Borough, which largely serve residences, account for more than one-fifth of the total land area.

Commercial

Commercial activities in the Planning Area occupy almost 305 acres; 3.4% or almost 15 acres in the Borough and 2.1% or 391 acres in the Township.



- Businesses in the Borough are located primarily along Pennsylvania Avenue from the Delaware River Bridge west to the Westfall Township line and are comprised of small retail and service establishments and restaurants.

- Several other businesses are operated off of the Avenue and include among others a self storage facility, a greenhouse, and an auto repair garage.



- The retail service establishments along Pennsylvania Avenue continue into Westfall Township to the I-84 Interchange.

- West of I-84, the Route 6/209 corridor has emerged as a regional retail center with big box and other retailers, national chain restaurants and a large hotel.



- Three canoe liveries are located in Westfall Township along Delaware Drive.

- The Pike County Environmental, Inc., sewage treatment facility on 20 acres along Delaware Drive in Westfall Township is the only real industry in the Planning Area.

- The Norfolk Southern Railroad running along the Delaware River north of Mill Rift accounts for most of the utility/railroad land in the Planning Area.

Institutional

Land in the Planning Area used for public and semi-public facilities and services is included in the *institutional* classification and includes such uses as the Borough and Township buildings, fire companies, Delaware Valley Schools, and the PennDOT Visitors Center.



- Institutional uses in the Borough occupy 7 acres and 141 acres in the Township.

- The largest institutional parcel in the Planning Area is the Delaware Valley School complex which totals 105 acres.



Open Land

Although the Borough and adjoining parts of the Township are densely developed, open land remains the predominate feature of the Planning Area landscape.

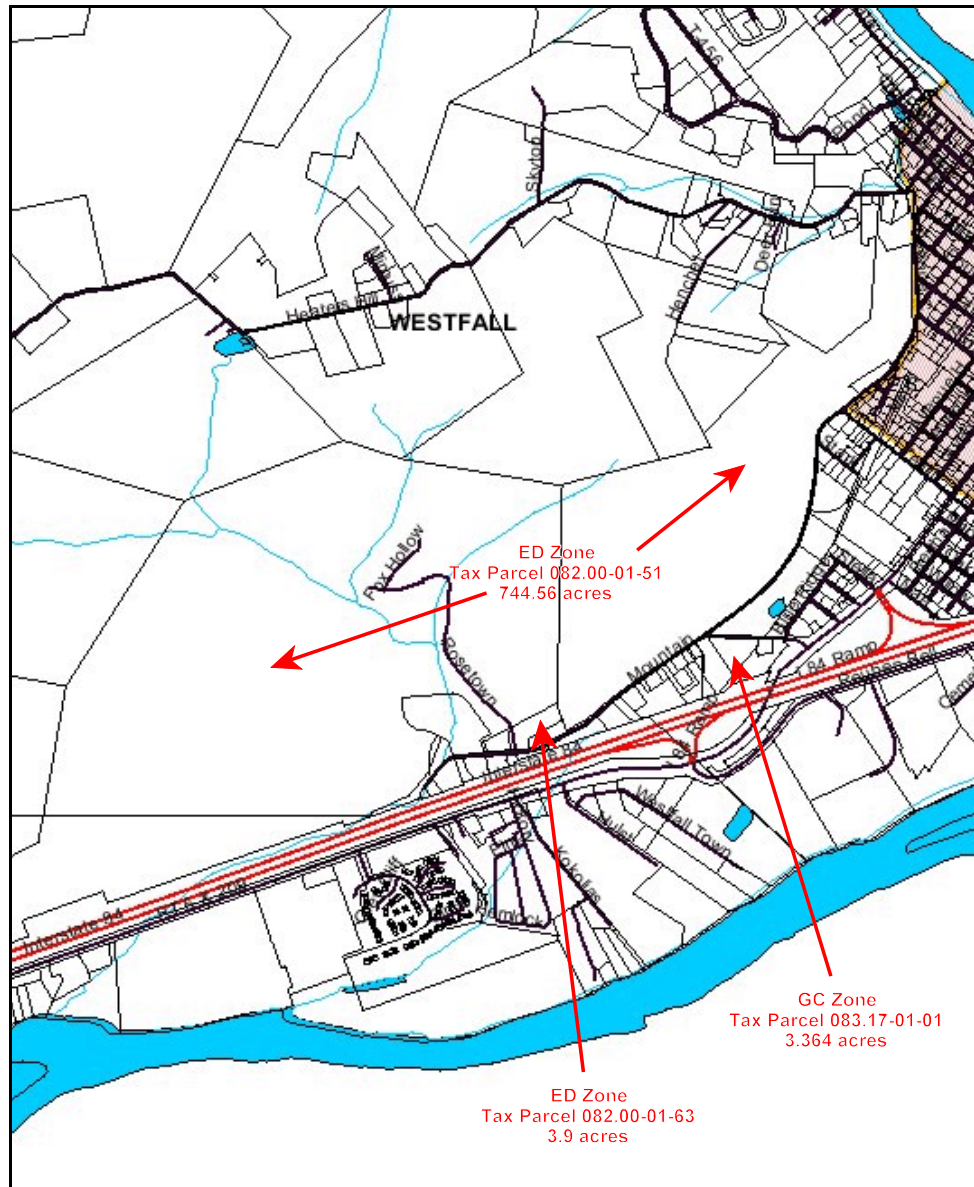


- More than 16,400 of the total 19,400 acres, or 85% of the land in the Planning Area are undeveloped, with the bulk of that being forested.
- Most of the 77 acres of undeveloped land in the Borough is a 63-acre parcel adjoining Airport Park.
- Virtually all of the forest land is held in large parcels and lies above the Allegheny Front, the bluff which dominates the River Valley.
- Most of the forest land is in private ownership, but the Pennsylvania Bureau of Forestry owns 4,246 acres as part of the Delaware State Forest, the Pennsylvania Game Commission owns 165 as part of State Game Lands No. 209, and the National Park Service owns 308 acres as part of the Delaware Water Gap National Recreation Area, totaling 4,719 acres or 24.25% of the total area of Westfall Township. (See *State and Federal Land Ownership County Table*.)
- The state and federal land is included in the recreation category along with the 64-acre Airport Park.

State and Federal Land Ownership (Pike County Office of Community Planning, 2009)	Total Acres	Delaware State Forest	State Game Lands	National Park Service	Total Federal and State Lands	% Federal and State Lands
Blooming Grove	48,192	13,553	7,924	0	21,477	44.57%
Delaware	28,288	2,169	0	7,601	9,770	34.54%
Dingman	37,248	5,489	2,453	3,800	11,741	31.52%
Greene	38,528	5,704	0	0	5,704	14.80%
Lackawaxen	50,304	2,759	5,072	0	7,831	15.57%
Lehman	31,296	3,865	0	7,819	11,684	37.33%
Matamoras	448	0	0	0	0	0.00%
Milford Borough	320	0	0	26	26	8.13%
Milford Township	8,000	858	0	209	1,067	13.34%
Palmyra	22,016	5,073	2,170	0	7,243	32.90%
Porter	37,504	22,899	0	0	22,899	61.06%
Shohola	28,608	1,164	7,643	0	8,807	30.78%
Westfall	19,456	4,246	165	308	4,719	24.25%
Totals	350,208	67,778	25,427	19,763	112,968	32.26%

Katz Settlement Agreement

In 2005 the Westfall Township Board of Supervisors adopted Ordinance 123 which created the ED - Enterprise Zone and the GC - General Commercial Zone applicable to three specific parcels located off of Mountain Avenue. The largest parcel, 745 acres, lies atop the bluff overlooking the Borough and is undeveloped forest land. (See the *Katz Parcels Figure*.)



Katz Parcels (Source: pikegis.org)

The intent of the following sections is to comply with the final settlement of the Westfall Township vs. Katz litigation which culminated in the Court Order dated August 25, 2009 which was issued by the United States Magistrate Judge Thomas Blewitt. The Order obligates the Township to incorporate the specific terms of the Order into both the Westfall Township Comprehensive Plan and the Comprehensive Plan of Pike County. The relevant language of the Order is as follows:

The Township's Comprehensive Plan as an individual entity and/or jointly with

the Matamoras Borough or any other entity shall fully incorporate all terms, rights, benefits and entitlements afforded the Katzes, KATZES, Katz and the Katz Properties contained under the ESA/SAR, Township Ordinance 123 as adopted by the Township BOS on April 27, 2005, the August 2005 Order and this Order. The Township shall ensure that the Comprehensive Plan of Pike County shall also fully incorporate all terms, rights, benefits and entitlements afforded the Katzes, KATZES, Katz and the Katz Properties contained under the ESA/SAR, Township Ordinance 123 as adopted by the Township BOS on April 27, 2005, the August 2005 Order, as modified by this Order, and this Order.

- By virtue of an Equitable Settlement Agreement entered into by the Township in the matters of Katz v. Westfall Township, et. al., No. 0 1 -CV-00 16 and No. 00-CV-3 83, United States District Court for the Middle District of Pennsylvania, the Township became obligated to create new zoning districts for the three properties of David H. Katz and Barbara D. Katz.
- The Agreement required the creation of a new Enterprise Zone Tax Parcel No. 082.00-01-51 and No. 082.00-01-63 and a new General Commercial Zone for Tax Parcel No. 083.17-01-01.
- The Agreement provided for the terms and conditions and standards which would regulate any land development, subdivision and land use in lieu of the Township zoning ordinance and subdivision and land development ordinance.

Ordinance 123 (2005) specifies that:

- *The ED zone (and GC zone) real property as well as any land development, subdivision and zoning issues pertaining thereto shall be exclusively governed by the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.*
- *All applications for zoning, land development and/or subdivision approval pertaining to the ED zone shall be considered and determined exclusively by the Court appointed master and any successors as approved by the United States District Court for the Middle District of Pennsylvania in accordance with the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.*
- *Any part of the Westfall Township Zoning Ordinance or Subdivision and Land Development Ordinance which conflicts with this Ordinance is hereby repealed in so far as the same is inconsistent with this Ordinance.*
- *The terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release shall solely apply to the real properties within the ED and GC zoning districts and any conflict or inconsistency between the terms of this Ordinance and the terms of the Equitable Settlement Agreement and Settlement Agreement/Release shall be resolved in favor of the Equitable Settlement Agreement and the Settlement Agreement/Release.*

- *In all other respects, the remaining terms and conditions of the Westfall Township Zoning Ordinance and Subdivision and Land Development Ordinance are hereby reaffirmed and ratified as to all other properties within Westfall Township except that the same do not apply to the newly created ED and GC zoning districts.*

Katz - Applicability of Comprehensive Plan and Ordinances

This Comprehensive Plan, any amendment to the Zoning Ordinance, and any amendment to the Subdivision and Land Development Ordinance cannot be applied to the Katz properties in conflict with Ordinance 123. The *Settlement Agreement/Release*, which was adopted by the Township via Ordinance 123, includes specific standards applicable to the ED and GC Zones based on the 1985 Zoning Ordinance and the 1985 Subdivision and Land Development Ordinance as modified by the *Agreement/Release*.

Katz - ED Zone

The ED Zone applies to parcel No. 082.00-01-51 (744.56 acres) and No. 082.00-01-63 (3.9 acres).

- The ED Zone includes as principal permitted uses (among others):
 - A wide range of residential dwelling types including single-family, duplexes/two-family, townhouses, flats/apartments and senior citizen dwellings.
 - Cluster development.
 - Retirement homes, assisted living homes and nursing homes, and health care facilities.
 - Public and private schools and day care centers, and municipal buildings.
 - Parks, playgrounds, campgrounds and other recreation facilities.
 - Resorts, hotels, motels, restaurants and other tourist facilities.
 - Offices, retail stores and flea markets.
 - Places of worship, firehouses and libraries.
 - Excavating, mining and quarrying operations, and forestry.
- The maximum permitted number of residential dwellings is set at 1,500 based on various densities for specific dwelling types.
- Setbacks, open space, circulation, parking, roads and water and sewer are also addressed.

Katz - GC Zone

The GC Zone applies to the No. 083.17-01-01 parcel.

- The GC Zone includes as principal permitted uses (among others):
 - Townhouse/duplex combinations, flats/apartments and senior citizen dwellings.

- Retirement homes, assisted living homes and nursing homes, and health care facilities.
- Public and private schools and day care centers, and municipal buildings.
- Parks, playgrounds, campgrounds and other recreation facilities.
- Hotels, motels, restaurants and other tourist facilities.
- Offices, retail stores and flea markets.
- Places of worship, firehouses and libraries.
- Excavating, mining and quarrying operations, and forestry.
- The maximum permitted number of residential dwellings is set at 40 specified as flats/apartments and/or senior citizen dwellings.
- Hotel/motel uses are limited to 240 units on 1.75 acres along with a 250-seat restaurant on the balance of the property.

Katz - Sewer and Water

A 2005 Order of Court issued by the U.S. District Court for the Middle District of Pennsylvania addressed the provision of sewer and water service to the Katz properties. The Order, among numerous other provisions, includes:

- *The Township shall provide 1,571 EDUs (equivalent dwelling units) of sewage treatment capacity and shall construct the main sewer line to the property line of the Westfall Commercial Property and to the entrance to Rosetown at Rosetown Trail to accommodate the Katz Uses and the Katz Properties.*
- *The Township shall provide 1,571 EDUs of water capacity to the Katz Properties and shall construct the water line to the property line of the Westfall Commercial Property and to the entrance to Rosetown at Rosetown Trail to accommodate the Katz Uses and the Katz Properties. The Township shall enter into one or more contracts with Utilities, all with Katz as third party beneficiary, to provide the water capacity and lines.*
- Details about the timing of the provision of service.
- Requirements to update the Township Act 537 Plan and the Township Comprehensive Plan.
- A prohibition on Township participation in altering the use or capacity of Mountain Avenue.

Land Use	Matamoras Borough		Westfall Township	
	Acres	% of Total	Acres	% of Total
Residential - Single-Family	211.16	48.49%	6791.06	35.81%
Residential - Multi-Family/Townhome	9.42	2.16%	82.07	0.43%
Commercial	16.05	3.69%	442.75	2.33%
Institutional	7.00	1.61%	141.03	0.74%
Forestland/Agriculture	30.30	6.96%	2503.12	13.20%
Recreation (Federal/State/Local/ Community Assoc.)	63.65	14.62%	5817.86	30.68%
Club (Rod & Gun Clubs)	0	0.00%	1828.91	9.64%
Conservation Easement	0	0.00%	662.62	3.49%
Utility/Railroad	0	0.00%	191.53	1.01%
Roadway	97.93	22.49%	503.74	2.66%
Total	435.49	100.00%	18964.69	100.00%

Existing Zoning Potential Build-Out

BUILD-OUT ANALYSIS

Overview

A build-out analysis was conducted to examine the effect of land use policies and implementation strategies. It compares the potential build-out of the Planning Area based on current land use policies and zoning regulations with the build-out scenario that could result from updated policies and regulations that promote conservation design development and preservation of open space.

Matamoras Borough

The minimum residential lot size requirements in the Borough, coupled with the relatively few large parcels available for subdivision, limit the potential effectiveness of conservation design development. A minimum of 5,000 square feet is required for new subdivisions in the R-2 District which essentially encompasses the area available for new development. Based on this, the *Potential Build-Out Tables* show no net benefit with conservation design for Matamoras.

Westfall Township

The Westfall Township Zoning Ordinance currently provides for open space development which permits the reduction of individual lot sizes with setting aside open space. The overall number of dwelling units cannot exceed the underlying density based on the minimum lot size requirement. The standards

Land Use	Matamoras Borough		Westfall Township	
	Acres	% of Total	Acres	% of Total
Residential - Single-Family	211.16	48.49%	5073.06	26.75%
Residential - Multi-Family/Townhome	9.42	2.16%	82.07	0.43%
Commercial	16.05	3.69%	442.75	2.33%
Institutional	7.00	1.61%	141.03	0.74%
Forestland/Agriculture	30.30	6.96%	4221.12	22.26%
Recreation (Federal/State/Local/ Community Assoc.)	63.65	14.62%	5817.86	30.68%
Club (Rod & Gun Clubs)	0	0.00%	1828.91	9.64%
Conservation Easement	0	0.00%	662.62	3.49%
Utility/Railroad	0	0.00%	191.53	1.01%
Roadway	97.93	22.49%	503.74	2.66%
Total	435.49	100.00%	18964.69	100.00%

Conservation Zoning Potential Build-Out

are considered density neutral because the Ordinance provides no incentives such as a density bonus for open space (conservation design) development.

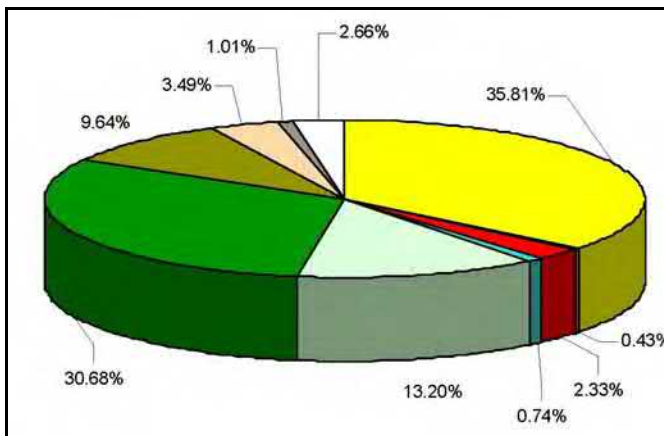
Conventional v. Conservation

The number of single-family homes developed in the Township under the conventional subdivision approach permitted by the Zoning Ordinance would result in the following land use conversions:

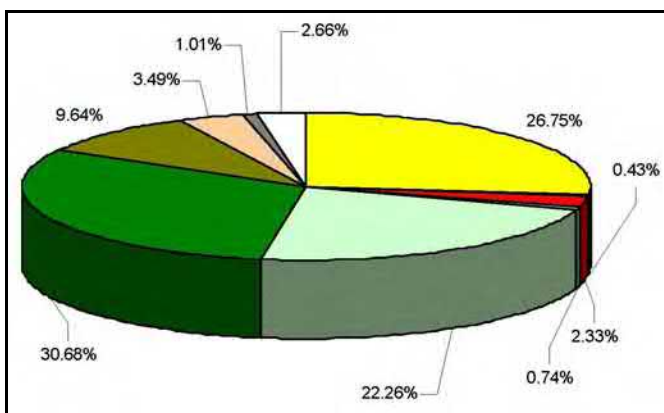
- 5,470 acres of forest/agricultural land to residential use.
- 52 acres of forest/agricultural land to commercial use.
- 2,500 additional single-family homes.

The number of single-family homes developed in the Township under the conservation subdivision approach permitted by the Zoning Ordinance would result in the following land use conversions:

- 3,750 acres of forest/agricultural land to residential use.
- 52 acres of forest/agricultural land to commercial use.
- 2,500 additional single-family homes.



Westfall Land Use - Conventional Subdivision



Westfall Land Use - Conservation Subdivision



Open Space Gain

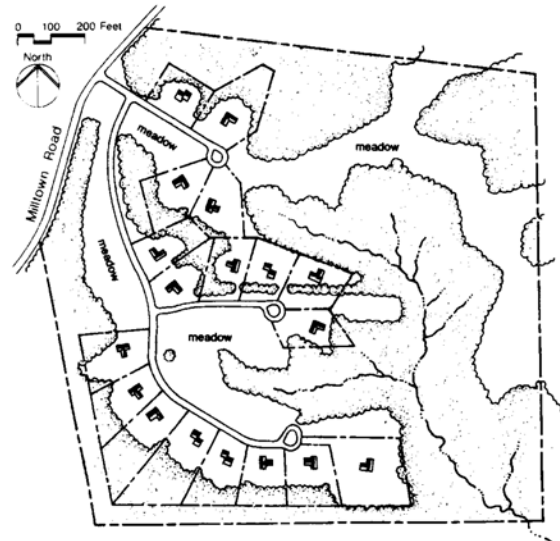
The use of the conservation design approach would result in an estimated 1,720 acres of additional open space in the Township at build-out. Under conventional subdivision practice almost 36% of the Township would be in residential use while the use of conservation design would limit the area to 27%.

Additional open space could be preserved by:¹

- Providing a density bonus for conserving a larger percentage of open space which must be facilitated by allowing smaller minimum individual parcel sizes to enable the higher proportions of open space.
- Making conservation design development the basis for all subdivisions and the only way for developers to achieve full density. Under this approach, there is no density bonus for the standard conservation subdivision with 50% of the unconstrained land designated as open space. That kind of development becomes the basic standard, and is the only way for developers to achieve full density.
- Requiring conservation design in situations where conservation is essential, such as along stream corridors, or where development is proposed on parcels which have been identified as critical for preservation to ensure that possible future greenway connection opportunities are not lost.



18 2-acre Lots in Conventional Subdivision



18 lots Based on 2-acre Density with Open Space

Density Instead of Lot Size

¹For more discussion see *A Review of Westfall Township's Comprehensive Plan and Land Use Regulations with Recommendations to Enhance Natural Resource Conservation and Open Land Preservation*, p. 24, Pike County Conservation District and Pike County Office of Community Planning, 2007.

PLANNING IMPLICATIONS

Overview

The Matamoras-Westfall Planning Area is faced with both challenges and opportunities in its current land use configuration and careful and continued planning is essential.

- The Planning Area, given its location near the New Jersey and New York metropolitan area and its small town character, clean environment, quality of life, and open land, holds great potential for growth and development.
- With relatively few vacant lots available in the Borough or in existing subdivisions in the Township, most new development will occur on new lots subdivided from open land.
- Many large privately owned tracts of land exist throughout the Township, some owned by hunting clubs. As land values rise the likelihood of development of these properties increases. Local officials must begin an outreach effort and partner with landowners and local conservation organizations to preserve these properties.
- The provisions of Westfall Township Ordinance 123 and the Katz Equitable Settlement Agreement and the Settlement Agreement/Release have a significant and continuing effect on the long term land use of the entire Planning Area.
- Although one large vacant parcel (63 acres) is available, development in the Borough will involve primarily in-fill of existing lots and redevelopment of businesses.
- Commercial development and redevelopment in the Borough should follow a plan aimed at revitalizing the Pennsylvania Avenue business district.
- More residential development in the Planning Area and surrounding municipalities will spawn more pressure for retail/service commercial development, and increased demand for municipal facilities and services.
- Most of the land along Route 6/209 and Pennsylvania Avenue has been developed.
- The challenge is to provide for the essential economic growth and development of the Borough and Township while concurrently conserving its scenic, historic and natural environment and the remaining open land.
- Although there are no guarantees, the Planning Area can presume that land owned by the Pennsylvania Bureau of Forestry, the Pennsylvania Game Commission and the National Park Service, and Airport Park will remain in public ownership and stay undeveloped for many years to come.
- The Borough and Township have an opportunity to supplement these existing park and open space areas by working with private interests that own properties in optimal locations (enabling the creation of open space and trail networks) or that contain valuable resources.

**Potential
for Development**

Although most lots in the Borough are developed, the Matamoras - Westfall Planning Area holds great potential for further development given the hundreds of acres of open land available in the Township. Some parcels cannot be developed because of natural limitations such as poor soils, wetlands and steep slopes. Nevertheless, the suitable land in the Planning Area could be developed into many more residential lots. In any event, the rate of development of new residential subdivisions and the improvement of existing lots in the Planning Area will be governed more by the demand for lots than by the paucity of land. Both municipalities must be prepared to manage whatever development is proposed by adopting, administering and updating the necessary land use control regulations, including innovative techniques such as conservation design and transferrable development rights.

**Existing Land Use and
Environmental Controls**

As authorized by the Municipalities Planning Code, the subdivision and land development ordinance and the zoning ordinance are the principal land use management tools which are available to local municipalities in Pennsylvania.

The subdivision and land development ordinance provides standards for dividing land and for residential and non-residential development projects to ensure the provision of adequate community facilities such as roads, water supply and sewage disposal, utilities, proper highway access, and storm water control.

The zoning ordinance regulates the use of land by dividing a community into districts to separate land use activities (residential, commercial, industrial, etc.); sets standards for lot size, setbacks and building height; includes specific standards for a broad range of land uses including for example: parking, signs, junkyards, mineral extraction, cell towers, and multi-family dwellings, and other general community development and environmental performance standards.

Matamoras Borough and Westfall Township have each adopted a subdivision and land development ordinance and a zoning ordinance, and have amended each as needed over the years. In fact, as part of the current planning process, each municipality will review their subdivision and zoning ordinances and update each as needed to meet current development management needs.

FUTURE PLANNING POLICIES AND ACTIONS

Overview

Planning policies and recommendations are embodied in the Future Land Use Plan and the Plan is intended to accommodate projected growth and provide for needed community facilities and services while preserving the Borough's small town character and conserving the Township's open space and natural resources. It addresses land conservation, sustainable residential development, opportunities for commercial and office development, and

remedies for potential incompatible land uses. The plan is also attentive to state law, which requires municipalities to accommodate all categories of land use or to cooperate on zoning for the Planning Area as a whole.

The Basic Land Use Planning Approach of this *Comprehensive Plan* is to:

- provide incentives for good design and open space preservation as property is developed.
- encourage landowners to participate in local and state programs to preserve open space.
- protect residential neighborhoods and planned subdivisions from incompatible development.
- revitalize the Borough's main street.
- provide appropriate areas to accommodate projected growth.
- conserve and protect valuable natural resources and sensitive environmental areas.
- improve floodplain management to minimize flood damage and address areas of repetitive flooding loss.
- encourage the preservation of historic buildings and sites.

The Matamoras-Westfall Planning Area's proximate location to regional metropolitan areas, attractive natural environment, and quality of life are expected to continue to stimulate residential development similar to the past. Increased demand for retail and service establishments generated by the increasing population of the Planning Area and Tri-State Region is also anticipated.

This *Comprehensive Plan* calls for Planning Area residents and local officials to recognize this growth status and continue to protect the community characteristics essential to the quality of life which is so important to residents and is attracting new residents, while maintaining a compatible local economy. In other words, it is the intent of Matamoras and Westfall officials to conserve and revitalize the Borough's small town character, and accommodate a *fair share* of growth in the entire Planning Area while concurrently preserving open space to the greatest extent possible.

Future Land Use

The development pattern proposed in the Future Land Use Plan is coordinated with the Natural Resource Protection Plan, Historic Resource Protection Plan, Transportation Plan, and Community Facilities and Utilities Plan. In general, the Future Land Use Plan forms a development pattern based on a gradient of density. It promotes the highest intensity of development in the Borough and adjoining areas of the Township where public water and sewer are available or are most feasible in the future.

Higher intensity commercial and industrial uses are directed to the existing commercial zones in the Township around the Interstate 84 Interchange and along the Route 6/209 corridor to continue to serve as a regional retail and service center. Commercial development in the Borough is also directed to existing commercial zones along a revitalized Pennsylvania Avenue and is intended to provide a community focal point for local residents.

Surrounding the Borough and higher density areas of the Township is a transitional area of moderate density residential development. Low density rural residential use predominates in the upland areas of the Township and open space preserved in the development process is connected to state forest lands situated in the northwest section of the Township.

Current Zoning Districts

Matamoras Borough

- R1 Single Family Residential
- R2 General Residential
- C1 Neighborhood Commercial
- C-2 General Commercial
- R Recreation
- I Industrial
-

Westfall Township

- CD Conservation
- R-1 Low Density Residential
- R-2 General Residential
- C-1 Neighborhood Commercial
- C-2 General Commercial
- C-3 Mixed Commercial & Industrial
- ED Enterprise

Current Zoning Districts Affirmed

Based on this approach and all of the elements of this *Comprehensive Plan*, Borough and Township elected officials and Planning Commissioners recognize that the continued enforcement of the zoning ordinances and the subdivision and land development ordinances, continued planning by consulting, reviewing and updating this *Comprehensive Plan*, and periodically updating the ordinances to address changing conditions are the most critical actions required to manage the growth and development which is inevitable for the Borough and Township. The existing zoning districts in the Borough and Township as delineated by the current zoning maps are affirmed as the foundation for future land use plan for the planning area.

The Westfall Township Supervisors specifically recognize that the area remaining for commercial development is limited and additional commercial zones should be considered, particularly those areas along Delaware Drive and Route 6/209 which were originally zoned commercial but were later re-zoned to residential, and which include a number of commercial establishments. In addition, including some low impact commercial uses in non-commercial zones as conditional uses or special exceptions may be an alternative. Given the lack of infrastructure and suitable sites, large scale industrial development is not anticipated.

Residential Neighborhoods

In addition to the residential core in the Borough and surrounding areas of the Township, residences are found in a number of planned or historically evolved developments and on individual lots throughout the Township. Local officials recognize that the Future Land Use Plan must allow for all types of commercial and manufacturing uses. However, this *Comprehensive Plan* must also afford to existing residences and new residential development protection from incompatible uses and the *externalities*, that is, negative effects, of unrestrained commercial and industrial development. This is best accomplished by continuing to maintain separate residential areas, applying environmental, development and operational performance standards to commercial and industrial uses, and establishing increased lot sizes, setbacks, and buffers where such uses adjoin residential development.

This should, however, not preclude the use of mixed use development techniques such as planned residential development and traditional neighborhood development. Allowing a mix of dwelling types and retail and service establishments internal to large residential development is a good means of providing needed commercial uses close to residences and reducing traffic on public roads.

Residential Policies and Actions

- Continue to provide protection for residential areas by maintaining separate residential and nonresidential zoning districts, applying environmental, development and operational performance standards to commercial and

industrial uses, and establishing increased lot sizes, setbacks, and buffers where such uses adjoin residential development.

- Allow higher density residential development only in areas where public water supply and public sewage disposal is available.
- Encourage the use of zoning and subdivision and land development ordinance provisions to effect conservation design development to conserve open land, conserve sensitive natural areas, preserve historic resources and maintain community character.
- Consider requiring conservation design in certain districts and/or areas as a means of conserving open space.
- Allow for the integration of retail and service establishments in large residential developments.
- Continue to allow a reasonable range of home occupations consistent with residential neighborhoods.

Nonresidential Development

This *Comprehensive Plan* recognizes that commercial, manufacturing and institutional uses are important to maintaining the economic and social health of the Borough and Township. While the type, location and intensity of such uses in the Planning Area have changed over its development history, local residents rely on such establishments for employment, for goods and personal services, and for community facilities and services.

These uses require good highway access and should be primarily located along Route 6/209 and Pennsylvania Avenue with less intense commercial uses allowed in other areas. Buffering standards are important to ensure compatibility with adjacent residential areas, and design standards and guidelines should be created to foster attractive and well-landscaped projects as opposed to unimaginative and conventional strip centers. Pedestrian access and interconnections should be emphasized.

Nonresidential Policies and Actions

- The Borough and Township zoning ordinances include a broad range of nonresidential performance standards which must be continually reviewed and updated to address changing development patterns and ensure community and environmental protection.
- Carefully evaluate the range of commercial uses in the Borough's downtown area in terms of revitalization efforts.
- Consider Borough-Township cooperative zoning to allocate commercial and industrial land uses throughout the Planning Area instead of in each municipality.
- Coordinate commercial zoning standards between the Township and Borough.
- Maintain up to date design guidelines for commercial, industrial, and institutional development to encourage the most efficient use of commercial land and development consistent with community character.

- Allow commercial, manufacturing and institutional land uses only in appropriate districts based on compatibility with surrounding land uses, access potential, and logical extension of utilities.
- Do not make standards so onerous that commercial and manufacturing development is discouraged.
- Require nonresidential development to consider the physical characteristics of the site as part of the design to protect environmentally sensitive areas.

Commercial Design Standards and Guidelines

Design guidelines, along with development standards and permit approval requirements for specific location and site details can be used to retain community character. Standards and design guidelines in rural areas should consider historic design trends in the built environment and should specifically address issues surrounding the massing, form, materials, and color of new buildings or structures. Zoning performance standards in Pennsylvania generally cannot be used to govern the specific architectural appearance of buildings. Design guidelines, which can be suggested by the municipality and voluntarily adopted by the developer, can be effective for ensuring building designs are consistent with community character.

Site design zoning standards should include, for example, maximum impervious cover, landscaped setbacks between buildings and the road, modest parking lot size, interior landscaping for larger parking lots, sign requirements, and vegetated buffers along property lines. A critical requirement is the retention of existing vegetation to the greatest extent possible. Development standards for lighting, circulation, parking, landscaping, and noise should be consistent with the rural area.

- Allow the clearing of vegetation and grading only after a development plan has been approved.
- To the extent that zoning cannot adequately govern design, prepare and promote design guidelines for commercial, manufacturing, and institutional development to encourage the most efficient use of commercial land and development consistent with community character.
- Allow for a variety of professional and personal services to be conducted as home based businesses in all areas provided nuisance elements are controlled.
- Ensure that *no-impact home-based businesses* as defined by the MPC are allowed as principal permitted uses in all zoning districts in the Borough and Township.
- Encourage area economic development organizations to include efforts for the retention of existing business, improvement of the small business climate, and the promotion of tourism instead of simply committing resources to *attracting industry*.

Forestry

This *Comprehensive Plan* recognizes the historical and continuing importance of forestry enterprises to maintaining healthy woodland while providing income for the owners of larger parcels to maintain their land. Forestry activities are encouraged throughout the Township provided such operations are conducted in accord with sound forest management practices and environmental regulations. Landowners manage their forests for a variety of reasons including income from timber sales, wildlife habitat, recreation, water quality protection, bio-diversity, and timber for long-term investment. Improper harvesting and management practices often raise stream water quality and other environmental concerns with local residents and local officials. It is critical for public acceptance of forestry, environmental quality and the long-term viability of the industry and forest resources that logging professionals and individual landowners use best management practices when harvesting and for long-term forest health.



Forestry-Related Business



The Pennsylvania Municipalities Planning Code (MPC), at §603(c)(7), states that *zoning ordinances may not unreasonably restrict forestry activities* and goes on to require that in the Commonwealth, *forestry activities . . . shall be a permitted use by right in all zoning districts in every municipality*. The Code defines *forestry as the management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development* (buildings such as sawmills and wood products manufacturing are treated as separate uses). To be consistent with the MPC *forestry* must be classified as a principal permitted use in all zoning districts.

Forestry Policies



- Review the forestry standards in the Westfall Zoning Ordinance to ensure that they are reasonable, and not so onerous as to discourage forestry enterprises and can be enforced. Essential elements include:
 - requirements for logging plans and the use of good forest management practices
 - road and property line setbacks for landings
 - road access and drainage requirements
 - mandating compliance with environmental laws
- Include *forestry* as a principal permitted use in all zoning districts in Westfall and Matamoras to comply with the MPC.
- Provide ample opportunity for the location and development of *value added* enterprises that use the plentiful forest resources available in the Planning Area.
- Encourage the local economic development organizations to work with the forest industry to promote and grow forestry related enterprises, particularly in the realm of *value added* products.

Mineral Extraction

This *Comprehensive Plan* recognizes the need to provide for *the reasonable development of minerals* and encourages such operations in appropriate locations. The primary minerals of importance in the Planning Area are sand and gravel and quarry stone. The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. In addition, the Planning Code now severely limits the range of development and operational standards which can be applied to mineral extraction by local municipalities, with location standards the primary tool available to the Township.

Planning Code §603(l) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite*

and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas. The Code, at §603(b) allows zoning ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the Pennsylvania Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act. These Acts regulate such things as setbacks, dust, noise, blasting, water supply effects, and reclamation.

Mineral Extraction Policies

- Update the mineral extraction standards in the Westfall Zoning Ordinance to ensure conformity with the MPC.
- Confirm that proposed mineral extraction operations will comply with state environmental regulations.
- To the extent possible under the terms of the Planning Code, ensure via cooperative Borough/Township zoning that mineral extraction operations are located in suitable areas where impacts will be minimized.
- Adopt zoning standards to ensure that mineral extraction is controlled to the greatest extent possible within the limitations of the Planning Code.
- Monitor the evolving case law applicable to natural gas extraction and regulate to the extent possible.

Environmental Protection

Development and environmental protection, as well as conserving open land and natural resources, need not be mutually exclusive. While a clean environment, abundant open land, and natural resources are key elements of the quality of life in the Matamoras-Westfall Planning Area, one must recognize that growth is inevitable and can contribute positively to a healthy community. The goal is to strike a balance between development and preserving the essential character of the Planning Area. Development practices which recognize the importance of the local built and natural environment will ensure the continuation of the quality of life that residents enjoy and which is so attractive to new residents. Concurrently, land owners and developers will be able to provide the home sites and businesses that a growing population demands.

The intent is to ensure *environmentally friendly* development within the context of the existing zoning districts. State and federal regulations address many aspects of resource conservation and environmental protection, and these regulations should be the foundation - the base from which local municipal regulations should be built. Local standards must be consistent with and be coordinated with state and federal requirements. In some cases, the zoning ordinance can simply reference the other applicable standards.

Local Authority for Regulation

The Pennsylvania Municipalities Planning Code (MPC) authorizes land use planning and management tools for the Commonwealth's municipalities. Compliance with the MPC, along with case law, dictates the legality of local regulations. For this reason, it is very important to remember that all land use management tools must be prepared and administered within the bounds of the MPC and current case law. In addition, the Second Class Township Code and the Borough Code provide authorization for special purpose ordinances aimed at protecting public health, safety and welfare. Other state laws, such

as the Floodplain Management Act and Stormwater Management Act, mandate local regulation of resources. In all cases, the municipal solicitor should be involved in reviewing any changes to municipal plans and ordinances.²

Integrated Approach

Given the range of authorizing state statutes, municipal open land, natural resource and environmental regulations are found throughout a number of ordinances. While this may appear problematic at first glance, the integration of such standards in various ordinances is important because a certain ordinance may govern one type of development while another governs a different type. For example, the subdivision and land development ordinance governs how land is divided and improved while the zoning ordinance governs the specific uses on the land. In some cases a special purpose ordinance may be more effective than including standards in the zoning ordinance. The important point is consistency of standards in all ordinances.³

Range of Standards

The Borough Zoning Ordinance and the Township Zoning Ordinance include a range of environmental standards. The two municipalities must periodically review and update local environmental standards to ensure the most effective protection. The possible range includes:

- Environmental impact analysis requirements for large scale and environmentally problematic uses.
- Retention of existing vegetation on development sites.
- Soil stabilization and landscaping.
- Stream, lake and wetland buffers.
- Stormwater best management practices including quality treatment and infiltration.
- Floodplain management.
- Hydrogeological studies for proposed uses with large groundwater consumption.
- On-site sewage disposal system management.
- Limitations and special standards for development on steep slopes.

Open Land Preservation

Why is the preservation of open land important for a community? The value of open lands extends beyond monetary worth. Residents know that these open lands, whether agriculture, forest land, hillside, ridge line or park, affect community livelihood, property values, and recreational opportunities. While

²A Review of Westfall Township's Comprehensive Plan and Land Use Regulations with Recommendations to Enhance Natural Resource Conservation and Open Land Preservation, p. 5, Pike County Conservation District and Pike County Office of Community Planning, 2007.

³Ibid., p. 5.

Note About Open Space:

Open space is the land and water features of the natural landscape that have not been developed for intensive human uses, such as residential neighborhoods, business districts and industrial sites. Open spaces include, but are not limited to, wildlife areas, ridgelines, river and stream corridors, wetlands, parks and recreation areas, as well as productive forestry and agricultural lands. Open space can be publicly or privately owned and managed for production, conservation or outdoor recreation. Open space can protect and enhance environmental quality, provide wildlife habitat, and provide locations for active and passive recreation. An open space network refers to a system of large open spaces and connecting corridors called greenways.

the value may be difficult to quantify, we know open lands:

- *Provide agricultural (and forestry) jobs and sales.*
- *Boost property values for surrounding developed areas.*
- *Offer a scenic backdrop for a tourist economy.*
- *Form a link to a historic past.*
- *Offer recreation opportunities.*
- *Provide habitat for native plants and wild animals.*
- *Replenish groundwater and act as a filter to improve water quality.*
- *Enhance the quality of life of area residents.*⁴

Open land and natural areas are key ingredients of the area's rural-recreational landscape, and local and county officials must encourage the conservation of open land if this character is to be maintained. Conceivably, all areas of privately owned land which are not wetlands or are not extremely steep, or not already protected by easement, could be developed, using central sewage disposal if necessary. Fortunately, as evidenced by this *Comprehensive Plan* and the land use management ordinances, coupled with the County Scenic Rural Character Preservation Program, private conservation easements, and landowner commitment to conservation, there is a continuing effort aimed at open land conservation.

Fiscal Benefits of Open Land Preservation

The Penn State College of Agricultural Sciences Cooperative Extension, in Extension *Circular 410 - Fiscal Impacts of Different Land Uses, The Pennsylvania Experience*, reports on a study conducted in three rural townships in Adams County, Lebanon County, and Perry County. (See the following *Cost of Community Services by Land Use Table*.) The study found that:

- *Land uses affect the size of the local government, the types of services it offers, the types of equipment it must purchase, and the taxes it must levy.*
- *Land use also affects the number of students in the local school district, the sizes and number of school buildings, the number of teachers, and the taxes and tax rates the school levies.*
- *The overall fiscal impact of a land use depends on both its (tax) revenue and its (municipal) expenditure impacts.*
- *Residential land, on average contributed less to the local municipality and*

4

Santa Barbara County 2030: The Open Lands,
p.2,http://www.countyofsb.org/plandev/pdf/comp/programs/Newsletters/open_lands_newltr/value_all.pdf

Cost of Community Services by Land Use				
Township In:	\$ revenue collected : \$ spent on services			
	Resid	Comm	Indus	Open
South Central Townships				
Bethel Lebanon Co.	1 : 1.08	1 : 0.07	1 : 0.27	1 : 0.06
Carroll Perry Co.	1 : 1.03	1 : 0.06	—	1 : 0.02
Maiden Creek Berks Co.	1 : 1.28	1 : 0.11	1 : 0.06	1 : 0.04
Richmond Berks Co.	1 : 1.24	1 : 0.11	1 : 0.06	1 : 0.04
Straban Adams Co.	1 : 1.10	1 : 0.17	1 : 0.05	1 : 0.06
Philadelphia Area Townships				
Bedminster Bucks Co.	1 : 1.12	1 : 0.006	1 : 0.04	1 : 0.04
Buckingham Berks Co.	1 : 1.04	1 : 0.16	1 : 0.12	1 : 0.08
North Central Townships				
Bingham Potter Co.	1 : 1.56	1 : 0.26	1 : 0.15	1 : 0.15
Stewardson Potter Co.	1 : 2.11	1 : 0.37	--	1 : 0.15
Sweden Potter Co.	1 : 1.38	1 : 0.07	--	1 : 0.08
Western Township				
Allegheny Westmoreland Co.	1 : 1.06	1 : 0.15	1 : 0.14	1 : 0.13
Source: <i>Calculating a Cost of Community Services Ratio for Your Pennsylvania Community</i> , Pennsylvania State University, 1998				

school district than it required back in expenditures.

- *Commercial, industrial, and farm- and open land contributed more to the local municipality and school district than they took, thus helping to subsidize the (service) needs of residential land.*
- *If growth must occur, commercial and industrial development has a potentially beneficial impact on the tax base as long as it does not dramatically raise the demand for services.*
- *When farmland is converted for residential purposes . . . the land will be converted from a net contributor to the municipality and school district into a net drain.*
- *Even with preferential assessments, farmland ends up subsidizing the educational costs of residential land and plays a positive economic role in the community.*

The Penn State data represents a cross section of communities in terms of level of development, from very rural townships in Potter County to highly developed townships in the Philadelphia area. The conclusion in all reported townships was consistent: ***The cost of services to residential development exceeds the amount of tax revenue generated.***

In fact, some communities in southeastern Pennsylvania have found that the purchase of conservation easements to limit residential development is a more economical approach than providing facilities and services to new residents. The cost of schools is the most important factor when

the amount of tax revenue generated from a single-family dwelling is compared to the cost of educating one student. (See the *Cost / Revenue Analysis for Delaware Valley School District Sidebar*.)

Nevertheless, residential development has always been, and will continue to be an integral part of the character of the Planning Area. The important point of the Penn State studies is not that residential development must be discouraged, but that there must be a balance between open land, residential development, and commercial development. Commercial development provides the tax base necessary to support the services required for residential development.

Innovative Zoning for Conservation

As is the case with all newly adopted provisions, the efficacy of standards for land conservation, along with any inconsistencies, will be evidenced when a municipality first applies the standards. It is also important to note that there

Cost / Revenue Analysis for Delaware Valley School District (based on 2004-2005 school year data)

Step 1. Calculate the number of homes in the development on a hypothetical 100-acre property using an effective density based on 2-acre zoning.

$$100 \text{ acres} \times .443 \text{ homes/acre} = 44.3 \text{ homes}$$

Step 2. Calculate the number of public school students in the development based on the average number of public school students per home throughout the Delaware Valley School District.

$$44.3 \text{ homes} \times 1.6 \text{ public school students/home} = 70.8 \text{ public school students}$$

Step 3. Calculate the cost to educate public school students per year based on average cost per pupil.

$$\$7,222 \text{ cost per pupil} \times 70 \text{ students} = \$505,540/\text{year}$$

Step 4. Calculate the school tax revenues per year in the development based on average \$190,000 house.

$$\begin{aligned} \$190,000 \text{ house} \times .25(\text{assessment}) &= \$47,500 \text{ assessed valuation} \\ \$47,500 \text{ valuation} \times .094 \text{ mil tax rate} &= \$4,465 \text{ tax revenue/home} \\ \$4,465 \text{ tax revenue/home} \times 44 \text{ homes} &= \$196,460.00 \end{aligned}$$

Step 5. Calculate the annual surplus or shortfall per year to educate 70 students from the development.

$$\$196,460.00 \text{ (revenue/year)} - \$505,540.00 \text{ (cost/year)} = \$309,080.00 \text{ shortfall}$$

Step 6. Calculate the cost to purchase conservation easements on the hypothetical 100 acre property based on the average per acre cost for the purchase conservation easements in Pike County.

$$100 \text{ acre property} \times \$4,000/\text{acre} = \$420,000$$

Step 7. Calculate the *break even period* which is the number of years it would take for the annual shortfall to equal the cost to purchase the conservation easement on the 100 acre farm. After the break even period, the need to cover the annual shortfall from other revenue sources would be avoided.

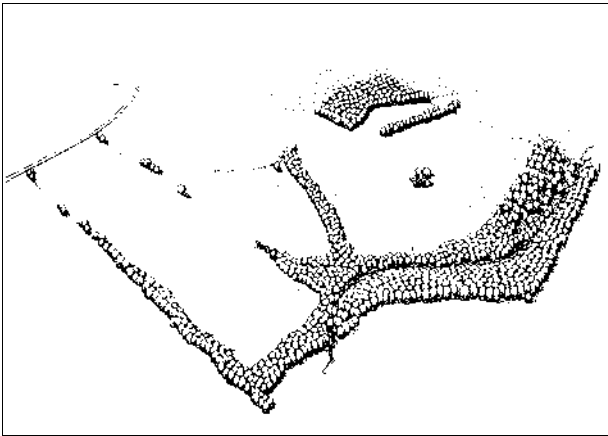
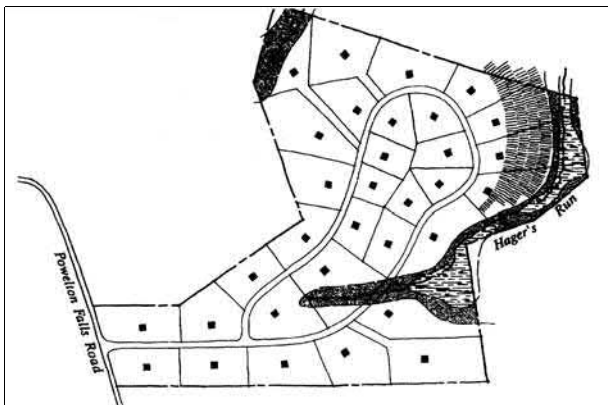
$$\$420,000 \text{ cost of conservation easement} \div \$309,080 \text{ shortfall per year} = 1.4 \text{ years}$$

(Pike County Office of Community Planning and Milford Experimental Forest in consultation with Michael Frank, Heritage Conservancy, author of *Opportunity Knocks*. Reference data obtained from: Delaware Valley School District Business Office, Pike County Assessment Office, Pike County Treasurer, and Extracted Dynamic Data Systems.)

is no one best method to accomplish the objective of conserving open land. The intent of the following discussion is to point out innovative approaches that are used by many municipalities. In the end, the elected officials of each municipality must determine which approach and standards are best suited to the community.

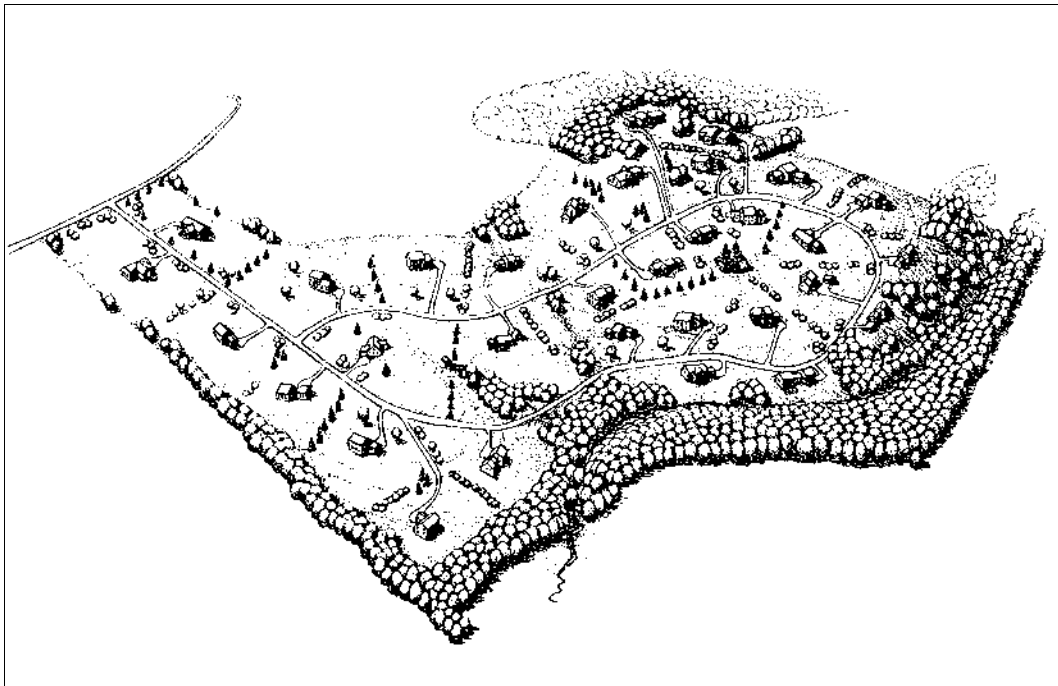
Conservation Subdivision Design

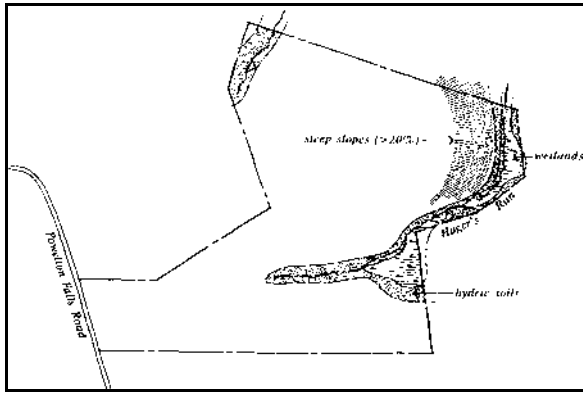
Westfall has included conservation design development in both the Township Zoning and Subdivision Ordinances as a method for conserving open space under the provisions for *open space development*. Given the limited number of larger parcels available for development, this technique has not been included in the Borough's Ordinances.

*Before Development**Yield Plan*

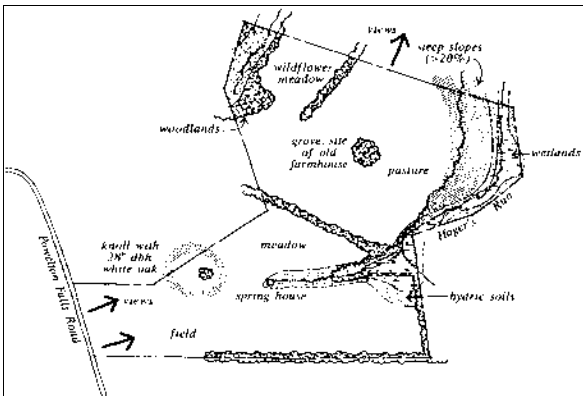
Based on the density set in the ordinance, conservation design permits the same number of units on a parcel as a typical subdivision, but with a reduction in minimum lot size. The balance of land needed to maintain the density established by the ordinance is set aside as permanent open space. Open land and natural areas are protected by shifting development to more appropriate areas of the site. In short, the development is designed around the natural features of the project parcel. In addition to maintaining open land, conservation design reduces development costs (and commitment of resources) given shortened road and water and sewer line length, minimizes long term maintenance costs of such improvements, and limits environmental affects such as soil disturbance and storm water. The same design process can be applied to multi-family and commercial development.

The Natural Lands Trust, a nationally known land conservation organization located in Media, Pennsylvania (Delaware County), suggests that the conservation design concept be taken to a higher level by providing incentives (or disincentives) to encourage the conservation of open land and establishing specific techniques for the design of open space subdivisions.

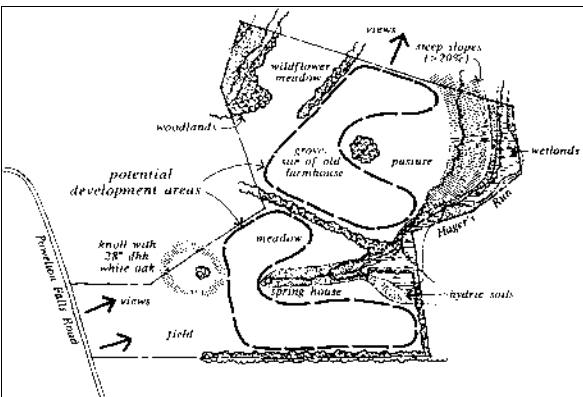
*With Conventional Development*



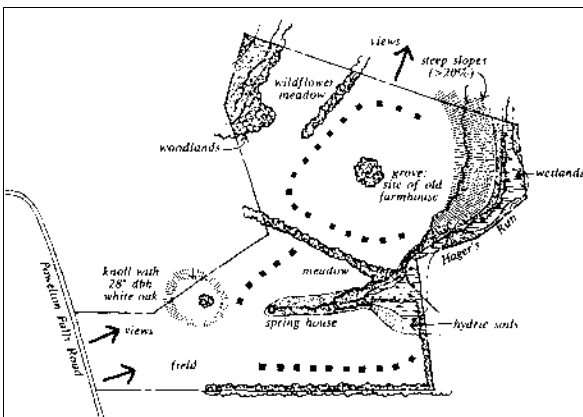
Identifying Primary Conservation Areas



Identifying Secondary Conservation Areas



Identifying Potential Development Areas



Locating Potential House Sites

The process is presented in detail in the handbook, *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*, published by the Natural Lands Trust. (See the accompanying figures.) Incentives could include allowing higher density for open space design; a disincentive would be the reduction in density if a traditional lot layout is used in place of the open space design. In fact, some communities have mandated the use of this technique for all development or in certain zoning districts.

Conservation Design in Practice

Conservation design development is practiced most widely in areas where little open space remains, such as southeastern Pennsylvania where residents know what they have lost to rampant development. Consequently, conservation subdivision design has emerged in that region as an important method to preserve what little open space remains. The design process is also being embraced by many municipalities in Monroe County and Pike County where the influx of new residents from nearby metropolitan areas is driving the demand for new housing and subdivisions.

I want my piece of the pie, or I want room to spread out are common desires voiced among new residents. The problem is that as this pattern continues, the sprawl that the emigrating urbanites left behind, or escaped, is beginning in Pike County and will ultimately change the very character which is so attractive to new residents.

Conservation Design Process

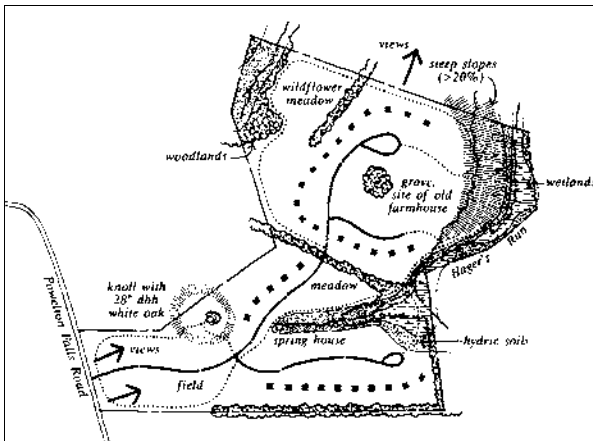
The design process involves the following steps: (See the Figures from *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*.)

1. Yield Plan - the number of units which could be developed on the site using the traditional subdivision approach.
2. Identification of all potential open space areas including primary conservation areas such as . . .

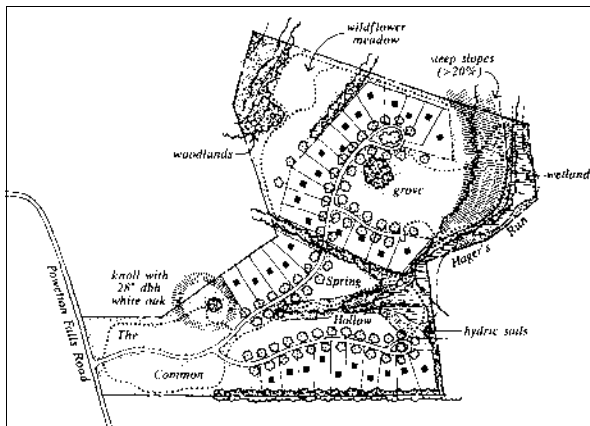
- ⇒ Soils suitable for on site sewage systems
- ⇒ Water bodies
- ⇒ Floodplain
- ⇒ Wetlands
- ⇒ Steep slopes

and secondary conservation areas such as . . .

- ⇒ Mature woodlands
- ⇒ Prime farmland



Designing Roads and Trail Links

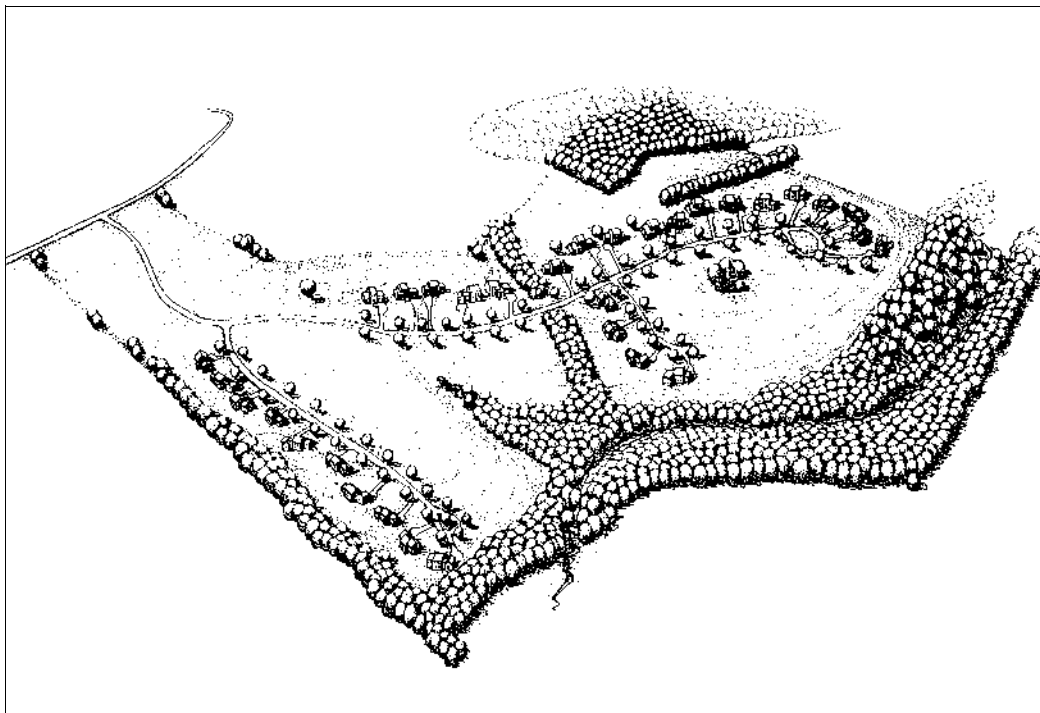


Drawing in the Lot Lines

- ⇒ Significant wildlife habitats
- ⇒ Historic, archeological, and cultural feature
- ⇒ Views into and out from the site
- ⇒ Aquifers and recharge areas

3. Identification of potential development areas -- Where should the houses be logically located on the site?
4. Location of potential house sites -- Where should individual units be located within the development area?
5. Design of road alignments and trails -- How is access best provided with the least impact on conservation areas?
6. Drawing in the lot lines at the reduced lot size results in the conservation of the designated open land.

The open land set aside in the conservation design subdivision would also be coordinated with the *Map of Conservation Opportunities* which is included as part of this *Plan*. This is intended to create an interconnected network of preserved open land.



With Open Space Design

Purposes for Conservation Design:

- To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
- To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
- To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
- To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
- To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands.
- To implement adopted land use, transportation, and community policies.
- To protect areas with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
- To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- To provide for the conservation and maintenance of open land to achieve the above-mentioned goals and for active or passive recreational use by residents.
- To provide an option for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
- To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
- To conserve scenic views and elements of the rural working landscape, and to minimize perceived density, by minimizing views of new development from existing roads.

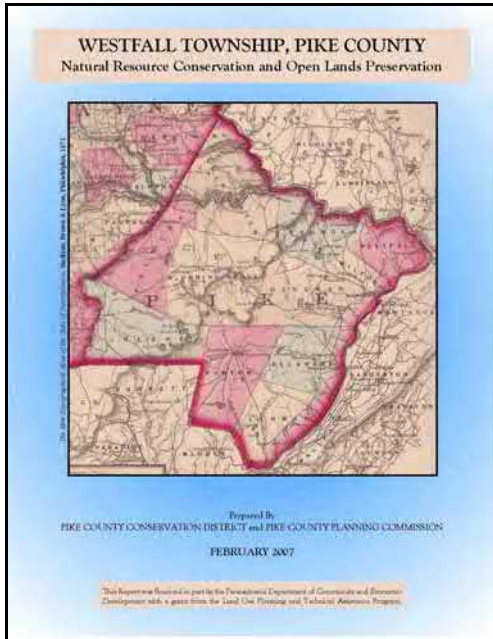
Regulate Density Instead of Lot Size

A key concept associated with conservation design is to focus on residential density instead of minimum lot size. In a standard subdivision the land is simply cut into as many lots as possible while meeting the minimum lot size requirement. Under conservation design, which is based on unit density instead of minimum lot size, the size of individual building lots is reduced, while the total number of lots does not exceed the density which is based on the underlying minimum lot size. In addition, constrained land areas (e.g., wetlands, floodplain and steep slopes) are deducted prior to calculating the number of units permitted.

The important question is - *Do we really care about minimum lot size provided the number of units does not exceed the established density?* In conservation design, the maximum lot size is the critical element, as it really defines the minimum open space that must be conserved. Individual building lots can be quite small if community water and sewage disposal are provided.

Conservation Design Policies and Actions

In 2007, the Pike County Conservation District and the Pike County Office of Community Planning issued the *Review of Westfall Township's Comprehensive Plan and Land Use Regulations with Recommendations to Enhance Natural Resource Conservation and Open Land Preservation*. The *Review* provides detailed recommendations for updating the Township's conservation design standards and the recommendations will provide the foundation for any updates.



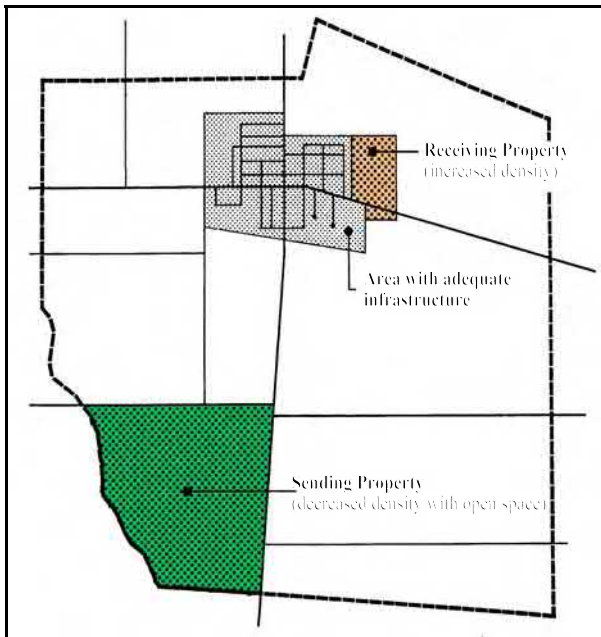
Key recommendations in the *Review* include:

- Principal Permitted Use - Classify standard subdivisions as conditional uses and require the developer to show why conservation design is not viable.
- Regulate Density Instead of Lot Size - Add more design flexibility to the Ordinance by allowing smaller lot sizes in cases where both central water supply and central sewage disposal are provided.
- Parcel Size - In association with smaller minimum lot sizes, consider a 4-acre minimum parcel size for conservation subdivision design in the CD District.
- Density Calculation - In addition to the *yield plan*, allow the *adjusted tract acreage* procedure for calculating density whereby the number of dwelling units is determined after deducting areas of constrained. Require the same constrained land deductions for lot size in standard subdivisions to put both techniques at par in terms of dwelling unit yield.
- Density Incentives - Make conservation design the basis for all subdivisions and the only way for a developer to achieve full density. Those who elect to use cookie-cutter designs would achieve a lower overall density.
- Requiring Conservation Design - Consider requiring conservation design in situations where conservation is essential and to ensure an interconnected network of open space.
- Open Space Amount and Quality - Strengthen the standards by:
 - specifying that the minimum open space requirement be set as a percentage of the net unconstrained land area.
 - adding a consolidated and detailed listing of the specific types of uses permitted in the open space.
 - making a clear distinction between open land and recreation facilities in the definition of open space in Article II.
- Open Space Ownership/Access - Allow some private ownership of conserved open space to encourage large landowners to use conservation design.

- Resident Access to Open Space - Specify the minimum percentage of the open space to be directly accessible to the residents of the development.
- Multi-Family Housing - Consider allowing two-family and multi-family dwellings at the same density as single-family in all zoning districts where conservation design development is permitted.
- Retail/Service - In larger residential developments, allow limited types of retail and service establishments to reduce the number of vehicle trips.

Transferable Development Rights

Transferable development rights (TDR) is a free market tool authorized via zoning for preserving forest land, open space, and natural resources. The traditional approach to preservation has been twofold: 1) public purchase of threatened property, either in fee or by purchase of conservation easements, and 2) placing zoning restrictions on development. TDR programs offer a third option by allowing the owner of open land to sell the development rights to another property owner through the private real estate market.



TDR – Sending Property / Receiving Property
Source: Chester County Planning Commission, 1997

TDR is not the same thing as conservation design development. Both TDR and conservation design involve the shifting of density, but conservation design involves the reorganization of development density on the same property, whereas TDR involves the transfer of development rights from one property to another. (See the *TDR – Sending Property / Receiving Property Figure*.)

Under TDR, which must be included in a zoning ordinance, the development rights are voluntarily severed from a sending property and are sold on the open market to a developer who uses the rights to increase density on a receiving property. The zoning ordinance establishes the parameters for the TDR program. A density bonus can be provided as an incentive and the number of development rights is determined after deducting the area of constrained land akin to the conservation design process. Once the development rights are severed, the sending property is protected from development by a conservation easement.

This Comprehensive Plan, adopted jointly by the Borough and Township, provides the planning and legal foundation for the use of TDR across municipal boundaries. Because a receiving property must be located in an area with adequate sewage disposal, water supply and other infrastructure required to handle the increased density, applying TDR to the Planning area as a whole, combined with careful planning for central sewage, will provide substantial opportunity for the preservation of open space.

TDR Potential Benefits:

- TDR redirects development from areas where development is not appropriate to areas where development makes the most sense.
- TDR preserves open space at little or no public expense.
- TDR ensures that landowners suffer no serious property value reductions that may accompany other zoning approaches (such as down-zoning used to protect open space).
- TDR allows large groups of parcels (e.g., entire agricultural areas, sensitive watersheds, scenic vistas, historic districts) to be conserved in contrast to parcel-by-parcel clustering techniques.

Source: Transfer of Development Rights, Brandywine Conservancy, 2003, p. 5

TDR in Palmyra Township, Pike County

The Palmyra Township Supervisors recently added TDR and conservation design provisions to their zoning ordinance, which are now being applied to the redevelopment of the former White Beauty View property. A combination of single family lots and townhouses are proposed on the parcel which is served by a central water system and a central sewage disposal system. Forty percent of the White Beauty View tract is proposed to remain as open space, and another 56 acres situated off Route 390 will be preserved as one large block of open space. As an incentive to conserve large blocks of open space, a density bonus is provided for TDR.

The conservation design approach, combined with the optional transfer of development rights, gives a municipality a very progressive tool to conserve large areas of open land by shifting development to locations with adequate infrastructure and enable conservation-minded landowners to preserve their properties. In fact, an entire sending property could be preserved with the density transferred to the receiving property where individual lot sizes could be reduced and important conservation areas would also be conserved.

Traditional Neighborhood Development

In years before interstate highways and urban sprawl, small villages and towns served as the centers for community activities and commerce. Matamoras is a good example. Traditional neighborhood development (TND) is another tool authorized by the Pennsylvania Municipalities Planning Code for inclusion in a zoning ordinance. TND enables the development of compact communities with a variety of housing types, community facilities and services, and neighborhood commercial establishments.

A key element is pedestrian friendly design that allows residents to walk to centrally located community facilities, parks and stores. The residential density would be based on a maximum density set by the zoning ordinance, yet individual lots could be very small to allow a substantial proportion of the development to be preserved as open space. The open space, accessible to residents, adds to the appeal of the TND and conserves important natural resources. Similar to conservation design and transferable development rights, TND should be considered for inclusion in any zoning ordinance where larger parcels are available for development.

Considerations for Conservation Design, TDR and TND

Based on the *Map of Conservation Opportunities* included in this *Plan* and the overall community goals and objectives, Planning Area officials will consider the following when evaluating the use and location of any conservation design, transferrable development rights or traditional neighborhood development provisions proposed for inclusion in Borough and Township ordinances.

- Ability of the Borough and Township to work cooperatively on zoning to enable intermunicipal transfer of development rights.
- Availability of, or potential to provide, adequate infrastructure - roads, water supply, sewage disposal.
- Identification of areas of open space critical to preserving community character.
- Landowners interested in preserving open space.
- Need to preserve and/or the effect on environmentally sensitive areas.

Advantages Offered by Conservation Easements:

Private Ownership: The property remains in private ownership and continues to contribute to the local tax base. The landowner may choose to live on the land, sell it, or pass it on to heirs.

Owners Satisfaction: Gives the landowner the satisfaction that the land will remain unchanged.

Flexibility: Easements are flexible and can be written to meet a particular land-owner's needs while protecting the property's resources.

Permanency: Most easements are permanent, remaining in force when the land changes hands. The easement holder ensures that the restrictions are maintained.

Tax Reduction: There are significant tax advantages if easements are donated rather than sold.

Charitable Taxes: The donation of a conservation easement to a land trust is treated as a charitable gift of the development rights. The donation creates a charitable tax deduction, equal to the value of the conservation easement, on the landowner's Federal and State income tax returns.

Estate Taxes: Estate taxes are significantly lower, sometimes making the difference between heirs holding onto the family land or selling it to pay inheritance taxes.

Property Taxes: Conservation easements will sometimes lower property taxes, a result of reduced valuation on property subject to the conservation easement.

Minimizes Effect of Development: Minimizes other impacts of residential development such as increased population, traffic, and demand for community facilities and services.

- Effect on neighboring properties.
- Including adequate standards to minimize on-site and spillover effects of more compact development.

Conservation Easements

A conservation easement is a legal agreement that is voluntarily entered into between a landowner and a land trust or government agency. The easement may be sold or donated by the property owner and places permanent restrictions on the use or development of land in order to protect its conservation values. In addition to government agencies, community based non-profit organizations are also acting to preserve land and rural character by accepting donations or acquiring conservation easements. Such organizations range in size from the Nature Conservancy, a nationwide organization, to small organizations with Board members from the local community. One such local organization, the Delaware Highlands Conservancy, based in Hawley, PA, operates in Pike and Wayne Counties in Pennsylvania, and Delaware and Sullivan Counties in New York. The Conservancy holds conservation easements on 10,000 acres, and participated in the conservation of another 1,500 acres.

Agricultural Land Preservation

Agricultural security areas, authorized by the Agricultural Area Security Law, PA Act 1981-43 (Act 43), are one step in the process of preserving agricultural lands and are initiated by landowners whose combined parcels total at least 250 acres. The parcels must be viable agricultural land or woodland and the agricultural security area (ASA) may be comprised of non-contiguous tracts at least ten acres in size. ASA's have been formed in Pike County in Dingman, Lackawaxen and Westfall Township with almost 4,650 acres enrolled. The Westfall Township ASA includes 925 acres.

ASA's provide protection from local ordinances which restrict farming practices and nuisance ordinances unless the local municipality can clearly demonstrate a direct public purpose for the protection of the public health and safety. The

Agricultural Security Area Criteria

- Noncontiguous farm parcels must be at least 10 acres in size. The farm tracts needed to create a new 250 acre or larger agricultural security area do not have to be under the same ownership or even be located in the same municipality. The Agricultural Area Security Law (Act 43 of 1981) allows for the creation of joint municipality agricultural security areas.
- The property should be viable agricultural land. Cropland, pasture, and woodland can all be included in an agricultural security area.
- At least 50% of the land should be in Soil Capability Classes I-IV, as defined by the county soil survey.
- The property must be zoned to permit agricultural uses.

Source: www.agriculture.state.pa.us

ASA designation also restricts land condemnation procedures by state, county and local governments without approval by the State Agricultural Lands Condemnation Approval Board. The ASA program is voluntary and not permanent, with each ASA reviewed every seven years. Individual landowners are free to sell their property and it can be developed at any time.

In other words, the ASA Program affords protection to agriculture, but is no real guarantee that the land will be preserved. Nevertheless, landowner participation in the ASA Program demonstrates an interest in continuing agricultural use of the land, and the Township will promote ASA's. (See the *Agricultural Securities Areas Sidebar*.)

The Pike County Agricultural Land Preservation Program was initiated in March 2006 by the Board of Commissioners. In addition, \$500,000 from the Scenic Rural Character Preservation Program was allocated to leverage state funds for the purchase of agricultural conservation easements. Land must be part of an ASA to be eligible for agricultural easement purchase. While woodland can be included in an ASA, a parcel of land qualifies for the purchase of an easement only if it supports an active agricultural operation on at least half of the parcel.

Tax Incentives Clean and Green

Differential assessment laws enable counties to assess agricultural land and forest land at its agricultural and forest use value instead of its fair market value. The Act 319 *Clean and Green* Program (*The Farmland and Forest Land Assessment Act of 1974*) is the most widely used in the Commonwealth with hundreds of thousands of acres enrolled statewide. The legislative intent of the Act 319 was to protect open land from development and insulate the landowners from tax increases from rising property values. The amount of tax

revenues lost from the land enrolled in the program must be shifted to the other taxpayers in the municipality to place the tax burden on those developed properties which generate the greatest demand for services.

Clean and Green is most effective and finds more participation in areas which have been recently reassessed. Generally, in counties which have not reassessed for many years, there will likely be little difference in the market value and the agricultural use value, diluting the interest in the program.

The Clean and Green Program has found widespread use in Pike County. In Westfall Township, almost 8,565 acres, some 45% of the total private land area, are enrolled in the Program. Once assumed to be cost prohibitive, the value of land in Pike County has risen to where the financial penalty is no longer a deterrent to removing land from the program. Large private holdings, including

Act 319 *Clean and Green* Program

- A ten-acre minimum parcel size or \$2,000 annual agricultural product sales is required.
- Development is precluded without penalty.
- If the landowner develops the property, the tax savings over the prior seven years must be paid in addition to a penalty of six percent.
- Three categories of land are eligible -
 - Agricultural Use - actively used for producing an agricultural commodity.
 - Agricultural Reserve - noncommercial open space land open to the public free of charge for recreational opportunities.
 - Forest Reserve - must contain trees capable of producing timber or wood products.
- Act 156 of 1998 amended Act 319 to allow a base acre, which may include a residence, farm building or other accessory building, to also qualify for the preferential assessment.

hunting-fishing clubs and summer camps, represent much of the large contiguous open spaces that maintain the rural quality of the County. These lands, many of which are in Act 319, are susceptible to development pressure.

Owning large amounts of land in the County is becoming an increasingly difficult proposition, particularly for hunting clubs. Decreasing club membership, waning interest in hunting, increasing costs of operating camps, and the overall increasing tax burden, hamper the owner's ability to maintain their land.

Specific Actions for Open Land Conservation

- Consider incorporating conservation design as a preferred option for residential development and providing density incentives as a means of encouraging conservation design.
- Evaluate providing for the use of transferable development rights and traditional neighborhood development in the Borough and Township using cooperative zoning to direct development to areas with adequate water supply and sewage disposal.
- Support the efforts of local land conservation organizations such as the Delaware Highlands Conservancy.
- Encourage and support private landowner efforts to maintain large tracts as open space.
- Cooperate with landowners and the County Agricultural Land Preservation Program in the creation of agricultural security areas and the acquisition of agricultural easements.
- Form a Township Open Space Committee to conduct education and outreach to encourage landowners to conserve land through conservation easements, TDR, and other available means.
- Consider a local municipal referendum on a modest earned income tax and other financing options to fund open space conservation.

KEY IMPLEMENTATION STRATEGIES

Overview

A plan is successful only if the policies it posits are put into action. This Land Use Plan can only be implemented by the combined effort of residents, landowners, and local officials. The following initiatives are key:

Cooperative Zoning

Two or more municipalities working together can manage land use from a regional perspective, and this is a very powerful tool to direct development to the most appropriate locations. This approach, authorized by the Pennsylvania Municipalities Planning Code if based on a multi-municipal comprehensive plan, allows great flexibility. Each participating municipality can adopt and administer its own ordinance or can adopt and administer a joint ordinance. A joint ordinance is somewhat less flexible because an ordinance amendment requires action by each participating municipality. This *Matamoras-Westfall Comprehensive Plan* will enable the Borough and Township to undertake cooperative zoning.

Planning Code Provisions for Cooperative Zoning

- §302 authorizes multimunicipal plans.
- Article VI provides the basic authority for zoning.
- §1006-A(b.1) directs the courts to *consider the availability of uses under zoning ordinances within the municipalities participating in the multimunicipal comprehensive plan within a reasonable geographic area and . . . not limit its consideration to the application of the zoning ordinance on the municipality whose zoning ordinance is being challenged* in terms of providing for all legitimate uses.
- Article XI enables municipalities to enter into intergovernmental agreements for cooperative planning and zoning.

Zoning cannot be used to exclude particular uses from a municipality, a dogma long held firm by the courts. In other words, a local municipal zoning ordinance must provide reasonable opportunity for the development of all legitimate uses including such activities as adult businesses, cell towers, solid waste disposal facilities, jails, and drug treatment centers.

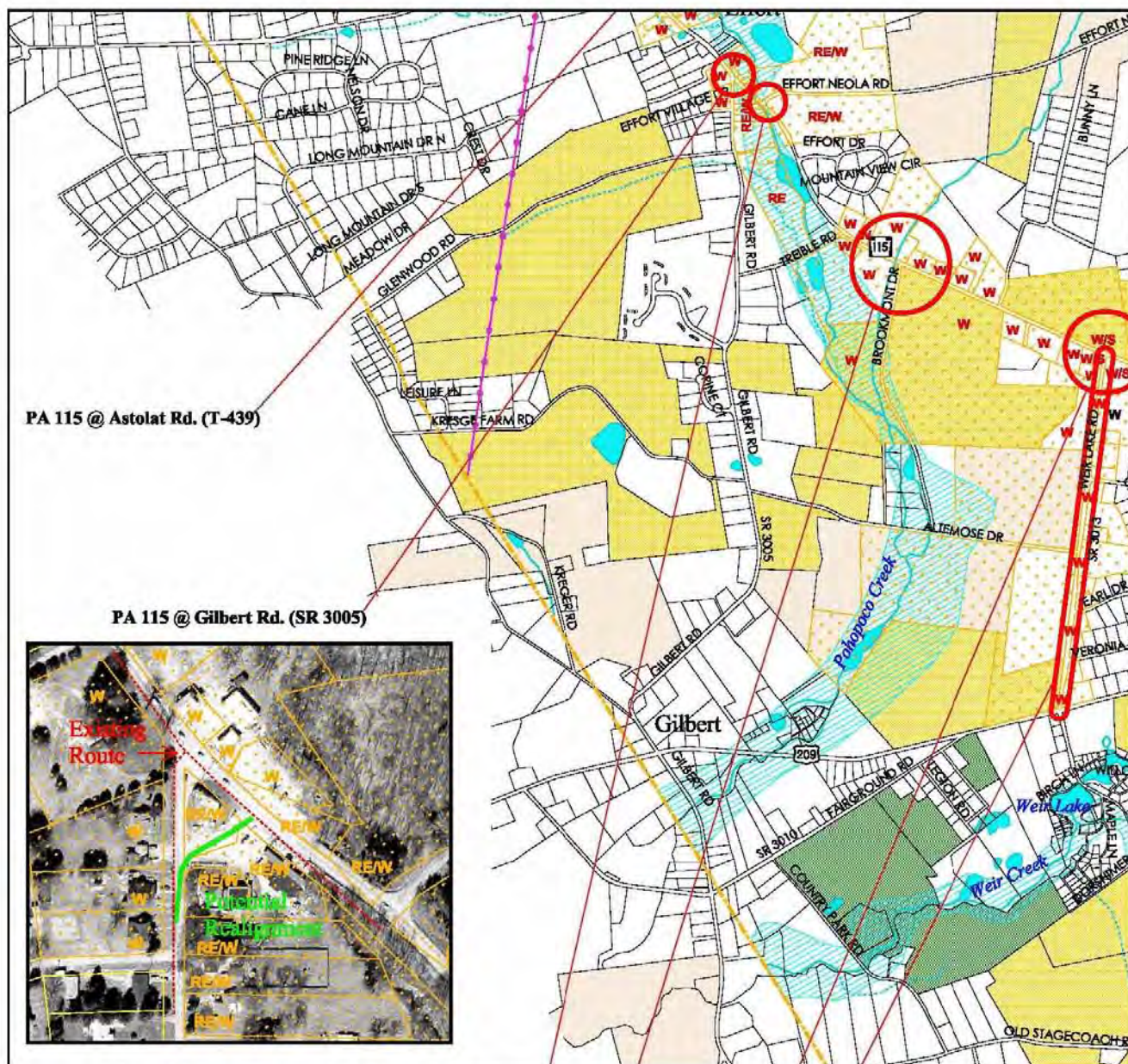
Cooperative zoning enables participating municipalities to spread the range of legitimate uses around the entire area, each not having to provide for every use within individual municipal boundaries. The MPC requires a joint comprehensive plan and formal inter-municipal implementation agreements between all municipalities participating in cooperative zoning. Other benefits derived from cooperative zoning include the ability to address land use on an area wide basis, less duplication of effort, shared manpower and decreased staff costs, and the option of using one zoning hearing board.

Cooperative Zoning Actions

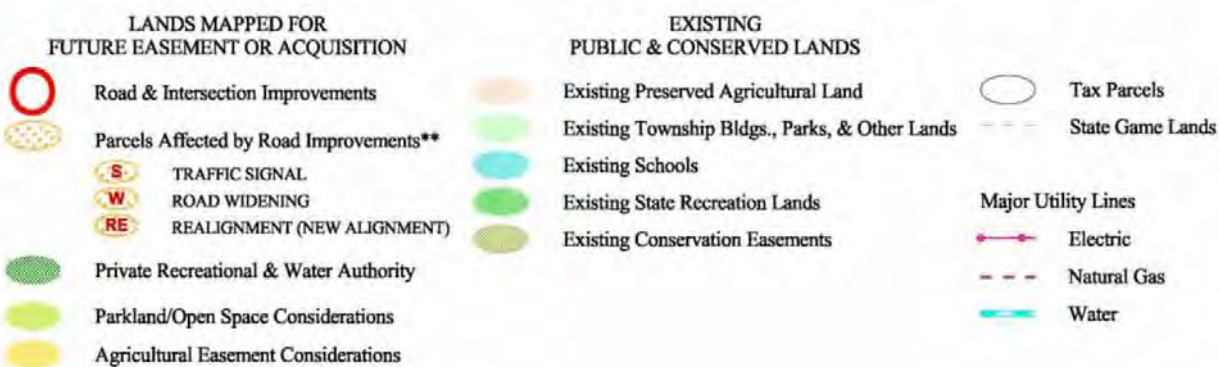
- Following the adoption of the *Comprehensive Plan*, appoint a Borough-Township ad hoc committee to consider cooperative zoning and make recommendations to the Borough Council and Township Board of Supervisors.
- Develop a cooperative zoning plan based on existing land use, current zoning districts, potential impacts of land use types, and available or proposed infrastructure.
- If deemed beneficial, enter into intermunicipal agreements and make the necessary zoning changes.
- Include the uses allowed in the Westfall Township ED and GC Zoning Districts in the evaluation of providing the Planning Area's *fair share* of land uses.

The Official Map

Article IV of the Pennsylvania Municipalities Planning Code grants the authority to municipalities to adopt an official map. The official map shows the location of areas which the municipality has identified as necessary for future public streets, recreation areas, and other public grounds, or for open space. By showing the area on the official map, the municipality puts the property owner on notice that the property has been identified for future acquisition for a public facility or purpose or for open space. The municipality may refuse to issue a permit for any building or development on the designated parcel; however, the municipality has up to one year to purchase the property, or an easement in the case of open space, upon notice by the owner of intended development.



Excerpt, Official Map, Chestnuthill Township, Monroe County, PA



This little used land use management tool can be invaluable for minimizing the cost of public facilities and open space acquisition. The Borough and Township should consider the adoption of an official map as part of its long term planning for community facilities and open space preservation. By setting aside funds for the eventual fee purchase or easement acquisition of priority open land areas, municipal resources can be used to the best long term advantage, ensuring that open land preservation is a coordinated effort rather than uncoordinated reactions to unanticipated needs.

What should be shown on the Official Map?

The official map should show existing public lands, public roads and other public facilities and anticipated municipal facility needs and parcels for potential open space acquisition in fee or by easement. For example, the municipality could designate a specific parcel for a municipal park or building, or intersections requiring improvement can be shown to ensure that additional building improvements do not add to the cost of right-of-way acquisition.

What are the benefits of the Official Map?

- *Provides for the coordination of public and private goals* - Property owners are informed, up front, of long range municipal goals for roads, parks, other public facilities and conservation easements. This allows development plans to be adjusted before detailed and costly plans are prepared.
- *Provides an effective method for implementing the Comprehensive Plan, the Open Space Plan and other planning goals* - Most municipalities rely primarily on their zoning and subdivision ordinances to advance their future land use goals. The official map provides an additional and highly effective tool to ensure that a municipality is developed in accord with its land use policies. It is particularly effective for achieving transportation and community facility goals. The implementation of an open space or park and recreation plan can benefit from the designation of existing and proposed parks, related facilities and conservation easements on the official map.
- *The municipality can plan ahead to provide community facilities, parks and open space important to the community* - By setting aside funds for the eventual purchase or easement of the identified areas the municipality can use limited resources to the best long term advantage. Priorities can be established instead of reacting to unanticipated needs undertaking uncoordinated acquisitions.
- *Provides support for grant applications* - When the municipality applies for grants or other funding, the official map can provide an advantage. Including specific features on the official map indicates a commitment to purchase the land or easement and/or make improvements. For example, mapping future parks or recreation facilities demonstrates that the municipality has planned ahead for these improvements, and could be considered when grant applications are reviewed.

Official Map Actions

- Consider an official map for the Borough and the Township as part of the cooperative zoning planning process.
- Include on the maps needed community facilities and road and intersection improvements, and critical open space areas identified in this Comprehensive Plan.

- Prepare and adopt the official map and required ordinance in accord with Planning Code Article IV.

SPECIFIC ZONING ORDINANCE CHANGES

Each Zoning Ordinance

- Include the uses allowed in the Westfall ED and GC Districts in the evaluation of providing the Planning Area's *fair share* of land uses which could enable allowing fewer residential uses in commercial districts.
- Review, update and add standards (§124-20 - Performance Standards in Matamoras Borough and Article 5 - Environmental Protection in Westfall Township) to ensure adequate provisions for:

Yards, Buffers and Screening
Landscaping
Operations and Storage
Radioactivity or Electric Disturbance
Noise
Vibration
Lighting and Glare
Smoke
Odors
Other Forms of Air Pollution
Surface and Ground Water Protection
Storm Water Management and Soil Erosion Control
Waste Materials
Settling and/or Storage Ponds and Reservoirs

Matamoras Borough Zoning Ordinance

- Evaluate the range of uses allowed in the C-1, C-2 and I Districts to ensure compatibility with existing uses and appropriateness of location.
- Review and update the District Intent for each District to be consistent with any changes in uses.
- Assess the possibility of eliminating the small C-1 and C-2 Districts which are surrounded by the R-1 District.
- Include landscaping standards in §124-20 for nonresidential uses and multi-family dwellings and in §124-18 for parking lots, and link the standards to the SALDO landscaping requirements.
- Determine if and where accessory windmills are appropriate in the Borough, and include the necessary standards in §124-15.

Westfall Township Zoning Ordinance

- Provide a Schedule of Uses for each zoning district to list all uses allowed in the district classified as permitted by right, special exception, conditional use and accessory. This will complement the current tables and facilitate the understanding and use of the Ordinance.
- Include a Schedule of Uses for the ED and GC Districts to ensure the full details are part of the Zoning Ordinance.

- Evaluate the appropriateness of residential uses in the C-1, C-2 and C-3 Districts in terms of reserving adequate areas for commercial and industrial development.
- Include in §402,A standards for wind energy facilities (wind farms).
- Consider updating the landscaping standards (§804) and buffer requirements (§803,D) for nonresidential development, multi-family dwellings and parking lots.

NATURAL RESOURCES PROTECTION PLAN

INTRODUCTION

Overview

Located along the Delaware River, the Matamoras-Westfall Planning Area rises from the River Valley beyond the bluff line (the Allegheny Front) to the interior wooded highlands. This landscape gives the Planning Area its distinctive character and is an integral part of its unique history attracting residents and recreation visitors. The Borough and Township, and all of Pike County, have long been blessed with an abundance of natural resources—clean water, forests, and wildlife—providing a high quality of life for many years. Access to the Delaware River and the large expanses of private forest land and open space, combined with thousands of acres of State Forest Land, and the clean environment, are critical to the Planning Area's quality lifestyle.

Although the open space and forest land is extensive, the natural resources and environmental quality of the Planning Area are very fragile. Clean plentiful water, pure air, open space, vegetation and wildlife can be irreparably damaged by development undertaken without concern for the natural environment and careful planning and land use control. As the area continues to grow, it is incumbent upon the Borough and Township to work together to preserve the health, safety, and welfare of its residents, as well as the identity and heritage of the community. Natural resource protection is a necessary step in accomplishing this task.

The Plan

Protection of natural resources is an important issue as expressed by Borough and Township residents. The Natural Resource Protection Plan addresses concerns related to land and water resources. It is intended to introduce contemporary conservation and management practices to derive the maximum benefit for the health and safety of Planning Area residents and visitors.

NATURAL RESOURCES GOAL AND OBJECTIVES

Natural Resources Goal:

Conserve natural resources and open space and use the resources in a way to sustain the area's economy, including maintaining a strong connection to the Delaware River.

Without careful planning and management, the use of the natural resources and sensitive environmental areas in the Matamoras-Westfall Planning Area can lead to the decline of community character and the quality lifestyle it affords, with eventual direct threats to the environment and public health and safety. Of special concern are streams, ground water, forest and soil resources. If the quality of the area's natural resources are diminished, the

***T**he purpose of conservation: The greatest good to the greatest number of people for the longest time.*
- Gifford Pinchot

***R**ecognize the right and duty of this generation to develop and use our natural resources, but I do not recognize the right to waste them, or to rob by wasteful use, the generations that come after us.*
- Theodore Roosevelt

***I**f we learn, finally, that what we need to "manage" is not the land so much as ourselves in the land, we will have turned the history of American land-use on its head.*
- Gaylord Nelson, Founder of Earth Day

quality of life and the local economy will suffer.

OBJECTIVES:

Conservation and Sensitive Natural Areas

Conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.

- Identification - Identify sensitive natural areas such as wetlands, surface water, groundwater recharge areas, woodlands, steep slopes, poor soils and flood plains, and adopt regulations to protect such areas by requiring resource sensitive development.
- Critical Resource Areas - Promote the conservation of open space within the Planning Area and the County and actively promote the long-term preservation and maintenance of valuable natural resource areas through public negotiated acquisition, private dedication of easements, and other cooperative efforts.
- Land Use Ordinances - Evaluate and develop land use ordinances to minimize effects on natural resources with the goal of maintaining open space to the greatest extent possible while allowing a reasonable density of development.
- Development Incentives - Adopt and implement municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway and trail system for the benefit of present and future residents.
- Conservation Design - Use *conservation subdivision design* to cluster residential development away from important natural, historic, scenic and cultural features, and preserve the resulting open space.
- Transferable Development Rights - Use transferable development rights to direct development to locations with adequate infrastructure and enable conservation-minded landowners to preserve their properties.
- Area Wide Cooperation - Coordinate environmental preservation efforts with neighboring jurisdictions, and establish an action plan targeting environmental concerns that require a regional approach.
- Economic Development - Encourage local economic development groups to make natural resource protection an integral part of all promotion efforts.

Water Supply and Quality and Surface Water Quality

Protect the supply and quality of drinking water and protect surface water quality.

- Source Water - Identify important source water areas and inform consumers about the protection of their drinking water.
- E & S Control - Reduce erosion and sedimentation by requiring compliance

with DEP regulations

- Stormwater - Adopt an up-to-date stormwater ordinance to control runoff through the use of BMP's.
- Water Quality - Consider the impacts of residential and nonresidential development on water quantity and quality and encourage the use of best management practices.
- Sewage Disposal - Monitor the effectiveness of on-lot sewage disposal systems and evaluate central sewage disposal as a means of correcting any widespread problems.
- Well Ordinance - Apply well construction standards with a well ordinance in areas not served by community water supply.
- Community Water Supplies - Apply well head protection standards to maintain good drinking water quality.

Wildlife Habitat

Protect critical wildlife habitat areas.

- Pike County Natural Heritage Inventory - Protect sites of rare, threatened, and endangered species as identified in the Pike County Natural Heritage Inventory.
- Forest - Conserve large forested areas to protect wildlife habitat.
- Corridors - Protect important wildlife corridors, consisting of networked open space areas and stream corridors.

Ridge Lines and Scenic View Sheds

Conserve ridge lines and scenic viewsheds.

- Development Standards - Consider measures that will preserve the characteristics of important ridge lines and scenic viewsheds by limiting the amount and type of clearing associated with development.

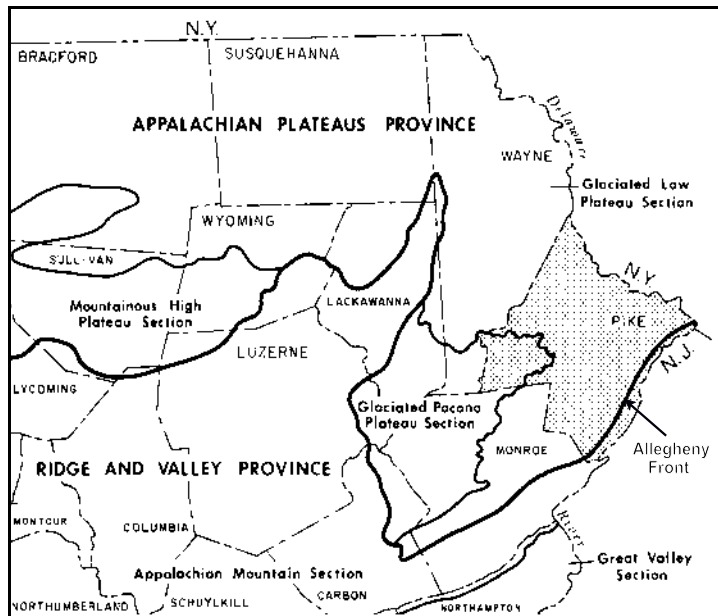
EXISTING CONDITIONS

Overview

The discussion of existing conditions provides an inventory of the Planning Area's natural features, issues related to their current state, and protections afforded by the Borough and Township and other regulatory agencies. The inventory includes physiography, topography, and geology; soils; forest and vegetative cover; watersheds, streams and lakes; wetlands; floodplain; and critical habitat. The assessment of existing conditions forms the basis of future planning policy recommendations and implementation strategies. The various elements of the natural environment must be conserved because the environment has a finite, limited capacity for development. And, given the interrelationship of all elements of the environment, a change in one element will result in an often unexpected effect on another element.

Physiography and Topography

The uplands of Westfall Township and most of Pike County are located within the Glaciated Low Plateau Section of the Appalachian Plateaus Province, a



Physiographic Divisions of Northeastern PA



The Allegheny Front

land classification based on geologic formations and landscape characteristics. The Glaciated Low Plateau Section of Pennsylvania occupies the northeast corner of the state stretching from Pike and Monroe counties west to Tioga County in north-central Pennsylvania. Characterized by rounded hills and valleys formed by fluvial and glacial erosion and glacial deposition, local relief is low to moderate. The relatively level River Valley lies below the Allegheny Front, the escarpment which parallels the Delaware River and which dominates the landscape.

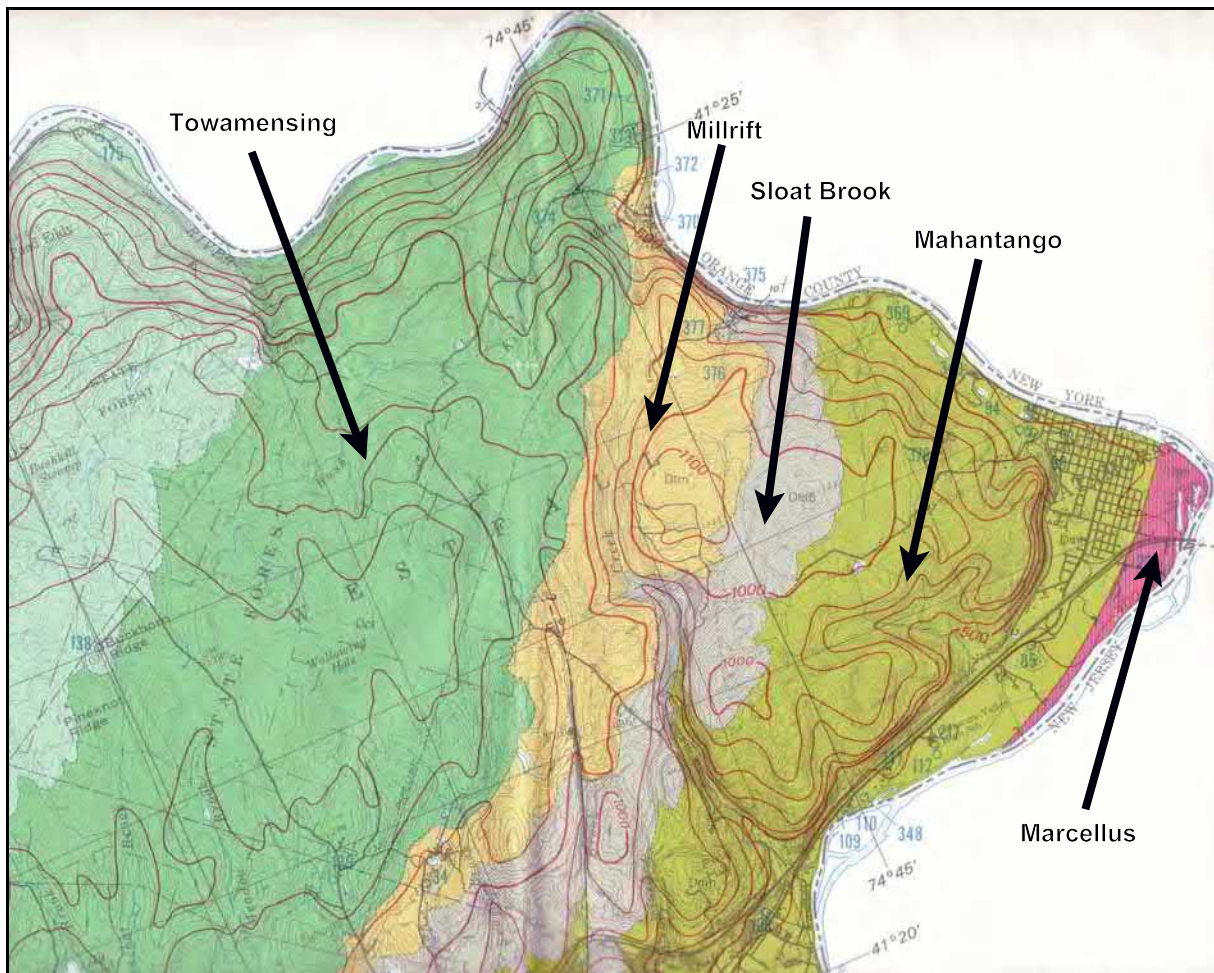
Elevations in the Planning Area rise from 400 feet above sea level along the River, with a rapid increase to 800 feet atop the escarpment, to almost 1,500 feet at the summit of Buckhorn Ridge near the border of Shohola Township. The steepest slopes in the Planning Area are obviously found along the escarpment with additional steep slopes found most consistently on ridge tops and along the stream and other drainage corridors.

Planning Implications: Steep Slopes

Steep slopes in the Borough are not an issue and most of the Township falls below the 25 percent steep slope threshold, so steep slopes are not significant in terms of limiting overall development. Nevertheless, disturbance of steep slopes and vegetation alters topography and drainage, contributes to slope instability and erosion, and the increased stormwater runoff diminishes groundwater recharge and exacerbates flooding.

Although development on steep slopes is technically feasible, development costs increase dramatically as the slope increases. Environmental concerns also escalate. For example, soil erosion control and stormwater management are more difficult on steep slopes because rainfall run-off volume and velocity increase. In addition, on-site, subsurface sewage disposal systems require special engineering design on slopes over eight percent and are entirely prohibited if the slope exceeds twelve percent.

Enhanced protection measures are needed to maintain slope stability, prevent



Geologic Formations

erosion, and ensure a safe and adequate groundwater supply.

Geology and Hydrology

Geology, the underlying fundamental natural feature, shapes other features including topography, soils, vegetation, and hydrology. The physical characteristics and geographic patterns exhibited by these features are in large part a result of underlying geologic formations and processes along with the more recent glaciation. Groundwater supply is also largely dependent on geology.

The geology of the Planning Area and the region is characterized as follows:

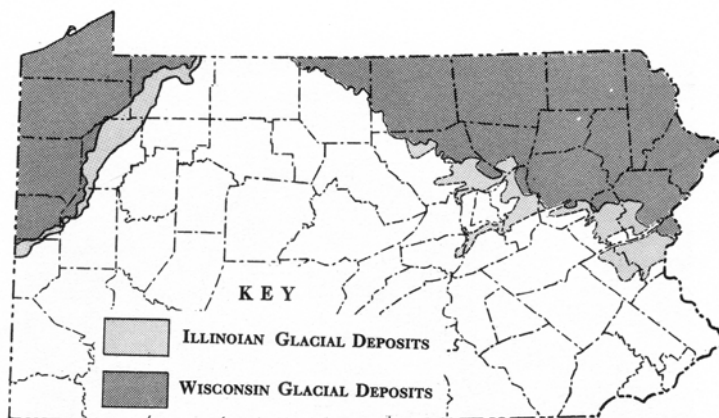
- The region's geologic structure is folded. The underlying rock types are primarily sandstone, siltstone and shale. Pike County as a whole is underlain by rocks of the Devonian Age which are 365 to 405 million years old.
- Rocks which outcrop in the Planning Area are of the Catskill, Trimmers Rock, Mahantango, and Marcellus Formations, bedrock types coinciding with topography as exposure changes along with elevations. The Catskill Formation is associated with the higher elevations while the Marcellus is found in the lowest parts of the River Valley, with the other formations exposed at intervening elevations.

- The exposure of the formations transverses the Planning Area in an southeast / northeast direction.
- Water is in abundant supply. Geologic formations and their aquifer yields are as follows:¹
 - Catskill Formation (Towamensing Member) - Excellent supplies for domestic wells; median yield is 30 gal/min. Adequate supplies for non-domestic wells. Soft water. Maximum thickness 1,625 feet.
 - Trimmers Rock Formation (Mill Rift Member and Sloat Brook Member) - Adequate supplies for domestic wells. Median yield is 20 gal/min for domestic wells and 60 gal/min for non-domestic wells. High manganese concentrations in places. Maximum thickness 1,825 feet.
 - Mahantango Formation - Adequate supplies for domestic and nondomestic wells. Median yield is 20 gal/min. Slightly basic, soft to moderately hard water. Maximum thickness 2,450 feet.
 - Marcellus Formation - Not a major aquifer in Pike County. Maximum thickness 950 feet.

Glaciers in Pike County

The glaciation in Pike County has had considerable effect on the soils and groundwater water supply by depositing varying depths of overburden on the underlying rock formations.

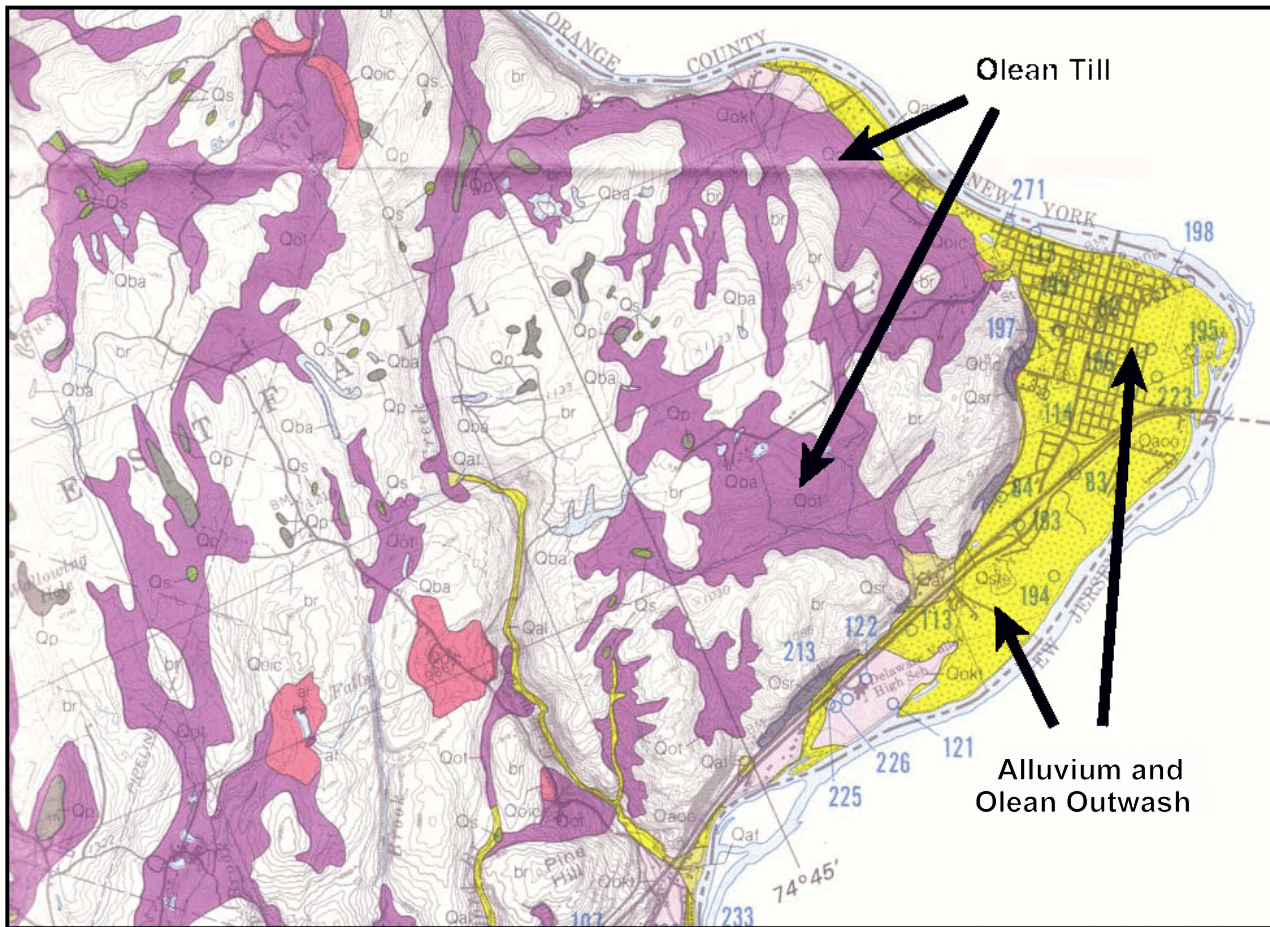
The 1969 *Soil Survey of Pike County* notes: *Pike County was covered by at least two great continental ice sheets. The most recent one, called the, Wisconsin glacier, retreated about 12,000 to 14,000 years ago (after having formed some 70,000 years ago). (See the Glacial Deposits in Pennsylvania Figure.) Features typical of a glaciated landscape, such as drumlins, eskers, and terminal moraines, are not conspicuous. There are, however, some small gravelly kames adjoining on the plateau. Many of the small valleys are filled with glacial drift. The river valleys are filled with stratified sand and gravel in which the content of silt and clay is low. These materials were laid down in rapidly running water that carried away the finer materials.*



Glacial Deposits in Pennsylvania (Source: *Pennsylvania and the Ice Age*, Commonwealth of Pennsylvania, 1962.)

Generally, throughout the uplands the glacial material was derived from the preglacial soils and from rocky materials that were broken off and ground up by the glaciers. The loose material was overridden by the glaciers and some of it was carried in the glacier when the ice melted, leaving the surface covered by unconsolidated deposits that had been derived mainly from the local bedrock. These deposits range in thickness from a few inches to hundreds of feet.

¹ *Water Resources Report 65, Groundwater Resources of Pike County, Pennsylvania*, Pennsylvania Topographic and Geologic Survey, D. K. Davis, 1989, Plate 1, and p. 8.



Significant Glacial Deposits

Muck and peat occur in the many kettles and closed depressions that were formed when the ice melted or the stream valley became blocked. These depressions were filled with water; plants grew and died in them; and organic remains accumulated in some places to a thickness of tens of feet.

The time since the Wisconsin glacier retreated and exposed these materials to weathering and soil formation has been so short that only indistinct soil horizons have formed. There is very little evidence of the formation and movement of clay in the soils formed in glacial till. Iron compounds have been oxidized, however, and enough weathering has taken place to form weakly expressed soil colors that differ from those of the glacial till.

Significant Glacial Deposits

Much of the Planning Area is covered by material deposited by the Wisconsin Glacier.² While these deposits typically yield groundwater of good quality and more than adequate supply, the rapid percolation rates can result in groundwater contamination.

- Olean Till is found primarily on lower slopes and stream valleys with depths of 6 to 200 feet. This unsorted and non-stratified mixture of clay, silt, sand,

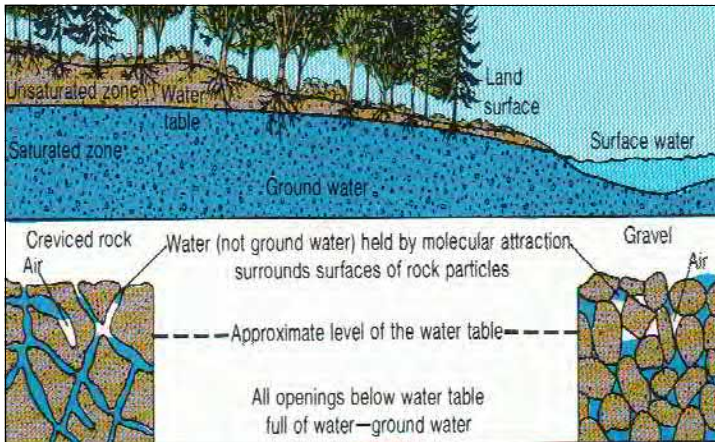
²Water Resources Report 65, *Groundwater Resources of Pike County, Pennsylvania*, Pennsylvania Topographic and Geologic Survey, D. K. Davis, 1989, Plate 2.

pebbles, cobbles and boulders is reported as a good aquifer with a median yield of 28/gal/min for domestic wells.

- Most of the River Valley is Covered with Alluvium and Olean Outwash. *Outwash consists of unconsolidated, stratified sand and gravel, and some boulders. Alluvium consists of only silt and very fine grained sand on floodplain surfaces and coarser material in stream channels. Combined thickness ranges from several feet to 501 feet in Matamoras. Probably the best aquifer in Pike County. Non-domestic wells have reported yields up to 350 gal/min.*

Groundwater

Groundwater is subsurface water in the saturated zone - the zone in which all the spaces or interstices in the rocks, ideally, are filled with water under pressure equal to or greater than atmospheric pressure. Rocks that are capable of yielding usable supplies of water to wells or springs are called aquifers. Ground water occurs in joints, bedding planes, faults and other fractures in the rock. The extent to which the rock is fractured, its density and size will all contribute to its ability to store and move water. In unconsolidated rock, water is stored and moves through the openings in these deposits. In consolidated rock aquifers, water moves primarily through fractures, joints and along bedding planes.³



Water Bearing Geology

Matamoras Borough and Westfall Township rely entirely on groundwater for domestic water supply, with most of the supply pumped from deep wells. The Matamoras Water Authority supply and distribution system serves the Borough and adjacent sections of the Township. Two of the Authority's four active well sites are located in the Borough in the Alluvium and Olean Outwash and two are in Westfall Township in the Mahantango Formation.

The balance of the Township is served by wells sited on individual lots or by small private water companies. Based on available studies and with long term consumption primarily residential and commercial, and large areas of undeveloped land for recharge, it appears that the overall supply of groundwater in the Planning Area and all of Pike County should be adequate to sustain development and meet the needs of the foreseeable future.

Groundwater Recharge Groundwater Resources of Pike County concludes that the average groundwater recharge rate in Pike County is 915,000 gallons per day per square mile.⁴ Most groundwater in Pike County and the Planning Area moves from upland and hillside recharge areas down gradient with discharge to

³ *Water Resources Report 65, Groundwater Resources of Pike County, Pennsylvania*, Pennsylvania Topographic and Geologic Survey, D. K. Davis, 1989, p. 11.

⁴ *Ibid.*, p. 10.

Groundwater Recharge Rates

In 1989, the Pennsylvania Topographic and Geologic Survey estimates in *Water Resources Report 65, Groundwater Resources of Pike County, Pennsylvania*, that in Pike County *the average groundwater discharge is estimated to be about 635 (gal/min)/m², twice the amount estimated for most areas of Pennsylvania*. Based on this, groundwater recharge in Pike County is about 900,000 gallons per day per square mile of land area.

In 1964, the U.S. Geological Survey reported that a conservative estimate for recharge in the Highlands of the Delaware River Basin was 750,000 gpd/sq mi. (*Water Resources of the Delaware River Basin*, Geological Survey Professional Paper 381, U.S. Department of the Interior, Parker, Gerald G, et. al., 1964, p. 91.)

In 1982, a Delaware River Basin study of the Upper Delaware Basin reported:

- a recharge rate of about 1,000,000 gpd/sq mi for the Upper Pocono Plateau. (*Special Groundwater Study of the Upper Delaware River Basin Study Area III, Volume I*, Delaware River Basin Commission, Wright Associates, R.E., 1982, p. 3-10.)
- normal year recharge rates in the Upper and Lower Pocono Plateaus range from 900,000 to 1,000,000 gpd/sq mi and during a normal year, recharge to the Catskill formation, which underlies Pike County, is about 930,000 gpd/sq mi. (*Special Groundwater Study of the Upper Delaware River Basin Study Area III, Volume II*, Delaware River Basin Commission, Wright Associates, R.E., 1982, p. 8-3.)

streams. Alluvial and glacial deposits are also good recharge areas. Comparison of this recharge rate to the volumes of groundwater extracted for residential and commercial use, the only significant water uses in the Planning Area (and County), indicates that *no long term decline in (ground) water levels has occurred... although cones of depression can extend a few thousand feet from heavily pumped wells during the summer*.

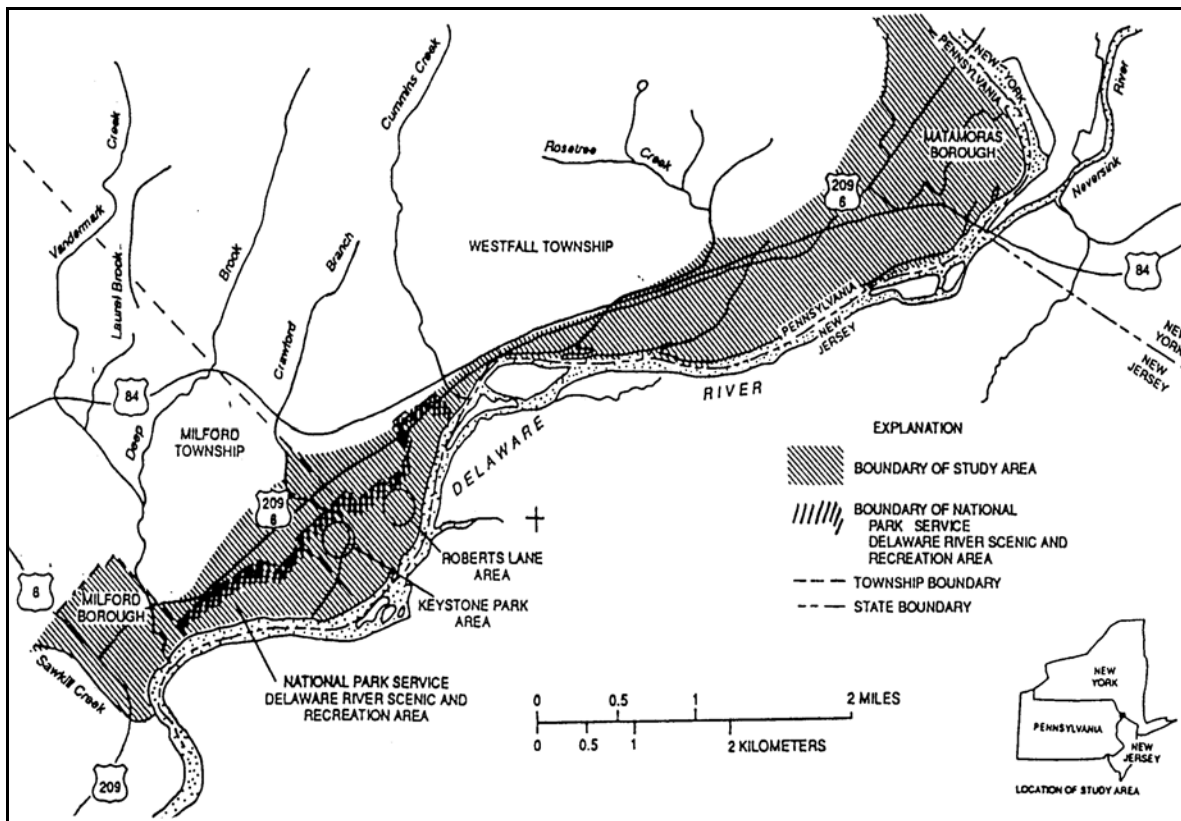
Planning Area Groundwater Recharge

Given the land area of 30.3 square miles, average groundwater recharge in the Planning Area, using a conservative factor of 65% undeveloped land, is estimated to range from 14,800,000 to 19,700,000 gallons per day. Engineers typically use an estimate of 250 gallons per day per dwelling unit when designing water systems and, applying this factor to the number of dwelling units in the Planning Area, about 2,200, yields an estimated 550,000 gallons per day in residential water use. Commercial water use would add additional amounts, but the total is well below the estimated recharge rate.

Planning Implication: Need for Groundwater Conservation

However, this is not to suggest that residents and local officials should ignore the important issues of localized groundwater supplies and groundwater conservation. This is particularly important as development occurs. Wells near large water uses can be drawn down resulting in inadequate supply. Increases in impervious areas such as buildings, driveways and roads inevitably leads to more stormwater runoff and less groundwater recharge. In addition, given the characteristics of aquifers, development in the region can also affect local groundwater availability. Potential contamination of groundwater can also reduce the supply of potable ground water.

Simply stated, groundwater availability is a regional issue and adequate supply is not a valid reason for postponing or avoiding action to ensure continued adequate supply.



Nitrogen and Chloride Study Area

Nitrogen and Chloride Aquifer Study⁵

The U.S. Geological Survey, in 1994, published a study that assessed the effect of septic systems and road and parking lot runoff on groundwater quality in the glacial outwash and kame-terrace aquifer underlying the Route 6/209 corridor between Milford and Matamoras. Nitrates and chlorides from these sources can move through the soil into the groundwater and elevate concentrations above the safe drinking water limits - 10 mg/l for nitrates and 250 mg/l for chloride. While no critical levels of nitrates were identified and chlorides were largely relatively low, the study does show the vulnerability of the sand and gravel aquifer. The study noted that *groundwater quality in the glacial aquifer is threatened by salts and nutrients*. Chlorides in wells near an old tanning business in Westfall Township registered chloride concentrations up to 680 mg/l from contamination via discharge to a septic system.

- Nitrate concentrations ranged from 0.05 to 5.1 mg/l (median of 1.1 mg/l).
- More nitrogen originated from septic tanks than road runoff.
- Chloride concentrations in the non-contaminated areas ranged from 2.1 to 32 mg/l (median of 17.5 mg/l).
- Concentrations were related to septic system density and proximity to major roads.
- *Elevated nitrate concentrations in groundwater are possible in the boroughs of Milford and Matamoras given the density of septic systems.*

⁵ *Geohydrology of, and Nitrogen and Chloride in, the Glacial Aquifer, Milford-Matamoras Area, Pike County, Pennsylvania*, Water Resources Investigations Report 93-4109, U.S. Geological Survey and Pike County Planning Commission, L.A. Senior, Lemoyne, PA, 1994.

The Pike County Planning Commission and the Pike County Conservation District continued a limited sampling program from 1991 through 1998 to assess changes in nitrate and chloride concentrations. The raw data appeared to show no significant increases; however, no scientific analysis of the data was ever conducted.

**Planning Implications:
Groundwater Quality**

No less important is the issue of water quality. No significant groundwater contamination problems have been reported in the Planning Area. However, the potential for groundwater contamination is always present. Bacterial contamination can occur from malfunctioning on-lot sewage systems or poor livestock husbandry. Hydrocarbons can eventually reach groundwater from oil spills or leaking storage tanks, and nitrates and chloride can infiltrate as run-off from roads and parking lots, sewage systems, and farm fields. Similar to conservation of ground water supplies, quality protection must be addressed.

The Matamoras Water Authority conducts routine water quality monitoring in accord with state requirements and water quality is good. However, given the reliance on groundwater for domestic purposes, in combination with the extensive use of on-site disposal systems, it is vital that groundwater quality be carefully monitored throughout the entire Planning Area. Proper siting, design, installation and maintenance of on-site disposal systems and water supply wells, and groundwater quality, must continue to be a municipal concern and proper land use controls must be applied to protect groundwater recharge areas from potential contaminants.

Land Use and Water Quality and Quantity

Surface water and groundwater quality and quantity can be affected by land use in the following ways:

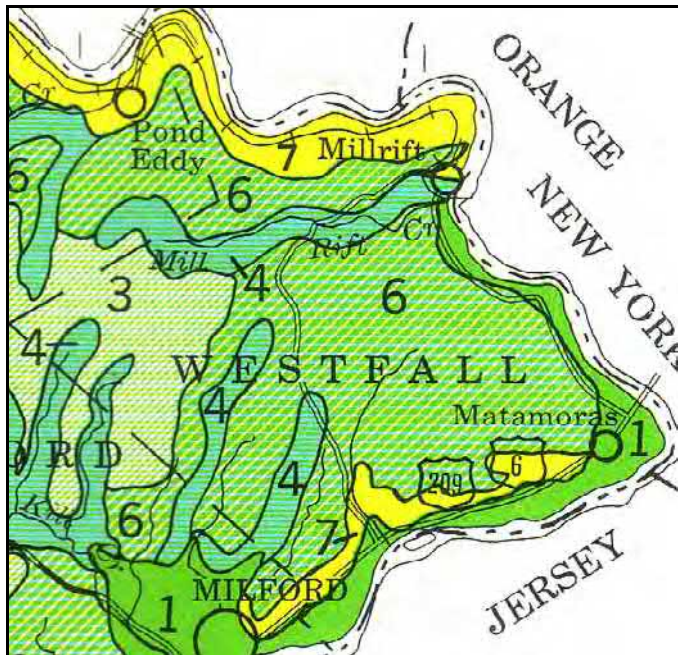
- Large amounts of sediment can enter streams from farms and construction sites, and pollutants can wash off lawns, parking lots, and industrial properties.
- Removing vegetation adjacent to streams (riparian buffers) can increase stream bank erosion, raise water temperature, and allow non-point source pollutants to enter the stream.
- Channelizing streams during development can result in stream bank erosion and increase flooding and siltation problems downstream.
- Solvents and other liquids associated with non-residential development can leak or be spilled onto the ground, and eventually reach the groundwater.
- Homeowners who dispose of toxic household cleaners, pesticides, oil and other similar products can cause surface water and groundwater contamination as well.
- Failing on-lot sewage disposal systems can allow partially treated sewage to reach surface or ground water.
- Groundwater recharge can be hindered as impervious surfaces increase with development.
- Stormwater systems that remove stormwater quickly from a site and direct it into nearby streams reduce the amount of precipitation that infiltrates the ground (and eventually the underlying aquifers) and increases stream bank erosion and downstream flooding.

Source: *Upper Hanover Township Comprehensive Plan*, 1994, Montgomery County Planning Commission.

Soils

The land's suitability for development largely determines the character of a community's land use, and the most basic component of the land is its soil. Beyond the basic function of the production of food and fiber, soils may either limit or foster community growth depending upon specific soil characteristics. Soils influence local vegetative cover, hydrology, and land use patterns and activities. The *Conservation Opportunities Map* accompanying this *Plan* shows steep slopes, wetlands, hydric soils and floodplain, all of which affect soil suitability for development.

Variables in the formation of soils include climate (precipitation and temperature affecting weathering), biological activity in the forming soil, the parent material (e.g., bedrock vs. glacial material), topography (e.g., steep slopes vs. flood plain), and time. Given this complexity, it is understandable that a number of soil series (i.e., groups of soils formed from a particular parent material and exhibiting similar soil horizons) and many different soil types are found in the Planning Area.



Soil Associations (Source: Pike County Soil Survey.)

The soils have been evaluated for planning purposes by the U.S. Department of Agriculture, Natural Resources and Conservation Service (NRCS) for suitability for such uses as agriculture, community development, recreation, and sewage disposal. This detailed information is reported in the digital *Soil Survey of Pike County, Pennsylvania*, which should be consulted for site specific information. Five of the seven major soil associations identified in Pike County are found in the Township and are shown on the *Soil Associations Figure*, and are described in the *Soil Associations Table*.

The origin of formation of soils in the Planning Area resulted in the soil characteristics effecting sewage disposal alternatives -- permeability, depth to bedrock, high water table due to fragipan and stoniness. Most of the parent material of the soils in the Planning Area were glacial till and outwash sand and gravel, resulting in stoniness in many areas and the occurrence of fragipan that inhibits the downward movement of water.

SOIL ASSOCIATIONS

- | | |
|---|--|
| 1 | Chenango-Tunkhannock-Tioga association: Deep, well-drained, nearly level to gently sloping, dominantly gravelly soils on low terraces in major stream valleys |
| 3 | Wurtsboro-Mardin-Swartswood association: Deep, moderately well drained and well drained, gently sloping to sloping, loamy soils on the uplands |
| 4 | Valusia-Tughill-Morris-Norwich association: Deep, somewhat poorly drained to very poorly drained, nearly level to sloping, loamy soils having concave slopes; in valleys and closed depressions on uplands |
| 6 | Dekalb-Manlius-Oquaga association: Moderately deep and deep, well-drained, gently sloping to steep, very stony and shaly soils on uplands |
| 7 | Stony land-Rushtown association: Chiefly steep, stony and shaly areas along the river bluffs |

It is important to remember that each of the broad associations is comprised of a variety of soil types of varying characteristics. The soil series is the most specific and consists of soils with similar horizons in terms of color, texture, structure, reaction, consistence, mineral and chemical composition, and arrangement in profile. Some soils are more suitable for development than others and site specific investigations are required. The soil data shows that many Planning Area soils are severely constrained for development.

SOIL ASSOCIATIONS
<u>Association 1 - Chenango-Tunkhannock-Tioga</u> <ul style="list-style-type: none"> - most nearly level to gently sloping terraces and flood plain deposits - stratified silt, sand and gravel, some cobbles; deep and well drained - most have been cleared and farmed, later developed as the Borough, much of the best farmland in County
<u>Association 3 - Wurtsboro-Mardin-Swatswood</u> <ul style="list-style-type: none"> - gently sloping to sloping soils of the uplands formed in gray glacial till and very stony - only small areas were cultivated - fragipans exist in many areas
<u>Association 4 - Volusia-Tughill-Morris-Norwich</u> <ul style="list-style-type: none"> - upland areas where surface drainage is slow to very slow - developed in red and gray glacial till derived from siltstone and sandstone, fairly large areas are stony - fragipans in many areas or are poorly drained - severely for development limited due to high water table
<u>Association 6 - Dekalb-Manilus-Oquaga</u> <ul style="list-style-type: none"> - extensive in Westfall Township - gently sloping to steep along streams or on high ridges where glaciers left only a thin layer of till or residium - some are moderately deep to deep and well drained but often stony
<u>Association 7 - Stony Land - Rushton</u> <ul style="list-style-type: none"> - steep and very steep areas adjacent to the Delaware River Valley - includes the major escarpments facing the River and sides of valleys cut into eastern edge of the uplands - mostly exposed shale, siltstone and sandstone bedrock - droughty Rushton soils are found at the foot of the slopes in deposits of shale chips - vegetation is sparse
Source: <i>Pike County Soil Survey</i> , U.S. Department of Agriculture, 1969

Soils: Findings

- Soil conditions, along with slope and underlying geology, pose severe limitations to septic absorption throughout the Planning Area. Poorly renovated effluent from existing sewage systems on poor soils poses a threat to the quality of surface waters and groundwater supplies. This is of particular concern for sewage systems installed prior to DEP sewage regulations adopted in the early 1970's.
- Soils with limiting zones at depths of twenty inches or more may be suitable for a sand mound, as determined by field investigations. This is evidenced by the number of dwellings constructed since 1970. As DEP researches and permits new on-lot sewage disposal system, more areas may become suitable for on-lot sewage which relies on soils.
- Poor soil conditions in much of the Township's uplands present a major challenge to the traditional development type consisting of single-family dwellings with on-lot septic. Site-specific investigations are required to identify suitable areas.
- Shallow seasonal high water tables and hydric soils are found throughout the Planning Area in low-lying areas, along watercourses, and where a *perched* water table lies above bedrock or a fragipan. Hydric soils are formed under



Typical Profile of
River Valley Soil

persistent conditions of saturation, flooding or ponding during the growing season to develop anaerobic conditions in the upper part. These soils are often indicative of a wetland.

- Hydric soils and shallow seasonal high water tables are unsuitable for development due to the risk of damage to structures caused by seepage of water and generally wet conditions. The poor stability of these soils results in inadequate support for structures. These soils also serve as important groundwater recharge areas and should be left undisturbed.
- Most soils in the River Valley are deep and well drained, and represent most of the good agricultural soils in the Planning Area. Most have been developed.
- The well drained River Valley soils are comprised of stratified silt, sand and gravel, and some cobbles. On-lot sewage systems may appear to be working, but in some cases percolation rates are too rapid with potentially poor renovation of septic effluent prior to reaching the water table.

Planning Implications: Soils

- Problems associated with soil erosion and sedimentation are exacerbated by development of steep slopes and removal of vegetative cover.
- Limitations for septic absorption, aging and unmaintained on-lot sewage systems on poor soils, and the lack of sufficient ground for on-lot septic replacement threaten to contaminate soil and groundwater.
- Local subdivision and land development ordinances and zoning ordinances can include standards to conserve hydric soils and shallow seasonal high water tables.
- Local standards for erosion and sedimentation control must be linked to The Pike County Conservation District and Pennsylvania Department of Environmental Resources requirements.
- Long-term maintenance of on-lot sewage systems is critical.

Forest and Vegetative Cover



View from Buckhorn Fire Tower

Forest and other natural vegetative cover are important for many reasons and large contiguous, undisturbed tracts are desirable to provide habitat for interior forest species and establish migration corridors for wildlife. Fragmentation of forests and vegetation leaves small, isolated communities that degrade wildlife communities and ecosystem health.

- *Large contiguous forested tracts in Pike County play an extremely important role in the protection of the current high quality and exceptional value watersheds and water resources.*
- *Forest canopy along stream and river corridors provides shade to minimize the warming of stream temperatures and reduce impacts to fish and other aquatic species.*
- *Forested riparian corridors help sustain stream and lake water*



63-acre Parcel Adjacent to Airport Park



Airport Park Along the Delaware



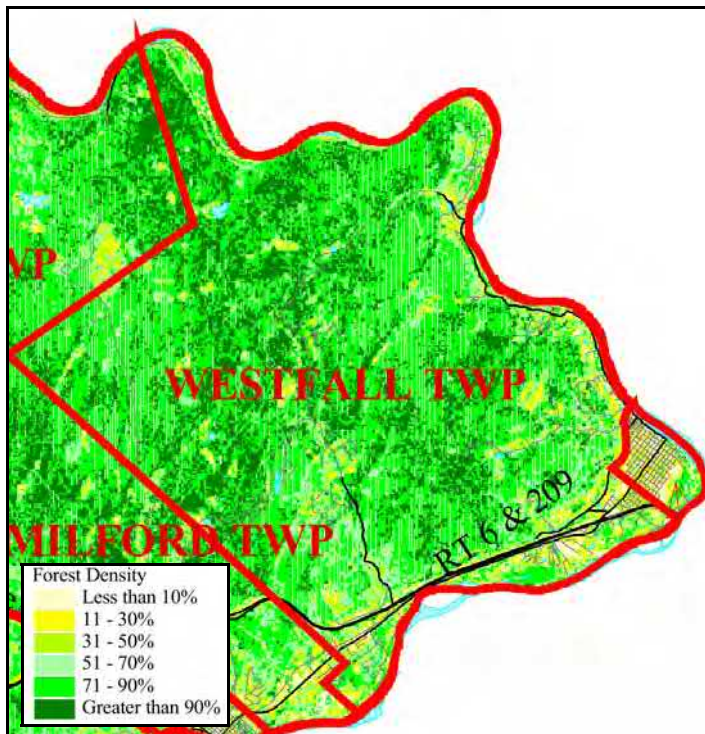
State Forest in Westfall Township

quality by acting as nutrient filters and stabilizing soil against erosion.

- Forested lands are part of the rural character and scenic relief that defines Pike County.
- Large forested tracts with proper forest management and good timber operations support the local forest products industry.
- Undeveloped, forested landscapes allow for relatively high rates of infiltration or groundwater recharge and decrease stormwater runoff.⁶

Westfall Township, and the Planning Area as a whole, remain largely forested owing to the large holdings of the Pennsylvania Department of Conservation and Natural Resources (DCNR) and a number of private landowners. The analysis of forest and vegetative cover indicates that:

- The Borough is almost fully developed with the exception of a 63 acre parcel adjacent to Airport Park which is grassland, and the riparian area of Airport Park which is forested.
- Forest density throughout Westfall Township is generally greater than 70% with areas of 90% to 100% in some of the large private and state tracts.



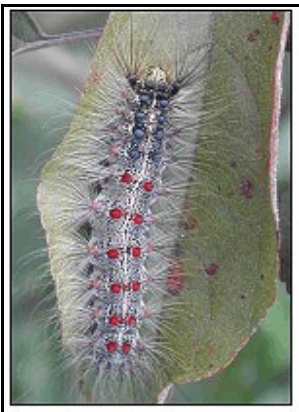
Forest Cover (Source: Pike County Comprehensive Plan)

- Vegetation of the uplands of the Planning Area is associated with the mixed oak forest type. *Before the devastating chestnut blight, it was called the oak-chestnut forest.*
- *With the loss of the once magnificent chestnut the common element of this Pocono forest is the blend of three oak species: black, red, and white. Frequently, white pine trees mingle among these three dominant oaks, as do scarlet and chestnut oaks.*
- *The (other) common trees of the mixed oak forest include red maple, tulip-tree, American beech, white ash, basswood and shagbark hickory. Other large trees that occur with some regularity include sugar maple, black cherry, black gum, pitch pine, and hemlock. In places where the forest has been clear-cut or farmed recently, some of the sunloving trees, such as gray birch, the aspens, and red cedar, persist.*

⁶Pike County Comprehensive Plan, p. 6-5.

- *There are relatively few sub-canopy tree species. Growing among the replacement saplings, one might find hornbeam, hop hornbeam, sassafras, dogwood, and shadbush (juneberry).*⁷
- A variety of shrubs are found in the Planning Area including among many others, blueberry, huckleberry, mountain laurel, sheep laurel, rhododendron, sweet fern and witch hazel.
- Herbaceous plants include a variety of wildflowers and ferns.
- In many areas, the over-population of white-tailed deer has resulted in poor forest regeneration and the loss of many understory herbaceous species and the expansion of invasive species.

Forest Pests



Gypsy Moth Caterpillar



Woolly Adelgid on Hemlock

Long-term forest pest management is a concern in the eastern United States, including Pike County and the Planning Area. Two pests of particular concern in the planning area are the gypsy moth and the woolly adelgid.

Severe infestations of the gypsy moth caterpillar have occurred in the region in recent years, damaging thousands of acres of forest. According to the Pennsylvania DCNR, 333,335 acres were damaged throughout the state in 2005, mostly in the northeast. DCNR has instituted an aerial suppression program. Local officials will continue to partner with Pike County and the DCNR and consider a joint suppression program with neighboring municipalities.

Infestations of the hemlock woolly adelgid are also problematic, especially in the Township's hemlock forested stream corridors. Destruction to hemlock stands over the long term could negatively impact stream systems and water quality. The DCNR has increased efforts to control the hemlock woolly adelgid by improving surveying techniques (the General Hemlock Survey provides data at the township level), expanding its biological control program, and instituting a chemical suppression program to protect select, high-value trees in state and federal lands. In addition, the National Park Service (NPS) is conducting extensive research in the Delaware Water Gap National Recreation Areas. The Township can look to the NPS, the PA DCNR Division of Forest Pest Management, the Pennsylvania Cooperative Suppression Program, Pike County, and the USDA Forest Service for information and assistance on forest pest management.

Planning Implications: Forest Land

Despite infestations of the gypsy moth, hemlock woolly adelgid and other forest pests, and past development, the Planning Area has a healthy, diverse and expansive forest ecosystem. Although state forest land is relatively secure, there is no guarantee that land in private ownership will remain forested. Nevertheless, the opportunity to preserve large tracts of forest and vegetative cover remains. Planning Area and County officials must continue to take action to preserve its large forest expanses while opportunities still exist.

⁷ *The Poconos, An Illustrated natural History Guide*, Oplinger, C. S. And Halma, R., Rutgers, 1988, p. 53 - 54.

- *Development of forested lands can fragment habitat for plant and animal species unique to Pike County and Pennsylvania.*
- *Removal of forested riparian corridors has implications on water quality and clarity.*
- *Loss of these resources could have implications on quality of life and tourism.*
- *Poor forest management and timber harvest operations can have lasting impacts on the long range sustainability of . . . forests.*
- *Improper development and management of forest resources can allow invasive species to proliferate.*⁸

Wetlands

Wetlands have in past times been considered wastelands, and, as a result, it is estimated that over half of all wetlands in the nation have been lost to development. Wetlands are an integral part of the environment and provide such benefits as groundwater recharge, stormwater control, surface water quality improvement and habitat for unique plant and animal species. The environmental value of wetlands in the Township is significant and the development which does occur must provide for the conservation of wetlands.



Typical Pike County
Emergent Wetland

A wetland, as defined by the *US Army Corps of Engineers' Federal Manual For Identifying and Delineating Jurisdictional Wetlands* is any area which supports hydrophytic plants (adapted to growth in saturated soil), contains hydric soils (wet soils) and where water is present at or near the surface of the soil at some time during the growing season. Site specific investigations must be conducted by trained individuals to accurately delineate wetlands. Given the national interest in wetland conservation, and the overlapping jurisdiction of federal and state agencies (U.S. Army Corps of Engineers, Environmental Protection Agency, U.S. Fish and Wildlife Service, and the PA Department of Environmental Protection) wetland delineation and protection has evolved into a complex regulatory process.



Forested Wetland
Cummins Hill Road

In recent years the identification and protection of wetlands have surfaced as key elements of environmental protection. Three common types of wetlands have been identified in Pennsylvania but other unique types exist.

- Emergent - vegetation includes freestanding, non-woody plants such as cattails, reed canary grass, and rushes.
- Scrub-shrub - characterized by woody plants less than twenty feet in height.
- Forested - presence of trees such as red maple, hemlock, yellow and river birch, pin oak and ash over twenty feet tall.

⁸ *Pike County Comprehensive Plan*, p. 6-5.

The National Wetlands Inventory (NWI) Maps, published by the U.S. Fish and Wildlife Service, are the best tools for the preliminary identification of wetlands. Wetlands are superimposed over USGS 1:24,000 scale topographic maps and are identified and classified based on vegetation, visible hydrology, and geography. The accuracy of the maps is described as being at the ninety-five percent confidence level, but local experience indicates that the maps are not accurate for detailed site planning and site specific investigations are necessary for a final wetlands determination. (A composite of the NWI maps is included on the *Conservation Opportunities Map* included with this *Plan*.) In addition to the NWI maps, hydric soils descriptions found in the Pike County Soil Survey provide an indication of wetland locations.

The Planning Area, primarily the Township, contains extensive wetlands, which is not surprising given the geology and effect of glaciation. Wetlands in the Planning Area are identified with three ecological systems:

- Lucastrine - associated with lakes.
- Palustrine - located in upland areas.
- Riverine - associated with rivers or streams.

Scattered throughout the planning area, the most extensive wetlands are found on State Forest Land. Wallowing Hole and the headwaters of Bushkill Creek and Cummins Creek are large wetland areas on State Forest Land. Other large wetlands are found at the headwaters of Bush Kill Creek and Cummins Creek. Many small wetlands are not identified by the NWI or USGS mapping and identification requires a detailed field survey typically conducted as part of the development application process.

Wetland Regulation

Wetlands are protected by the federal Clean Water Act, which regulates the discharge of dredged and fill material into *waters of the United States*, including wetlands. Activities that are regulated include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports), and conversion of wetlands to uplands for farming and forestry. Activities within a wetland typically require permits from the U.S. Army Corp of Engineers and the Pennsylvania Department of Environmental Protection.

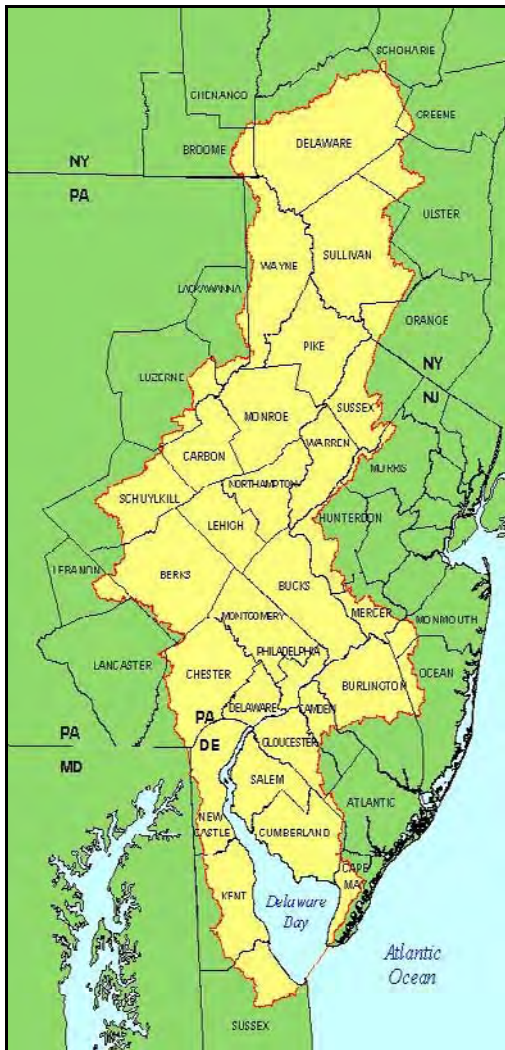
The basic premise of the federal wetlands protection program is that no discharge or dredged or fill material can be permitted if a practicable alternative exists that is less damaging to the aquatic environment, or if the waters would be significantly degraded. A permit applicant must demonstrate that steps have been taken to avoid wetland impacts where practicable. Impacts must be minimized and compensation may be required for any remaining unavoidable impacts via the restoration or creation of wetlands.

Planning Implications: Wetlands

- The presence of wetlands will temper, but not significantly limit, the overall development of the Planning Area.
- State and federal regulations protect wetlands, but currently do not require a buffer around wetlands. Local municipalities can include wetland

protection and buffers in zoning and subdivision and land development ordinances to augment federal wetland regulations.

- *Potential encroachment into, filling in or draining of wetlands during development inhibits the continued important values and functions of wetlands.*
- *Disturbance of wetlands and surrounding areas by development increases the potential for introduction of non-native Invasive plant species that crowd out beneficial native wetland plants.*
- *Development adjacent to wetlands can release pollutants that impact the water quality and the groundwater recharge capacity of wetlands.*
- *Groundwater withdrawals can impact water levels that would otherwise sustain wetlands, particularly during dry periods.*⁹



Delaware River Watershed

Watersheds and Surface Waters

A watershed (or drainage basin) is an area of land that contributes overland flow and groundwater to a common stream or water body. It includes the surface of the land, the streams that drain the land, and the underlying soils, geology and groundwater. Groundwater stored in an aquifer eventually reaches the surface again through a seep or spring or direct discharge to a stream. Each is critical to ensuring the proper function of the watershed and the hydrologic cycle. Watersheds are defined by drainage divides (ridge lines), which direct surface and groundwater down the valley and into the stream channel or water body. Ridge lines separate adjacent watersheds.

The Borough and Township, along with all of Pike County, lie within the Delaware River Watershed. The Township drains to a number of sub-watersheds, the principal ones being Bush Kill Creek, Cummins Creek, and Vandermark Creek via Deep Brook. The Borough drains directly to the Delaware River.

Stream size, flow and water quality are directly related to the watershed's natural features (soils, vegetation, etc.) and land use and quality of development. These factors influence the flow and accumulation of stormwater runoff, as well as infiltration, groundwater storage and seepage, and filtration of pollutants. The protection of headwater and smaller streams is important to the health of the entire watershed.

Stream Classification

All of the streams in Pike County are classified as *high quality* or *exceptional value* under the Pennsylvania Water Quality Standards. Water quality in Pike County ranks as one of the highest in the entire Commonwealth. In the case of the Planning Area, Bush Kill Creek (Mill Rift) Watershed and the Deep Brook

⁹ *Pike County Comprehensive Plan*, p. 6-14.

Watershed are classified as *exceptional value* with the balance of the watersheds *high quality*.

Water Quality Regulation

The Pennsylvania Department of Environmental Protection has developed antidegradation water quality standards for all surface waters in the Commonwealth. These standards, which are designed to safeguard the streams, rivers, and lakes throughout Pennsylvania, include water quality designations and associated water quality regulations necessary to protect the existing quality and ecology of the streams and water bodies and their use for water supplies and recreation.

Special protection beyond basic standards is provided for streams designated as *exceptional value waters* or *high quality waters*. *Exceptional value* streams are those that constitute an outstanding national, state, regional or local resource. These streams are granted special protection from potentially harmful activities. *High quality* streams are those that have excellent quality waters and environmental or other features that require special protection.

Wastewater treatment plant effluent and any other discharges to streams classified as *high quality* are permitted solely by DEP and only if the discharge is the result of necessary social and economic development, water quality standards are maintained, and all existing uses of the stream are protected. This has the effect of requiring all wastewater treatment plants to provide tertiary treatment to meet discharge criteria. In addition, DEP allows stream discharge only if soil based disposal alternatives are not feasible. Any stream classified by DEP as *exceptional value waters* must be maintained at existing quality and may not be degraded, thereby precluding any wastewater discharge to the stream.

DRBC Regulation



The Upper Delaware

The Delaware River Basin Commission (DRBC) adopted Special Protection Waters (SPW) regulations in 1992 for point source (or “end-of-pipe”) discharges and in 1994 for non-point source pollutant loadings carried by runoff to protect existing high water quality in areas of the Delaware River Basin deemed “to have exceptionally high scenic, recreational, ecological and/or water supply values.” The SPW regulations . . . initially applied to a 121-mile stretch of the Delaware River from Hancock, N.Y. downstream to the Delaware Water Gap, and its drainage area, but now the entire 197-mile non-tidal Delaware River is protected by SPW anti-degradation regulations.¹⁰

Within the drainage area to Special Protection Waters, DRBC approval is required for new and expanding industrial and municipal wastewater treatment plants when the proposed facility is designed to discharge a daily average rate of 10,000 gallons a day or more.

- All non-discharge/load reduction alternatives, including land application such as spray irrigation, must be fully evaluated and rejected because of technical and/or financial infeasibility.
- As defined by a list of seven or eight parameters it must be shown that no measurable change to existing water quality will result.

¹⁰ *Special Protection Waters, Keeping the Clean Water Clean*, Delaware River Basin Commission, 2008.

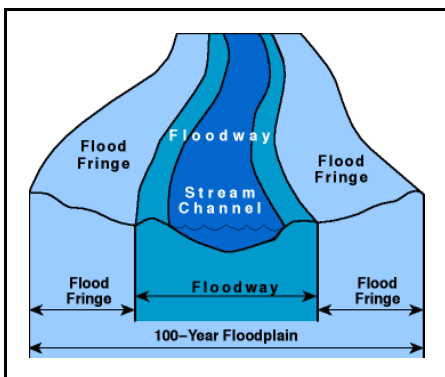
- Treatment must use Best Demonstrable Technology which is defined for municipal facilities by 30-day average effluent criteria for seven parameters plus ultraviolet light disinfection.
- Projects must have an approved Non-Point Source Pollution Control Plan (NPSPCP) that describes the Best Management Practices that will be used at the project site and service area to control the increases in non-point source pollutant loadings resulting from the project.

Planning Implications: Watersheds and Surface Waters

- Maintaining good water quality is critical to the quality of life in the Planning Area. In addition to supporting the local tourism and recreation economy, good quality streams and well-conserved watersheds are a good measure of overall environmental quality.
- In order to protect the good water quality, development must be carefully managed. The balance between good water quality and future growth and development will require meticulous consideration to weigh the impact on water quality against the need for economic growth, and the added expense for water quality protection technology against the need to protect water quality.
- State and federal regulations go a long way to protect water quality, but local municipalities often adopt additional standards such as buffers and conservation subdivision design to afford additional protection.
- The clearing of vegetation along streams during the development process increases the potential for surface run-off, erosion and siltation, and downstream flooding.
- Excessive stormwater runoff introduces pollutants into the stream system, increases peak flows, damages stream banks and increases downstream flooding.
- Continued updating and enforcement of on-lot sewage disposal, stormwater and soil erosion control and other water quality regulations is critical.

Floodplain

During the period of early settlement and later development of most regions, waterways played a key role as transportation routes and later as a source of power for operating grain mills, sawmills, and other industries. In addition, the land located along streams and rivers was conducive to development - soils are generally fertile for agriculture and the terrain relatively level, facilitating the construction of roads and buildings. Those stream-side areas often developed into settlements and then expanded as the population grew. This is precisely the pattern of development in the River Valley in Matamoras Borough and Westfall Township.



Floodplain Cross Section

However, an often unanticipated problem with river/stream valley settlement is flooding. As development continued and natural drainage patterns were altered, increases in stormwater run-off heightened the potential for flooding and property damage.

Floodplain Regulations Both the state and federal government now administer programs for flood control and flood plain development and provide certain regulatory standards which local municipalities must adopt in order for property owners to be eligible for flood insurance. The Pennsylvania Flood Plain Management Act (Act 166 of 1978) requires local municipal participation in the flood plain management program, or state funding allocations such as Liquid Fuel Funds can be withheld.

The Borough and Township have each adopted flood plain regulations which comply with state and federal requirements. Local municipal regulations range from a total prohibition of flood plain development to requirements for flood-proofing and the elevation of buildings. The Borough and Township regulations:

- Prohibit development in General Floodplain Areas within fifty-feet of the top-of-bank of the watercourse without proper state and federal permits.
- Allow residential structures in floodplain areas if the lowest floor is elevated at least 1.5 feet above the 100-year flood elevation.
- Allow nonresidential structures to be flood-proofed or elevated.



I-84 Underpass - 2005 (Westfall Twp)



K-Mart Plaza - 2005 (Matamoras EMA)



Airport Park - 2006 (Matamoras EMA)

Floodplain Maps

The National Flood Insurance Program is administered by the Federal Emergency Management Agency (FEMA) which also has prepared and issued the maps which identify flood prone areas throughout the Country. (See the *Conservation Opportunities Map*.) Flood hazard areas are identified for the *100-year flood* which is a flood event of a magnitude which is expected to be equaled or exceeded once on the average during any 100-year period. This is a long term average period between such floods and such floods can occur at shorter intervals or conceivably in the same year. Areas of 500-year floods and 100-year floods of less than 1-foot depth are also shown.

Planning Area Flood Zones

The 100-year flood area in the Borough is largely confined to below the top of the River bank except for the low lying areas adjacent to Airport Park and approaching the pedestrian tunnel under I-84. However, most of the Borough is included in the 500-year flood area.

Most of the developed part of Bell Manor in Westfall is outside the 100-year zone but is included in the 500-year zone. The 100-year zone extends under the I-84 underpass into the Mountain Avenue and Blue Ridge Avenue areas and to the Pennsylvania Welcome Center area. Much of the River side of I-84 is included in the 100-year zone with the balance in the 500-year zone or subject to 100-year floods of less than 1-foot depth. Fortunately, the Delaware Valley School complex is not in the 100-year zone.



Westfall Twp Building - 2005 (Westfall Twp)

PA Ave & 10th - 2005 (Matamoras EMA)

Welcome Center - 2005 (Matamoras EMA)

The area along Delaware Drive in the vicinity of the Township Building is also in the 100-year flood zone as are the river flats upstream of the Westfall Township and Milford Township border. The FEMA maps show no flood zones associated with the Bush Kill, Cummins Creek or other streams.

Planning Area Flooding

The Borough and Township have had a long history of flooding resulting from both high River levels and ice jams resulting in significant damage to public and private property. The floods of 2005 and 2006 extended beyond the FEMA 100-year flood zones. Flooding will certainly continue as it has in the past due to periodic heavy rains and continued upstream development. In terms of preventing floods there is little the Borough or Township can do. The municipalities can, however, concentrate on minimizing risks and flood damage.

Planning Implications: Floodplain

Construction and development in the 100-year floodplain is currently regulated by the Borough and Township. These regulations apply only to the 100-year floodplain identified on the Flood Insurance Rate Maps or where revision to the floodplain is warranted by a flood study and approved by the Federal Insurance Administration.

The regulations are the minimum required floodplain development standards required by state and federal flood insurance programs. In critical floodplain areas where the health, safety and welfare of residents are at stake, municipalities can go beyond these minimum standards and consider stronger floodplain regulations to protect residents over the long term. The Borough and Township should consider reviewing current floodplain ordinances to determine if changes are warranted for areas with repetitive flood damage.

Natural Areas

The Planning Area's large expanses of forest cover, prevalence of wetlands, and surface water features provide diverse habitat for an abundance of plant and animal species. The *Pike County Natural Heritage Inventory*, compiled by the Pennsylvania Science Office of The Nature Conservancy, documents the best natural areas in the county and the locations of all known animal and plant species of special concern (endangered, threatened, or rare). The inventory also identifies areas that represent good examples of habitat types that are relatively rare in the county or that provide exceptional wildlife habitat. The purpose of the inventory is to guide planning and conservation efforts and to assist in prioritizing areas to be protected. Specific species names are suppressed in the report to prevent collection by the public. According to the *Natural Heritage Inventory*, numerous threatened, rare and endangered plant and animal communities exist in the Planning Area.

Statewide Significance Areas of statewide significance for protection of biological diversity:

- Millrift Cliffs and the Millrift Flats - ranked first and second, respectively, of the 7 most critical sites in Pike County for receiving protection or ensuring continued protection in the future.

Millrift Cliffs - acidic cliff community with good population of a state-endangered plant dependent on the cool wet cliffs; 1 of only 2 locations in the State.

Millrift Flats - 2 natural communities and 5 rare moths.

- Mashipacong Shale Cliff - good quality shale cliff community with a plant rare in the State; located across from Delaware Valley School complex.
- Matamoras Cliffs - an excellent shale cliff community with a good population of plant which is rare in the State.

MILLRIFT CLIFFS - The Acidic Cliff Community is located along the Delaware River and contains an excellent population of a state-endangered plant species. The site should be protected for its biological importance and for its scenic contribution to the Delaware River area. Although a road and several houses occur along the top of the cliff, the impact appears to be minimal at present. However, attempts to log and build new housing have placed the plant species in jeopardy. It is important that water quality and flow pattern not be changed if the species is to remain on the wet cliff face. Diversion of overland and subsurface flow and logging east of the road will adversely impact the species. It is strongly recommended that further development and logging be prevented east of the road and be carefully scrutinized within the entire watershed outlined on the map. TNC (The Nature Conservancy) has begun to pursue conservation easements in this area and the county and township should encourage conservation among the various landowners.

MILLRIFT FLATS - This Xeric Central Conifer Forest is an unusual occurrence along a sandy alluvial terrace in Pennsylvania. This fact and the five animals of special concern make this site a high priority for protection. A few houses have encroached on the natural community and may become a prime development area soon. This area should be protected through conservation easements, tax incentives to landowners or through purchase. The entire watershed which offers a scenic view of the river and also contains a small natural community on the slopes above Millrift Flats should also be included in any protection plan.

Planning Implications: The Planning Area's woodland habitat is relatively healthy, as large and diverse areas of vegetation remain. However, steps should be taken to ensure that large contiguous forest communities remain in tact.

Wetland and aquatic habitats, and in particular habitats identified by the Natural Heritage Inventory, are most at risk from direct development or watershed disturbance. This includes degradation due to encroaching development, logging and forestry operations, and contamination from wastewater and stormwater runoff.

Protection of habitat and Natural Heritage Inventory sites requires a combination of local municipal environmental regulations and state and federal resource management and use regulations. For its part, the Borough and Township need to strengthen ordinances related to environmental resource protection and promote open space protection among landowners.

Areas designated as Conservation/Open Space on the Future Land Use Plan and Park, Recreation & Open Space Plan include properties that contain sites identified in the Natural Heritage Inventory. Some of these sites are on private land and will require an outreach effort to inspire voluntary protection by the land owners (e.g. establishment of conservation easements). It is the responsibility of the PA DCNR and National Park Service to mitigate impacts on habitats within their jurisdictions.

FUTURE PLANNING POLICIES AND ACTIONS

Overview

The following future planning policies and recommendations are measures intended to achieve the Planning Area's natural resource protection goals. These policy recommendations will guide future decisions and actions related to natural resource protection.

Environmental Protection

Development and environmental protection, as well as conserving open land and natural resources, need not be mutually exclusive. While a clean environment, abundant open land, and natural resources are key elements of the quality of life in the Planning Area, one must recognize that growth is inevitable and can contribute positively to a healthy community.

NOTE:

Much of the discussion in the following sections was taken from the reports prepared by the Pike County Conservation District and the Pike County Office of Community Planning titled *A Review of Westfall Township's Comprehensive Plan and Land Use Regulations with Recommendations to Enhance Natural Resource Conservation and Open Lands Preservation*.

The goal is to strike a balance between development and preserving the essential character of the Planning Area. Development practices which recognize the importance of the local environment will ensure the continuation of the quality of life that residents enjoy and which is so attractive to new residents. Concurrently, land owners and developers will be able to provide the home sites and businesses that a growing population demands.

The intent is to ensure *environmentally friendly* development within the context of the existing zoning districts. State and federal regulations address many aspects of resource conservation and environmental protection, and these regulations should be the foundation on which local municipal regulations are built. Local standards must be consistent with and be coordinated with state and federal requirements. In some cases, the zoning ordinance can simply reference the other applicable standards.

Local Authority for Regulation

The Pennsylvania Municipalities Planning Code (MPC) authorizes land use planning and management tools for the Commonwealth's municipalities. Compliance with the MPC, along with case law, dictates the legality of local regulations. For this reason, it is very important to remember that all land use management tools must be prepared and administered within the bounds of the MPC and current case law. In addition, the Second Class Township Code provides authorization for special purpose ordinances aimed at protecting public health, safety and welfare. Other state laws, such as the Floodplain Management Act and Stormwater Management Act, mandate local regulation of resources. In all cases, the municipal solicitor should be involved in reviewing any changes to municipal plans and ordinances.

Integrated Approach

Given the range of authorizing state statutes, municipal open land, natural resource and environmental regulations are typically found throughout a number of ordinances. While this may appear problematic at first glance, the

integration of such standards in various ordinances is important because a certain ordinance may govern one type of development while another governs a different type. For example, the subdivision and land development ordinance governs how land is divided and improved while the zoning ordinance governs the specific uses on the land. In some cases a special purpose ordinance may be more effective than including standards in the zoning ordinance. The important point is consistency of standards in all ordinances.

The Borough and Township ordinances include a broad range of environmental standards. The Township will periodically review and update its environmental standards to ensure the most effective protection. The possible range includes:

- Environmental impact analysis requirements for large scale and environmentally problematic uses.
- Retention of existing vegetation on development sites and soil stabilization and landscaping.
- Stream, lake and wetland buffers.
- Stormwater best management practices including quality treatment and infiltration.
- Floodplain management.
- Hydrogeologic studies for proposed uses with large groundwater consumption.
- On-site sewage disposal system management.
- Limitations and special standards for development on steep slopes.

Topography and Geology

Preservation of topographic and geologic features is important for maintaining natural drainage patterns, slope stability, erosion control, and surface and groundwater quality. The following policy recommendations are intended to promote the protection of these features:

- The preferred approach is conservation design which sets steep slopes aside as conservation areas.
- Strictly limit site disturbance of steep and very steep slopes – tree and vegetation removal, soil removal, grading.
- Exclude 100% of very steep slope (slopes 25%+) areas from lot area determination.
- Exclude 50% of steep slope (slopes 15%-25%) areas from lot area determination.
- Limit the use of very steep slopes to open space and passive recreation.

Preservation/Conservation Techniques

Comprehensive Planning - enables counties, boroughs, and townships to create a vision for the future which can focus on open land preservation.

Maximum Lot Size Standards - limits the amount of land devoted to a use as a means to preserve agriculture.

Lot Averaging Standards - overall density is maintained while the individual lot size varies.

Flexible Lot Size - sets lot size based on the availability of public water supply and/or sewage disposal.

Transferable Development Rights - the right to develop is sold from areas to be preserved to areas where development is encouraged; the overall area density development remains the same. Units which would be constructed on the *sending* property are developed on the *receiving* property, and the *sending* property is preserved.

Overlay Zoning - applies special standards in addition to the underlying zoning district for areas of special concern (e.g., floodplain, prime farmland, steep slopes).

Riparian Buffers - areas of vegetation left undisturbed along streams and lakes.

Greenways - corridors of public and private lands preserved as open space, often along streams.

Open Space and Natural Area Acquisition - conservation easements or fee simple title acquired by public bodies or conservation organizations. Permanently limits uses of the land in order to protect its conservation value.

Wellhead and Aquifer Protection - special standards wells and groundwater sources to protect water quality.

Sewage Facilities Planning - conducted in accord with DEP regulations and aimed at assuring adequate sewage disposal and water quality protection.

Floodplain Management - local regulations based on National Flood Insurance Program standards to minimize flood related damages to structures.

Stormwater Management - local regulations based on area wide plans to minimize stormwater runoff.

Erosion and Sedimentation Control - coordination with County Conservation District to minimize soil loss and protect water quality.

Differential Assessment - agricultural and forest land is assessed at its value for agriculture/forestry instead of the fair market value; e.g., Act 319 Clean and Green.

- Prohibit buildings or structures on very steep slopes.
- Establish design and performance criteria for buildings or structures on steep slopes including submission of detailed site, grading and drainage plans..
- Set a maximum building envelope size.
- Limit final slopes of cuts and fills to fifty percent.
- Preserve rock outcrops and unique geologic features.

Improving Stormwater Management

All of the streams in the Planning Area are classified as Special Protection Waters (PA Code title 25, Chapter 93, Water Quality Standards) and land development projects are subject to a number of state and federal water quality standards that relate to stormwater management. Significant changes have recently be instituted in state requirements and Pike County is currently developing a county-wide stormwater management plan.

Any inconsistency between local and state requirements and county planning may result in project delays as applicants face conflicting design standards. In order to ensure that local stormwater management standards are consistent with State water quality antidegradation requirements, Act 167 (Stormwater Management Act), Federal National Pollutant Discharge Elimination System (NPDES) requirements for stormwater discharges associated with construction activities, and DRBC's Special Protection Waters regulations, stand-alone stormwater ordinances should be adopted.

Preserve Existing Hydrologic Conditions

The key is to promote development practices to minimize post-development runoff rates and volumes and the need for artificial conveyance and storage facilities.

- Preserve natural drainage features such as vegetated drainage swales, channels, valleys, or depressions where water normally ponds.
- Minimize earth disturbance and preserve natural vegetation to the greatest extent possible by conforming plans to existing topography.
- Minimize impervious surfaces to the maximum extent possible.
- Disconnect impervious areas by directing runoff to areas where it may either infiltrate into the soil or be filtered through vegetation.

Maintain Groundwater Recharge

Simple provisions are critically important in areas where groundwater use is increasing dramatically and stormwater is too often simply considered a problem.

- Require the use of infiltration to provide groundwater recharge whenever possible in recognition that stormwater as an important resource to maintain groundwater supplies.
- Ensure that any infiltration does not pose a threat to groundwater quality.

Maintain Water Quality

Measures must be required to prevent degradation of surface water quality from pollutants carried in stormwater discharges such as vegetative filter strips, infiltration basins, bioretention areas and wet detention ponds.

Reduce Erosion and Stream Scouring

As storm flows increase, the velocities in streams increase. Both the volume and rate of stormwater discharges must be managed to prevent physical degradation of receiving waters, such as stream bank erosion and channel scour.

Control Flooding

Flooding and stormwater problems are caused by excess stormwater quantity. While some over-bank (typically 2-year to 10-year storm events) and extreme (25, 50, and 100-year) flooding events are inevitable the goal of stormwater management standards is to control the frequency of occurrences so that

damages to existing infrastructure are not exacerbated by upstream development.

Inspection and Maintenance

Without regular inspections during construction and proper and long term maintenance, stormwater infiltration devices, detention basins, pollution control and other facilities will not function properly, often with problematic or even disastrous downstream effects. Even the addition of homes within a residential subdivision can have serious effects on neighbors if facilities are inadequately constructed and maintained.

- Include standards to address inspection during construction, long term ownership, maintenance agreements for privately owned stormwater facilities and specific maintenance schedules.
- Make the failure to maintain any facility an ordinance violation and to provide the authority for enforcement and correction.

Groundwater Conservation and Protection

Methods available for local municipalities to conserve the groundwater supply and protect quality are well documented, and have been successful in many areas of the Commonwealth. Details of available methods, the authority for action, and sources of assistance are detailed in *Groundwater Protection and Management in Pennsylvania*.¹¹ The Report recommends the following five-step process to develop and put into place an effective groundwater protection program:

- Involve the community by organizing a committee of interested individuals from the community, and neighboring communities, if appropriate.
- Determine sources and uses of the community's water supply and define the proposed groundwater protection areas.
- Identify possible contamination sources-past, present, and future-in the groundwater protection areas.
- Establish goals and priorities based on an evaluation of the groundwater threats.
- Implement appropriate management measures, including plans for future needs.¹²
- Sponsor an annual well water testing program and compile and map the results.

In addition to evaluating the applicability of the five-step formal planning process, other local municipal actions include:

¹¹ *Groundwater Protection and Management in Pennsylvania, An Introductory Guide for Citizens and Local Officials*, League of Women Voters of Pennsylvania Citizen Education Fund and Water Resources Education Network Project, R. Merideth, J. R. Drohan, C. W. Abdalla, J. R. Jessen, E. D. Stevens, 2001, Third Edition.

¹² *Groundwater Protection and Management in Pennsylvania*, p. 13.

Zoning

- Link dwelling unit densities to the quality of the land by identifying environmentally sensitive areas as part of the development process.
- Include standards for identification and protection of environmentally sensitive areas – recharge areas, floodplain, steep slopes, wetlands, riparian buffers, etc. – and update as necessary.
- Provide incentives for conservation subdivision design where full development density is permitted, individual lot sizes are reduced, a certain percentage of open space is set aside, and sensitive natural areas are preserved.
- Allow planned residential development and transfer of development rights as a way to shift development away from sensitive environmental areas.
- Require a hydrogeologic study for any proposed use which will withdraw large quantities of groundwater.
- Require detailed water quality protection plans for any commercial or manufacturing use which have the potential for groundwater contamination.
- Adopt well head protection standards that limit potential contaminating activities in zones around community wells.

Sewage Enforcement

- Continuing the strict enforcement of the on-lot sewage disposal program.
- Evaluating the benefit of an on-lot sewage system management program.

Stormwater Management

- Require stormwater infiltration as the option of choice to maximize groundwater recharge.
- Address stormwater quality (nutrient and pollutant removal) along with quantity.

Well Construction and Protection

The use of individual water wells in the Borough is prohibited by ordinance. The Township should consider the adoption of a well ordinance because there is no state regulation for the construction of private wells. The ordinance would require permits for drilling and making major repairs to water wells. One of the most critical provisions would be to establish a 100-foot isolation distance from sewage disposal fields and a 50-foot setback from septic tanks because state law, while requiring sewage fields to maintain the 100-foot isolation distance from wells, sets no converse minimum. The well ordinance should also:

- Require isolation distances from other potential contamination sources such as buildings, driveways, sewer lines and underground petroleum storage tanks.
- Specify casing size, material, length and height above grade.
- Require a well cap and casing grouting.
- Set minimum water quantity and quality standards and require testing.
- Require bacterial testing for all new wells with a report submitted to the municipality and disinfection prior to use.
- Require all water users located within the service area of a central water supply system to connect to such system except where the applicant provides documentation that the central system cannot provide an adequate and safe supply.
- As a means of building a data base, requiring well drillers to submit copies of the state Water Well Completion Report which includes details about new wells – depth, depth to water bearing zones, static level, yield, and type of aquifer.

Soils

Soils play an important role in the hydrological cycle, allowing infiltration of stormwater and recharge of groundwater sources, and are important determinants of vegetation type and cover. Soils can also inhibit development due to wet conditions (hydric and seasonal high water table soils are not suitable for development) or due to unsuitability for on-lot sewage disposal. Policy recommendations aimed at preserving soils and promoting sound development are as follows:

- Strictly limit soil removal, especially on steep and very steep slopes.
- Prohibit building on hydric soils and shallow seasonal high water tables.
- Exclude 100% of hydric soils from lot area determination.
- Exclude 50% of shallow seasonal high water tables from lot area determination.
- Continue enforcement of on-lot sewage regulations to ensure proper location and installation of on-lot sewage systems.

Soil Erosion and Sedimentation Control

Pennsylvania DEP Chapter 102 and other regulations administered through the Pike County Conservation District govern soil erosion and sedimentation control. A plan is required for any earth disturbance in Special Protection Watersheds regardless of size.

- There is no need to include detailed design standards for specific soil erosion controls in either the SALDO or the zoning ordinance.

- The key is to require an approved soil erosion and sediment control plan in the SALDO as a condition of preliminary plan approval for all major subdivisions and all land developments, and in a zoning ordinance for any use involving earth disturbance.

Forest and Vegetation

Maintaining natural vegetation not only preserves rural character, but also has numerous environmental benefits, not the least of which are reducing stormwater, preserving surface water quality, and maintaining groundwater recharge. The best approach is to set specific standards for maintaining natural vegetation and require the developer to show why the existing vegetation within prescribed setback or buffer areas, and the entire parcel for that matter, cannot be maintained to the greatest extent possible.

- Include specific standards in the SALDO to govern preservation of vegetation during the development process.
- Also include standards in the zoning ordinance to manage development activities which are not governed by the SALDO, clearing for a parking lot for example.
- Prohibit clearing of vegetation until a land development plan is approved. (The section would be written to limit timber harvesting in the buffer to selective cut only in accord with a forestry management plan so as not to preclude reasonable forestry enterprise and the balance of the tract.)
- Protect dense and mature forested areas especially on steep and very steep slopes, along stream courses, and in headwater (first order) drainage areas.
- Protect the diversity of vegetative cover and native plant communities.
- Promote the establishment of large contiguous areas of permanently protected forests including, but not limited to, areas identified on the Park, Recreation & Open Space Plan and areas containing natural and scenic resources.
- Encourage the use of native species and prohibit the use of invasive plants.
- Participate in County and State forest pest suppression programs.

Wetlands

Wetlands provide unique habitat and serve as important groundwater recharge areas, filtering water before it enters an aquifer. Wetland buffer areas are necessary to ensure proper filtration of runoff prior to its entry into the wetland system. Buffers also diminish the opportunity for degradation of the wetland itself, and provide edge habitat for transitional wetland species.

- Prohibit disturbance of wetlands and within a 100-foot wetland buffer area.
- Exclude 100% of wetlands from lot area determination.
- Exclude 50% of wetland buffer area from lot area determination.

**Watersheds
and Surface Waters**

- As part of all development applications, obtain detailed wetland data that identifies wetlands that are not captured by the NWI.

Protection of watersheds is imperative for ensuring a safe and sufficient water supply and maintaining water quality. Healthy stream ecology relies upon certain water quality levels and stream flows and streams must be protected from pollutants, high sediment loads, stormwater runoff, and excessively low base flows.

Local policies that protect individual natural features, including steep slopes, soils, forests and vegetation, wetlands, and floodplain, also advance the health of watersheds and streams, and more specifically, support the State's anti-degradation policies. In addition to policy recommendations related to the protection of these individual features, the following apply:

- Prohibit disturbance within a 100-foot riparian buffer surrounding streams and other surface water bodies.
- Exclude 50% of the riparian buffer (outside of the FEMA 100-year floodplain) from lot area determination.
- Limit the extent of impervious cover and promote the use of pervious materials.
- Require comprehensive stormwater management that incorporates alternative systems and methods, including Best Management Practices (BMPs), stormwater recharge techniques, and control of non-point source pollution.
- Integrate utilities and development planning: Water supply and wastewater systems are an important part of watershed planning, affecting water balances and overall watershed health. A coordinated growth pattern, where development is directed to areas that have existing sewer and water infrastructure, or are programmed to have such infrastructure, will help to safeguard water supply and quality.
- Conduct aquifer studies to determine water quality and availability of potable water.

Floodplain

Floodplain is important for its natural functions of flood flow conveyance, stream channel formation and water filtration. Building within floodplain areas upsets flood conveyance and increases risks to human life and property. While many municipalities prohibit development in floodplain, this may be impractical for the flood prone areas of the Township, particularly on the River-side of I-84. Much of this area is zoned commercial and a complete prohibition of development would result in loss of land value, and this may be challenged given that state and federal regulations allow development in accord with elevation and flood-proofing standards. At a minimum local flood regulations should:

- Require the elevation of nonresidential structures instead of allowing flood-proofing.

- Prohibit developments of special concern within the 100 year floodplain and in all areas subject to flooding.
- Hospitals, jails or prisons, nursing homes, senior citizen housing, and similar such facilities.
- Mobile home parks and subdivisions.
- Sewage treatment facilities.
- Any activity used for the production or storage of certain specified dangerous materials or substances; or the maintenance of a supply of a specified volume.
- Permit installation of utilities and public infrastructure (i.e roads, stormwater management facilities) only if no feasible alternative location exists and only if Best Management Practices are employed to achieve minimal floodplain disturbance.
- Minimize impervious cover (i.e. paved areas and surfaces that do not allow for infiltration of water) within the 100-year floodplain.
- Ensure that improvements to existing buildings and structures will not increase the 100-year flood elevation and require flood proofing of permitted improvements.

Habitat and Natural Areas

Protection of habitat is accomplished by maintaining and promoting the health and diversity of natural areas as follows:

- Protect critical habitat areas through protection of topography and geology, soils, forest and vegetative cover, wetlands, floodplain, watersheds and streams.
- Protect as open space those properties that contain sites identified in the Pike County Natural Heritage Inventory.
- Establish a networked system of large contiguous areas of open space.
- Establish a network of riparian corridors and greenways.

Ridge Lines

An integral part of the community character of the Planning Area are the wooded ridge lines and scenic vistas visible from the major highways passing through the area. Preserving these resources requires a balance between private property rights and the public good. Much of the value in a lot may be associated with the view it affords and zoning standards may affect that value.

Simply stated, the most direct means of preserving ridge lines and scenic vistas is via fee-simple public ownership of the land. However, given the cost of land this is really not an option. Conservation easements, which are far less costly, can afford the same protection as public ownership. Working with willing land owners who want to protect their property, Planning Area local

officials, concerned citizens and local land trusts should cooperate to protect these properties with conservation easements.

Protecting ridge lines and scenic vistas through zoning is somewhat problematic given that regulating purely for aesthetics has long been found suspect by Pennsylvania courts unless directly related to the public health, safety and welfare. Zoning in a state-recognized historic district is a good example of aesthetic regulation upheld by the Commonwealth's courts. The Township's reliance on the natural environment and open space for much of its economic well being and maintenance of property values may provide the foundation for some reasonable development standards for preservation of ridge lines and scenic views.

Ridge lines and scenic vistas are often associated with steep slopes. However, a community should not attempt to enact aesthetic criteria that would artificially limit density in the guise of steep slope protection, especially if density is already limited on this basis under other ordinance provisions. Regulations that allow for the same density, but require design that addresses aesthetic issues on a secondary level, are far more likely to be supportable in court.

Ridge line development can be regulated at two levels - when existing lots are developed and when new building lots are created. The first is a matter of zoning and the second is typically addressed in subdivision regulations. Addressing ridge line protection in new subdivisions is a relatively straightforward matter with conservation subdivision design. Areas of concern can be mapped and protected with easements and the lots can then be clustered in other areas. Building and clearing restrictions can also be imposed (e.g., by designating building envelopes) as part of the subdivision approval. All this can be accomplished without necessarily affecting density.

Dealing with existing lots, however, is far more difficult. The lots may have been purchased or platted to maximize views. Any restriction on such views may be perceived as an infringement, not only on property rights, but also on the value of the land. It may not be possible on a given lot to achieve a design that will maximize the value of the views for all parties because it is too small, too steep or otherwise limited. In any case, ridge line and scenic vista protection standards for existing lots must be considered carefully in terms of balancing private property rights with a clearly stated public purpose. In doing so some communities have considered:

- Requiring conditional use approval for development site clearing in designated ridge line and scenic vista protection areas.
- Setting standards for the location of structures to allow for views from the structure but minimize exposure.
- Limiting lighting to minimize visual effects.
- Establishing structure screening standards and tree cutting and pruning limitations.

Upper Delaware National Scenic and Recreational River

River Management Plan

The *Upper Delaware River Management Plan* provides a detailed history of the federal designation of the River, the management planning process, local participation in the process, and the development of the *Land and Water Use Guidelines*.

One of the influences on the growth and development of the northeastern Pike County area over the past thirty-five years has been the federal study and eventual designation of the Upper Delaware River as part of the National Scenic and Recreational River Program. The River Corridor extends 75 miles north from Cherry Island at Mill Rift in Westfall Township to Hancock, New York and encompasses 55,575 acres, but only 30 acres are federally owned. The National Park Service web site reports approximately 250,000 annual visitors to the Upper Delaware which adds significantly to the local economy.

A reflection of the area's rural character and quality environment, and the long-term conservation of that character and environment, the 1978 designation recognized the importance of the River Corridor to the heritage of the entire nation.

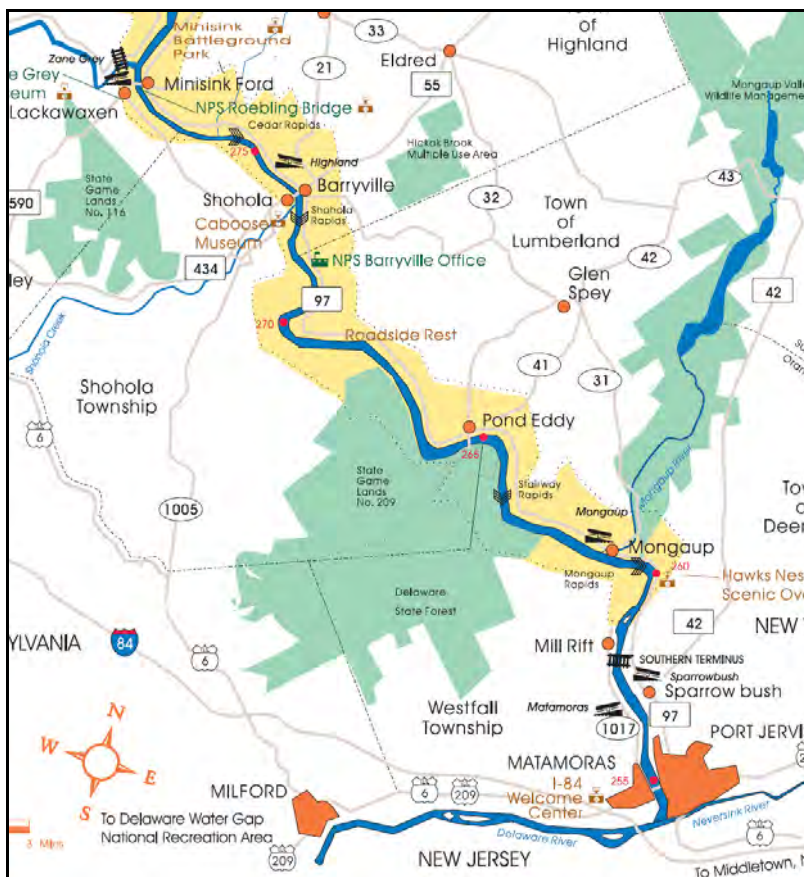
As part of the cooperative planning process undertaken by participating local municipalities, the five affected counties, the two states, the Delaware River Basin Commission and the National Park Service, *Land and Water Use Guidelines* were developed to advise local municipalities in their land use control efforts to continue to protect the River Corridor by restricting inappropriate development. This approach was undertaken in response to local demand for continued basic local authority over land use control and community development decisions as an alternative to widespread land acquisition by the National Park Service.

The *Land and Water Use Guidelines* provide a range of goals and objectives for conserving the integrity of the Upper Delaware Corridor while at the same

time sustaining its continued economic viability. Rather than prescribing specific actions required of local municipalities, the *Guidelines* allow a range of alternatives and performance standards to meet a specific River Corridor conservation goal. Alternatives include such performance standards as minimum lot size and width, building setbacks, and ridge line development limitations, and regulations for parking, signs and the types of uses permitted in the River Corridor.

Substantial Conformance

Following the development of the *Land and Water Use Guidelines*, the Upper Delaware Council and the NPS conducted a *substantial conformance* review of all of the local municipal land use ordinances in the Corridor. Federal land acquisition is severely limited in municipalities in substantial conformance where land use regulations are deemed adequate to afford Corridor protection. In those municipalities not in substantial conformance, the NPS can acquire land



The Upper Delaware in Pike County (Source: Upper Delaware Council.)

threatened by development which is not consistent with the *Land and Water Use Guidelines*.

The Westfall Township Zoning Ordinance was found to be in substantial conformance given the inclusion of a section with specific requirements for the Upper Delaware Corridor governing setbacks from the River, lot width along the River, ridge line protection and lot coverage. In addition, the Conservation and Low Density Residential Zoning Districts allow only those types of uses which are consistent with the *Land and Water Use Guidelines*.

Upper Delaware Council

Westfall Township participates in the Upper Delaware Council (UDC). The UDC as formed in 1988, is a consortium of local riparian municipalities, the two states, and the Delaware River Basin Commission that works with the National Park Service to protect the integrity of the River Corridor. The Council coordinates local interests on such issues as River flows, ridge-top protection, recreational use of the River, flooding, proposed power lines, the Route 97 Scenic Byway, and cell towers. The UDC also administers an annual competitive technical assistance grant program of some \$25,000 for participating municipalities and other organizations in the Corridor for land use planning and other River-related programs. The UDC awarded \$3,000 to Westfall Township for this *Comprehensive Plan*.

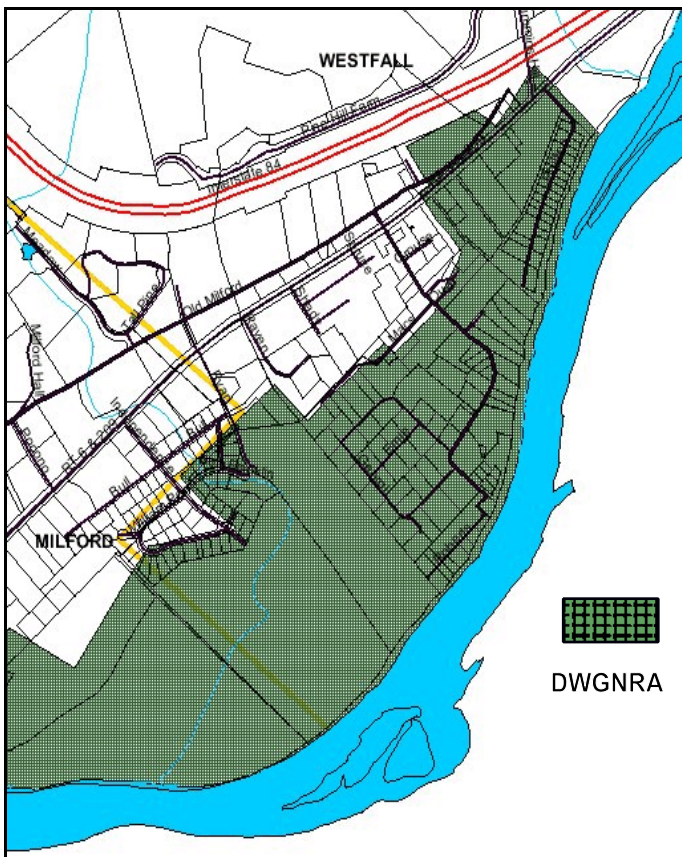
Delaware Water Gap National Recreation Area

Unlike the Upper Delaware, the Delaware Water Gap National Recreation Area is comprised of land owned, or which will eventually be owned, by the National Park Service. The northern boundary of the Recreation Area extends into the southern section of Westfall Township. Including almost 69,000 acres and 40 miles of the Delaware River, the Delaware Water Gap National Recreation Area is the largest natural area in the entire National Park System between Virginia and Maine and one of the largest protected natural areas in the metropolitan corridor extending from Washington, D.C., to Boston, Massachusetts. According to the NPS, there are some 5 million recreation visits to the Recreation Area each year.

Similar to the Upper Delaware, the Delaware Water Gap National Recreation Area has been a significant factor in the growth and development of Pike County. While development of the federal land has been precluded, it has generated much tourism and added to the open space character of the area.

Matamoras and the NPS

Matamoras Borough lies between the Upper Delaware and the Delaware Water Gap National Recreation Area. Zoning in the Borough is not subject to the Upper Delaware *Land and Water Use Guidelines* nor any possibility of land acquisition as part of the Delaware Water Gap National Recreation Area. Nevertheless, the Borough, along with Westfall Township,



Delaware Water Gap National Recreation Area
(Source: Pike County GIS.)

experiences not only some of the tourism trade associated with the national designations, but the increased traffic as well.

Dark Skies



Artist's rendering of city glow effect and a dark sky site. (IDA, Inc.).



The International Dark-Sky Association (IDA, Inc.) notes: *Today, people who live in or near cities have lost much of their view of the universe. This view is often substantially diminished even for people who live in smaller towns and rural areas. The spectacular view of the sky that our ancestors had on clear dark nights no longer exists. The great increase in the number of people living in urban areas has resulted in a rapid increase in urban sky glow due to outdoor lighting, brightening the heavens to such an extent that the only view most people have of the Milky Way or most stars is when they are well away from cities. This excess light in the sky has an adverse impact on the environment and seriously threatens to remove forever one of humanity's natural wonders - our view of the universe.*

This sky glow that adversely affects the environment and compromises astronomical research is called light pollution, for it is wasted light that does nothing to increase nighttime safety, utility, or security. Such wasted light only serves to produce glare, clutter, light trespass and light pollution and wastes energy, money, and natural resources in the process.

Here are some solutions that minimize light pollution without compromising in any way nighttime safety, security, or utility:

- 1. Use night lighting only when necessary. Turn off lights when they are not needed. Timers can be very effective. Use the correct amount of light for the need, more is not better.*
- 2. Direct the light downward, where it is needed. The use and effective placement of well designed fixtures will achieve excellent lighting control. When possible, retrofit or replace all existing fixtures of poor quality. In all cases, the goal is to use fixtures that control the light well, minimizing glare, light trespass, light pollution, and energy usage.*
- 3. Use low pressure sodium (LIPS) light sources whenever possible. This is the best possible light source to minimize adverse effects on astronomical activities. LIPS lamps are also the most energy-efficient light sources that exist. Areas where LIPS is especially good include street lighting, parking lot lighting, security lighting, and any application where color rendering is not critical.*
- 4. Avoid development near existing observatories, and apply rigid controls on outdoor lighting when development is unavoidable. Such controls do not compromise safety, security, or utility. Outdoor lighting ordinances and codes have been enacted by many communities to enforce quality and effective nighttime lighting.¹³*

¹³International Dark Sky Association, Inc., *Information Sheet #1*.

**Zoning Standards
for Lighting and Glare**

The Borough and Township zoning ordinances include standards to control lighting and glare associated with nonresidential development. The standards are basic and may not afford as much protection for neighboring properties and dark-sky preservation as more updated standards.

The Borough and Township will:

- Review and update the lighting and glare standards in the zoning ordinance based on current practices to minimize light pollution.
- Consider applying the standards to all types of residential and nonresidential development.
- Consider standards in a nuisance ordinance that can be applied to existing lighting and glare problems.

HOUSING PLAN

INTRODUCTION

The Housing Plan examines the characteristics of the Matamoras-Westfall Planning Area's existing housing stock and provides strategies to address future housing issues. It is intended to meet the housing needs of current residents and to accommodate anticipated growth. In addition, the Housing Plan seeks to ensure that the Borough and Township provide for housing of various types and in various arrangements.

Families and individuals of all income levels reside in the Matamoras - Westfall Planning Area and need continued access to decent and affordable housing with proper community facilities. The special needs of young families looking for their first home and senior citizens on fixed incomes must be addressed. Similar to commercial development, the Borough and Township can employ cooperative zoning to direct housing types and densities to the most appropriate locations in the Planning Area.

The Pennsylvania Municipalities Planning Code requires a plan to meet the housing needs of present residents and of those individuals and families anticipated to reside in the municipality, which may include conservation of presently sound housing, rehabilitation of housing in declining neighborhoods and the accommodation of expected new housing in different dwelling types and at appropriate densities for households of all income levels.

Zoning must provide for housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks.

HOUSING GOAL AND OBJECTIVES

Housing Goal: Provide for secure and sound housing in a variety of types and densities.

Objectives:

Current Residents

Meet the housing needs of current Planning Area residents.

- Sound Housing - Encourage preservation of presently sound housing.
- Rehabilitation - Promote rehabilitation of houses in decline.
- Housing Programs - Encourage participation in all county, state and federal housing rehabilitation and assistance programs to ensure residents receive full benefit from such programs.

Housing Growth

Accommodate anticipated housing growth in appropriate locations, at appropriate densities, and with suitable amenities.

- Location - Coordinate the location of new housing with pending road improvements
- Density - Provide for varying densities suited to the Planning Area's character and landscape and infrastructure.

- Townhouses - Allow townhouses in conservation design in all zoning districts at the same density as single-family dwellings.
- Amenities - Provide for recreation and open space amenities within residential developments
- Senior Housing - Encourage the development of nursing homes, adult care centers, assisted living facilities and other housing types which provide amenities that are attractive to retirees.
- Commercial District Dwellings - Where adequate off-street parking and sewage disposal are available, encourage the use of second and third floor spaces in the Borough Commercial District for dwellings.

Types and Affordability Provide a diversity of housing types and affordability levels.

- Type and Density - Allow residential development of various types in suitable areas at a density sufficiently high to moderate the land cost of the increasing cost of housing, while requiring adequate off street parking, water supply and sewage disposal.
- Fair Share - Ensure that the Planning Area provides its required *fair share* of housing of all types at various densities.
- Gated Alternatives - Promote alternatives to private, gated communities.
- Innovative Design - Advocate conservation design, village style or traditional neighborhood development.
- Incentives - Consider density and design incentives to encourage the development of age-restricted and affordable housing

HOUSING CONSIDERATIONS

Municipalities Planning Code Requirements

The Pennsylvania Municipalities Planning Code (MPC) addresses housing from the perspective of ensuring affordable housing for families of all income levels. In terms of planning, MPC §301 requires comprehensive plans to include an element *to meet the housing needs of present residents and of those individuals and families anticipated to reside in the municipality, which may include conservation of presently sound housing, rehabilitation of housing in declining neighborhoods and the accommodation of expected new housing in different dwelling types and at appropriate densities for households of all income levels.*

In terms of land use management as effected by zoning, MPC §604 requires zoning ordinances to *provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and*

mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.

Court decisions have upheld this zoning provision of the MPC establishing a *fair share* rule which considers the percentages of land available for a given type of housing, current population growth and pressures within the municipality and surrounding region, and the amount of undeveloped land in a community. The Pennsylvania Department of Economic Development publication titled, *Reducing Land Use Barriers to Affordable Housing, Fourth Edition, August 2001*, lists a number of barriers to affordable housing associated with land use regulations, including among others:

- insufficient amount of land zoned for medium and high density residential development
- excessive lot frontage and setback requirements which dictate greater lot sizes
- excessive street widths and construction standards unrelated to expected traffic volumes
- lack of provisions for cluster design and planned residential development
- limitations on the use of mobile homes and manufactured homes
- plan review and administrative delays

Housing Affordability

Municipalities throughout the country have been addressing housing issues for many years. *Pennsylvania Housing*, a 1988 study conducted by the Pennsylvania Housing Financing Agency, defined *affordable* as requiring less than thirty percent of gross monthly income for rent or less than twenty-eight percent for a mortgage and other related housing costs. U.S. Department of Housing and Urban Development (HUD) guidelines continue to define *affordable housing* as costing no more than thirty percent of a household's gross monthly income. (See also the *Affordable Housing Study Sidebar* on the following page.)

Affordability in a Growing Community

Real estate values in Matamoras Borough and Westfall Township, and all of Pike County, have increased rapidly given the appeal of the quality lifestyle so close to metropolitan areas. The Borough's small town character and the Township's natural setting are key factors. As the housing market recovers and the longer term demand for land and housing continues, the cost of real estate will obviously also continue to increase. Balancing this demand driven housing cost increase with the need for affordable housing is difficult, particularly when coupled with the problem of providing adequate sewage disposal and water supply for higher density housing.

Affordable Housing Study

The Summer 2000 *Affordable Housing Study* for Jacksonville, Florida provides a good description of how affordable housing is assessed. *The American Dream* has long been associated with the possibility of owning one's home. National housing-market surveys report that the home ownership rate reached a peak in the late 1990s—almost sixty-seven percent in 1999—due mainly to a robust economy with record levels of low unemployment and low interest rates. However, while this unprecedented economic expansion enabled many Americans to purchase their own homes, it has pushed housing prices and rental rates higher, preventing many other households, with insufficient incomes, from either becoming homeowners or finding affordable, safe, and decent rental housing. Housing affordability is a relative concept—both rich and poor can experience difficulty in affording housing, depending on how much they spend toward housing costs. Housing in one community with a relatively high median income can be quite expensive but affordable compared to housing in another community with a relatively low median income.

Federal governmental guidelines, primarily those established by the U.S. Department of Housing and Urban Development (HUD), define affordable housing as costing no more than thirty percent of a household's gross monthly income—referred to here as the 30 percent rule. The income counted is derived from all wages earned by people fifteen and older in the household. For homeowners, affordability is generally defined as owning a house with a value equal to slightly more than twice the household's annual income. The homeowner costs counted typically include a mortgage payment (principal, interest, taxes, and insurance) and utilities. For renters, the costs usually include contract rent and utilities. The 30 percent rule leaves seventy percent for food, clothing, health care, child care, transportation to work, and other basic expenses. Because of increasing housing costs, many lower income Americans are forced to make tradeoffs and go without necessities. Tenants experiencing unexpected emergencies typically fall behind in their rent and face eviction. If not assisted, they may become homeless.

EXISTING HOUSING CONDITIONS

Overview

Unlike most of the other municipalities in Pike County, Matamoras Borough and Westfall Township evolved more as full-time communities than as vacation communities. Recent population increases in Pike County are largely a result of conversion of second homes to permanent residences, while Matamoras and Westfall have historically experienced much less seasonal home development and conversions.

Housing Trends

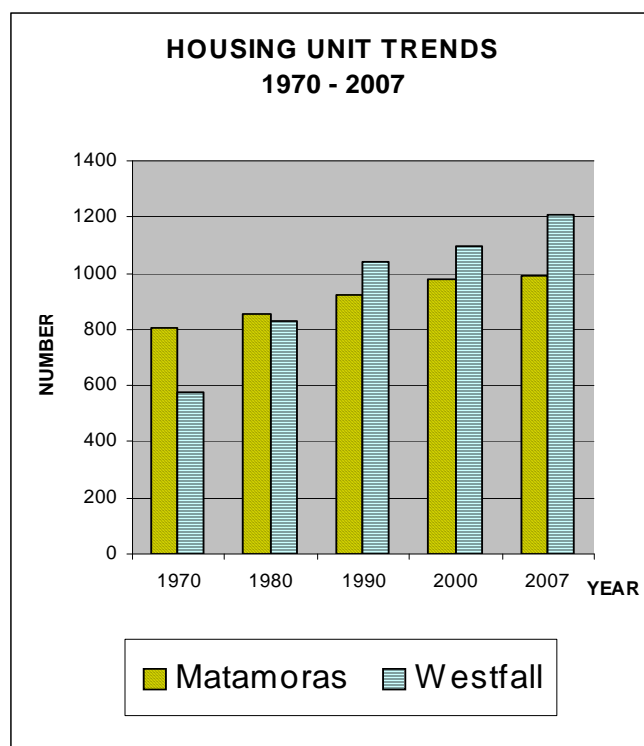
The *Housing Units Table* shows the changes in the number of housing units throughout Pike County between 1970 and 2000 and the *Dwelling Unit Permits Table* shows the number of permits issued for new dwellings in the Borough and Township through 2007. Key considerations and changes in the Planning Area include:

- Matamoras has limited potential for increased numbers of dwelling units given few vacant lots and little vacant land, while Westfall Township, with hundreds of acres of open land, holds great potential.
- The number of housing units in the Borough has increased at about the same rate since 1970.
- In the Township, the greatest increase in number of housing units occurred between 1970 and 1980.
- In Matamoras Borough, housing units in 2007 are estimated at 1,020, based on the 44 building permits issued since 2000. The increase is on par with the increases since 1970.

HOUSING UNITS U.S. CENSUS										
	1970 Total Units	# 70-80	% 70-80	1980 Total Units	# 80-90	% 80-90	1990 Total Units	# 90-00	% 90-00	2000 Total Units
Blooming Grove	391	1,646	421.0%	2,037	1,067	52.4%	3,104	169	5.4%	3,273
Delaware	1,167	1,123	96.2%	2,290	705	30.8%	2,995	458	15.3%	3,453
Dingman	676	711	105.2%	1,387	2,794	201.4%	4,181	1,508	36.1%	5,689
Greene	1,251	313	25.0%	1,564	999	63.9%	2,563	217	8.5%	2,780
Lackawaxen	944	582	61.7%	1,526	1,722	112.8%	3,248	502	15.5%	3,750
Lehman	443	1,103	249.0%	1,546	2,429	157.1%	3,975	680	17.1%	4,655
Matamoras	807	48	5.9%	855	66	7.7%	921	56	6.1%	977
Milford Boro	507	14	2.8%	521	43	8.3%	564	(4)	-0.7%	560
Milford Twp	205	165	80.5%	370	193	52.2%	563	31	5.5%	594
Palmyra	1,859	1,287	69.2%	3,146	765	24.3%	3,911	(73)	-1.9%	3,838
Porter	636	212	33.3%	848	24	2.8%	872	54	6.2%	926
Shohola	627	240	38.3%	867	2,049	236.3%	2,916	173	5.9%	3,089
Westfall	576	257	44.6%	833	206	24.7%	1,039	58	5.6%	1,097
Pike County	10,139	7,588	74.8%	17,727	13,125	74.0%	30,852	3,829	12.4%	34,681
PA (1,000's)	3,925	671	17.1%	4,596	342	7.4%	4,938	312	6.3%	5,250

DWELLING UNIT PERMITS PIKE CO. BOARD OF ASSESSMENT*			
Year	Matamoras	Westfall	Pike Co.
2000	1	8	481
2001	4	11	504
2002	4	14	735
2003	6	14	907
2004	5	14	1,121
2005	7	17	1,037
2006	12	25	1,004
2007	5	11	6,751
total	44	114	12,540

* Source: 21st Century Appraisals



Source: 1970 - 2000 - U.S. Census; 2007 - estimate

- Based on the 114 permits issued, the number of housing units in Westfall Township in 2007 is estimated at 1,155, with the anticipated 10-year increase well below prior decades.
- The pace of population growth has exceeded the growth of new housing units. This is likely due to the conversion of seasonal units to permanent housing and larger household sizes as more families move into the Planning Area. From 1990 to 2000, the number of seasonal homes in the Township dropped from 144 to 87.
- By comparison, Dingman, Lehman, Lackawaxen and Delaware Townships have experienced the greatest increases in housing unit numbers over the past 15 years, due in large part to in-fill in existing large subdivisions.
- In terms of both rate of increase and absolute numbers, Dingman Township has shown the greatest growth since 1980, increasing from 1,387 units to 5,689 units, this increase having been likely stimulated by the availability of residential communities such as Sunrise Lake, Conashaugh Lakes, and Gold Key Lake, and Dingman's rural atmosphere and affordable housing costs (*Dingman Township Comprehensive Plan - 1997 Planning Survey, Shepstone Management Company*).

Age of Housing

The data in the *Rate of Housing Development Table* provides a good measure of the age and potential condition of housing in the Planning Area.

- The housing units in the Borough are considerably older than in the Township, which would be expected given the early development pattern of the Planning Area.

RATE OF HOUSING DEVELOPMENT U.S. CENSUS						
	Matamoras		Westfall		Pike County	
# Units 2000	977		1,097		34,681	
# Units 1990	921		1,039		30,852	
# Units 1980	855		833		17,727	
# Units 1970	807		576		10,139	
YEAR STRUCTURE BUILT						
	#	%	#	%	#	%
1999-3/2000	3	0.3%	20	1.8%	656	1.9%
1990-1998	85	8.7%	122	11.1%	7,968	23.0%
1980-1989	72	7.4%	263	24.0%	9,618	27.7%
1970-1979	79	8.1%	232	21.1%	7,341	21.2%
1960-1969	86	8.8%	105	9.6%	3,454	10.0%
1940-1959	224	22.9%	173	15.8%	2,997	8.6%
1939 or earlier	428	43.8%	183	16.7%	2,647	7.6%

- Most of the homes in Matamoras and many in Westfall were constructed prior to 1970, the approximate date when state on-site sewage regulations were instituted. This is important in terms of the age of on-lot disposal systems, compliance with DEP standards, and effect on water quality.
- The age of the housing stock does not appear to be a factor in housing condition and dilapidated housing in the Planning Area is not an issue.

Housing Demand

The demand for housing in the Borough and Township, and all of Pike County, will certainly continue at a high level at least for the near term, and most likely for the long term. Although Matamoras has relatively little land available for additional development, ample undeveloped land is available in the Township. The Planning Area will certainly feel the result of new development in terms of increased community activity and associated traffic, and demand for retail and service establishments. Owing largely to the 9/11 terrorist attack and increased urbanite desire for a better quality of life, real estate values in the County have been reported by area real estate brokers to have increased some 25% since 2000. This increase, without a compensating increase in locally rooted incomes, will only exacerbate the housing affordability issue.

Home Ownership

The *Home Ownership Table*, shows the 1990 and 2000 Census home ownership rates for Matamoras, Westfall, Pike County and the Commonwealth.

HOME OWNERSHIP U.S. CENSUS				
Occupied Units (does not include second homes)	Matamoras	Westfall	Pike County	PA
Home Ownership Rate (Owner-Occupied), 1990	76.2%	80.2%	83.3%	70.6%
Home Ownership Rate (Owner-Occupied), 2000	70.1%	80.5%	84.8%	71.3%
Renters (Renter-Occupied Units), 1990	23.8%	19.8%	16.7%	29.4%
Renters (Renter-Occupied Units), 2000	29.9%	19.5%	15.2%	28.7%

- Home ownership rates in Westfall Township were higher than the Commonwealth, but lower than the County.
- In Matamoras Borough, the proportion of homeowners was on par with the State, but less than Westfall Township and the County. The data for the Borough and the Commonwealth is consistent with the higher proportion of multi-family dwellings.
- There was an insignificant change in home ownership in the Township between 1990 and 2000, with the County and Commonwealth also showing little change.
- Home ownership rates declined somewhat in the Borough between 1990 and 2000.

OWNER OCCUPIED HOUSING VALUE U.S. CENSUS 2000							
	Matamoras		Westfall		Pike County		PA
	#	%	#	%	#	%	%
total	597	100.0%	569	100.0%	13,091	100.0	100.0%
less than \$50,000	13	2.2%	2	0.4%	232	1.8%	15.1%
\$50,000 to \$99,999	257	43.0%	133	23.4%	4,414	33.7%	37.4%
\$100,000 to \$149,999	283	47.4%	249	43.8%	4,812	36.8%	24.3%
\$150,000 to \$199,999	33	5.5%	114	20.0%	2,133	16.3%	11.9%
\$200,000 to \$299,999	8	1.3%	52	9.1%	1,157	8.8%	7.4%
\$300,000 to \$499,999	0	0.0%	13	2.3%	278	2.1%	2.9%
\$500,000 to \$999,999	0	0.0%	6	1.1%	51	0.4%	0.8%
\$1,000,000 or more	3	0.5%	0	0.0%	14	0.1%	0.2%
median value	\$104,800	--	\$129,300	--	\$118,300	--	\$97,000

MEDIAN HOUSING VALUE U.S. CENSUS	
2000 Value	
Blooming Grove Township	\$137,300
Delaware Township	\$97,000
Dingman Township	\$133,500
Greene Township	\$106,500
Lackawaxen Township	\$108,300
Lehman Township	\$105,100
Matamoras Borough	\$104,800
Milford Borough	\$156,400
Milford Township	\$166,300
Palmyra Township	\$125,700
Porter Township	\$130,600
Shohola Township	\$117,700
Westfall Township	\$129,300
Pike County	\$118,300
Pennsylvania	\$97,000

Housing Value

Housing values compared to household income provide a measure of housing affordability. While high values are positive in terms of housing condition and real estate tax revenue, it may indicate the need to evaluate the affordability of housing for younger couples and older residents. (See the *Median Housing Value Table* and the *Owner Occupied Housing Table*.)

- The Township has a higher proportion of homes of greater value than the Borough, and this is reflected in the median value data. Nevertheless, home values vary widely with the highest proportion of homes in the \$100,000 - \$149,000 range.
- Median value of owner-occupied homes in Matamoras, at \$104,800, was at the lower end of the values in Pike County, but higher than the Commonwealth as a whole. This is probably a reflection of the age of housing with smaller lots, fewer high value vacation homes, and more families working in the local economy instead of commuting to metropolitan areas.
- Westfall Township's median housing value was about in the middle of County values, but substantially higher than the State's. Generally newer housing on larger lots most likely accounting for the value being higher than the Borough's.

HOUSING VALUES U.S. CENSUS				
Housing Data	Matamoras	Westfall	Pike Co.	PA
Median Value Owner-Occupied, 2000	\$104,800	\$129,300	\$118,300	\$97,000
Median Value Owner-Occupied, 1990	\$105,300	\$127,600	\$117,700	\$69,700
Median Value Owner-Occupied, 1990, inflation adjusted to 2000	\$138,785	\$168,177	\$155,129	\$91,865
% Change 1990 - 2000 inflation adjusted	-24.5%	-23.1%	-23.7%	5.6%

- Equally important is the change in median value between 1990 and 2000 which provides a measure of demand for housing compared to the regional market.
- After adjustment for inflation, which between 1990 and 2000 was a factor of 1.318, median housing value in the Borough, Township and County actually decreased significantly in the ten years between the Census counts.
- This suggests that the housing values are not keeping pace with the cost of living, or that more recent housing construction has been of more modest values.
- The data is perplexing when considered in terms of the value of real estate in Pike County and the recent dramatic increases in real estate values since 2000.

Housing Structural and Vacancy Characteristics The *Housing Structural and Vacancy Characteristics Table* provides data for the Year 2000 on the types of housing units in the Planning Area and the occupancy of the units.

- The Planning Areas's housing stock is dominated by single-family detached dwellings.
- Multi-family housing units account for almost 22% of the total housing stock in the Borough, but less than 5% in the Township.

HOUSING STRUCTURAL AND VACANCY CHARACTERISTICS U. S. CENSUS								
	Matamoras		Westfall		Pike County		PA (1,000's)	
1990 total housing units	921		1,039		30,852		4,938	
1990 occupied housing units	768		784		10,536		4,496	
2000 total housing units	977		1,097		34,681		5,250	
2000 occupied housing units	925		951		17,433		4,777	
2000 Housing units in structure	#	%	#	%	#	%	#	%
1 unit detached	740	75.7%	794	72.3%	27,986	80.7%	2,935	55.9%
1 unit attached	25	2.6%	74	6.7%	697	2.0%	940	17.9%
multi-family	212	21.7%	47	4.3%	872	2.5%	1,111	21.2%
mobile homes, trailer, other	0	0.0%	183	16.7%	5,126	14.8%	263	5.0%
Average household size (persons)								
1990	2.52		2.54		2.62		2.57	
2000	2.50		2.49		2.63		2.48	
2000 occupied housing units	#	%	#	%	#	%	#	%
total occupied units	925	100.0%	951	100.0%	17,433	100.0%	4,777	100.0%
owner occupied units	648	70.1%	766	84.8%	14,775	84.8%	3,406	71.3%
renter occupied units	277	29.9%	185	15.2%	2,658	15.2%	1,371	28.7%
2000 vacant housing units	#	%	#	%	#	%	#	%
total vacant units	52	5.3%	146	13.3%	17,248	49.7%	473	9.0%
seasonal/recreation use	6	0.6%	87	7.9%	15,350	44.2%	148	2.8%
other vacant units	46	4.7%	59	5.3%	1,898	5.5%	325	7.8%
Homeowner vacancy rate								
1990	3.1%		3.1%		4.9%		1.5%	
2000	2.6%		2.7%		3.6%		1.6%	
Renter vacancy rate								
1990	15.3%		5.5%		10.1%		7.2%	
2000	4.8%		6.6%		5.7%		7.2%	

- The proportion of multi-family dwellings in the Borough was on par with the Commonwealth, while Westfall's is significantly lower. Multi-family dwellings often provide a more affordable type of housing.
- Additionally, 183, or almost 17%, mobile homes (often more affordable), trailers or other dwelling types were reported in the Township, compared to none in the Borough, about 15% in the County and 5% in the State.
- Occupied housing units in the Borough totaled 977 with 648 (70%) owner occupied and 277 (30%) renter occupied.
- In the Township, 766 (85%) of the 951 total units were owner occupied and 185 (15%) were renter occupied.
- In 2000, the homeowner vacancy rate, which is the proportion of owner-occupied units vacant and for sale, was 2.6% in the Borough and 2.7% in the Township. A vacancy rate of less than 6% is considered low.
- The number of dwellings for season or recreation use in the Planning Area is very low when compared to Pike County as a whole, and the number of such homes declined between 1990 and 2000 in all municipalities in the County except Dingman Township.

SECOND HOMES U.S. CENSUS				
Municipality	Second Homes			
	1990	2000	2000 % of Total Units	% change ('90 - '00)
Blooming Grove Twp.	2,227	1,677	51.2%	-25%
Delaware Township	1,698	993	28.8%	-42%
Dingman Township	2,368	2,435	42.8%	3%
Greene Township	1,368	1,349	48.5%	-1%
Lackawaxen Township	1,986	1,862	49.7%	-6%
Lehman Township	2,647	1,762	37.9%	-33%
Matamoras Borough	14	6	0.6%	-57%
Milford Borough	21	18	3.2%	-14%
Milford Township	79	41	6.9%	-48%
Palmyra Township	2,841	2,337	60.9%	-18%
Porter Township	796	724	78.3%	-9%
Shohola Township	2,180	2,054	66.5%	-6%
Westfall Township	144	87	7.9%	-40%
Pike County	18,351	15,350	44.2%	-16%
PA (1,000's)	144,700	148,443	2.8%	3%

Housing Affordability in the Planning Area

Housing affordability is a complex issue typically related to the unique mix of housing types, real estate demand, housing values, and household incomes in the community. In the Planning Area and Pike County, the number of residents commuting to work in nearby metropolitan areas also adds to the housing affordability mix. These commuters, who have often recently moved to the County, are employed in more lucrative jobs than residents who are employed locally. This higher income, coupled with the high value of homes sold in the metropolitan area, add to the cost of real estate in Pike County. These *equity exiles* can afford to pay more for housing and the demand they drive increases housing values beyond the level of affordability for many Township residents relying on the local job market. The *Bergen County Comparison Figure* puts the local versus metropolitan differences into perspective.

HOUSING MARKET CONTRAST	Bergen County	Pike County
Median Household Income	\$65,241	\$44,608
Median Home Value	\$250,000	\$118,000
Median Property Taxes / % of Income	\$5,499 8%	\$1,915 4%

Bergen County Comparison (Year 2000)

The *Housing Affordability Data Table* also includes 2000 Census information to provide an indication of the affordability of housing in the Planning Area.

- In both the Borough and Township a significant proportion of home owning households and renting households had Year 2000 housing costs which exceed the *thirty percent rule* for household income and housing expense indicating an affordability problem in the Planning Area.
- The very high proportion for renting household in the Borough with rent exceeding 30% of income, almost 50%, is of particular concern.
- It is also important to remember that the data does not account for the dramatic increases in real estate values since 2000 which likely have added to the affordability problem.
- In addition, the recent enactment of the State Uniform Construction Code has, while aimed at ensuring the safety and durability of construction, added to the overall cost of home construction.

HOUSING AFFORDABILITY DATA U. S. CENSUS 2000									
	% Single-family	% Duplex	% Mobile Homes RV's	% Multi-family	Median Housing Value	Median Gross Rent	Median Hsehold Income	% Owner Hseholds home exp >30% of Income	% Hseholds with rent >30% of Income
Matamoras	75.7%	2.6%	0.0%	21.7%	\$104,800	\$663	\$37,361	25.1%	47.6%
Westfall	72.3%	6.7%	16.7%	4.3%	\$129,300	\$675	\$42,472	26.8%	33.7%
Pike Co	80.7%	2.0%	14.8%	3.5%	\$118,300	\$701	\$44,608	29.2%	39.6%
PA	55.9%	17.9%	5.0%	21.1%	\$97,000	\$531	\$40,106	22.8%	35.5%

PLANNING IMPLICATIONS

Regional Issue

The type and price of housing available in any municipality is largely market driven and beyond a municipality's direct control. Local municipalities must recognize that housing needs cannot be addressed entirely at the local level. In fact, with the exception of ensuring that land use and building regulations are reasonable in terms of affecting costs, small municipalities can do little to manage housing affordability which is so dependent on regional economic real estate market factors. In addition, municipalities can take steps to encourage innovative forms of housing that meet the community's needs and satisfy the market. Age restricted housing is a good example.

Housing Stock

The housing stock in the Planning Area appears to be healthy in terms of condition and overall mix of housing types. However, home ownership in the Borough decreased between 1990 and 2000 and the homeowner vacancy rate decreased somewhat in the Borough and Township. This may suggest ownership may be more difficult where few homes are available for purchase and at higher prices. The percentage of cost burdened homeowners and renters is high, increasing the chance for instability.

Housing Programs

The Borough and Township must look to the Wayne County Housing Authority and their contacts with private affordable housing organizations to meet the specific housing needs of lower income residents. Housing Authority assistance is necessary to ensure resident access to publically funded housing development, rent assistance and housing rehabilitation programs. Pike County currently contracts with the Wayne County Housing Authority for federal housing services. The Pike County Comprehensive Plan suggests that the County *determine whether a separate Pike County housing agency, such as a Housing Authority or Community Housing Development Organization, should be created to identify housing needs and issues, identify and/or institute programs to meet the housing needs of Pike County residents, and facilitate resident use of those programs.*

FUTURE PLANNING POLICIES

Overview

Future planning and policy recommendations pertaining to housing are intended to ensure that the Borough and Township accommodate projected housing unit growth, provide for a diverse and affordable mix of housing types, and maintain a sound housing stock.

Policies

Policies:

- Promote mixed-use development that would accommodate various dwelling types in proximity to commercial and civic services.
- Provide for a variety of housing types, including single-family attached and multi-family dwellings, in order to accommodate individuals and families of various income levels.
- Review land use controls in terms of standards not directly linked to public health and safety which increase housing costs.

- Provide for age-restricted housing in proximity to services to accommodate seniors.
- Consider a market study to determine the need for affordable owner and rental units and propose required actions.
- Investigate ways to bring relief to cost burdened households (owner and renters).
- Permit a mix of lot sizes within residential developments to encourage diversity of housing structures and styles.
- Encourage rehabilitation of substandard housing.
- Cooperate with area municipalities and the County to plan for housing needs regionally and as housing needs are identified consider the development of joint housing plans with neighboring municipalities.

IMPLEMENTATION STRATEGIES

Overview

Implementation of the housing plan proposes actions aimed at supporting existing residents, accommodating future housing needs, and providing a variety of housing types and affordability levels. Housing goals can be accomplished through the following initiatives:

Zoning Ordinance

Zoning Ordinance amendments intended to implement the policies and recommendations:

- Promote the use of conservation design, traditional neighborhood, and planned residential development, and development incentives such as density bonuses as a means of providing more affordable housing.
- Consider providing some incentives (density or design) for developers who provide age restricted and/or affordable housing.
- Allow multi-family housing where compatible with surrounding land uses, with access to transportation corridors, and in keeping with the logical extension of utilities and public services.
- Consider the use of cooperative zoning to provide higher density housing in areas with adequate infrastructure.
- Consider the use of transferrable development rights to enable the shift of density from more remote parcels to zoning districts allowing higher residential density.

SALDO

Subdivision and Land Development Ordinance amendments intended to implement the policies and recommendations:

- Create design standards that promote attractive, interconnected communities with pedestrian access and appropriate landscaping.

Additional Measures

Additional measures intended to implement the policies and recommendations are as follows:

- Support the housing recommendations of the Wayne County Housing Authority (which currently serves Pike County) relative to subsidized housing programs for low and moderate income families and ensure area residents receive fair consideration for available programs.
- Encourage Pike County to assess the need and benefit of a County authority or agency (as opposed to contracting with the Wayne County Housing Authority) to address housing needs.
- Conduct an in depth housing study to address issues related to affordability and the supply of various types of housing.

COMMUNITY FACILITIES, SERVICES AND UTILITIES PLAN

INTRODUCTION

Overview

Community facilities and services are those facilities and services that are provided by local, county and state government, and by quasi-public institutions such as volunteer fire departments, hospitals and libraries. They are most often considered in terms of government or institutional response to meet the needs and demands of the community's residents.

Community facilities and services can serve as a tool, or as an unexpected trigger, to guide or stimulate community growth and development. Provision of a public water supply or sewage disposal system can be used to remedy an existing problem or foster business development, but unexpected (and perhaps undesired) development can result. The construction or improvement of highways, often to solve traffic congestion, can have similar effect resulting in even more traffic and a change in community character.

Local Providers

This section of the *Comprehensive Plan* focuses on those facilities and services provided by the two municipalities, the County, and quasi-public institutions, such as fire and ambulance companies serving the area. It addresses existing issues related to these services and seeks to coordinate the provision of community facilities, services and utilities with the development pattern advocated by the Future Land Use Plan.

Cooperation

This *Comprehensive Plan* also supports inter-municipal cooperation for the provisions of community facilities, services and utilities. In recent years, more and more municipalities in the Commonwealth have begun working together on a number of issues and programs. The provision of community facilities and services offers myriad opportunities for continued cooperation. Cooperation can result in efficiency of program operation and service delivery, and economies of scale in purchasing of supplies and materials. A council of governments (COG) is the most common type of local municipal organization in the Commonwealth and can, by formal municipal agreement, be used to provide virtually any service or facility normally provided by an individual municipality. Examples of COGs in the region are the Pike County COG, the Lackawanna County COG and the Susquehanna COG. The Lackawanna County COG has been effective in terms of realizing savings on purchases of materials such as road salt. The Susquehanna County COG, with some fourteen member municipalities, administers the sewage enforcement program and the statewide building code for member municipalities. Local officials should fully explore and take advantage of any opportunities to improve facilities and services offered by intermunicipal cooperation via Matamoras and Westfall collaboration, the Pike County Council of Governments and the Pennsylvania *Piggyback* (purchasing) Program.

COMMUNITY FACILITIES, SERVICES AND UTILITIES GOAL AND OBJECTIVES

Community Facilities, Services and Utilities Goal: Ensure that community facilities and services are provided to meet the needs of the Matamoras - Westfall Planning Area.

Residents rely on community and public facilities and services to meet their transportation, educational, water supply, sewage disposal, police protection, emergency response, recreation and other daily living need. Municipalities do not, and cannot, provide all the facilities and services demanded by residents, many such services being provided by other levels of government or volunteer organizations. Nevertheless, without diligent and ongoing attention to the operation and maintenance of existing facilities and services, and planning for new facilities and services, a municipality can fall short in adequately serving its residents.

Community facilities and utilities should be considered resources with limited capacities that are to be provided in appropriate places to support and implement a multi-municipal comprehensive plan. The location of certain key facilities, including water, sewer, schools, and roads, are often essential to providing the necessary services to accommodate more intensive residential and nonresidential development. Conversely, these services will facilitate unintended development in areas, such as important farming areas or areas with limiting natural resources, where growth may not be appropriate. The location of other services, facilities, and utilities should be considered in relation to their ability to support or conflict with the land use planning for the multi-municipal area. The land use planning should facilitate the efficient and economic provision of public, quasi-public, and privately provided community services wherever possible.

Source: *Planning Beyond Boundaries*, p. 3-18.

OBJECTIVES:

Public Facilities and Services

Maintain existing public facilities and services and plan carefully for new public facilities and services.

- Maintenance - Provide necessary maintenance of existing municipal buildings, equipment and other community facilities to extend the useful life and forestall unnecessary capital expenditures.
- Efficiency - Manage all municipal facilities and services efficiently and effectively.
- Capital Improvements Program - Systematically identify the need for local municipal community facilities and services, including useful life replacement of existing facilities, and develop a capital budget to meet the needs.
- Water and Sewer Extensions - Evaluate the extension of any central water supply or central sewage disposal service in terms of stimulating unwanted development.
- Infrastructure Needs - Encourage the County to take the lead with area municipalities to coordinate planning for the infrastructure needs of Eastern Pike County.
- Cooperation - Encourage and participate in any area intergovernmental cooperation efforts for community facilities planning and economies of scale for joint purchasing, recreation and other facilities and services.

- Sidewalks - Recognize the importance of sidewalks to the quality of life in the Borough and develop a sidewalk inventory, improvement, construction, and maintenance program to ensure long term viability of sidewalks.

Emergency Services**Protect the Planning Area with effective emergency services.**

- Expanded Service - Identify isolated and under served areas and assess the need for expanded or additional fire and ambulance stations.
- Volunteer Organizations - Acknowledging the critical importance of such groups to the community, encourage and continue to support volunteer fire, ambulance and other public service organizations.
- Police Protection - Maintain existing levels of police protection and consider cooperation as demand for service increases.

Water Supply and Sewage Disposal**Ensure adequate water supplies and sewage disposal facilities.**

- Source Water - Identify important groundwater supply areas and actively protect the sources.
- Borough Water Authority - Monitor the need to extend the Borough water system to serve new customers as demand dictates and the supply permits.
- Well Ordinance - Apply well construction standards with a well ordinance in areas not served by community water supply.
- Community Water Supplies - Apply well head protection standards to maintain good drinking water quality.
- Township Sewer Authority - Monitor the need to extend the sewer system to serve new customers as demand dictates and the treatment capacity permits.
- Sewage Disposal - Monitor the effectiveness of on-lot sewage disposal systems and evaluate central sewage disposal as a means of correcting any widespread problems.
- On-Site Sewage Systems - Ensure that on-site sewage systems are maintained, and that failing systems are repaired and new systems are installed in accord with DEP standards.

Storm Water**Improve stormwater management.**

- Planning - Evaluate storm water management facilities and participate in the Pike County storm water planning project to address existing problem and minimize future problems
- Improvements - Include require stormwater management improvements in the capital improvements program.
- Innovate Controls - Incorporate innovative stormwater management

techniques into new development.

- Education - Address existing problems with stormwater runoff through outreach and education of landowners.

New Development

Ensure that an adequate and safe water supply system, a proper sewage disposal system, well designed and constructed roads, stormwater management and other facilities are provided by developers as part of any residential development.

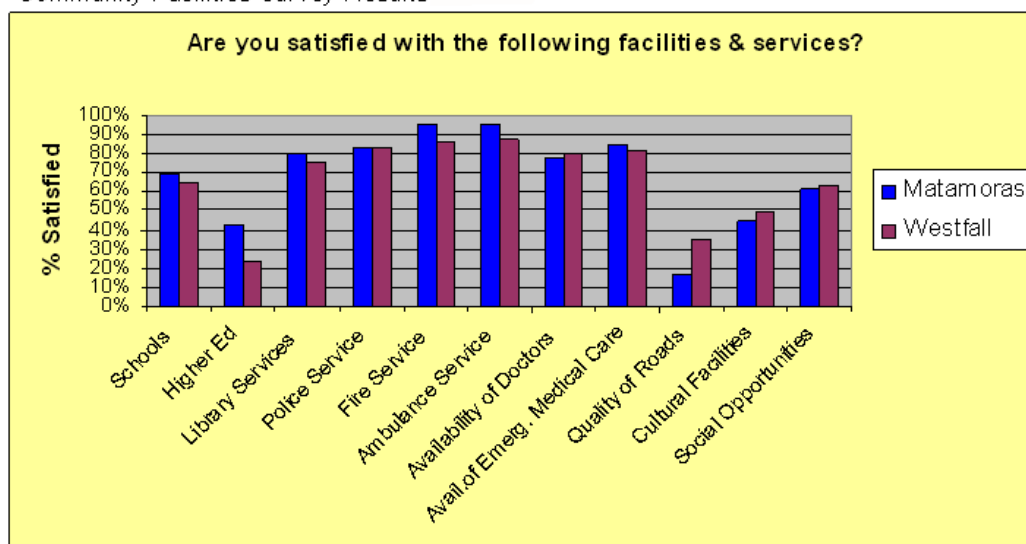
EXISTING CONDITIONS

Overview

Public community facilities and services in the Planning Area are provided on several levels, and the provision of these facilities and services is dependent on tax dollars, whether in the form of federal and state aid, county supported programs, or locally funded facilities and services. Both public and private funds support institutional facilities and services. Certainly, the facilities and services provided by the Commonwealth of Pennsylvania and Pike County are vital to Borough and Township residents, but are somewhat beyond the scope of this *Plan*. Nevertheless, County-owned and operated facilities in the Planning Area are discussed in terms of the effect on the community. Should community residents find that state or county facilities or services are inadequate, local municipal officials can serve as a conduit for communication with responsible state and county officials to effect facility and service improvements.

The discussion of existing community facilities and utilities focuses on municipal facilities, schools, emergency services, water supply, wastewater disposal, stormwater management, and energy supply.

Community Facilities Survey Results



Source: Pike County Comprehensive Plan, Township Specific Survey Results, July 2005

Survey Results

As part of its *Comprehensive Plan*, Pike County conducted a survey of the population within each municipality. One of the questions pertaining to community facilities asked residents to indicate their level of satisfaction with

various aspects of Pike County. Excerpts of the survey results for Matamoras Borough and Westfall Township are shown in the *Community Facilities Survey Results Figure*. The survey reveals that respondents in the Planning Area are generally satisfied with the various community facilities and services, with the exception of *Higher Education, Quality of Roads, and Cultural Facilities*, where fewer than 50% of residents are satisfied. *Schools and Social Opportunities* show room for improvement with less than 70% satisfied.

Municipal Facilities

The Matamoras Borough Municipal Building located on First Street, houses the offices of the Borough Secretary, Zoning Officer, and Sewage Enforcement Officer. A meeting room used for borough business and by seniors and civic groups is housed in the attached annex building. The Eastern Pike Regional Police Department and Emergency Operations Center are also located in the Borough Building.



Matamoras Borough Municipal Building

The Borough employs a full-time secretary, a part-time Zoning Officer, and a part-time Sewage Enforcement Officer. The Building Inspector is subcontracted through a private company.

The Borough's Street Department and Recreation Department equipment is stored in the Borough Barn located on Avenue Q adjacent to Airport Park.

The Borough's equipment includes the following:

- 2007 Stirling Garbage Truck
- 2007 Stirling Dump Truck
- 1989 International Dump Truck
- 1996 Ford Mason Dump Truck
- Backhoe
- Leaf Vacuum

Both the Borough building and barn are in need of upgrades. The most immediate concerns are the lack of an adequate back-up power supply and a lack of local communication systems, including emergency and radio communications. In addition, the Borough has no daily newspaper and no Pennsylvania television stations, which severely limits the local government's ability to communicate with its residents and contributes to a lack of participation in local affairs.



Westfall Township Municipal Building

The Westfall Township Municipal Building is located at La Barr Lane, just off of Delaware Drive. It contains a meeting room and the offices of the Township Secretary, Zoning Officer, Building Officer, and Sewage Enforcement Officer. The meeting room is used for Township business.

The Township Secretary is a full-time employee, the zoning, building and sewage enforcement officers are part-time. The Township also employs a full-time Roadmaster. The governing body consists of five Supervisors. Planning Commission membership was recently increased to five.

The Township maintenance building is located adjacent to the Municipal Building and is used for storage of the following equipment:



Westfall Township Maintenance Building

- 2 Trailers
- 1 Farm Tractor
- 1 Boat Trailer
- 1 Ford F550 Truck
- 1 Ford F350 Truck
- 1 Yamaha Four-Wheel Vehicle
- 1 John Deere Backhoe
- 1 Freight Line Truck (recently purchased)
- 1 Chevy Pick-up Truck (recently purchased)

In terms of future needs, Westfall Township is also lacking a local news outlet, making communications with residents extremely difficult. The Township also experiences frequent power outages and has no back-up power system. Only minor maintenance issues exist in reference to the Township Building.

Schools

As previously noted, just under 70% of survey respondents are satisfied with the state of the schools in the planning area. Although local municipalities have no direct control over school district facilities and activities, the Pennsylvania Municipalities Planning Code (MPC) recognizes the importance of school buildings and land to the community. Public schools account for the largest expenditure of local tax dollars. The public school system not only provides education for a community's children, but also provides adult and community education, library facilities, cultural and social activities, and recreational and sport facilities for the surrounding communities. The MPC requires school districts to submit certain proposed actions related to land and buildings to the municipality for review if a comprehensive plan has been adopted. (See following sidebar.) Most school districts are not aware of this provision and local municipalities must monitor school district activities and notify school administrators about the requirement.

The Matamoras-Westfall Planning Area, along with Milford Borough, Milford Township, Delaware Township, Dingman Township, and Shohola Township, is served by the Delaware Valley School District. The District maintains seven school buildings including the elementary, middle and high school along Route



Delaware Valley Middle and High Schools



School Districts and the Municipalities Planning Code

Section 305. The Legal Status of Comprehensive Plans Within School Districts. Following the adoption of a comprehensive plan . . . , any proposed action of the governing body of any public school district located within the municipality or county relating to the location, demolition, removal, sale or lease of any school district structure or land shall be submitted to the municipal and county planning agencies for their recommendations at least 45 days prior to the execution of such proposed action by the governing body of the school district.

6/209 in Westfall Township, the primary, elementary, and middle school along Route 739 in Delaware Township, and the elementary school along Twin Lakes Road in Shohola Township.

In 2009, the Delaware Valley School District enrolled some 5,800 students and the Pennsylvania Department of Education projected the enrollment to increase to almost 6,100 by 2010 and to 6,700 by 2014. However, recent enrollment rates have been stable with a slight decline at the elementary school level. The District is not longer experiencing 10% to 12% annual growth rates, most likely due to the current economic climate.

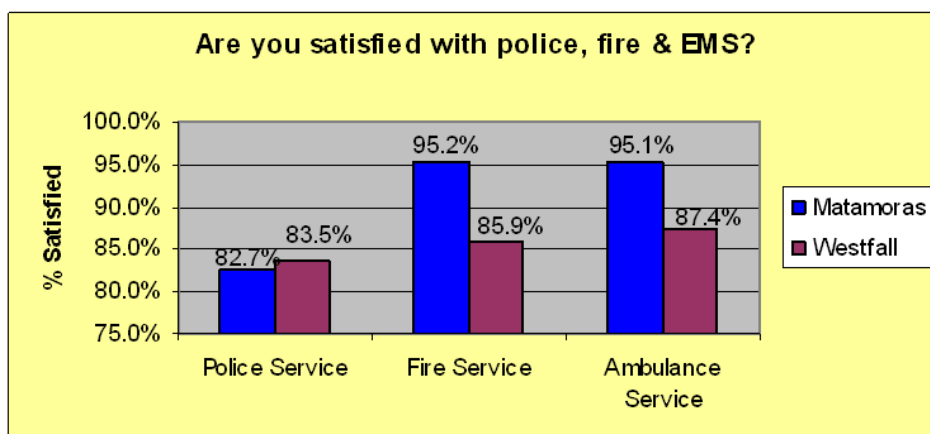
In terms of current issues it faces, the District reports that the region's mobile population (families moving into and out of the District) results in changing students and needs to which the District must respond. Electricity surges and brownouts have been a real and increasing problem due to aging infrastructure. The District also cites the lack of local Pennsylvania television stations and cable networks. Traffic in the vicinity of the high school is no longer a concern as improvements to Route 6/209 have alleviated problems, and there is no immediate need for additional improvements given the stable enrollment rate.

The District shares a good working relationship with Westfall Township and the Regional Police. It wishes to work with Westfall and Matamoras to bring about needed upgrades to the power service, to reinstate past efforts to gain access to Pennsylvania television stations, and to address common issues.

Police, Fire and EMS

Police services are provided by the Eastern Pike Regional Police Department, whose jurisdiction includes Matamoras Borough and Westfall Township. The Eastern Pike Regional Police Department was formed on January 7, 2008 when the Matamoras and Westfall Police Departments merged. It is headquartered in the Matamoras Borough Municipal Building. The Police Department has a full-time staff of eight, including a Chief, Assistant Chief, two Sergeants, and four Patrolmen, and a part-time staff of four patrolmen. Ten patrol cars are in service. The department responded to 197 calls in December

2008. Because incidents tend to increase in the month of December, this number may be atypical and the monthly average may be lower. The majority of incidents involve retail theft associated with the commercial development along Route 6/209 in Westfall Township, and drugs. Traffic incidents are also very common. The Police Department's annual budget is funded by the Borough and the Township with





Eastern Pike Regional Police Dept.

each municipality's share apportioned according to population, mileage, and call ratio. The Department is also paid by the National Park Service to patrol parts of its corridor, as well as by PennDOT, to administer DUI and seatbelt checks. Grants are another source of funding typically used to cover the costs of training and equipment. Maintaining a steady and sufficient funding stream is an on-going struggle. Lack of manpower has also been an issue; however, the Department expects to hire one full-time and two part-time patrolmen in 2009.



Matamoras Fire Department

The Matamoras Borough Fire Department located on Avenue Q adjacent to Airport Park is an all volunteer department providing fire and water rescue services. The fire department building also serves as a Red Cross evacuation staging center. The Department provides first response; primary ambulance service is provided by the Port Jervis Fire Department. The Matamoras Fire Department has 50 active members, although only five to ten members are typically available to respond to any given call. The Department responded to 255 calls (fire and EMS) in 2008. Apparatus includes a rescue truck, one engine, one ladder truck, a military tanker, and a pick-up truck. The Department is funded by the Borough, the Commonwealth of Pennsylvania, and through fund raising efforts. The Department receives 3 mills of

Borough tax, equivalent to \$58,000 per year, plus the Foreign Fire Insurance payment received from the Commonwealth. The remainder of the Department's revenue is raised through private donations. The tax revenue is sufficient to cover expenses associated with the building, but does not cover the cost of equipment. The annual payment on the ladder truck, for example, is \$62,000 per year. Acquiring funding, along with recruiting volunteers are the Department's two biggest, on-going challenges.



Westfall Fire Department

Fire and EMS services in Westfall Township are provided by the Westfall Fire Department and the Mill Rift Fire Department. The Lumberland Fire Department from Sullivan County New York also provides service to the Pond Eddy area of the Township. The Westfall Fire Department is an all volunteer department with approximately 50 active members. Fire apparatus includes two engines, a tanker, a brush fire pumper, a rescue boat, a command vehicle, and two ambulances (Basic Life Support). In 2008, the Department responded to 205 fire calls and 750 EMS calls. Approximately 25% of the Department's budget is funded by Westfall Township and the Foreign Fire Insurance payment received from the Commonwealth; the remainder is obtained through fund raising and private donations. Funding is the Department's biggest challenge, followed by dwindling volunteerism.



Mill Rift Fire Department

The Mill Rift Fire Department is an all volunteer department with approximately 25 members serving the rural interior of Westfall Township. It has two stations: a main station located in Mill Rift at the intersection of Delaware Drive and Cummins Hill Road, and a substation further south on Delaware Drive next to the



Mill Rift Fire Department Substation

Westfall Township municipal building. The Mill Rift Fire Department provides fire response and emergency medical technicians. The Department receives approximately 50 calls per year. Ninety percent of its funding comes from the Township and approximately 10% comes from occasional state grants. The Department's fund raising capabilities are limited by its geographical location. Fire apparatus include a Pumper/Engine with 1,000 gallons of water (at the main station), a tanker truck with 2,500 gallons of water (at the substation), and two brush trucks – one is a pumper, the other a 1,200 gallon tanker (at the main station). The Department is in need of a newer, more reliable piece of apparatus that will require less maintenance than the current equipment. The main station is also in need of modernization: two of the three bays are standard garage doors, which are not large enough for modern apparatus.

Although flooding can block access to the two stations, the Department is able to move the apparatus to positions above the flood stage and carry out response operations. The main station serves as an emergency shelter during such events.

Advanced Life Support (ALS) is provided by the Regional Emergency Medical assistance system. ALS goes beyond Basic Life Support (BLS) in that paramedics can start intravenous solutions (IV) and administer drugs. Pike County ALS recently relocated from the Dingman Township Volunteer Fire Department firehouse on Log Tavern Road to the Milford Professional Park on Buist Road in Dingman Township. ALS is looking for a permanent central location in the County due to the importance of distance to and from hospitals.

The Pike County 911 Center dispatches calls for the Regional Police and all fire departments in Matamoras and Westfall, in addition to receiving the 911 calls for the geographic areas served by the Pennsylvania State Police. The Center is located in the Pike County Administration Building in Milford. Under a mutual aid program for fire companies, available fire fighters, EMS technicians, and equipment are coordinated from all fire companies.

Lack of manpower has been an ongoing concern of the emergency service providers. The shortage of patrolmen in the police department should be remedied in 2009 with three new hires; however, fire and EMS companies throughout the County have experienced difficulties recruiting and retaining new volunteers. Other problems include raising sufficient funds to purchase and maintain adequate and updated equipment. Local emergency communication systems are also lacking; there is a need for local emergency radio communications. Finally, as the number of residents and commercial establishments increase, police, fire, and EMS services currently stretched to their limits, will be further stressed to provide adequate emergency protection for the Planning Area.

Hospitals

Hospitals serving the Planning Area are located in Port Jervis, NY; East Stroudsburg, PA; Honesdale, PA; Newton, NJ; and Scranton, PA.

Emergency Management

Emergency management planning at the local level is coordinated by the Pike County Emergency Management Agency (EMA). County emergency management agencies throughout the Commonwealth receive direction from the Pennsylvania Emergency Management Agency and the Federal Emergency Management Agency. The Borough and the Township work with the County EMA, and have appointed Emergency Management Coordinators. They share use of the Emergency Operations Center located in Matamoras.

Projects currently in progress by the Matamoras Borough EOC include the following:

- Four more solar powered alarm systems for various locations around town - to enhance the present alarm system.
- AM Emergency Radio Station.
- Backup generator for Police Station, EMA office, EOC, and Boro Annex.
- Obtain approval for the Hope Church and St. Joseph's Church as Red Cross Evacuation Shelters.
- Raise river banks from interstate 84 along airport park towards the Matamoras / Port Jervis Bridge and install flood control gates on culvert ditch near rte 84 and install flood control gates on the road to the Bennykill.
- Storm water drainage system down 10th street from Avenue L to the Delaware River.
- Storm water drainage system on Avenue K from Tenth Street to Third Street.

The installation of a dike to prevent flooding at airport park between Avenue R and the Skating Rink by 10th Street has been halted.

Road Maintenance

Matamoras Borough and Westfall Township each employ road crews who provide all normal winter and summer maintenance. The Borough maintains 13.1 miles of roadway and the Township maintains 21.2 miles. Each municipality contracts for larger scale road maintenance and improvement projects such as paving and shoulder reconstruction. This approach has served well and in terms of cost efficiency is the most prudent given the expense of owning and maintaining road construction equipment. Each municipality has relatively new road maintenance vehicles and equipment.

Only 17% of survey respondents from the Borough and 35% from the Township indicated satisfaction with the quality of roads. Approximately 98% in both municipalities agreed that road improvements are an important planning issue. The Borough/Township cooperation on planning provides an opportunity for more coordination of road maintenance efforts, and such efforts should also be coordinated with other nearby municipalities via the Pike County Council of Governments (COG). Taken as a whole, the individual

participants in the COG employ a considerable labor force, and own and maintain a variety of vehicles and equipment. As a means of using local municipal funds and resources most efficiently, the COG could:

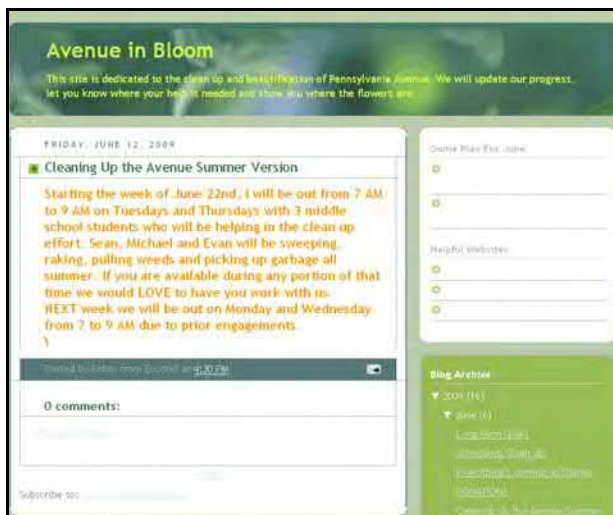
- Update and keep current the list of vehicles and equipment owned by all COG municipalities.
- Serve as a clearinghouse and notify all COG participants when a municipality is selling or purchasing equipment which may meet the needs of another municipality.
- Investigate the possibilities for increased sharing labor and equipment.
- Investigate the possibilities for increased contracting with or swapping with adjoining municipalities for winter road maintenance where travel savings may be realized.
- Coordinate joint purchasing of supplies and materials whenever possible to reduce unit costs. Other vehicle and equipment actions:
- Maintain an accurate inventory of all vehicles and equipment.
- Liquidate obsolete vehicles and equipment.
- Include planned purchases of vehicles and equipment on a capital budget to plan for large expenditures.

Sidewalks Streetscapes, and *Avenue in Bloom*

In a small community such as Matamoras Borough, and in new residential developments with smaller lots, walking is an important and valued means of transportation for many residents. Walking can also increase quality of life and contribute to downtown economic revitalization.

In 2005, the Borough was awarded a \$175,000 grant from PennDOT's Hometown Streets program for the installation of sidewalks, curbs, lighting, and street trees along Pennsylvania Avenue from Tenth Street to the bridge. Due to financial and regulatory complications, the Borough is currently unable to complete the project. To date, sidewalks and curbs have been installed along the east side of Pennsylvania Avenue up to First Street, one block short of the bridge. Additional funds are needed to complete the sidewalks and curbing and install lights and street trees.

In addition a group of local volunteer residents have initiated *Avenue in Bloom*. The volunteers regularly remove litter from Pennsylvania Avenue, plant flowers and maintain landscaping to improve the appearance of the Borough's main street. *Avenue in Bloom* sponsors related clean-up and other programs and maintains a web site to inform residents. This grass-roots effort could serve as the foundation of a local organization critical for the long-term success of an organized revitalization effort requiring active business community participation.



The Borough has clearly made significant sidewalk improvements along Pennsylvania Avenue, but much remains to be accomplished on side streets. In most areas sidewalks are missing altogether and residents, including children must walk on the street.

There are several key steps to determining the sidewalk improvements needed in the Borough. To begin, community leaders need to identify and prioritize specific problems and areas of needed improvement. One method for identifying and prioritizing the various tasks is to complete a walking audit or *walkability checklist*, a concept developed by a partnership of the U.S. Department of Transportation, the Pedestrian and Bicycle Information Center, and the Partnership for a Walkable America. A *walkability checklist* is a subjective method to help communities identify problems and deterrents to safe walking in their communities.

Shade Trees



Shade trees along streets in residential neighborhoods are an important part of any community, enhancing its character and the welfare of its residents. Shade trees are needed along Pennsylvania Avenue to enhance the appearance of the commercial corridor and to screen the unattractive overhead utilities. To accomplish this, the Borough must pursue funding to complete the improvements along Pennsylvania Avenue. In 1977 the Borough created a 3-member Shade Tree Commission by ordinance to address issues including tree maintenance, removal and planting within the street right-of-way, and subsequently participated in *Tree City USA* a program which provides direction, assistance, attention, and national recognition for urban and community forestry programs. The Borough no longer participates in *Tree City USA* and the Shade Tree Commission is not active. Rejuvenating the Commission and considering renewed participation in *Tree City USA* would support revitalization efforts.

Circumstances in Westfall Township are somewhat different given that most residential subdivisions have been developed on forested parcels. Nevertheless, the preservation of trees and vegetation and the planting of shade trees in new subdivisions where necessary, and in commercial areas, is also important in terms of maintaining the quality of life in the Planning Area. The Borough and Township should include such standards in the zoning ordinance and subdivision and land development ordinance.

See the Pennsylvania Avenue Revitalization Plan for more discussion on sidewalks, streetscapes and shade trees.

Parking

Approximately 97% of survey respondents from the Borough and 95% from the Township identified parking in Matamoras as a serious issue. There are not enough parking lots for the businesses along Pennsylvania Avenue. Because most buildings have minimal setbacks from the street line, parking must be accommodated behind and/or on the side of buildings. Parking is permitted along Pennsylvania Avenue; however, according to the *Congested Corridor Study*, PennDOT proposes to prohibit parking along Pennsylvania Avenue. Such a move would push parking onto the surrounding residential streets and increase the need to install parking lots.

Cultural Institutions

There are no cultural institutions in the Planning Area and levels of satisfaction, as indicated by the County survey, are relatively low at 44% for the Borough and 50% for the Township. The three museums in the County are the Zane Grey Museum (National Park Service), Grey Towers (U.S. Forest Service), and Pike County Historical Society. Environmental Education Centers include the Pocono Environmental Education Center and Wallenpaupack Environmental Education Center.

Library



Pike County Public Library

Libraries play an important role in the community by making information available to all residents. Libraries supplement school libraries for students, provide life-long learning opportunities for adults, and offer special services such as interlibrary loan, books by mail and children's reading programs. Libraries also provide computer and internet access to residents who do not own a computer, which can aid in job searches, and professional development. Residents of the Matamoras-Westfall Planning Area utilize the Pike County Public Library System and the Port Jervis Free Library. The Pike County Public Library operates from three branches – Dingman, Lackawaxen and Milford – with its administrative offices in the Milford Branch.

The County survey reports an 80% rate of satisfaction in Matamoras Borough and a 75% rate of satisfaction in Westfall Township with library services. This *Comprehensive Plan* recognizes the importance of the Library to the quality of life in the Township and Borough and the entire County, and supports the construction of the new Milford Branch and administrative office on Harford Street in the Milford Borough as essential to continue providing quality library services to the community.

Solid Waste Disposal

Planning for solid waste disposal is a county responsibility as mandated by state statute, and local municipalities are authorized to regulate solid waste disposal by ordinance. In Westfall Township, homeowners and business owners contract with private haulers for the collection and disposal of solid waste. The Township does not operate a curbside recycling program (per Act 101, only municipalities exceeding a population of 5,000 must operate a curbside recycling program). Residents may drop-off recyclables at the County's recycling facility located at the Milford Township Building.

Matamoras Borough provides garbage collection for its residents twice weekly. Curbside recycling pick-up has been halted; however, residents may drop-off recyclables at the Borough's recycling center located behind the Borough barn.

Water Supply

The Matamoras Municipal Authority supplies water to all of the Borough of Matamoras and an adjacent portion of Westfall Township. It serves a population of approximately 2,900 via 1,089 service connections with an average demand of 270,000 gallons per day and maximum demand of 810,000 gallons per day. The Municipal Authority recently completed an upgrade to about 80% of the lines in the service area.

The Matamoras Municipal Authority has four wells (listed in the table below), and two storage reservoirs that are 300,000 gallons and 750,000 gallons. All

Well #	Depth (feet)	Pump Capacity (gpm)	Year Drilled
3	255	52	1954
5	530	90	1962
7	84	42	1977
8	86	208	1981

wells and water service connections are metered. All water is chlorinated prior to entering the distribution system. All four wells are located above the 100-year flood elevation.

The remaining portion of Westfall Township is served by on-lot, private wells and community water supply systems drawing from groundwater sources. Community systems include the Hickory Grove Trailer Park, Milford Senior Care and Rehabilitation Center, Milford Landing, and the Green Acres Trailer Park.

Approximately 99% percent of County survey respondents from both the Borough and the Township believe that water quality protection and drinking water supply are important issues facing the County, and 87% believe that there should be more inter-municipal cooperation for public water service. To date there have been no reports of problems involving insufficient water supply in the Planning Area.

Wastewater Treatment

The Planning Area municipalities are located along a stretch of the Delaware River that is classified by the Delaware River Basin Commission (DRBC) as Special Protection Waters (SPW). This designation presents significant environmental planning challenges for this growing area, including issues related to wastewater treatment and disposal. The regulations discourage direct discharges of wastewater to the designated waterways, stipulating that no new or expanded wastewater discharges shall be permitted in waters classified as SPW until all non-discharge/load reduction alternatives have been fully evaluated and rejected because of technical and/or financial infeasibility. Non-discharge alternatives include land applications, such as spray irrigation, where treated wastewater is applied to the ground where soils are suitable.

The SPW regulations also require that the minimal level of wastewater treatment for all new and expanding wastewater treatment projects discharging directly to Special Protection Waters will be *Best Demonstrable Technology*, including ultraviolet light disinfection or an equivalent disinfection process that results in no harm to aquatic life, does not produce toxic chemical residuals, and results in effective bacterial and viral destruction.

Matamoras Wastewater

Ninety-seven percent of survey respondents from Matamoras Borough agree that sewage disposal is an important planning issue. Wastewater treatment in the Borough is entirely accomplished through private, on-lot septic systems. With 5,000 square foot lot sizes, replacement on-lot sewage disposal systems are often not feasible. Furthermore, if residences in the Borough are converted from single-family to multi-family dwellings, these systems become even less effective since they were not designed to handle the excess sewage generated by the converted homes. The lack of a central sewer system also inhibits commercial growth and economic development in the Borough by limiting the types and sizes of businesses that can operate. Central sewer provided by the Municipal Authority of the Township of Westfall may become a viable alternative if any widespread malfunctions develop and subject to resident affordability and the Borough's ability to finance such a project.

Westfall Wastewater One-hundred percent of survey respondents from Westfall Township agree that sewage disposal is an important planning issue. Wastewater treatment in the Township is accomplished by either on-lot systems, by municipal treatment for properties within the service area of the Municipal Authority of the Township of Westfall Municipal Authority, or by private treatment facilities.

Private Wastewater Facilities Private wastewater treatment facilities in Westfall Township include the following:

Delaware Valley School District

The Delaware Valley Joint School Authority owns and operates the wastewater treatment plant that serves the school complex located on Route 6/209. The facility is permitted under the NPDES for 18,000 gallons per day (gpd) and discharges into the Delaware River.

Milford Senior Care and Rehabilitation Center

This wastewater treatment plant is owned and operated by North American Medical Centers, Inc. It is permitted under the NPDES for 15,000 gpd and discharges into the Delaware River.

M&S Sanitary Sewage Disposal, Inc.

This facility is owned and operated by Pike County Environmental, Inc. It accepts septage generated by on-lot septic systems and sludge generated by wastewater treatment plants. The septage and sludge is transported to the facility by individual haulers for treatment and ultimate disposal at the Grand Central Landfill. Wastewater is not conveyed to the facility for treatment. The plant discharges treated effluent from the septage/sludge process to the Delaware River. It is permitted under the NPDES for 100,000 gpd.

The Municipal Authority of the Township of Westfall The existing Township Authority collection system is a force main system; no gravity collection is used. The system consists of a 6-inch diameter pipe located along Route 209 south of the wastewater treatment plant (WWTP) and an 8-inch diameter pipe located along Route 209 north of the WWTP. A force main extension along Mountain Avenue in Westfall Township was constructed in 2007. There are currently three pump stations owned and operated by the Authority. One pump station is located along Mountain Avenue, the other two pump stations are located along Route 209. Conveyance capacity of the system is augmented by numerous privately owned pump stations that pump into the Authority's force mains.

The existing wastewater treatment plant is owned and operated by the Authority and operates under NPDES Permit No. PA0061611 renewed on November 7, 2008 and Water Quality Management Permit Nos. 5287402-T1, 5292404-T1, 5291402-T1 and 5295402-T1 all issued on May 28, 2002. The Authority expanded the treatment facility to a 300,000 gpd facility and the facility went on-line in October of 2005. The plant discharges into the Delaware River via the outfall structure. The outfall structure is comprised of twin 12-inch pipes that convey the effluent flow into the midstream of the river. The outfall structure is constructed and permitted for an average daily flow of 820,000 gpd to the Delaware River.

Westfall's Wastewater Treatment Plant is currently the only central wastewater

treatment system in the region. It primarily services the commercial properties located within the State Route 209/6 corridor in Westfall Township. The Township has also been ordered by Federal District Court to plan for the sewage needs of the area known as the Katz properties. In addition, The Borough of Matamoras, Borough of Milford and Milford Township have each expressed interest in acquiring an allocation of the WWTP's capacity. Given these demands, along with anticipated growth within Westfall Township itself, the Township is currently updating its Act 537 Plan. The Regional 537 Plan update would expand the service area to include a Regional Growth Boundary within Westfall Township and look at alternatives for treatment within this expanded service area. One of the alternatives being considered is the acquisition and upgrade of the M&S septage treatment facility to treat a portion of the region's wastewater. The regional 537 Plan update will include a comprehensive evaluation of the region's wastewater treatment needs by incorporating the results of the "regional" municipalities' 537 planning efforts and include multiple combinations of treatment alternatives.

**Westfall On-Lot
Sewage Disposal**

For the evaluation of on-lot sewage disposal system areas located outside of the Regional Growth Boundary and Sewer Service Area, the Regional Act 537 Plan Update will assess forecasted growth areas and recommend sewage treatment and disposal approaches to address the future needs of these areas.

Westfall Township has relatively few problems with on-lot septic systems and no reported groundwater contamination. However, two areas that warrant attention are The River Drive Estates neighborhood, which has small lots, poor soils with a high water table, and pre-regulation septic systems; and the Bell Manor neighborhood adjacent to the Borough, with small lots, pre-regulation systems, and little room for replacement systems.

**Stormwater
Management**

Stormwater runoff is the rainwater that moves over the ground in a watershed during and immediately following a rain event. In a watershed that is developed or is undergoing land development, the amount of stormwater can increase dramatically due to the reduction of natural areas and increase of impervious cover. This increased volume and rate of stormwater runoff results in altered drainage patterns, more frequent and destructive localized flooding, greater stream channel erosion, greater siltation and sedimentation, and a reduction in groundwater recharge.

**PA Stormwater
Management Act**

The Pennsylvania Stormwater Management Act of 1978, Act 167, was enacted to address the growing negative impacts of stormwater runoff. The Act requires the Pennsylvania DEP to designate watersheds and establish guidelines for the preparation of stormwater management plans for these watersheds. Counties are responsible for preparing the plans and developing ordinance language that municipalities must adopt.

**Pike County
Stormwater Plan**

The Pike County Conservation District is currently in the process of preparing a county- wide stormwater management plan. Municipalities play a very important role in Act 167 stormwater management planning, since the preparation and adoption of a stormwater management plan by the County may require changes to local land use regulations. Act 167 specifies: *within six months following adoption and approval of the watershed storm water plan,*

each municipality shall adopt or amend, and shall implement such ordinances and regulations... as are necessary to regulate development within the municipality in a manner consistent with the applicable watershed storm water plan and the provisions of this act.

Designated watersheds within the Planning Area that are subject to the County stormwater management plan are the Bushkill Creek watershed and Delaware River (land areas draining directly to the Delaware River). Matamoras Borough lies entirely within the Delaware River drainage area. Portions of Westfall Township lie within both watersheds.

Local Stormwater Problems

Stormwater runoff problems are identified throughout the Planning Area. This is due in large part to residential and commercial developments lacking stormwater management systems, roads without adequate stormwater conveyance and infiltration systems, and the general topography of the area. Inadequate stormwater management facilities cause runoff to flow across or accumulate on roadways and properties causing flooding and damage and posing safety hazards. In addition, runoff that flows across the land carries contaminants that adversely impact water quality. These problems are exacerbated by increased amounts of impervious cover in the Planning Area. Matamoras Borough has specifically identified a need to upgrade its storm drains and install pumps to enable proper drainage. Other specific issues and problem areas have been identified and are cited in the Pike County Act 167 Study.

Electricity Service

Electricity service is provided by Pike County Light & Power Company. Problems persist as power outages are frequent in the Planning Area.

Telecommunications

Telephone service is provided by Verizon. Both the Borough and Township cite communications as a concern due to the lack of a local television and radio system. According to the Pike County Comprehensive Plan: *Telecommunications infrastructure within the County needs improvement in order to better serve County residents and support business development. A "Pocono Telecommunications Task Force" previously met and established a goal to increase and accelerate the rollout of technology infrastructure in the Pocono Region with a focus on improving technology for public safety infrastructure, providing excellent cellular service to Monroe and Pike Counties, assisting technology expansion and development, and cable, wireless, radio and broadband initiatives. These telecommunication infrastructure needs should be continually assessed and addressed to provide seamless service to County residents and visitors.*

PLANNING IMPLICATIONS

Summary

As the Planning Area's population continues to change the demand for facilities and services will also change. Because of a currently stable school enrollment rate, there is no immediate call for additional classroom space and associated needs. However, projected increases in the population over the long-term will likely require increased police protection and emergency services, and expanded community services. It will place more demands on roads, water supply, wastewater, and stormwater facilities. Costs to provide

these services will also increase, but a coordinated development plan that includes contemporary land use practices can help to promote efficient provision of services and balance costs and revenues.

Growth Areas

To this end, the planning and provision of community facilities, services and utilities is undertaken in the overall context of the *Comprehensive Plan* and the Planning Area's long term growth and development goals. Community facilities, services and utilities must be coordinated with the future higher density growth areas of Matamoras Borough and Bell Manor, and the moderate density growth areas of the immediately surrounding areas of Westfall Township. These areas are intended to absorb the majority of the projected growth, becoming the Planning Area's population center. Community facilities are to be concentrated in this area making them accessible to the bulk of the population. This also enables more efficient delivery of municipal and emergency services that have better access to the population center rather than having to serve a population dispersed throughout the Planning Area.

Water and Sewer

Utilities are planned to correspond to the future growth areas. That is, where a higher intensity of uses is proposed, as in the high and moderate density residential areas, public and community water supply and wastewater treatment systems are most appropriate. In low-density residential areas, on-lot systems may be more appropriate. The aim is to achieve more efficient allocation of services and reduce the widespread, adverse environmental impacts that often arise from un-managed growth and inadequate water and sewerage facilities.

Sewage Planning

Planning for wastewater treatment must be coordinated with the Regional Act 537 Plan, currently in progress. That plan will advocate expansion of the Westfall Township WWTP service area. Westfall Township and Matamoras Borough must be aware of the development impacts that can result from an expanded central sewer system. The large scale commercial development along Route 6/209 was enabled by the existence of the Westfall Township WWTP. With this in mind, the municipalities must ensure that any future expansion to the sewer system is closely coordinated with the Future Land Use Plan advocated by this Comprehensive Plan.

Cooperation

Finally, the Borough and Township should not act individually when considering facilities, services, and utilities, but should cooperate with each other and other municipalities, the School District, and the County to provide and improve facilities and services which are best provided regionally.

FUTURE PLANNING POLICIES AND ACTIONS

Overview

The following future planning policies and recommendations are measures intended to address issues related to community facilities and utilities. These policy recommendations will guide future decisions and actions related to the provision of such services.

Emergency Services

- Pursue upgrades to municipal buildings and equipment, such as power

generators, as necessary.

- Continue financial support of the Eastern Pike Regional Police and local fire departments.
- Consider consolidation / regionalization of fire departments.
- Assist fire department with promoting volunteerism.
- Provide support to the Emergency Management Coordinators to implement planned projects.

Communications and Utilities

- Pursue the establishment of a local communications system via, television, radio, and news print.
- Continue the lines of communication with the Delaware Valley School District to exchange information on planning related matters.
- Partner with Pike County and the State to bring and maintain state of the art telecommunications to the Planning Area.
- Partner with Pike County and the State to negotiate necessary upgrades with the electric company.

Circulation

- Explore cost effectiveness of sharing road maintenance duties or partnering with roads departments in the Pike County COG.
- Pursue funding to complete the sidewalk and streetscape project in the Borough (Pennsylvania Avenue Revitalization)
- Prioritize side streets in the Borough for sidewalk and streetscape enhancements.
- Investigate the feasibility of installing parking lots behind and/or to the side of the businesses on Pennsylvania Avenue. These can be shared parking lots. Any parking lots should be landscaped and should be screened from adjacent residential lots.
- Include provisions in the SALDO for sidewalks and shade trees in any new high to moderate density subdivisions and land developments as appropriate.

Groundwater

To protect the Planning Area's surface and groundwater supply:

- Protect the Planning Area's Exceptional Value and High Quality watersheds by prohibiting development of environmentally constrained land, such as wetlands, stream banks, very steep slopes, and hydric and high water table soils.
- Protect forest and vegetative cover, especially in headwater drainage areas.
- Identify community source water areas and provide wellhead protection

buffer zones surrounding community drinking water wells. Land use within designated zones is regulated in an effort to reduce potential infiltration of surface pollution into groundwater.

- Pursue funding through the State to upgrade stormwater management and wastewater disposal facilities.

Stormwater

To manage stormwater runoff:

- Pursue funding through the State to upgrade stormwater management facilities.
- Participate fully in the County stormwater management planning process.
- When completed, use the County model stormwater management ordinance to develop standards to meet local needs while maintaining consistency with the County stormwater management plan.
- Require stormwater management systems that employ Best Management Practices, such as vegetated swales, wetlands, and ponds, in all new residential subdivisions and land developments.
- Limit the use of impervious cover and promote the use of pervious surfaces that allow infiltration of stormwater.
- Encourage the use of conservation design development to reduce the volume and rate of stormwater runoff.
- Require removal of pollutants from stormwater runoff prior to release in order to protect water quality.
- Minimize runoff from developed sites onto adjacent lands.
- Require regular maintenance of stormwater management facilities.

Wastewater

To manage wastewater treatment and disposal:

- If any widespread on-site sewage system malfunctions are documented and if financially feasible and affordable for residents, pursue opportunities to bring central sewer to Matamoras Borough through the Municipal Authority of the Township of Westfall.
- Consider a management plan for on-lot septic systems that would require routine maintenance of such systems.
- Future sewage facilities planning must comply with DEP's *Water Quality Antidegradation Guidance*, which requires that land-based sewage disposal alternatives should be examined first for new sewage disposal concepts.
- Utilize alternative systems to the extent possible, such as on-lot and community sand mounds, and spray and drip irrigation.

**Other Facilities
and Services**

- Ensure that residential lot sizes will provide sufficient isolation distance for on-lot systems and replacement areas.
- Limit development of lots with unsuitable soils and steep slopes that are not appropriate for individual septic systems.
- Fully explore and take advantage of any opportunities to improve facilities and services offered by inter-municipal cooperation, Matamoras and Westfall, the Pike County Council of Governments and the Pennsylvania *Piggyback* (purchasing) Program.
- Re-institute curbside recycling pick-up in the Borough when financially feasible.
- Rejuvenate the Borough Shade Tree Commission and consider renewed participation in *Tree City USA* to support Pennsylvania Avenue revitalization efforts as well as other efforts in the Borough and Township.

TRANSPORTATION PLAN

INTRODUCTION

Transportation System

A sound transportation system includes adequate and well maintained roads, available public transportation, safe and convenient pedestrian access, and bicycle routes. However, few communities are able to achieve this ideal level of service. This is particularly true in small, less populated communities with limited budgets. In other words, local municipalities must evaluate transportation needs, set priorities, and garner all available resources to make improvements.

Land Use and Transportation

The high rate of growth in Pike County in recent years translates into more vehicles and more time spent on the region's roads. This places demands on the roads, including those in the Matamoras/Westfall Planning Area, most of which were not designed for such a high level of use. As a result, maintenance costs rise and residents' quality of life diminishes.

It is also important to remember that there is a direct correlation between land use and transportation needs. As residential and commercial land is developed, more and more people use the roads, and the roads become congested for longer periods of time. This is particularly true for rush hours. In response, roads are improved to address the traffic congestion, the adjoining land becomes easier and more lucrative to develop, and more traffic is generated. A balance must be reached to allow for the safe flow of traffic and to plan for appropriate improvements in conjunction with future development goals. It is the intent of this plan to emphasize needed circulation system improvements that will enhance the safety and efficiency of the Planning Area's road network while avoiding increased capacity and accessibility to lands intended for conservation. This approach is consistent with the goal of preserving the Planning Area's rural character and sensitive natural features while accommodating future growth.

CIRCULATION SYSTEM GOAL AND OBJECTIVES

Circulation System Goal: Establish and maintain an adequate circulation system to safely and efficiently move people and goods.

Safe and well maintained roads are vital to all communities, serving not only as the means of travel within the community, but also as the direct link to the region and beyond. The interstate and state routes provide easy access to and from the area, and will certainly foster continued development. Local officials must plan carefully to ensure adequate funding for the

Circulation - Planners typically talk about "circulation" rather than transportation because circulation (getting around) is the goal of the citizens they serve, whereas transportation is just a method of achieving that goal. A good circulation plan includes more than streets and roads – it includes means of pedestrian and bicycle circulation and, in many communities, some form of mass transportation.

Although good circulation plans involve more than roads, the starting point for an existing conditions analysis of circulation is a map of streets and highways in the community.

Source: *Community Planning, an Introduction to the Comprehensive Plan*, p. 80.

- i improvement and maintenance of locally-owned roads. Land use management tools must consider the capacity of roads, directing commercial and higher density development to areas served by roads capable of carrying increased traffic and the trucks necessary to serve commercial establishments. Providing safe pedestrian circulation in the Borough and Bell Manor can reduce the amount of car trips for goods and services.

OBJECTIVES:

Classification **Inventory and classify according to function all public roads and bridges, and assess maintenance and safety concerns and the improvements needed.**

- Road Task Force - Participate in the Pike County Road Task Force to address regional traffic impacts and highway improvement needs.
- Planning - Actively participate in all County and PennDOT highway planning programs.
- Improvements Program - Develop a local road and intersection maintenance and capital improvements program.
- Pennsylvania Avenue - Specifically address the traffic on Pennsylvania Avenue and its effect on pedestrian circulation.

Local Actions **Develop a coordinated Borough - Township program to maintain an adequate capacity of the road network.**

- Development Location - Limit higher density and higher traffic impact development to areas with adequate highway capacity.
- Parking and Access - Require adequate off-street parking and loading, limit curb cuts, and require well designed access points.
- New Development - Maintain up-to-date standards for construction of new subdivision roads.
- Road Linkages - Include the consideration of through road connections as part of the development review process.
- Road Dedication - Evaluate the acceptance of public dedication of development roads in terms of public benefit versus long term costs and apply road design standards for the dedication of roads .
- Official Map - Using an official map, establish and reserve public street alignments and adequate rights-of-way for planned street improvements.
- Emergency Access - Coordinate emergency access and communication with the National Park Service

**Pedestrians
and Bicyclists**

Consider the needs of pedestrians and bicyclists in all transportation planning.

EXISTING CONDITIONS**Overview**

With the exception of I-84, the Planning Area's road network is entirely comprised of two-lane rural roads. Despite the rural designation, as a primary access point to New York and New Jersey, the Planning Area's main routes carry heavy volumes of traffic. Much of this traffic originates from interstate highways outside of the Planning Area, namely I-84, which runs East-West from I-380, near Scranton, to New York. Traffic volumes also increase substantially in the summer when seasonal residents and vacationers travel to the region.

Planning Issues

Issues of concern related to circulation have been identified as follows:

- Given its adjacency to New York State and I-84, the Matamoras - Westfall Planning Area suffers much of the traffic entering and leaving Pike County.
- The Planning Area also provides significant retail and service needs to residents of the region, especially along the Route 6 corridor.
- Many of the Planning Area streets are substandard relative to design and functionality.
- The Borough streets are narrow and little curbing to control traffic and drainage.
- There is limited access from the north portion of the Planning Area to the southern portion.
- Heavy traffic in the Borough makes pedestrian circulation difficult and detracts from small town character.
- Parking in the Borough is extremely limited.
- Increased residential development is placing more demand for the maintenance and improvement of Township roads.

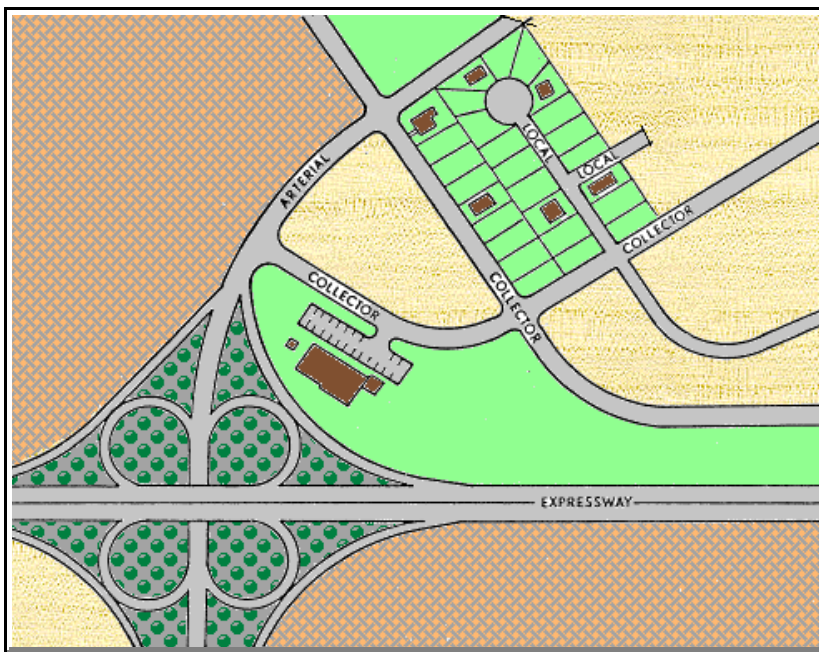
Access - Mobility

Each highway, road or street in a community plays a specific role for the movement of traffic and it is useful for planning purposes to classify roads according to the particular function each serves. In general terms, the functional classification of a road is based largely on two factors -- access and mobility -- and typically, as access declines mobility increases. For example, Interstate Route 84 clearly serves a different function than does a street in the Borough of a residential subdivision. Although the I-84 and local street example compares streets at the opposite ends of the road classification hierarchy, it clearly depicts the relationship between access and mobility. Traffic on Interstate 84, a limited access highway, travels over long distances at high rates of speed. On the other hand, traffic using a residential street with

unlimited access from individual properties moves at minimum speeds to reach roads that connect the residential community with other areas in both municipalities and the region at large.

Highway Classification Factors

As previously noted, access, how traffic enters the traffic stream and mobility, the physical capability of the road to carry traffic, are the key determinants of a road's functional classification. However, several other road and network characteristics also affect the functional classification of a road. Traffic volume in relationship to the physical design of the road, including lane and shoulder width, right-of-way alignment and surface treatment, is important to its classification. Generally, as a community develops, roads are improved to meet the increased traffic demands, with specific routes moving higher in the functional classification as they are improved.



Highway Functional Classification

However, in areas of rapid growth and associated traffic increases, the amount of traffic carried by specific roads may increase to the point of exceeding the road's capacity. The road, in terms of traffic, may be serving as an arterial route, but may not have been physically upgraded from a minor collector or local road. In urban areas, mass transit and non-capital approaches such as ride sharing and staggered work hours are promoted as a means of reducing traffic congestion as an alternative to upgrading roads. In a community such as the Matamoras-Westfall Planning Area, where much of the traffic is not related to travel to work, such solutions are likely impractical. A road's location and relationship to other roads in the intra- community and inter-regional highway network may also help define the road's classification.

Those roads which provide direct and convenient connection to arterial routes and expressways typically develop into roads which carry increasing amounts of traffic. Conversely, interchanges for expressways are normally located to provide connection with those roads in a community which historically have developed into arterials and collectors. Traffic flow problems and declines in level-of-service on routes connecting areas of the municipalities and routes providing access to the region are directly related to the capacity of collector and arterial roads. As traffic increases on the collectors and arterials, where access to abutting properties has historically not been limited to any significant degree, increasing traffic congestion can be expected. Also resulting from such access by adjoining residential and commercial properties and intersecting streets are the safety problems associated with increased congestion.

Functional Classification

The nomenclature used for a Highway Functional Classification also differs from jurisdiction to jurisdiction throughout the Commonwealth and the United States. Road classification in metropolitan and suburban areas is often very complex, with the various categories of roads being divided into subcategories based on land use type served and the designation of specific traffic volumes.

The nomenclature for classification being used for the Matamoras - Westfall Planning Area is based on the type and density of the land uses served by the road and the volume of traffic on the road. Not to ignore the impact of the Route 6 commercial corridor on the Planning Area's traffic issues, but the relatively small-scale commercial development interwoven with the residential development pattern within the small town setting warrants a more simplified highway classification system for the two-municipality area. While simplified, this classification will meet the needs for identification of problem areas and needed improvements, and for long-range planning. The designation of the Highway Functional Classification for roads serving the Planning Area includes expressway, arterial highway, collector road and local road. A description of each classification follows and the Highway Functional Classification and Annual Average Daily Traffic Figure provides an illustration and overview of the road system in the two municipalities.

Expressway



I-84

- Provides interregional and interstate connections
- Designed for unrestricted, high speed (55+ mph) mobility of traffic
- Limited access only - no direct access from private property
- Provides highest level of mobility
- Intersects selected arterial or collector routes with interchanges
- Carries highest volumes of automobile and truck traffic with longer trip lengths

Interstate 84, running east and west through Westfall Township and Pike County, is the only expressway in Pike County. Planning Area access is at the Matamoras - Westfall Interchange. Since its completion in the late 1970's, I-84 has played a central role in shaping the growth

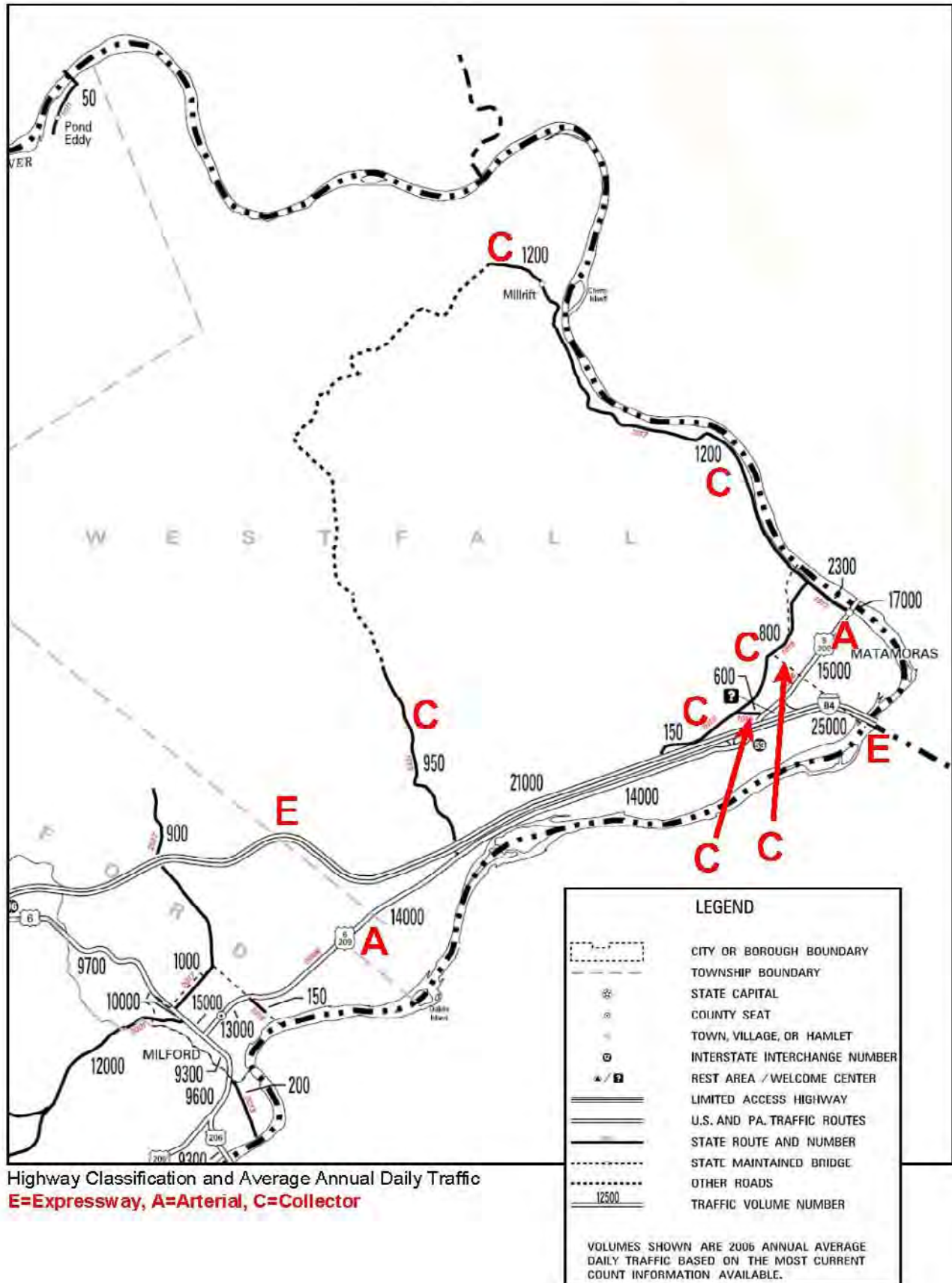


I - 84

and development of all of Pike County. The ease of access provided for visitors and new residents has certainly contributed to the level of residential development and will continue to facilitate travel to nearby urban centers.

Arterial Highway

- Provides connection between commercial and population centers in the region
- Provides connection between the municipalities and adjoining communities, counties and states
- Carries larger volumes of traffic at relatively high speeds (45-55 mph)
- Serves a mix of local and through traffic
- Carries low volumes of through truck traffic
- Provides moderate to high levels of mobility
- Access limited only by PennDOT highway occupancy permits and local zoning and subdivision ordinances



Arterial highways in the Planning Area include the following state highways:



I - 84 / Route 6/209

Route 6 - a major east/west corridor in the Commonwealth continuing from New York State through the Borough (Pennsylvania Avenue) and Township (Milford Road) westward through Pennsylvania to the border with Ohio.

Route 209 - a north/south route carrying traffic from the Milford/Montague Toll Bridge through the Delaware Water Gap National Recreation Area and Milford Borough to the south of the Planning Area. The Route is combined with Route 6 at Hartford and Broad Streets in Milford Borough and extends through the Township and Borough into New York.

Collector Road



Delaware Drive

- Collects traffic from local streets for connection of residential areas to commercial and activity centers and arterials
- Serves moderate levels of traffic at reduced speeds (35-45 mph)
- Serves more locally oriented traffic and few through trips
- Carries primarily only "local delivery" truck traffic
- Access from smaller and more numerous properties
- Access limited only by local municipal and PennDOT highway occupancy permits and local zoning and subdivision ordinances
- Provides reduced levels of mobility

Collector roads in the Planning Area include:

Delaware Drive (SR 1017): carries residential traffic from Matamoras Borough through Westfall Township along the Delaware River toward the Village of Mill Rift.

Mountain Avenue (SR1010) and Avenue C: provides a connection for traffic from residential development to the northwest of the Borough to Route 6/209 via Avenue C to Delaware Drive.

Mountain Avenue (SR1015): connects Mountain Avenue to Route 6/209.

Cummins Hill Road/Bluestone Boulevard (SR1013): carries Route 6/209 over the ridge to Mill Rift, all within Westfall Township.



Cummings Hill Road

Tenth Street (north of Pennsylvania Avenue): connects Avenue C to Pennsylvania Avenue.

Local Road

- Provides connection of residential properties and communities and less populated areas to collectors
- Serves lowest levels of traffic at slowest speeds (less than 35 mph)
- Provides high level of access from smaller residential parcels or areas with little development
- Carries local trips only with no through trips
- Carries minimal truck traffic for local deliveries

All other public roads in the two municipalities not classified as expressways, arterials or collectors are considered local roads.

Roads in the Planning Area

The total length of public roads in the Township and Borough is 53.60 miles, with 34.31 miles of municipal roads and 19.29 miles of state-owned routes. Local municipal road mileage in Pike County ranges from a low of six miles in Porter Township to a high of forty-three miles in Lackawaxen Township. All roads owned by the municipalities are part of the State Liquid Fuels Programs which provides state payments to the municipalities for road maintenance and reconstruction based on population and miles of roads meeting PennDOT specifications. However, the Liquid Fuels Funds comprise only a small part of the Township and Borough road maintenance budgets and do not nearly cover the cost of long term maintenance and replacement.

PUBLIC ROAD MILEAGE MATAMORAS/ WESTFALL PLANNING AREA			
	Township	Borough	Total
	Miles	Miles	Miles
Local	21.20	13.11	34.31
State	16.82	2.47	19.29
Total	38.02	15.58	53.60

Traffic Volume

It is obvious that traffic on the roads in the Borough and the Township have been increasing significantly in association with the rapid development in the area. In fact, traffic congestion in the Township and Borough on Route 6 and Route 209 has reached the point of disrupting the character of the community and quality of life. Recent updates to the curbs and sidewalks in the Borough have helped to improve the look of the roadway.

Annual average daily traffic (AADT) volumes provide an overview of the traffic flow in the Township and Borough for planning purposes. PennDOT conducts traffic counts on state roads, and the counts do provide an means of assessing the overall traffic conditions. Traffic counts for 2006 for all state roads in the municipalities, reported as annual average daily traffic (AADT), are shown on the *Highway Classification and Annual Average Daily Traffic Figure*.

As would be expected, other than I-84, Route 6/209 through the commercial corridor in Westfall Township carries the greatest volume of traffic through the Planning Area. Traffic counts from the 2004 PennDOT Route 6/209 Congested Corridor Improvement Program study reported a ten day average of 18,845 vehicles in the Westfall commercial corridor in August 2004. This is not inconsistent with the AADT of 14,000 vehicles reported by PennDOT in 2006.

AADT in the Borough in 2006 was 15,000 vehicles on Pennsylvania Avenue and 17,000 on the Delaware River Bridge. An important point to remember is that AADT does not reflect daily and seasonal traffic volumes which can far exceed AADT. The proportionate increase in daily and seasonal counts can be significant, exacerbating congestion far beyond what is found on the average day.

Level-of-Service

The traffic carrying capacity of a community's road network, and the intersections associated with the network, to handle the existing and future traffic volumes generated by development is the key element for providing safe and efficient traffic flow. Those land uses which generate larger volumes of traffic should logically be located in the areas of a community served by roads with greater carrying capacity. For example, commercial establishments generate more traffic than a single family residence and should be located on routes which have sufficient capacity to serve the use. The capacity of a highway or road typically decreases as the service area of the route declines.

For example, the capacity of I-84 is obviously significantly greater than any arterial highway, which has a greater capacity than collector roads, with the lowest capacity associated with local roads.

Local roads, because of the limited service and low traffic volumes, are not considered in terms of capacity. The quality of traffic service is discussed in terms of level-of-service (LOS). There are six levels of service ranging from LOS A through LOS F, with LOS A representing free flowing traffic and LOS F representing a total breakdown in the traffic flow or *bumper to bumper* traffic.

Congested Corridor Improvement Program

In December 2004 PennDOT issued the *Congested Corridor Improvement Program Report* for the U.S. 6 / U.S. 209 corridor in Pike County. (See the following *Congested Corridor Improvement Program Sidebar*) The study included the following intersections in the Planning Area: Constitution Avenue (SR 0006) & Wal-Mart Driveway; Constitution Avenue (SR 0006) & Westfall Town Center Driveway; Constitution Avenue (SR 0006) & Reuben Bell Road / Interstate 84 Eastbound Ramps Pennsylvania Avenue (SR 0006) & Mountain Avenue (SR 1015); and Pennsylvania Avenue (SR 0006) & Stella Street (T-442) / Interstate 84 Westbound Ramps. All intersections were found to be operating at acceptable levels of service even during peak hours. However, the Report goes on to note that level of service will decline significantly over ten years if no improvements are made to the corridor.

The Report summarizes the conditions leading to the traffic congestion as follows:

The US 6 / US 209 corridor was nominated for the CCIP due to traffic congestion resulting from overwhelming population and retail growth over the last 20 years. Weekend travel is particularly bad, causing residents to schedule simple travel and chore trips around peak congestion times. In addition to heavy congestion, safety has been cited as a serious issue along the corridor. The corridor study limits are a heavily traveled link connecting the Borough of Milford and the Borough of Matamoras in Pike County.

The following adverse conditions were noted through the project meetings, data collection procedures, and traffic analyses:

Population Growth - Over the past 20 years, Pike County's population has increased 153%, qualifying it as the fastest growing county in the Commonwealth. The population is expected to increase another 94% by 2020, leading to further residential growth. With the population growth, the corridor continues to experience increasing traffic volumes from residential and related commercial development.

Development Pressure - Future residential and commercial development is anticipated for the Lake Wallenpaupack area in Pike and Wayne Counties, which will result in increased traffic volumes along this corridor. In addition to the development in Pennsylvania, the neighboring Counties of Orange and Sullivan in New York, and Sussex in New Jersey are some of the fastest growing Counties in their states, further straining the roadway networks. At this time, several large retailers are looking to develop along this corridor due to the proximity of the County's only Department of Environmental Protection

CONGESTED CORRIDOR IMPROVEMENT PROGRAM - US 6/US 209 CORRIDOR IN PIKE COUNTY

The Pennsylvania Department of Transportation (PENNDOT) initiated the Congested Corridor Improvement Program (CCIP) in 2001 to identify several congested corridors in the Commonwealth and, in conjunction with its partners, define and implement the needed improvements. The goal of the CCIP is a 20 percent reduction in peak hour travel time or system delay on the improved transportation corridor. A Standard Study Methodology (SSM) was developed as part of the CCIP to provide a uniform approach to identify improvements and assess their effectiveness in accordance with the goals of the program. The SSM identifies the steps involved in an engineering study of improvement alternatives, and focuses on the use of simulation models as analysis tools to evaluate operational impacts of improvement alternatives. Since its initiation in 2001, there have been 25 corridors studied and planned for improvement as part of CCIP.

The US 6 / US 209 corridor in Pike County was selected for the CCIP, along with seven other corridors in the Commonwealth of Pennsylvania for 2004, based on nominations by the local planning organizations. The Northeastern Pennsylvania Alliance (NEPA) Rural Planning Organization nominated the US 6 / US 209 corridor in Pike County, which is located in PENNDOT Engineering District 4-0. The US 6 / US 209 corridor is located in Milford Borough, Milford Township, Westfall Township, and Matamoras Borough in Pike County. The corridor study limits extend 6.79 miles from Harford Street in Milford Borough to the New York State line in Matamoras Borough. The corridor limits include six (6) signalized intersections as follows

- Broad Street (S.R. 0006) & Harford Street (S.R. 0006 / S.R. 0209);
- Constitution Avenue (S.R. 0006) & Wal-Mart Driveway;
- Constitution Avenue (S.R. 0006) & Westfall Town Center Driveway;
- Constitution Avenue (S.R. 0006) & Reuben Bell Road / Interstate 84 Eastbound Ramps
- Pennsylvania Avenue (S.R. 0006) & Mountain Avenue (S.R. 1015); and
- Pennsylvania Avenue (S.R. 0006) & Stella Street (T-442) / Interstate 84 Westbound Ramps

(DEP) designated sewage disposal facility, the move of businesses from Port Jervis, NY, and the expansion and upgrade of the Port Jervis, NY rail line to New York City.

Recreational Traffic - Nearby major recreational facilities and tourist destinations include Lake Wallenpaupack and direct access to the Delaware Water Gap National Recreational Area. This corridor also serves as the main arterial connecting the Boroughs of Milford and Matamoras.

Safety - High crash rates have been reported throughout the corridor. Of particular concern are the pedestrian crashes along Broad Street within Milford Borough. However, these pedestrian safety concerns are addressed by the planned Milford Borough Streetscaping project.

Constitution Avenue & Reuben Bell Road/ I-84 Eb from the I-84 off ramp is of particular concern at the intersection. Heavy delays for these /eft turns result in intersection operation of LOS E during the PM and Saturday peak periods. Also, a merge point occurs where the corridor changes from two lanes to one lane just east of the Pennsylvania Avenue & Stella Street / I-84 WB Ramps intersection. This merge, particularly under the future conditions, results in heavy queuing on the corridor west of the bottleneck point.

Insufficient Storage Length - Throughout the corridor, several turning bays have insufficient storage lengths, thus preventing turning vehicles from entering the turning bays either because of long queues in the turning bays or long through queues blocking the entrance into the turning bays. The following intersections were identified with insufficient storage lengths:

- Broad Street & Harford Street
- Constitution Avenue & Reuben Bell Road / I-84
- Eastbound Ramps
- Pennsylvania Avenue & Mountain Avenue
- Pennsylvania Avenue & Stella Street / I-84
- Westbound Ramps

Queuing In Matamoras Borough - Residential and emergency vehicles both experience difficulty exiting the minor streets onto Pennsylvania Avenue within Matamoras Borough due to heavy traffic on the mainline. Additionally, because Pennsylvania Avenue is a two-lane roadway with no /left turn lanes, queues and delays can develop as a result of left turning vehicles. These queues and delays further inhibit the progression of emergency vehicles throughout the Borough.

Ramps Intersection - The intersection at Reuben Bell Road and the eastbound I-84 ramps experiences congestion and delays, sometimes impeding the response time of local emergency services. The eastbound left turning movement entering the I-84 on-ramp from Constitution Avenue is of particular concern at the intersection. Heavy delays for these left turns result in a queuing over capacity and overall intersection performance of LOS E during the Saturday peak hour.

Pennsylvania Avenue & Stella Street / I-84 Wb Ramps Intersection - The intersection at Stella Street and the westbound I-84 ramps experiences congestion and delays, sometimes impeding the response time of local emergency services. The northbound left turning movement entering Pennsylvania Avenue westbound.

Other Problem Areas

Other road segments and intersections in the Planning Area are equally affected by increased traffic:

- Entering Route 6/Route 209 from businesses and side roads in Matamoras Borough and Westfall Township is becoming progressively more difficult.



Pennsylvania Avenue / First Street



Pennsylvania Avenue / Tenth Street

PLANNING IMPLICATIONS

Need for Regional Transportation Planning

Situated along the I-84 entrance to Pennsylvania from New York/New Jersey, and the US 6/209 entrance from New York, the Matamoras-Westfall Planning Area is significantly impacted by the tremendous population growth that occurred over the past two decades, and the ongoing tourism promotion of the Upper Delaware River. The resulting transportation impacts demand attention through traffic planning, one of the most critical issues facing the entire region.

Current municipal ordinances contain provisions for the construction and dedication of roads, and for parking and loading. However, these regulations are only applicable to roads under municipal jurisdiction. Neither the Borough nor the Township have the authority to initiate action on roads owned by community associations or under state jurisdiction. Instead, they must lobby PennDOT and the community associations for improvements to these roads.

Given that traffic is an issue that transcends municipal boundaries and effects all the municipalities surrounding the Planning Area, the County Planning Office should take the lead role in coordinating and promoting the idea of regional traffic planning. This should include the affected municipalities (in Pennsylvania and New Jersey), the County Planning Commission, the Pike County Road Task Force, PennDOT, NJ DOT and the Joint Toll Bridge Commission. This will require a long term commitment of significant staff time and effort. However, without such commitment the problem will simply intensify with no real plan or solution. The County recently completed its comprehensive plan and the County lead in traffic planning for the Matamoras - Westfall Planning Area and Milford Borough - Milford Township Planning Area is a logical next step in the process.

Municipal Roads

Township and Borough roads are generally in good condition, with the primary concerns being routine maintenance and drainage improvements. The Borough Council and Township Board of Supervisors will focus on the maintenance and improvement of existing local municipal roads, and monitor the need and ability to correct specific drainage problems and width and alignment problems which would require reconstruction as traffic volumes dictate and available funds allow.

Specific problems in the Borough include:

- drainage on Avenue G, Avenue H, and Avenue K
- paving on Avenue N, Second Street, and the downtown portion of Seventh Street

Specific problems in Westfall Township include the need to maintain the Cummins Hill Road / Bluestone Boulevard loop for emergency services, particularly during times of flooding.

In terms of new road construction, the municipalities are not likely to undertake any new road construction. Roads serving new residential developments will be constructed by developers in accord with the applicable county or municipal

standards. These roads can be accepted for public dedication by the municipality, and provided such roads meet PennDOT standards, the municipality's State Liquid Fuels Fund allocation would increase. However, the long term cost of the maintenance of public roads falls far short of the funds received from the Commonwealth for liquid fuel funds. Local officials must carefully weigh the long term maintenance costs against the local tax revenues generated by development and increased state funding before accepting private roads for dedication. The annual payment from the state is based on the municipal population and the amount of road miles maintained.

State Roads

The condition of the state roads in the Planning Area is also generally good, with continued maintenance and a few dangerous intersections the primary concerns. The state roads in the Planning Area also include segments with sharp curves and steep grades. Given the modest traffic volumes on state roads other than Route 6/209 and limited funding available, the upgrading of these roads by the state is obviously not a priority and is unlikely to occur in the near term. Although the municipalities have no direct control over state roads (the roads that carry the most traffic at higher speeds and present the most critical safety concerns) this Plan identifies a number of concerns which must be monitored:

- Correction of dangerous intersections
- Increasing volumes of traffic
- Horizontal and vertical alignment
- Speed limit enforcement
- Adequate maintenance
- Improved signs for hazards and traffic control
- Improvement of Route 6 and Cummins Hill Road intersection

Should the condition of these routes deteriorate due to lack of maintenance, or if PennDOT does not make improvements in anticipation of traffic volume increases over the long term, the capacity and level-of service could degenerate. The municipalities should work with PennDOT and the Pike County Planning Commission to identify the most critical state route improvement needs in the municipalities and work to have the improvements programmed by PennDOT on their Twelve-Year Transportation Program (TYP).

Bridges

Neither municipality owns bridges in the Planning Area, which is fortunate in terms of finances given the expense of bridge maintenance and replacement. All bridges in the Planning Area are the responsibility of Pike County or PennDOT.

Subdivision Roads

New road construction in the Planning Area is associated with residential development. The subdivision and land development ordinance sets standards for road layout, design, and construction. Roads may be owned and maintained by private communities, or if a road is constructed to the required standards of the road dedication ordinance it may be accepted by the municipality for general public use. Dedicated roads are then added to Pennsylvania Liquid Fuels Program reimbursement list and are owned and maintained by the municipality.

Bicycle Routes

Bicycle PA is the name for a network of cross-state bicycle routes that guide the bicycle tourist across the Commonwealth. The routes generally use existing highways that have been identified as desirable roads for bicycling. In some cases, the route uses improved rail trails to bypass difficult sections. *Bicycle PA Route Y1* runs along the Route 6/Route 209 corridor and any transportation planning should consider the establishment of additional bicycle routes in the Planning Area.



Airports, Railroads, and Public Transportation

Given the regional nature of airport and railroad development and support, this Comprehensive Plan calls for no specific action to be taken by the Borough or Township with regard to air and rail service. Direct local municipal provision of public transportation is not feasible and no action is anticipated other than participation in regional transportation planning efforts. Area residents rely on regional airports in Pennsylvania, New York and New Jersey for major commercial carrier service. Railroad freight service is available in nearby Port Jervis, New York as is passenger service to New York City used by many Pike County residents. The Shortline Bus Company provides limited service in Pike County.

Public transportation in rural communities is generally limited by low population density, the cost of providing the service, and uncertainty of public acceptance and use. In short, the cost is too high in relation to the potential revenue from the users of the system, and without public subsidy, it is simply not feasible. In addition, even in areas where the public subsidy has been provided, use of public transport is low given long trips and limited schedules, and the historic reliance on automobiles in rural areas.

PLANNING POLICIES AND ACTIONS

Overview

Future planning and policy recommendations are intended to address the problems cited in the chapter and achieve the goals set forth by Matamoras Borough and Westfall Township.

Local Roads

- Continue regular maintenance of local municipal roads.
- Improve drainage problems of local roads.
- Maintain an up-to-date inventory of road maintenance equipment as a means of planning for replacement and inclusion the capital improvements program.
- Work with the Eastern Pike Regional Police Department to enforce speed limits.
- Complete and update annually a detailed Township/Borough road inventory and evaluation to identify needs and develop an improvements schedule within normal budgetary process, and to identify potential capital projects.

- Develop a Transportation Capital Improvement Program in Matamoras Borough and Westfall Township to plan and budget for improvements.
- Partner with community associations to address road maintenance issues (outreach to community associations could perhaps be undertaken by a Planning Area Transportation Task Force).

Local Ordinances

- Maintain an up-to-date road ordinance and SALDO setting standards for construction of roads and establishing procedures for dedication to the public.
- Carefully weigh the costs and benefits of accepting private roads for dedication.
- Review road construction standards to ensure adequacy for public safety and eliminate excessive requirements to minimize the consumption of resources for construction and long term maintenance.
- Maintain an up-to-date road occupancy ordinance setting standards for driveway access to Borough and Township roads and for stormwater and utility improvements within the road right-of-way.
- Review and update zoning standards for parking and loading areas to ensure safe and adequate parking facilities.
- Include context sensitive design standards in the road construction regulations.
- Amend the SALDOs to provide rights-of-way for emergency access and road connections through dedication of land and easements.
- Amend SALDOs and zoning ordinances to require a Traffic Impact Study for higher intensity developments.
- Consider the adoption of an Act 209 Traffic Impact Fee Ordinance, which allows municipalities to assess developers for a portion of the transportation capital improvements costs necessitated by, and attributed to their development.

Official Map

- Consider an Official Map to identify and reserve land needed for road improvements and connections.

Congested Corridor

- Pursue road improvements and intersection improvements identified in the Congested Corridor Improvement Program through PennDOT.
- Implement mid-day coordinated signal timings on all five traffic signals in Westfall Township.
- Make major improvements to the Constitution Avenue and Reuben Bell Road / I-84 Eastbound Ramps Intersection.
- Make minor improvements to the Pennsylvania Avenue and Mountain

Avenue Intersection.

- Make major improvements to the Pennsylvania Avenue and Stella Street / I-84 Westbound Ramps Intersection.
- Develop and adopt an Access Management Plan throughout the Borough of Matamoras to limit curb cuts, require shared driveways and parking, provide service roads, and accommodate pedestrians and public transit.
- Establish site design guidelines to minimize development impacts on the corridor.
- Install two Dynamic Message Signs in Westfall Township to display the I-84 traffic conditions in realtime.
- Work with PennDOT to improve intersections with insufficient storage lengths.
- Address stacking and delays on Pennsylvania Avenue due to left turns by eliminating curb cuts and limiting left turn opportunities.
- Work with PennDOT to place priority road and intersection improvements on the Twelve-Year Transportation Program.

State Roads

- Participate in the PennDOT Customer Advisory Board to communicate concerns to PennDOT.
- Continue to work with the Pike County Road Task Force and PennDOT officials to discuss highway improvement needs and prioritize and promote specific improvement projects.
- Work with local legislators, the County and PennDOT to schedule studies to identify improvements to correct identified road and intersection deficiencies

Bicycle Routes

- Consider the establishment of a bicycle lane on Route 6/209 to accommodate Bicycle PA Route Y1.
- Consider opportunities to establish additional bicycle routes in the Planning Area.

Public Transportation

- Encourage the establishment of a ride-share (car pool) system. A ride-share program could be coordinated by a Planning Area Transportation Task Force or ride-share participant volunteers. Information regarding the program could be posted on local websites.
- Recognize the potential future need for public transportation and plan accordingly (e.g., locate residential development along main roads where transit stops are most likely to be located).

HISTORIC PRESERVATION PLAN

INTRODUCTION

The aim of historic resource protection is to retain the identity of a community or region as reflected in its natural and built environment. It ensures that the community's heritage and unique character are preserved to be appreciated by future generations. Historic resources provide a sense of place that fosters a connection to the community and a sense of pride among its residents. The resources also provide an awareness of the community's roots and traditions and are a valuable educational tool. With increasing development pressure many historic structures and sites are sacrificed or altered, or the surrounding area is developed, to the point that historic value is lost.

Pennsylvania has more than 100,000 historic resources identified by the National Register of Historic Places. Thousands more could be identified across the state, in cities, towns and villages, and rural areas. This rich heritage is under threat-from abandonment and demolition of decaying urban building stock, destruction of rural landscapes and prime farmland for housing and business, and highway construction to accommodate the tidal wave of trucking and passenger traffic. As with our natural resources, we must strengthen our values and develop strategies to maintain our historic resources. Historic resources are worth saving. Without these resources, communities would lose their integrity, identity, and their attractiveness to newcomers. The goal is to strike a balance between development and saving what's important to the community's past. Source: *Better Models for Development in Pennsylvania*, p. 83.

HISTORIC PRESERVATION GOAL AND OBJECTIVES

Historic Preservation Goal:

Protect historic sites and structures as an important part of the character of the Borough and Township.

A number of historic landscapes, sites and structures are found in the Matamoras - Westfall Planning Area, ranging from traces of the Lenni Lenape Native Americans and early settlers, to more recent residences and outbuildings, to schools and churches. Buildings were erected as part of a growing community, and although many of the early structures are now gone, the many which remain add tremendously to the character of the community. In addition to buildings, stone walls and fences are significant historic features throughout the Township. Originally an integral part of early agricultural practices, stone walls and fences are now being incorporated into home design and as the prime feature in landscaping. The preservation of historic buildings and other features, and encouraging new development to be consistent with the existing historic character are critical to the future of the Planning Area.

What are Historic Landscapes?

Historic landscapes are places that, through their physical characteristics and features, reflect the interaction of human beings with the environment. They may be associated with a historically significant activity, event or person, or otherwise manifest the values or traditions of a culture. Sometimes called cultural landscapes or heritage landscapes, historic landscapes often incorporate both natural resources, such as vegetation, bodies of water and topographical characteristics, and human-made features, such as buildings, monuments and path systems. Ranging in size from a small plot to thousands of acres, historic landscapes may be the setting for an important building or might be significant in their own right.

Source: *Pike County Open Space, Greenways and Recreation Plan*, p. 218, and Doherty, Joanna. (2005) *Terra Firma: Putting Historic Landscape Preservation on Solid Ground*, Boston, Massachusetts Department of Conservation and Recreation, p 3.

Objectives:

Identify and Evaluate	<p>Develop an inventory of historic resources and evaluate the resources for register status.</p> <ul style="list-style-type: none"> • Historic Register - Based on the historic resources inventory, create a local historic register and consider nomination of qualifying structures and places to the National Register of Historic Places.
Adaptive Reuse	<p>Encourage the adaptive reuse of historic resources.</p> <ul style="list-style-type: none"> • <u>Adaptive Use</u> - Allow the adaptive use of large older homes to enable owners to adequately maintain the structures.
Design Guidelines	Develop guidelines for residential and commercial development to encourage historically sensitive design.
Education	Educate property owners on the significance and value of historic resources, and of the opportunities for their preservation.
Funding	Identify funding sources for historic preservation.

EXISTING HISTORIC RESOURCES

Early Development	<p>The Upper Delaware River Valley, including Matamoras Borough and Westfall Township, contains evidence of a rich and unique past. Archaeological investigations in the area, motivated by the proposed construction of the Tocks Island Dam, uncovered artifacts supporting human occupation of the valley as early as 12,000 years ago. These are some of the earliest inhabitants of the North American continent. Native American inhabitants subsisted in the valley until circa 1758 when European-American settlers forced the last of the Minisink Indians to leave. Post-European settlement of the area, beginning in the early 18th Century, centered around agriculture and later progressed to recreation and tourism.</p>
--------------------------	---

MATAMORAS BOROUGH

Incorporated as a borough on January 18, 1905, was originally part of Westfall Township. Named during the Mexican War after the American Army captured the Mexican town of Matamoras. That town had originally been named for Rev. Mariano Matamoras, a hero of the Mexican Revolution.

WESTFALL TOWNSHIP

Created January 31, 1839, from Milford Township. Simon Westfall (or Westfael) first settled there before 1743. His son Simon built the stone house in Matamoras. Two descendants, Cornelius and Jacob served as Justices of the Peace.

(Source: www.pikepa.org.)

Since the middle of the nineteenth century, Pike, a sparsely populated rural county has been a summer home and vacation spot to literally millions of people-people who have become part of a proudly told history. That history - the Pike County Story - can be viewed in microcosm in the story of Westfall and Matamoras. It is the story of Indians and settlers. It is the story of the Delaware River, the Erie Railroad, and the D & H Canal. It is the story of lumbering, rafting, quarrying, and farming. Roads were constructed; towns were formed; schools were built; and men marched off to half a dozen wars. And the visitors came - vacationers, sportsmen, and retired persons from the metropolitan areas - finding a quiet haven of peace in those mountains along the Upper Delaware.

The Delaware River and the beautiful Pike County land, which over 200 years ago attracted settlers from as far away as England, France, Germany, and Spain, continues to attract tens of thousands of visitors each year. And across the River from the old railroad port - Port Jervis - the Westfall-Matamoras area continues to be the gateway.¹

Historic Resources

The many historic resources in Matamoras Borough and Westfall Township are key components of the small town character of the community and the rural-recreation landscape. The history and historic resources of the Planning Area have been well documented by local historians and the Pike County Historical Society, each maintaining an extensive list and description of buildings, structures and sites which comprise the historic fabric of the Borough and Township. The preservation of these resources in this time of growth and development is one of the basic tenets of this *Comprehensive Plan*. Significant historic resources in the Planning Area identified by the County are detailed in the *Selected Matamoras/Westfall Historic Resources Table*.

Pike County Historic Resources Study

This Study, completed in 1997 by Pike County and Cultural Heritage Research Services, Inc., details the many historic resources in Pike County including Matamoras and Westfall. The Study reports:

Eligible for National Register Listing

- Simon Westfael House
- Matamoras Elementary school (razed)
- Charles S. Peirce House
- Conrail #2 Bridge

Potentially Eligible for National Register Listing

- 16 buildings in Matamoras
- an historic farm complex in Westfall

Not Eligible for National Register Listing

- Matamoras Historic District
- Mill Rift Historic District

National Register

The National Register of Historic Places was established by the National Historic Preservation Act of 1966, and in Pennsylvania the program is administered by the Pennsylvania Historical & Museum Commission (PHMC) Bureau for Historic Preservation. According to the Pennsylvania Historical and Museum Commission, Mill Rift Town Hall is the only building in the Township listed on the National Register of Historic Places. The Nearpass House was listed but was razed in 2008. None in the Borough are listed.

Register Eligibility

Several properties in the Planning Area are considered eligible: the Simon Westfael House (Fort Matamoras) in Matamoras and the Conrail No. 2 Bridge and the Charles S. Peirce House (*Arisbe*) in Westfall Township. In order to be eligible for the National Register, a resource must meet one of four criteria:

- the resource made a significant contribution to the broad patterns of our history;
- the resource is associated with the lives of persons significant in our past;
- the resource has distinctive characteristics of a building type, period, or method of construction, that represent the work of a master, possess high



Mill Rift Town Hall

Listed on the National Register of Historic Places

¹Westfall Township, *Gateway to the West*, Henn, William F., 1978, Introduction by George J. Fluhr, Pike County Historian.

artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and,

- the resource has yielded, or may be likely to yield, information important in prehistory or history.

A resource that meets any one of the four eligibility criteria is given a Determination of Eligibility (DOE) by the Bureau for Historic Preservation. That resource, however, might never obtain a listing on the National Register.

The PHMC's Bureau for Historic Preservation provides services to assist in the National Register process, including technical assistance to preparers of National Register nominations, guidance on conducting architectural and historic surveys, evaluation of National Register eligibility, and nomination of properties to the National Register of Historic Places. The State Historic Preservation Board reviews all nominations. If approved, the nomination is then sent to the National Park Service, which either approves or denies the nomination. If approved, it is entered into the National Register of Historic Places.

Many of the older homes and buildings and historic sites in the Borough and Township, along with the landscape itself, add to the historic fabric. Some of these buildings and structures may also be eligible for listing on the National Register. However, the application process is very detailed and the criteria are quite rigorous with the need to document national historic significance, not simply local significance. Even if a building or site is included as eligible, sufficient documentation must be submitted to gain the full listing on the National Register.

National Register of Historic Places

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture.

The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior. The Pennsylvania Historical and Museum Commission manages the National Register of Historic Places for Pennsylvania. National Register properties are distinguished by having been documented and evaluated according to uniform standards. These criteria recognize the accomplishments of all peoples who have contributed to the history and heritage of the United States and are designed to help state and local governments, federal agencies, and others identify significant historic and archeological properties worthy of preservation and of consideration in planning and development decisions.

Listing in the National Register, however, does not interfere with a private property owner's right to alter, manage or dispose of property. It often changes the way communities perceive their historic resources and gives credibility to efforts to preserve these resources as irreplaceable parts of the community. Listed historic districts enable municipalities to control the exterior appearance of structures.

Listing in the National Register contributes to preserving historic properties in a number of ways:

- Recognition that a property is of significance to the nation, the state, or the community.
- Consideration in the planning for federal or federally assisted projects.
- Eligibility for federal tax benefits for income producing properties.
- Qualification for federal assistance for historic preservation, when funds are available.



Charles S. Peirce House - Arisbe (National Park Service)



Rosetown Houses

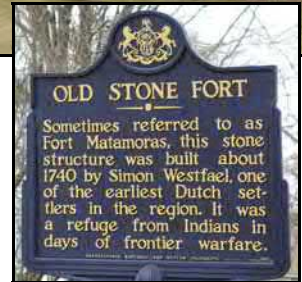


SELECTED MATAMORAS / WESTFALL TOWNSHIP HISTORIC RESOURCES (Source: Pike County Comprehensive Plan and Pike County Historic resources Study)	
Westfall Township	
Mill Rift Hall	On the National Register of Historic Sites for the Event and the Social History. Period of significance is from 1900-1924, 1925-1949.
Mill Rift Cemetery	The cemetery was built in 1888.
Mill Rift Schoolhouse	This schoolhouse was originally built and used as a school in the 1860's. It has since been renovated and is now used as a residence. It is located west of Cemetery Road on the west side of Bluestone Blvd.
<i>Arisbe</i> , The Charles Peirce Home	Father of "Pragmatism" and recognized throughout the world as America's foremost mathematician and philosopher. In 1887, Peirce and his wife, Juliette, bought the John B. Quick home. They added a third story and named it "Arisbe", a classical name from Homer's Iliad. His philosophical treatises and articles from which evolved the Science of Pragmatism, which was used by Einstein in the development of his Theory of Relativity. On the National Register of Historic Sites, the Peirce Society and National Park Service have plans to turn it into a national cultural center.
Quicktown One-Room Schoolhouse	Probably built by John T. Quick, was located on the Old Milford Road and was used until 1920. The school board sold the property and the building moved across Route 6-209 and is now used as a residence.
Cook Residence	Originally the Solomon Middlaugh homestead, also built in the early 1800's located on Bluestone Boulevard.

SELECTED MATAMORAS / WESTFALL TOWNSHIP HISTORIC RESOURCES (Source: Pike County Comprehensive Plan and Pike County Historic resources Study)	
Matamoras Borough	
Methodist Church	Built in 1891 and is located on the corner of 3rd St. and Ave. H.
Matamoras Airport	This is one of the Borough's proudest civic achievements. After the crash of a small private plane in the 1920's, local firemen joined together in developing a municipal airport with the hope of preventing future accidents. Work on the field began 1929 and by 1938, with federal funds, the Borough Airport contained two paved and lighted runways, each over a quarter mile long.
9th St. and Avenue P cemetery	Long neglected and overgrown, this cemetery marks the burial place of some of the earliest inhabitants of the area.
Forth Barrett Bridge	Erected in 1939 this bridge, actually the sixth constructed from Matamoras, is the fourth at this location. Earlier Barrett Bridges were constructed in 1872, 1876, and 1904.
The Schroeder Buildings "Jay's Handy Corner" "Mayor's Corner"	Along PA Ave., this is an unaltered example of a turn-of-the-century, small town storefront. Constructed in 1912 and operated as a grocery store and from 1912 to 1921, also operated as the Matamoras Borough Post Office at the store.
Borough Hall	Completed in 1916, it has served since that time as the office and meeting place of the Borough Council and, in 1980, was a focal point for celebration of the Borough's Diamond Jubilee.
Marford Silk Mill	First incorporated in 1920, the business founded by Martin and Sanford, and later purchased by Welch, provided Matamoras with a thriving industry for more than forty years.
Matamoras' first grade school	Built in 1879 at the corner of Ave. G and Third St.
Avenue C	The old Loder Street is still one of the most historic districts in the Borough. Several of the buildings "on the street where the railroad ran" date from the nineteenth century. Among them are the Blackman House (once a hotel), the Mance Store, and the Arrowhead Salon.
Old Stone House / Simon Westfael House (Fort Matamoras)	Located on 1st and Ave. P., this house was present when the ferries first crossed the Delaware from New York and settlement of northeastern PA had just begun. Built from native stone by Simeon Westfall in ca. 1745, the building has been known as "Fort Westfall", "Fort Matamoras", and "The Wehinger Stone House". The stone house represents the earliest settlement period in Pike County and is an example of a Dutch Colonial type known as the Ulster stone house. Its location is heralded by a PA Historical and Museum Commission marker.
PA Historical and Museum Commission Marker	In 1865 the world heavyweight bare knuckles boxing championship between James Dunn and William Davis occurred. Dunn was declared world champion and today the location of this contest is commemorated by this marker at the corner of 10th Street and the Old Milford/Matamoras Rd.



(Westfall Township, Gateway to the West, W. F. Henn.)



(Westfall Township, Gateway to the West, W. F. Henn.)



Locally Significant

The limited number of designated or eligible structures in the Planning Area does not mean that it does not have a rich history. Historic resources of local significance are those that have not been nominated for the National Register, but are still meaningful and important to the community's heritage. While many of these sites are known informally, a local register would be an important first step in securing the resources for the future.

PLANNING IMPLICATIONS

PA Historic District Act The Pennsylvania the Historic District Act *authorizes counties, cities, boroughs, incorporated towns and townships to create historic districts within their boundaries providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts.* Under the Act municipalities have the authority to enact local historic regulations within historic districts listed on the National Register. Restrictions may range from the use of historic resources to their aesthetics. Applications pertaining to historic resources are reviewed by the Historical Architectural Review Board, which then makes a recommendation to the governing body.

Historic Districts in the Planning Area

There are currently no historic districts in the Planning Area and the 1997 *Pike County Historic Resources Study* concluded:

- *Matamoras was determined not eligible for listing as a historic district in the National Register of Historic Places.*²
- *The Village of Mill Rift Historic District was determined not eligible for listing as a historic district in the National Register of Historic Places.*³

PA Planning Code

The Pennsylvania Municipalities Planning Code enables municipalities to plan for and act to preserve and protect historic resources. *Preservation or protection, when used in connection with . . . historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use.* The MPC also states *where zoning districts are created, all provisions shall be uniform for each class of uses or structures, within each*

district, except that additional classifications may be made within any district for places having unique historical, architectural or patriotic interest or value. Although not having the force of provisions under the Historic District Act of regulating with specific design standards, a municipally organized historic review commission could act in a support capacity by conducting research, providing data on historic resources and making recommendations for historically sensitive development. The zoning ordinance could formalize the review process for locally significant structures and include incentives such as increased lot coverage or reduced building setbacks to support such sensitive development. The Borough and Township currently have no zoning provisions for historic resource protection under the MPC; therefore, historic resources are left virtually unprotected.

Benefits of Historic Preservation

Since the 1970s, mounting evidence has shown that historic preservation can be a powerful community and economic development strategy. Evidence includes statistics compiled from annual surveys conducted by the National Trust for Historic Preservation and statewide Main Street programs, state-level tourism and economic impact studies, and studies that have analyzed the impact of specific actions such as historic designation, tax credits, and revolving loan funds. Among the findings:

- *Creation of local historic districts stabilizes, and often increases residential and commercial property values.*
- *Increases in property values in historic districts are typically greater than increases in the community at large.*
- *Historic building rehabilitation, which is more labor intensive and requires greater specialization and higher skill levels, creates more jobs and results in more local business than does new construction.*
- *Heritage tourism provides substantial economic benefits. Tourists drawn by a community's (or region's) historic character typically stay longer and spend more during their visit than other tourists.*
- *Historic rehabilitation encourages additional neighborhood investment and produces a high return for municipal dollars spent.*
- *Use of a city or town's existing, historic building stock can support growth management policies by increasing the supply of centrally located housing.*

Source: Planning Commissioners Journal, No. 52, Fall 2003, p. 4.

FUTURE PLANNING POLICIES

Overview

Future planning policies are measures intended to achieve the Planning Area's historic resource protection goals by guiding future decisions and actions related to historic resource protection.

Policies

The history of the Upper Delaware River Valley and the Matamoras - Westfall Planning Area is extremely important, providing evidence of early human settlement and marking a significant social

²*Pike County Historic Resources Study*, Pike County Community Planning and Human Development Office, Cultural Heritage Research Services, Inc., 1997, p. 86.

³*Ibid.*, p. 102.

and cultural transformation of the 19th and early 20th centuries. The following policies are intended to preserve and promote this important and unique past which can also serve as an invaluable asset for the local tourism economy:

- Continue the identification of historic sites (nationally and locally significant) and pursue National Register listing.
- Promote public education to raise awareness of the Borough's and Township's history and historic resources.
- Promote preservation of historic buildings and structures during the land development process.
- Preserve historic buildings by incorporation in commercial areas as commercial uses.
- Preserve historic sites by promotion as recreational or tourist destinations.
- Pursue technical assistance and funding for historic resource identification and preservation.

IMPLEMENTATION STRATEGIES

Overview

Implementation strategies are the specific means by which the Borough and Township can execute the future planning policies. The strategies take the form of regulatory provisions included in the zoning, subdivision and land development ordinance, and other ordinances, as well as non-regulatory initiatives. The following implementation strategies are organized according to zoning ordinance amendments, subdivision and land development ordinance amendments, and additional measures.

Historical Society

Encourage and support community efforts to create a Local Historical Society to promote the benefits of historic preservation and document and preserve local history and historical artifacts. The Mill Rift Civic association and its collection of photographs and artifacts in the Mill Rift Towns Hall could provide the foundation for the effort.

Once created, work with the Society to:

- Conduct a public outreach program, perhaps through a newsletter or web site, to provide educational materials on the Planning Area's history and historic resources.
- Develop a local historic register program aimed at identifying properties eligible for state and national recognition, and encourage and support efforts to list and preserve such properties on the National Register.
- Seek technical assistance from historic preservation organizations, such as the PHMC and Preservation Pennsylvania for inventorying and documenting resources and nominating resources for the National Register.

Historic Preservation Planning

A well-conceived preservation planning process serves to:

- *Establish a basis of public policy about historic resources;*
- *Educate and inform residents and others about their community's heritage and its value;*
- *Identify opportunities for economic growth based on the community's historic and architectural character.*
- *Ensure consistency among various local government policies that affect the community's historic resources;*
- *Lay the groundwork for adopting a local historic preservation ordinance or strengthening an existing one;*
- *Eliminate uncertainty or confusion about the purpose, meaning, and content of a community's preservation ordinance;*
- *Inform existing and potential property owners, investors, and developers about what historic resources the community wants to protect as it grows;*
- *Create an agenda for future preservation activities; and*
- *Facilitate compliance with federal and state historic preservation and environmental quality laws.*

Preservation plans serve several purposes:

- *educating elected and appointed officials, municipal staff, property owners, investors, and others about the status of historic resources within the community and the economic benefits of preservation;*
- *formally documenting existing conditions, issues, opportunities, and challenges;*
- *providing information on tax and other incentives for preservation;*
- *offering discussion and analysis regarding preservation of historic resources, and establishing a roadmap for future efforts;*
- *setting out the roles and responsibilities of the public, private, and nonprofit sectors with regard to the preservation of historic resources.*

Source: Planning Commissioners Journal, No. 52, Fall 2003, p. 6.

- Seek funding from organizations such as the National Park Service, National Trust for Historic Preservation, PHMC, and DCNR, and from programs such as the Federal Rehabilitation Tax Credit Program.
- Create a system for efficient storage, mapping, and retrieval of historic resource data (for example, Geographic Information Systems) and maintain a historic resources database.

Site and Sign Design Guidelines

Prepare and adopt design guidelines for residential, commercial, industrial, and institutional development to encourage the most efficient use of land and development consistent with community character. As part of a continuing commitment to the historic character of a community some municipalities and historical societies provide site and sign design guidelines to encourage commercial establishments and signs to be consistent with the community's heritage. The guidelines would not be mandatory absent a historic district listed on the National Register. The standards used in the Milford Historic District could serve as an example. Such a community based effort would be invaluable to preserving the overall character of the Planning Area, and would be particularly effective in support of any Borough revitalization program for Pennsylvania Avenue.

Pennsylvania Avenue Revitalization

Incorporate the preservation of locally significant historic structures into the Borough revitalization program for Pennsylvania Avenue.

Ordinances

Ordinance provisions intended to implement the planning policies and recommendations pertaining to historic resource protection are as follows:

- Adopt a historic resource protection ordinance to:
 - Require demolition review.
 - Prohibit demolition by neglect.
 - Include provisions for use and adaptive re-use of historic resources.
 - Provide incentives for rehabilitation of historic resources
- Allow home occupations in all zoning districts as a means of encouraging productive use of historic structures which tend to be larger and more difficult to maintain.
- Incorporate the preservation of historic resources in conservation design for residential and commercial development.

NPS Certified Program

Consider participation in the Certified Local Government Historic Preservation Program of the National Park Service and the Pennsylvania Bureau of Historic Preservation.

CERTIFIED LOCAL GOVERNMENT HISTORIC PRESERVATION PROGRAM

The Certified Local Government Program is a preservation partnership between local, state and national governments focused on promoting historic preservation at the grass roots level. The program is jointly administered by the National Park Service (NPS) and the State Historic Preservation Offices (SHPOs) in each state, with each local community working through a certification process to become recognized as a Certified Local Government (CLG). CLGs then become an active partner in the Federal Historic Preservation Program and the opportunities it provides.

Why become a CLG? The key reason is the access certification provides to the expert technical advice of the State Offices as well as the NPS. Partnerships with the National Alliance of Preservation Commissions, Preserve America, the National Trust for Historic Preservation, and the National Main Street Center are also networks that CLGs have an opportunity to tap into. Of course, access to Federal funding is another benefit, making certified communities able to access the portion of Federal funds set aside by each SHPO for just CLGs annually. Being a CLG also shows your community's commitment to keeping what is significant from the past for future generations. As a certified town, city, or county seeking other opportunities, it becomes easy to demonstrate a readiness to take on a preservation project and be successful.

What is a CLG required to do?

A community must show both the state and NPS that they are committed to historic preservation. They can do this by addressing the following minimum goals.

- * Establish a Preservation Commission*
- * Establish an ordinance*
- * Maintain an active survey of local historic resources*
- * Participate in the National Register process*

(Source: www.nps.gov/history/hps/clg/)

DEMOGRAPHIC PROFILE

INTRODUCTION

The demographic composition of a community's population is affected by the geographic, physical and economic character of the community. At the same time, the demographic composition is largely responsible for the manner in which a community develops and grows (or declines) in terms of demand for community facilities and services to meet the specific needs of the changing population, thereby altering the very character of the community. By gaining an understanding of the demographic character of a community and forecasting how the population is likely to change, both in number and composition, local officials can assess the need for additional or different types of public and private facilities and services required to meet the demands of the changing population.

Given their location in northeastern Pennsylvania, the communities of Pike County are especially prone to demographic changes resulting from the migration of residents from the metropolitan areas of Pennsylvania, New York, and New Jersey seeking the rural lifestyle and scenic beauty of the Pocono region. Traditionally a vacation destination, Pike County has seen a growing number of families and individuals take up permanent residency in its townships and boroughs, transforming them into bedroom communities. As the data in the following pages demonstrate, the Matamoras-Westfall Planning Area is among the communities affected by these regional influences.

TABLE 1 - HISTORICAL POPULATION AND GROWTH										
Municipality	1950	1960	1970	1980	%70-80	1990	%80-90	2000	%90-00	%50-00
Blooming Grv	358	424	548	1,176	114.6%	2,022	71.9%	3,621	79.1%	911%
Delaware	511	549	671	1,492	122.4%	3,527	136.4%	6,319	79.2%	1137%
Dingman	361	382	518	1,855	258.1%	4,591	147.5%	8,788	91.4%	2334%
Greene	829	793	1,028	1,462	42.2%	2,097	43.4%	3,149	50.2%	280%
Lackawaxen	1,072	1,068	1,363	2,111	54.9%	2,832	34.2%	4,154	46.7%	288%
Lehman	459	318	624	1,448	132.1%	3,055	111.0%	7,515	146.0%	1537%
Matamoras	1,761	2,087	2,244	2,111	-5.9%	1,934	-8.4%	2,312	19.5%	31%
Milford Boro	1,111	1,198	1,190	1,143	-3.9%	1,064	-6.9%	1,104	3.8%	-1%
Milford Twp	233	386	418	663	58.6%	1,013	52.8%	1,292	27.5%	455%
Palmyra	582	651	1,204	1,722	43.0%	1,976	14.8%	3,145	59.2%	440%
Porter	94	51	88	277	214.8%	163	-41.2%	385	136.2%	310%
Shohola	455	413	574	986	71.8%	1,586	60.9%	2,088	31.7%	359%
Westfall	599	838	1,348	1,825	35.4%	2,106	15.4%	2,430	15.4%	306%
Pike County	8,425	9,158	11,818	18,271	54.6%	27,966	53.1%	46,302	65.6%	450%
PA (1,000's)	10,498	11,319	11,794	11,864	0.6%	11,882	0.1%	12,281	3.4%	17%

Source: US Census Bureau

POPULATION

Population Trends

The analysis of population begins with an examination of historical population growth from 1950 to 2000, followed by current year estimates. Age and migration data provide an understanding of who, in terms of age and origin, accounts for the recent population shifts.

Table 1 - Historical Population Growth Table provides U.S. census data from 1950 to 2000 for Matamoras Borough and Westfall Township, Pike County and its municipalities, and the Commonwealth.

Figure 1 - Matamoras Borough & Westfall Township Population 1950-2008 presents a graphic representation of the study area's population growth. According to the Census data, Pike County has experienced a tremendous amount of growth in comparison to Pennsylvania since 1970. The bulk of that growth has occurred in Delaware, Dingman, and Lehman Townships, where populations have doubled nearly every decade since 1970. The remaining townships have also grown steadily, but at more modest rates, with Westfall Township plateauing at 15.4% in the last two decades. After a period of slight decline in the 1970s and 1980s, the two boroughs (Matamoras and Milford) have seen a return to growth, although modest due to the lack of available land for new development. Milford experienced a slight 3.8% growth rate in the 1990s, while Matamoras' population increased by 19.5%. The rise and fall of Matamoras' population is illustrated in *Figure 1*.

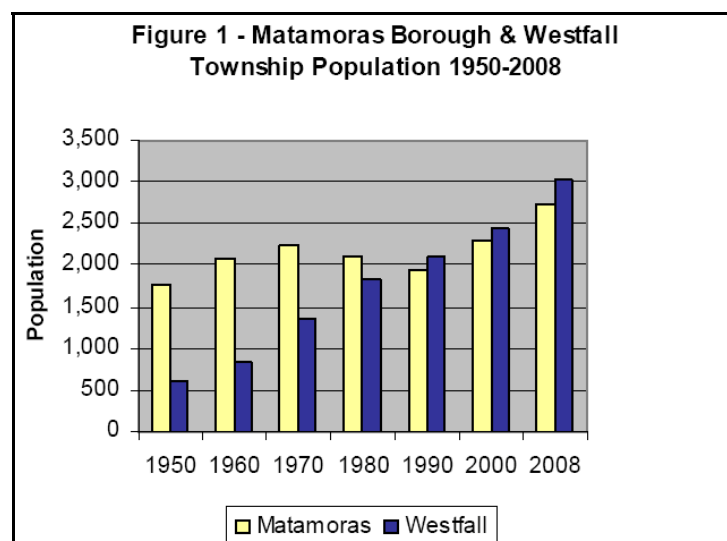


Table 2 –Population Estimates and Percent of County provides estimated population figures through July 1, 2008. These estimates are derived by the Pike County Office of Community Planning and are based on the average percentage population increase between 2000 and 2006. All Pike County municipalities are estimated to have grown significantly over the last eight years; however, most townships grew at approximately half the rate seen in the previous decade (Table 1). Westfall Township is estimated to have grown at a slightly faster pace than in the previous decade (15.4% from 1990 to 2000 compared to 24.7% from 2000 to 2008), while Matamoras Borough has been relatively steady at 19.5% from 1990 to 2000 and 18.3% from 2000 to 2008.

TABLE 2 - POPULATION ESTIMATES and PERCENT OF COUNTY										
Municipality					2000-2008		% of County			
	1970	1990	2000	2008	#	%	1970	1990	2000	2008
Blooming Grove	548	2,022	3,621	4,844	1,223	33.8%	4.6%	7.2%	7.8%	7.7%
Delaware	671	3,527	6,319	8,998	2,679	42.4%	5.7%	12.6%	13.6%	14.4%
Dingman	518	4,591	8,788	12,813	4,025	45.8%	4.4%	16.4%	19.0%	20.5%
Greene	1,028	2,097	3,149	3,857	708	22.5%	8.7%	7.5%	6.8%	6.2%
Lackawaxen	1,363	2,832	4,154	5,704	1,550	37.3%	11.5%	10.1%	9.0%	9.1%
Lehman	624	3,055	7,515	10,875	3,360	44.7%	5.3%	10.9%	16.2%	17.4%
Matamoras	2,244	1,934	2,312	2,736	424	18.3%	19.0%	6.9%	5.0%	4.4%
Milford Boro	1,190	1,064	1,104	1,263	159	14.4%	10.1%	3.8%	2.4%	2.0%
Milford Twp	418	1,013	1,292	1,790	498	38.5%	3.5%	3.6%	2.8%	2.9%
Palmyra	1,204	1,976	3,145	3,916	771	24.5%	10.2%	7.1%	6.8%	6.3%
Porter	88	163	385	471	86	22.3%	0.7%	0.6%	0.8%	0.8%
Shohola	574	1,586	2,088	2,553	465	22.3%	4.9%	5.7%	4.5%	4.1%
Westfall	1,348	2,106	2,430	3,030	600	24.7%	11.4%	7.5%	5.2%	4.8%
Pike County	11,818	27,966	46,302	62,624	16,322	35.3%	100.0%	100.0%	100.0%	100.0%

Source: Pike County Office of Community Planning

Population by percent of county reveals that between 1970 and 2008 the geographic distribution of population has shifted from Matamoras Borough, Milford Borough, and Westfall Township to Dingman, Delaware, and Lehman Townships, all three with large residential developments and direct access to New Jersey and New York (Table 2). In 2008, Matamoras Borough, Westfall Township and their neighboring municipalities make-up only a small portion of the County's total population.

TABLE 3 – MUNICIPAL IMMIGRATION				
	Matamoras Borough		Westfall Township	
	#	%	#	%
persons 5 years +	2,187	100.0%	2,297	100.0%
Residence in 1995				
lived in same house	1,449	66.3%	1,523	66.3%
lived in different house in US	735	33.6%	749	32.6%
same county	438	20.0%	283	12.3%
different county in PA	13	0.6%	43	1.9%
different state	284	13.0%	423	18.4%
out of U.S.	3	0.1%	25	1.1%

Source: US Census Bureau, 2000

Municipal Immigration

An examination of municipal immigration provides insight into the origin of recent increases in population in Matamoras Borough and Westfall Township by identifying the residency of individuals in 1995. According to *Table 3- Municipal Immigration* approximately one-third of the population of both the Borough and the Township emigrated from areas outside the Planning Area. Of these individuals, the vast majority came from within Pike County and from other states, most likely New York and New Jersey. Most (20%) immigration to Matamoras originated from other Pike County municipalities; however, most

immigration to Westfall Township originated from other states, again most likely New York and New Jersey (18.4%). These findings indicate that recent population growth is due largely to in-migration and that the two communities are attracting new residents from outside areas who presumably want to be in close proximity to New York and New Jersey.

TABLE 4 - AGE COHORTS

Matamoras Borough			
Age	1990	2000	% change
< 18	445	605	36.0%
18-64	1097	1264	15.2%
65+	392	443	13.0%
Westfall Township			
Age	1990	2000	% change
< 18	491	579	17.9%
18-64	1211	1379	13.9%
65+	404	472	16.8%

Source: US Census Bureau

Age Cohorts

Table 4- Age Cohorts shows population growth across all age cohorts with the most dramatic increase occurring in Matamoras Borough where the school-aged population (under 18 years) increased by 36%. In both municipalities, the number of working age adults and retirees increased significantly. When considered along with *Table 9 –Age Distribution*, it appears that recent population growth is due largely to the immigration of families with school-aged children and retirees.

Seasonal Population

Pike County municipalities see their populations swell during vacation months as seasonal homeowners and renting vacationers take up temporary residence. The results of a survey of second home owners conducted in 1990 as part of the *Pike County Comprehensive Plan* by Community Planning and Management, LLC, found that the average visitation rate to second homes was 3.3 persons. Although the study is somewhat dated, the results can provide a measure of the peak second home population.

TABLE 5 - SEASONAL POPULATION

Municipality	2000 Total Units	% 2nd homes	# 2nd homes	Permanent population	Estimated peak Seasonal population	Estimated peak population. (seasonal+perm)
Blooming Grove Twp.	3,273	51.2%	1,677	3,621	5,031	8,652
Delaware Township	3,453	28.8%	993	6,319	2,979	9,298
Dingman Township	5,689	42.8%	2,435	8,788	7,305	16,093
Greene Township	2,780	48.5%	1,349	3,149	4,047	7,196
Lackawaxen Township	3,750	49.7%	1,862	4,154	5,586	9,740
Lehman Township	4,655	37.9%	1,762	7,515	5,286	12,801
Matamoras Borough	977	0.6%	6	2,312	18	2,330
Milford Borough	560	3.2%	18	1,104	54	1,158
Milford Township	594	6.9%	41	1,292	123	1,415
Palmyra Township	3,838	60.9%	2,337	3,145	7,011	10,156
Porter Township	926	78.3%	724	385	2,172	2,557
Shohola Township	3,089	66.5%	2,054	2,088	6,162	8,250
Westfall Township	1,097	7.9%	87	2,430	261	2,691
Pike County	34,681	44.2%	15,350	46,302	46,050	92,352

Source: US Census Bureau, 2000

Applying a conservative household size of three persons to the number of second homes in the County and its municipalities yields a seasonal population of 46,000 in the County and a total peak population of more than 92,000 in the year 2000 (*Table 5 – Seasonal Population*). Matamoras Borough is estimated to have a seasonal population of 18, bringing its total peak population to 2,330 in the year 2000. Westfall Township is estimated to have a seasonal population of 261, bringing its total peak population to 2691 in the year 2000. The seasonal populations of Matamoras Borough and Westfall Township are much lower than in the other municipalities, but Matamoras and Westfall nonetheless experience the increased traffic that is generated. They also provide much of the retail service for County's seasonal population.

The numbers have certainly changed in the past eight years based on the number of new dwelling units and the mix of seasonal and permanent dwellings. However, the real effect is the increased traffic and demand for facilities and services created by a seasonal population. In addition, as existing second homes are converted to full-time residences, the assessed valuation does not increase as would be the case for new construction, so the demand for facilities and services increases while tax revenues do not.

The Pike County survey of second home owners revealed another interesting trend. At the time of the survey in 1990, more than 70% of the respondents planned on settling permanently in Pike County within 15 years. Those 15 years have now elapsed, and the conversions predicted in 1990 have certainly added to the explosive population growth of the County. Conversions and the construction of new dwellings for full-time residency will continue. The future implications are clear, the County and most municipalities will experience strong population growth along with increased demand for public facilities and services.

Population Growth Northeast Pennsylvania

Table 6 - Recent Population Growth in Northeast Pennsylvania compares the Township to Pike County, surrounding counties and the Commonwealth. The more rural counties increased dramatically in population between 1990 and

TABLE 6 - RECENT POPULATION GROWTH IN NORTHEAST PENNSYLVANIA 2010 PROJECTIONS							
	1980	1990	80-90	2000	90-00	2010	00-10
Matamoras Borough	2,111	1,934	-8.4%	2,312	19.5%	2,853*	23.4%*
Westfall Township	1,825	2,106	15.4%	2,430	15.4%	3,2014*	31.7%*
Carbon Co.	53,285	56,846	6.7%	58,802	3.4%	64,310	9.4%
Lackawanna Co.	227,908	219,039	-3.9%	213,295	-2.6%	211,360	-0.9%
Luzerne Co.	343,079	328,149	-4.4%	319,250	-2.7%	324,520	1.7%
Monroe Co.	69,409	95,709	37.9%	138,687	44.9%	172,170	24.1%
Pike Co.	18,271	27,966	53.1%	46,302	65.6%	69,350*	49.8%*
Wayne Co.	35,237	39,944	13.4%	47,722	19.5%	49,750	4.3%
Northeast PA	696,837	767,653	10.2%	824,058	7.3%	884,180	7.3%
PA (1,000's)	11,865	11,883	0.2%	12,281	3.3%	12,408	1.0%
* Pike County Office of Community Planning projection.							

Source: Pennsylvania State Data Center

2000 and are expected to increase through 2010, with no reason to believe the growth will wane. In fact, Pike, Monroe and Wayne Counties had the highest growth rates in the Commonwealth because of the attraction of the Poconos to nearby metropolitan areas in Pennsylvania, New Jersey and New York. In contrast, the population of the more densely populated counties, Lackawanna and Luzerne, has declined with the same trend expected for Lackawanna County through 2010. By comparison, the Commonwealth as a whole has been increasing slightly in population since 1980, and a one percent increase is expected by 2010. These trends suggest continued population growth for the Northeast Pennsylvania Region as individuals and families leave urbanized areas seeking a rural and small town lifestyle.

Population Projections

Estimating a municipality's future population is a good way to anticipate the changing demand for community facilities and services and to assess the demand for land and the effect on such community characteristics such as open space and housing affordability. In the case of Matamoras Borough and Westfall Township, and all of Pike County, future population growth is more dependent on immigration than the net of births and deaths. The migration from the greater New Jersey and New York metropolitan area which has been so volatile over the past thirty years makes accurate projection difficult. Nevertheless, it appears that population in the Borough and the Township will continue to increase over the next ten years.

Table 7 – Municipal Population Projections reports population projections for the years 2010 and 2020. Projections for 2010 are from *Pike County/Municipal Population Projections – 2010 Estimates* and are based on the average annual growth rate from 2000 to 2006. Projections for 2020 are calculated based on the assumption that the trends seen from 2000 to 2010 will continue.

TABLE 7 - MUNICIPAL POPULATION PROJECTIONS, 2020					
Municipality	2000	2010	% 00-10	2020	%10-20
Blooming Grv	3,621	5,209	43.9%	7,493	43.9%
Delaware	6,319	9,830	55.6%	15,292	55.6%
Dingman	8,788	14,080	60.2%	22,559	60.2%
Greene	3,149	4,057	28.8%	5,227	28.8%
Lackawaxen	4,154	6,175	48.7%	9,179	48.7%
Lehman	7,515	11,928	58.7%	18,932	58.7%
Matamoras	2,312	2,853	23.4%	3,521	23.4%
Milford Boro	1,104	1,306	18.3%	1,545	18.3%
Milford Twp	1,292	1,943	50.4%	2,922	50.4%
Palmyra	3,145	4,137	31.5%	5,442	31.5%
Porter	385	496	28.8%	639	28.8%
Shohola	2,088	2,685	28.6%	3,453	28.6%
Westfall	2,430	3,201	31.7%	4,217	31.7%
Pike County	46,302	67,391	45.5%	98,085	45.5%

Source: Pike County Office of Community Planning; Consultant's Analysis

TABLE 8 - MATAMORAS BOROUGH and WESTFALL TOWNSHIP POPULATION PROJECTIONS, 2020

	Matamoras Borough		
Growth Rate	10%	20%	30%
2020 Population	3,138	3,424	3,709
	Westfall Township		
Growth Rate	20%	30%	40%
2020 Population	3,841	4,161	4,481

Source: Consultant's Analysis

However, as this is rather unlikely to be the case, *Table 8 – Matamoras Borough and Westfall Township Population Projections 2020* provides additional projections for Matamoras Borough and Westfall Township using a range of growth rates (10% below and 10% above the average).

The 2010 projections indicate continued growth throughout the County, with the highest populations and growth rates once again in Delaware, Dingman, and Lehman Townships. However, growth rates in these municipalities

are more moderate than in the recent past. In addition, growth rates throughout the County are more evenly distributed across all municipalities. Matamoras Borough is expected to experience a slight increase in growth (from 19.5% between 1990 and 2000 to 23.4% between 2000 and 2010), while Westfall Township's growth rate will double.

Assuming the same growth rates through 2020, the populations of Matamoras Borough and Westfall Township will reach 3,521 and 4,217, respectively. However, given a range of growth rates, Matamoras' population ranges between 3,100 and 3,700, while Westfall's population ranges from 3,800 to 4,500.

As noted earlier, it is difficult to predict the regional factors that will directly effect population changes in Pike County. However, as population in the Matamoras-Westfall Planning Area continues to increase, the rate of housing construction, infill and redevelopment, and second home conversion will also continue to increase, with more demand for land, facilities, infrastructure and services.

SOCIOECONOMIC CHARACTERISTICS

The examination of socioeconomic characteristics includes population age, income levels, and employment. This provides a description of the composition of the population and an indication of services and facilities required to meet the social and economic needs of the Matamoras-Westfall Planning Area.

Age of Population

The age of a community's population is important in terms of the types of community facilities and services which must be provided. Many of the services which are age dependant are provided by public entities other than the Township. For example, the number of children determines the size and type of educational facilities and services provided by the school district, while an aging population will require more social services from county and state agencies. An aging population might also influence the type of housing in a community, brining about the construction of age-qualified and continuing care retirement communities.

TABLE 9 - YEAR 2000 AGE DISTRIBUTION						
	Matamoras Borough		Westfall Township		%	
Age	#	%	#	%	Pike Co	PA
< 5	122	5.3%	135	5.6%	5.9%	5.9%
5-9	171	7.4%	174	7.2%	7.9%	6.7%
10-14	193	8.3%	163	6.7%	8.6%	7.0%
15-19	175	7.6%	149	6.1%	6.3%	6.9%
20-24	91	3.9%	90	3.7%	3.4%	6.1%
25-34	230	9.9%	220	9.1%	10.0%	12.7%
35-44	373	16.1%	368	15.1%	17.7%	15.9%
45-54	317	13.7%	377	15.5%	14.2%	13.9%
55-59	96	4.2%	146	6.0%	5.8%	5.0%
60-64	101	4.4%	136	5.6%	5.2%	4.2%
65-74	208	9.0%	242	10.0%	9.6%	7.9%
75-84	195	8.4%	145	6.0%	4.4%	5.8%
85+	40	1.7%	85	3.5%	1.2%	1.9%
Total	2,312	100.0%	2,430	100.0%	100.0%	100.0%
18 and Over	1,707	73.8%	1,851	76.2%	73.3%	76.2%
65 and Over	443	19.2%	472	19.4%	15.2%	15.6%
Median age	40.0	--	42.8	--	39.6	38.0

Source: US Census Bureau, 2000

Table 9 – Year 2000 Age Distribution demonstrates that the populations of both Matamoras Borough and Westfall Township were comprised largely of families with school-aged children and retirees (age 65 and over). This is consistent with the County and the Commonwealth; however, the County, Borough, and Township each exhibited slightly higher percentages of retirees than the Commonwealth suggesting that the senior population is more concentrated in this region.

Income

Table 10 – Income Levels reports per capita income, median household income, and income ranges for Matamoras Borough, Westfall Township, Pike County and the Commonwealth. This provides an indication of the economic status of the Matamoras-Westfall Planning Area. The data show that the income levels of Matamoras Borough and Westfall Township were generally consistent with the County and the Commonwealth, with the majority of households in the lower-middle to middle income ranges. Income in Matamoras Borough was slightly lower by comparison. Furthermore, recent trends show that the Borough's income levels have not kept pace with the others over the years. In 1989, the per capita and median household incomes of the Borough were higher than, or generally the same as Westfall, the County and the Commonwealth. Although the Borough's incomes rose between 1989 and 1999, the rate of increase lagged behind Westfall Township, Pike County, and the Commonwealth. By 1999, the Borough's median household income was substantially lower than the others.

Poverty Status

Poverty status is another indicator of a community's economic well-being. According to the Census data shown in *Table 11- Poverty Status*, despite the Borough's lower incomes, the number of persons below poverty level decreased substantially, from 120 persons in 1989 to 91 persons in 1999 – a 24% decrease. The opposite was seen in Westfall Township, where, despite higher incomes, the number of persons below poverty level rose by 12%, from 145 to 162 persons.

TABLE 10 - INCOME LEVELS						
Income	Matamoras Borough		Westfall Township		Pike County	PA
	Income (% increase)		Income (% increase)		Income (% increase)	
Per capita - 1989	\$13,909		\$13,549		\$13,785	\$14,068
Per capita - 1999	\$18,946 (36%)		\$20,866 (54%)		\$20,315 (47%)	\$20,880 (48%)
Median household - 1989	\$28,958		\$30,375		\$30,314	\$29,069
Median household - 1999	\$37,361 (29%)		\$42,472 (40%)		\$44,608 (47%)	\$40,106 (38%)
Households with income of	#	%	#	%	%	%
less than \$10,000	61	6.6%	58	6.11%	5.80%	9.70%
\$10,000 to \$14,999	80	8.6%	78	8.22%	6.40%	7.00%
\$15,000 to \$24,999	161	17.3%	85	8.96%	12.20%	13.80%
\$25,000 to \$34,999	104	11.2%	137	14.44%	12.70%	13.30%
\$35,000 to \$49,999	205	22.0%	180	18.97%	18.80%	16.90%
\$50,000 to \$74,999	187	20.1%	238	25.08%	23.50%	19.50%
\$75,000 to \$99,999	76	8.2%	93	9.80%	11.20%	9.60%
\$100,000 to \$149,000	49	5.3%	61	6.43%	6.60%	6.60%
\$150,000 to \$199,999	0	0.0%	11	1.16%	1.50%	1.80%
\$200,000 or more	8	0.9%	8	0.84%	1.10%	1.90%
# reporting households	931	100.0%	949	100.00%		

Source: US Census Bureau, 2000

TABLE 11 - POVERTY STATUS					
	1989		1999		
	Persons Below		Persons Below		
	Poverty Level		Poverty Level		
	#	%	#	%	
Matamoras Borough	120	6.2%	91	4.0%	
Westfall Township	145	6.9%	162	6.9%	
Pike County	1,964	7.10%	3,178	6.90%	
PA (1,000's)	1,284	11.10%	1,304	11.00%	

Source: US Census Bureau

Employment

Table 12 – Employment by Sector and Job Type provides an indication of the vitality of the local labor force and the most prevalent income generating occupations. The data show that in terms of unemployment rates in the year 2000, the local workforce was quite vibrant. Both Matamoras Borough and Westfall Township had lower unemployment rates than the County and the Commonwealth. Furthermore, the unemployment rate declined in both municipalities between 1989 and 1999, falling in Matamoras Borough from 4.4% in 1989 to 3.3% in 1999, and from 5.0% to 3.6% in Westfall Township.

According to the data on employment by sector, the greatest proportion of employed persons in Matamoras Borough worked in *education, health and social services* (20.1%) and *manufacturing* (19.2%), followed by *retail* (9.8%). *Education, health and social services* (22%) was also the top employment sector in Westfall Township; however, *retail* (18.6%) took the second slot, followed by *manufacturing* (11.6%). These employment patterns are consistent with the County and the Commonwealth where these three sectors represented the largest portion of the employment base.

TABLE 12- EMPLOYMENT BY SECTOR AND JOB TYPE - U.S. CENSUS 2000						
	Matamoras Borough		Westfall Township		Pike Co	PA
population age 16 years +	1,803		1,915		35,354	9,693,040
# employed	989		1,120		19,639	5,653,500
# unemployed	34		42		1,117	339,386
percent of civilian labor force	3.30%		3.6%		5.4%	5.7%
not in labor force	777		747		14,575	3,692,528
SECTOR	#	% of emp.	#	% of emp.	% of emp.	% of emp.
Ag, forestry, mining	3	0.3%	8	0.7%	0.7%	1.3%
Construction	51	5.2%	65	5.8%	8.9%	6.0%
Manufacturing	190	19.2%	130	11.6%	10.0%	16.0%
Wholesale	45	4.6%	18	1.6%	3.2%	3.6%
Retail	97	9.8%	208	18.6%	14.0%	12.1%
Transportation, warehousing, utilities	40	4.0%	70	6.3%	6.5%	5.4%
Information	39	3.9%	42	3.8%	2.9%	2.6%
Finance, insurance, real estate, rental, leasing	82	8.3%	79	7.1%	7.4%	6.6%
Professional, scientific, mngt, admin, waste mngt	34	3.4%	57	5.1%	7.5%	8.5%
Education, health, social services	199	20.1%	246	22.0%	18.2%	21.9%
Arts, entertainment, recreation, accommodation, food	83	8.4%	89	7.9%	10.8%	7.0%
Other services	75	7.6%	51	4.6%	5.0%	4.8%
Public administration	51	5.2%	57	5.1%	4.7%	4.2%
JOB TYPE	#	% of emp.	#	% of emp.	#	% of emp.
Management, professional and related	318	32.2%	336	30.0%	28.6%	32.6%
Service	167	16.9%	159	14.2%	17.6%	14.8%
Sales and office	272	27.5%	316	28.2%	26.6%	27.0%
Farming, fishing, forestry	3	0.3%	3	0.3%	0.4%	0.5%
Construction, extraction, maintenance	87	8.8%	123	11.0%	12.6%	8.9%
Production, transportation, material moving	142	14.4%	183	16.3%	14.3%	16.3%
CLASS OF WORKER	#	% of emp.	#	% of emp.	#	% of emp.
Private wage and salary	784	79.3%	809	72.2%	76.6%	82.4%
Government	129	13.0%	188	16.8%	14.6%	11.3%
Self-employed (not incorporated)	76	7.7%	123	11.0%	8.5%	6.0%
Unpaid family workers	0	0.0%	0	0.0%	0.3%	0.3%

Source: US Census Bureau, 2000

The *job type* and *class of worker* data reveal that the majority of workers were engaged in *management/professional* and *sales and office* jobs, and were *private wage and salary* earners. Again, these patterns are consistent with the County and the Commonwealth. While the proportion of workers in each category have likely changed since 1999, the shifts are not expected to be of significance.

Place of Work

According to the 2000 U.S. Census, 875 individuals in the Matamoras Borough labor force – that is 89% of the labor force - worked outside of the Borough; 107 individuals worked within the Borough. A slightly greater percentage (92%) of Westfall Township workers were employed outside of the Township; 88 individuals worked within the Township. Commuting times also

increased between 1990 and 2000. For workers in Matamoras, commute time increased from an average of approximately 20 minutes to 30 minutes, and for workers in Westfall from 25 minutes to 30 minutes. This is further evidence of the continued transition of these municipalities to bedroom communities, with individuals and families taking up permanent residency in the two communities and commuting to jobs located elsewhere.

Planning Implications

It is clear that Pike County and its local municipalities have experienced an explosion of population growth over the past several decades. This growth is largely attributed to in-migration; that is, individuals and families moving in to the community from outside areas. New homes are being constructed and seasonal homes are being converted to permanent residences. Projections indicate that this trend is expected to continue over the next ten years. While growth in Matamoras Borough is limited by the scarcity of available land, Westfall Township remains a predominantly undeveloped community with the potential for dramatic, long-term population growth.

As population continues to increase, the demand for land, housing, facilities, utilities, and services will subsequently increase. Traffic congestion is also likely to worsen. The increase in the number of families with young children results not only in more demand on the school system, but for such community facilities as parks and recreation areas. All of these factors place a strain on the Matamoras-Westfall Planning Area's financial resources and rural small town character. Preserving forest land and open space and increasing the commercial base can help off-set the costs associated with new residential development and reduce the need for tax increases. Open space lands generate little demand for services and, in comparison to residential land, results in a positive net contribution to tax coffers.

Economic trends suggest that both Matamoras Borough and Westfall Township are economically viable. Unemployment rates have declined in Matamoras Borough and Westfall Township, and the poverty rate has also declined in Matamoras. The vast majority of employment, however, is provided outside of the two communities requiring relatively long commutes. Their function as bedroom communities, however, provides further economic opportunity with an increasing population providing a market for the retail centers along Route 209 and the small businesses in Matamoras Borough.

A coordinated land use pattern that preserves the rural small town character while accommodating projected growth and supporting the local economy is key to the long-term health and well-being of the Matamoras-Westfall Planning Area. Policies and strategies aimed at accomplishing this goal are discussed in the other sections of this Plan.

Demographic Profiles

The following *demographic profiles* are taken from the Year 2000 Census and are intended to provide the full details about the permanent population characteristics of the Borough, Township and Pike County.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Matamoras borough, Pennsylvania

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population.....	2,312	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population.....	2,312	100.0
Male.....	1,045	45.2	Hispanic or Latino (of any race).....	74	3.2
Female.....	1,267	54.8	Mexican.....	2	0.1
Under 5 years.....	122	5.3	Puerto Rican.....	48	2.1
5 to 9 years.....	171	7.4	Cuban.....	2	0.1
10 to 14 years.....	193	8.3	Other Hispanic or Latino.....	22	1.0
15 to 19 years.....	175	7.6	Not Hispanic or Latino.....	2,238	96.8
20 to 24 years.....	91	3.9	White alone.....	2,178	94.2
25 to 34 years.....	230	9.9	RELATIONSHIP		
35 to 44 years.....	373	16.1	Total population.....	2,312	100.0
45 to 54 years.....	317	13.7	In households.....	2,311	100.0
55 to 59 years.....	96	4.2	Householder.....	925	40.0
60 to 64 years.....	101	4.4	Spouse.....	484	20.9
65 to 74 years.....	208	9.0	Child.....	718	31.1
75 to 84 years.....	195	8.4	Own child under 18 years.....	559	24.2
85 years and over.....	40	1.7	Other relatives.....	98	4.2
Median age (years).....	40.0	(X)	Under 18 years.....	36	1.6
18 years and over.....	1,707	73.8	Nonrelatives.....	86	3.7
Male.....	754	32.6	Unmarried partner.....	45	1.9
Female.....	953	41.2	In group quarters.....	1	-
21 years and over.....	1,633	70.6	Institutionalized population.....	-	-
62 years and over.....	498	21.5	Noninstitutionalized population.....	1	-
65 years and over.....	443	19.2	HOUSEHOLD BY TYPE		
Male.....	172	7.4	Total households.....	925	100.0
Female.....	271	11.7	Family households (families).....	635	68.6
RACE			With own children under 18 years.....	303	32.8
One race.....	2,288	99.0	Married-couple family.....	484	52.3
White.....	2,232	96.5	With own children under 18 years.....	213	23.0
Black or African American.....	14	0.6	Female householder, no husband present.....	116	12.5
American Indian and Alaska Native.....	8	0.3	With own children under 18 years.....	70	7.6
Asian.....	22	1.0	Nonfamily households.....	290	31.4
Asian Indian.....	10	0.4	Householder living alone.....	249	26.9
Chinese.....	4	0.2	Householder 65 years and over.....	158	17.1
Filipino.....	-	-	Households with individuals under 18 years.....	331	35.8
Japanese.....	1	-	Households with individuals 65 years and over.....	331	35.8
Korean.....	1	-	Average household size.....	2.50	(X)
Vietnamese.....	-	-	Average family size.....	3.05	(X)
Other Asian ¹	6	0.3	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	-	-	Total housing units.....	977	100.0
Native Hawaiian.....	-	-	Occupied housing units.....	925	94.7
Guamanian or Chamorro.....	-	-	Vacant housing units.....	52	5.3
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander ²	-	-	occasional use.....	6	0.6
Some other race.....	12	0.5	Homeowner vacancy rate (percent).....	2.6	(X)
Two or more races.....	24	1.0	Rental vacancy rate (percent).....	4.8	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units.....	925	100.0
White.....	2,256	97.6	Owner-occupied housing units.....	648	70.1
Black or African American.....	24	1.0	Renter-occupied housing units.....	277	29.9
American Indian and Alaska Native.....	14	0.6	Average household size of owner-occupied units.....	2.62	(X)
Asian.....	24	1.0	Average household size of renter-occupied units.....	2.22	(X)
Native Hawaiian and Other Pacific Islander.....	-	-			
Some other race.....	18	0.8			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Matamoras borough, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
SCHOOL ENROLLMENT			NATIVITY AND PLACE OF BIRTH		
Population 3 years and over enrolled in school	631	100.0	Total population	2,312	100.0
Nursery school, preschool	57	9.0	Native	2,272	98.3
Kindergarten	30	4.8	Born in United States	2,267	98.1
Elementary school (grades 1-8)	274	43.4	State of residence	537	23.2
High school (grades 9-12)	171	27.1	Different state	1,730	74.8
College or graduate school	99	15.7	Born outside United States	5	0.2
			Foreign born	40	1.7
			Entered 1990 to March 2000	2	0.1
			Naturalized citizen	38	1.6
			Not a citizen	2	0.1
EDUCATIONAL ATTAINMENT			REGION OF BIRTH OF FOREIGN BORN		
Population 25 years and over	1,587	100.0	Total (excluding born at sea)	40	100.0
Less than 9th grade	40	2.5	Europe	22	55.0
9th to 12th grade, no diploma	200	12.6	Asia	5	12.5
High school graduate (includes equivalency)	686	43.2	Africa	-	-
Some college, no degree	328	20.7	Oceania	-	-
Associate degree	97	6.1	Latin America	8	20.0
Bachelor's degree	141	8.9	Northern America	5	12.5
Graduate or professional degree	95	6.0			
Percent high school graduate or higher	84.9	(X)	LANGUAGE SPOKEN AT HOME		
Percent bachelor's degree or higher	14.9	(X)	Population 5 years and over	2,187	100.0
			English only	2,102	96.1
MARITAL STATUS			Language other than English	85	3.9
Population 15 years and over	1,839	100.0	Speak English less than "very well"	16	0.7
Never married	377	20.5	Spanish	34	1.6
Now married, except separated	1,017	55.3	Speak English less than "very well"	9	0.4
Separated	43	2.3	Other Indo-European languages	51	2.3
Widowed	206	11.2	Speak English less than "very well"	7	0.3
Female	173	9.4	Asian and Pacific Island languages	-	-
Divorced	196	10.7	Speak English less than "very well"	-	-
Female	143	7.8			
GRANDPARENTS AS CAREGIVERS			ANCESTRY (single or multiple)		
Grandparent living in household with one or more own grandchildren under 18 years	34	100.0	Total population	2,312	100.0
Grandparent responsible for grandchildren	5	14.7	Total ancestries reported	2,975	128.7
			Arab	3	0.1
VETERAN STATUS			Czech ¹	9	0.4
Civilian population 18 years and over ..	1,719	100.0	Danish	-	-
Civilian veterans	281	16.3	Dutch	130	5.6
			English	343	14.8
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION			French (except Basque) ¹	117	5.1
Population 5 to 20 years	511	100.0	French Canadian ¹	20	0.9
With a disability	12	2.3	German	570	24.7
Population 21 to 64 years	1,227	100.0	Greek	3	0.1
With a disability	175	14.3	Hungarian	61	2.6
Percent employed	41.1	(X)	Irish ¹	605	26.2
No disability	1,052	85.7	Italian	481	20.8
Percent employed	79.1	(X)	Lithuanian	14	0.6
Population 65 years and over	446	100.0	Norwegian	50	2.2
With a disability	205	46.0	Polish	101	4.4
			Portuguese	-	-
RESIDENCE IN 1995			Russian	43	1.9
Population 5 years and over	2,187	100.0	Scotch-Irish	37	1.6
Same house in 1995	1,449	66.3	Scottish	69	3.0
Different house in the U.S. in 1995	735	33.6	Slovak	-	-
Same county	438	20.0	Subsaharan African	-	-
Different county	297	13.6	Swedish	9	0.4
Same state	13	0.6	Swiss	12	0.5
Different state	284	13.0	Ukrainian	14	0.6
Elsewhere in 1995	3	0.1	United States or American	100	4.3
			Welsh	20	0.9
			West Indian (excluding Hispanic groups)	6	0.3
			Other ancestries	158	6.8

-Represents zero or rounds to zero. (X) Not applicable.

¹The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Matamoras borough, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
EMPLOYMENT STATUS			INCOME IN 1999		
Population 16 years and over	1,803	100.0	Households	931	100.0
In labor force	1,026	56.9	Less than \$10,000	61	6.6
Civilian labor force	1,023	56.7	\$10,000 to \$14,999	80	8.6
Employed	989	54.9	\$15,000 to \$24,999	161	17.3
Unemployed	34	1.9	\$25,000 to \$34,999	104	11.2
Percent of civilian labor force	3.3	(X)	\$35,000 to \$49,999	205	22.0
Armed Forces	3	0.2	\$50,000 to \$74,999	187	20.1
Not in labor force	777	43.1	\$75,000 to \$99,999	76	8.2
Females 16 years and over	999	100.0	\$100,000 to \$149,999	49	5.3
In labor force	520	52.1	\$150,000 to \$199,999	-	-
Civilian labor force	517	51.8	\$200,000 or more	8	0.9
Employed	503	50.4	Median household income (dollars)	37,361	(X)
Own children under 6 years	151	100.0	With earnings	647	69.5
All parents in family in labor force	138	91.4	Mean earnings (dollars) ¹	45,250	(X)
COMMUTING TO WORK			With Social Security income	367	39.4
Workers 16 years and over	982	100.0	Mean Social Security income (dollars) ¹	12,548	(X)
Car, truck, or van - - drove alone	815	83.0	With Supplemental Security Income	45	4.8
Car, truck, or van - - carpooled	99	10.1	Mean Supplemental Security Income (dollars) ¹	7,606	(X)
Public transportation (including taxicab)	18	1.8	With public assistance income	-	-
Walked	27	2.7	Mean public assistance income (dollars) ¹	-	(X)
Other means	4	0.4	With retirement income	238	25.6
Worked at home	19	1.9	Mean retirement income (dollars) ¹	24,653	(X)
Mean travel time to work (minutes) ¹	29.2	(X)	Families	661	100.0
Employed civilian population			Less than \$10,000	16	2.4
16 years and over	989	100.0	\$10,000 to \$14,999	18	2.7
OCCUPATION			\$15,000 to \$24,999	98	14.8
Management, professional, and related occupations	318	32.2	\$25,000 to \$34,999	73	11.0
Service occupations	167	16.9	\$35,000 to \$49,999	172	26.0
Sales and office occupations	272	27.5	\$50,000 to \$74,999	168	25.4
Farming, fishing, and forestry occupations	3	0.3	\$75,000 to \$99,999	76	11.5
Construction, extraction, and maintenance occupations	87	8.8	\$100,000 to \$149,999	37	5.6
Production, transportation, and material moving occupations	142	14.4	\$150,000 to \$199,999	-	-
INDUSTRY			\$200,000 or more	3	0.5
Agriculture, forestry, fishing and hunting, and mining	3	0.3	Median family income (dollars)	45,917	(X)
Construction	51	5.2	Per capita income (dollars) ¹	18,946	(X)
Manufacturing	190	19.2	Median earnings (dollars):		
Wholesale trade	45	4.6	Male full-time, year-round workers	32,875	(X)
Retail trade	97	9.8	Female full-time, year-round workers	26,176	(X)
Transportation and warehousing, and utilities	40	4.0			
Information	39	3.9		Number below poverty level	Percent below poverty level
Finance, insurance, real estate, and rental and leasing	82	8.3	POVERTY STATUS IN 1999		
Professional, scientific, management, administrative, and waste management services	34	3.4	Families	16	2.4
Educational, health and social services	199	20.1	With related children under 18 years	8	2.3
Arts, entertainment, recreation, accommodation and food services	83	8.4	With related children under 5 years	-	-
Other services (except public administration)	75	7.6	Families with female householder, no husband present	8	7.0
Public administration	51	5.2	With related children under 18 years	8	10.5
			With related children under 5 years	-	-
CLASS OF WORKER			Individuals	91	4.0
Private wage and salary workers	784	79.3	18 years and over	80	4.6
Government workers	129	13.0	65 years and over	33	7.4
Self-employed workers in own not incorporated business	76	7.7	Related children under 18 years	11	1.9
Unpaid family workers	-	-	Related children 5 to 17 years	11	2.5
			Unrelated individuals 15 years and over	55	15.9

-Represents zero or rounds to zero. (X) Not applicable.

¹If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Matamoras borough, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total housing units	977	100.0	OCCUPANTS PER ROOM		
UNITS IN STRUCTURE			Occupied housing units	925	100.0
1-unit, detached	740	75.7	1.00 or less	915	98.9
1-unit, attached	25	2.6	1.01 to 1.50	10	1.1
2 units	106	10.8	1.51 or more	-	-
3 or 4 units	49	5.0			
5 to 9 units	10	1.0	Specified owner-occupied units	597	100.0
10 to 19 units	5	0.5	VALUE		
20 or more units	42	4.3	Less than \$50,000	13	2.2
Mobile home	-	-	\$50,000 to \$99,999	257	43.0
Boat, RV, van, etc	-	-	\$100,000 to \$149,999	283	47.4
			\$150,000 to \$199,999	33	5.5
YEAR STRUCTURE BUILT			\$200,000 to \$299,999	8	1.3
1999 to March 2000	3	0.3	\$300,000 to \$499,999	-	-
1995 to 1998	55	5.6	\$500,000 to \$999,999	-	-
1990 to 1994	30	3.1	\$1,000,000 or more	3	0.5
1980 to 1989	72	7.4	Median (dollars)	104,800	(X)
1970 to 1979	79	8.1			
1960 to 1969	86	8.8	MORTGAGE STATUS AND SELECTED		
1940 to 1959	224	22.9	MONTHLY OWNER COSTS		
1939 or earlier	428	43.8	With a mortgage	362	60.6
			Less than \$300	-	-
ROOMS			\$300 to \$499	-	-
1 room	8	0.8	\$500 to \$699	54	9.0
2 rooms	3	0.3	\$700 to \$999	101	16.9
3 rooms	77	7.9	\$1,000 to \$1,499	169	28.3
4 rooms	152	15.6	\$1,500 to \$1,999	38	6.4
5 rooms	158	16.2	\$2,000 or more	-	-
6 rooms	282	28.9	Median (dollars)	1,050	(X)
7 rooms	185	18.9	Not mortgaged	235	39.4
8 rooms	80	8.2	Median (dollars)	358	(X)
9 or more rooms	32	3.3			
Median (rooms)	5.8	(X)	SELECTED MONTHLY OWNER COSTS		
			AS A PERCENTAGE OF HOUSEHOLD		
Occupied housing units	925	100.0	INCOME IN 1999		
YEAR HOUSEHOLDER MOVED INTO UNIT			Less than 15.0 percent	150	25.1
1999 to March 2000	102	11.0	15.0 to 19.9 percent	115	19.3
1995 to 1998	257	27.8	20.0 to 24.9 percent	76	12.7
1990 to 1994	132	14.3	25.0 to 29.9 percent	98	16.4
1980 to 1989	166	17.9	30.0 to 34.9 percent	57	9.5
1970 to 1979	77	8.3	35.0 percent or more	93	15.6
1969 or earlier	191	20.6	Not computed	8	1.3
VEHICLES AVAILABLE			Specified renter-occupied units	277	100.0
None	100	10.8	GROSS RENT		
1	353	38.2	Less than \$200	-	-
2	378	40.9	\$200 to \$299	20	7.2
3 or more	94	10.2	\$300 to \$499	22	7.9
			\$500 to \$749	117	42.2
HOUSE HEATING FUEL			\$750 to \$999	70	25.3
Utility gas	782	84.5	\$1,000 to \$1,499	25	9.0
Bottled, tank, or LP gas	-	-	\$1,500 or more	6	2.2
Electricity	72	7.8	No cash rent	17	6.1
Fuel oil, kerosene, etc	68	7.4	Median (dollars)	663	(X)
Coal or coke	-	-			
Wood	-	-	GROSS RENT AS A PERCENTAGE OF		
Solar energy	-	-	HOUSEHOLD INCOME IN 1999		
Other fuel	-	-	Less than 15.0 percent	19	6.9
No fuel used	3	0.3	15.0 to 19.9 percent	31	11.2
			20.0 to 24.9 percent	30	10.8
SELECTED CHARACTERISTICS			25.0 to 29.9 percent	48	17.3
Lacking complete plumbing facilities	6	0.6	30.0 to 34.9 percent	20	7.2
Lacking complete kitchen facilities	-	-	35.0 percent or more	112	40.4
No telephone service	-	-	Not computed	17	6.1

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Westfall township, Pike County, Pennsylvania

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population.....	2,430	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population.....	2,430	100.0
Male.....	1,186	48.8	Hispanic or Latino (of any race).....	62	2.6
Female.....	1,244	51.2	Mexican.....	4	0.2
Under 5 years.....	135	5.6	Puerto Rican.....	36	1.5
5 to 9 years.....	174	7.2	Cuban.....	4	0.2
10 to 14 years.....	163	6.7	Other Hispanic or Latino.....	18	0.7
15 to 19 years.....	149	6.1	Not Hispanic or Latino.....	2,368	97.4
20 to 24 years.....	90	3.7	White alone.....	2,297	94.5
25 to 34 years.....	220	9.1	RELATIONSHIP		
35 to 44 years.....	368	15.1	Total population.....	2,430	100.0
45 to 54 years.....	377	15.5	In households.....	2,369	97.5
55 to 59 years.....	146	6.0	Householder.....	951	39.1
60 to 64 years.....	136	5.6	Spouse.....	561	23.1
65 to 74 years.....	242	10.0	Child.....	673	27.7
75 to 84 years.....	145	6.0	Own child under 18 years.....	533	21.9
85 years and over.....	85	3.5	Other relatives.....	106	4.4
Median age (years).....	42.8	(X)	Under 18 years.....	38	1.6
18 years and over.....	1,851	76.2	Nonrelatives.....	78	3.2
Male.....	867	35.7	Unmarried partner.....	50	2.1
Female.....	984	40.5	In group quarters.....	61	2.5
21 years and over.....	1,784	73.4	Institutionalized population.....	61	2.5
62 years and over.....	550	22.6	Noninstitutionalized population.....	-	-
65 years and over.....	472	19.4	HOUSEHOLD BY TYPE		
Male.....	195	8.0	Total households.....	951	100.0
Female.....	277	11.4	Family households (families).....	675	71.0
RACE			With own children under 18 years.....	279	29.3
One race.....	2,393	98.5	Married-couple family.....	561	59.0
White.....	2,342	96.4	With own children under 18 years.....	219	23.0
Black or African American.....	9	0.4	Female householder, no husband present.....	79	8.3
American Indian and Alaska Native.....	5	0.2	With own children under 18 years.....	40	4.2
Asian.....	28	1.2	Nonfamily households.....	276	29.0
Asian Indian.....	18	0.7	Householder living alone.....	237	24.9
Chinese.....	2	0.1	Householder 65 years and over.....	121	12.7
Filipino.....	4	0.2	Households with individuals under 18 years.....	303	31.9
Japanese.....	-	-	Households with individuals 65 years and over.....	307	32.3
Korean.....	1	-	Average household size.....	2.49	(X)
Vietnamese.....	1	-	Average family size.....	2.99	(X)
Other Asian ¹	2	0.1	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	-	-	Total housing units.....	1,097	100.0
Native Hawaiian.....	-	-	Occupied housing units.....	951	86.7
Guamanian or Chamorro.....	-	-	Vacant housing units.....	146	13.3
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander ²	-	-	occasional use.....	87	7.9
Some other race.....	9	0.4	Homeowner vacancy rate (percent).....	2.7	(X)
Two or more races.....	37	1.5	Rental vacancy rate (percent).....	6.6	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units.....	951	100.0
White.....	2,378	97.9	Owner-occupied housing units.....	766	80.5
Black or African American.....	12	0.5	Renter-occupied housing units.....	185	19.5
American Indian and Alaska Native.....	38	1.6	Average household size of owner-occupied units.....	2.50	(X)
Asian.....	29	1.2	Average household size of renter-occupied units.....	2.45	(X)
Native Hawaiian and Other Pacific Islander.....	-	-			
Some other race.....	13	0.5			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Westfall township, Pike County, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
SCHOOL ENROLLMENT			NATIVITY AND PLACE OF BIRTH		
Population 3 years and over enrolled in school	551	100.0	Total population	2,430	100.0
Nursery school, preschool	24	4.4	Native	2,302	94.7
Kindergarten	32	5.8	Born in United States	2,291	94.3
Elementary school (grades 1-8)	292	53.0	State of residence	382	15.7
High school (grades 9-12)	135	24.5	Different state	1,909	78.6
College or graduate school	68	12.3	Born outside United States	11	0.5
			Foreign born	128	5.3
			Entered 1990 to March 2000	47	1.9
			Naturalized citizen	69	2.8
			Not a citizen	59	2.4
EDUCATIONAL ATTAINMENT			REGION OF BIRTH OF FOREIGN BORN		
Population 25 years and over	1,720	100.0	Total (excluding born at sea)	128	100.0
Less than 9th grade	81	4.7	Europe	67	52.3
9th to 12th grade, no diploma	252	14.7	Asia	30	23.4
High school graduate (includes equivalency)	611	35.5	Africa	-	-
Some college, no degree	374	21.7	Oceania	2	1.6
Associate degree	103	6.0	Latin America	16	12.5
Bachelor's degree	168	9.8	Northern America	13	10.2
Graduate or professional degree	131	7.6			
Percent high school graduate or higher	80.6	(X)	LANGUAGE SPOKEN AT HOME		
Percent bachelor's degree or higher	17.4	(X)	Population 5 years and over	2,297	100.0
			English only	2,144	93.3
MARITAL STATUS			Language other than English	153	6.7
Population 15 years and over	1,956	100.0	Speak English less than "very well"	54	2.4
Never married	322	16.5	Spanish	61	2.7
Now married, except separated	1,221	62.4	Speak English less than "very well"	18	0.8
Separated	43	2.2	Other Indo-European languages	84	3.7
Widowed	192	9.8	Speak English less than "very well"	36	1.6
Female	162	8.3	Asian and Pacific Island languages	8	0.3
Divorced	178	9.1	Speak English less than "very well"	-	-
Female	92	4.7			
			ANCESTRY (single or multiple)		
GRANDPARENTS AS CAREGIVERS			Total population	2,430	100.0
Grandparent living in household with one or more own grandchildren under 18 years	48	100.0	Total ancestries reported	2,925	120.4
Grandparent responsible for grandchildren	25	52.1	Arab	2	0.1
			Czech ¹	24	1.0
VETERAN STATUS			Danish	10	0.4
Civilian population 18 years and over ..	1,845	100.0	Dutch	125	5.1
Civilian veterans	310	16.8	English	245	10.1
			French (except Basque) ¹	87	3.6
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION			French Canadian ¹	21	0.9
Population 5 to 20 years	521	100.0	German	725	29.8
With a disability	29	5.6	Greek	14	0.6
			Hungarian	41	1.7
Population 21 to 64 years	1,299	100.0	Irish ¹	481	19.8
With a disability	174	13.4	Italian	408	16.8
Percent employed	59.8	(X)	Lithuanian	-	-
No disability	1,125	86.6	Norwegian	21	0.9
Percent employed	79.1	(X)	Polish	155	6.4
			Portuguese	-	-
Population 65 years and over	410	100.0	Russian	40	1.6
With a disability	191	46.6	Scotch-Irish	27	1.1
			Scottish	39	1.6
RESIDENCE IN 1995			Slovak	4	0.2
Population 5 years and over	2,297	100.0	Subsaharan African	-	-
Same house in 1995	1,523	66.3	Swedish	32	1.3
Different house in the U.S. in 1995	749	32.6	Swiss	8	0.3
Same county	283	12.3	Ukrainian	21	0.9
Different county	466	20.3	United States or American	84	3.5
Same state	43	1.9	Welsh	10	0.4
Different state	423	18.4	West Indian (excluding Hispanic groups)	16	0.7
Elsewhere in 1995	25	1.1	Other ancestries	285	11.7

-Represents zero or rounds to zero. (X) Not applicable.

¹The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Westfall township, Pike County, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total housing units	1,098	100.0	OCCUPANTS PER ROOM		
UNITS IN STRUCTURE			Occupied housing units	951	100.0
1-unit, detached	794	72.3	1.00 or less	938	98.6
1-unit, attached	74	6.7	1.01 to 1.50	11	1.2
2 units	28	2.6	1.51 or more	2	0.2
3 or 4 units	17	1.5			
5 to 9 units	2	0.2	Specified owner-occupied units	569	100.0
10 to 19 units	-	-	VALUE		
20 or more units	-	-	Less than \$50,000	2	0.4
Mobile home	183	16.7	\$50,000 to \$99,999	133	23.4
Boat, RV, van, etc	-	-	\$100,000 to \$149,999	249	43.8
			\$150,000 to \$199,999	114	20.0
YEAR STRUCTURE BUILT			\$200,000 to \$299,999	52	9.1
1999 to March 2000	20	1.8	\$300,000 to \$499,999	13	2.3
1995 to 1998	40	3.6	\$500,000 to \$999,999	6	1.1
1990 to 1994	82	7.5	\$1,000,000 or more	-	-
1980 to 1989	263	24.0	Median (dollars)	129,300	(X)
1970 to 1979	232	21.1			
1960 to 1969	105	9.6	MORTGAGE STATUS AND SELECTED		
1940 to 1959	173	15.8	MONTHLY OWNER COSTS		
1939 or earlier	183	16.7	With a mortgage	375	65.9
ROOMS			Less than \$300	2	0.4
1 room	-	-	\$300 to \$499	7	1.2
2 rooms	16	1.5	\$500 to \$699	23	4.0
3 rooms	59	5.4	\$700 to \$999	63	11.1
4 rooms	180	16.4	\$1,000 to \$1,499	165	29.0
5 rooms	287	26.1	\$1,500 to \$1,999	75	13.2
6 rooms	252	23.0	\$2,000 or more	40	7.0
7 rooms	168	15.3	Median (dollars)	1,273	(X)
8 rooms	64	5.8	Not mortgaged	194	34.1
9 or more rooms	72	6.6	Median (dollars)	384	(X)
Median (rooms)	5.5	(X)			
Occupied housing units	951	100.0	SELECTED MONTHLY OWNER COSTS		
YEAR HOUSEHOLDER MOVED INTO UNIT			AS A PERCENTAGE OF HOUSEHOLD		
1999 to March 2000	93	9.8	INCOME IN 1999		
1995 to 1998	219	23.0	Less than 15.0 percent	158	27.8
1990 to 1994	208	21.9	15.0 to 19.9 percent	87	15.3
1980 to 1989	216	22.7	20.0 to 24.9 percent	115	20.2
1970 to 1979	134	14.1	25.0 to 29.9 percent	54	9.5
1969 or earlier	81	8.5	30.0 to 34.9 percent	51	9.0
			35.0 percent or more	101	17.8
VEHICLES AVAILABLE			Not computed	3	0.5
None	53	5.6			
1	279	29.3	Specified renter-occupied units	169	100.0
2	445	46.8	GROSS RENT		
3 or more	174	18.3	Less than \$200	3	1.8
			\$200 to \$299	6	3.6
HOUSE HEATING FUEL			\$300 to \$499	23	13.6
Utility gas	205	21.6	\$500 to \$749	57	33.7
Bottled, tank, or LP gas	89	9.4	\$750 to \$999	45	26.6
Electricity	66	6.9	\$1,000 to \$1,499	10	5.9
Fuel oil, kerosene, etc	550	57.8	\$1,500 or more	5	3.0
Coal or coke	8	0.8	No cash rent	20	11.8
Wood	31	3.3	Median (dollars)	675	(X)
Solar energy	-	-			
Other fuel	2	0.2	GROSS RENT AS A PERCENTAGE OF		
No fuel used	-	-	HOUSEHOLD INCOME IN 1999		
			Less than 15.0 percent	27	16.0
SELECTED CHARACTERISTICS			15.0 to 19.9 percent	17	10.1
Lacking complete plumbing facilities	9	0.9	20.0 to 24.9 percent	32	18.9
Lacking complete kitchen facilities	7	0.7	25.0 to 29.9 percent	16	9.5
No telephone service	4	0.4	30.0 to 34.9 percent	12	7.1
			35.0 percent or more	45	26.6
			Not computed	20	11.8

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Pike County, Pennsylvania

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population.....	46,302	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population.....	46,302	100.0
Male.....	23,074	49.8	Hispanic or Latino (of any race).....	2,315	5.0
Female.....	23,228	50.2	Mexican.....	126	0.3
Under 5 years.....	2,723	5.9	Puerto Rican.....	1,354	2.9
5 to 9 years.....	3,666	7.9	Cuban.....	108	0.2
10 to 14 years.....	3,969	8.6	Other Hispanic or Latino.....	727	1.6
15 to 19 years.....	2,904	6.3	Not Hispanic or Latino.....	43,987	95.0
20 to 24 years.....	1,567	3.4	White alone.....	41,569	89.8
25 to 34 years.....	4,625	10.0	RELATIONSHIP		
35 to 44 years.....	8,198	17.7	Total population.....	46,302	100.0
45 to 54 years.....	6,557	14.2	In households.....	45,910	99.2
55 to 59 years.....	2,681	5.8	Householder.....	17,433	37.7
60 to 64 years.....	2,395	5.2	Spouse.....	11,066	23.9
65 to 74 years.....	4,430	9.6	Child.....	14,163	30.6
75 to 84 years.....	2,046	4.4	Own child under 18 years.....	11,620	25.1
85 years and over.....	541	1.2	Other relatives.....	1,595	3.4
Median age (years).....	39.6	(X)	Under 18 years.....	539	1.2
18 years and over.....	33,950	73.3	Nonrelatives.....	1,653	3.6
Male.....	16,741	36.2	Unmarried partner.....	925	2.0
Female.....	17,209	37.2	In group quarters.....	392	0.8
21 years and over.....	32,685	70.6	Institutionalized population.....	263	0.6
62 years and over.....	8,415	18.2	Noninstitutionalized population.....	129	0.3
65 years and over.....	7,017	15.2	HOUSEHOLD BY TYPE		
Male.....	3,386	7.3	Total households.....	17,433	100.0
Female.....	3,631	7.8	Family households (families).....	13,026	74.7
RACE			With own children under 18 years.....	6,002	34.4
One race.....	45,623	98.5	Married-couple family.....	11,066	63.5
White.....	43,109	93.1	With own children under 18 years.....	4,830	27.7
Black or African American.....	1,513	3.3	Female householder, no husband present.....	1,333	7.6
American Indian and Alaska Native.....	111	0.2	With own children under 18 years.....	834	4.8
Asian.....	285	0.6	Nonfamily households.....	4,407	25.3
Asian Indian.....	83	0.2	Householder living alone.....	3,607	20.7
Chinese.....	52	0.1	Householder 65 years and over.....	1,470	8.4
Filipino.....	48	0.1	Households with individuals under 18 years.....	6,400	36.7
Japanese.....	30	0.1	Households with individuals 65 years and over.....	4,846	27.8
Korean.....	28	0.1	Average household size.....	2.63	(X)
Vietnamese.....	4	-	Average family size.....	3.06	(X)
Other Asian ¹	40	0.1	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	3	-	Total housing units.....	34,681	100.0
Native Hawaiian.....	2	-	Occupied housing units.....	17,433	50.3
Guamanian or Chamorro.....	-	-	Vacant housing units.....	17,248	49.7
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander ²	1	-	occasional use.....	15,350	44.3
Some other race.....	602	1.3	Homeowner vacancy rate (percent).....	3.6	(X)
Two or more races.....	679	1.5	Rental vacancy rate (percent).....	5.7	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units.....	17,433	100.0
White.....	43,714	94.4	Owner-occupied housing units.....	14,775	84.8
Black or African American.....	1,707	3.7	Renter-occupied housing units.....	2,658	15.2
American Indian and Alaska Native.....	350	0.8	Average household size of owner-occupied units.....	2.64	(X)
Asian.....	370	0.8	Average household size of renter-occupied units.....	2.57	(X)
Native Hawaiian and Other Pacific Islander.....	19	-			
Some other race.....	874	1.9			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Pike County, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
SCHOOL ENROLLMENT			NATIVITY AND PLACE OF BIRTH		
Population 3 years and over enrolled in school	11,944	100.0	Total population	46,302	100.0
Nursery school, preschool	818	6.8	Native	44,010	95.0
Kindergarten	696	5.8	Born in United States	43,626	94.2
Elementary school (grades 1-8)	6,248	52.3	State of residence	9,627	20.8
High school (grades 9-12)	2,770	23.2	Different state	33,999	73.4
College or graduate school	1,412	11.8	Born outside United States	384	0.8
			Foreign born	2,292	5.0
			Entered 1990 to March 2000	338	0.7
			Naturalized citizen	1,493	3.2
			Not a citizen	799	1.7
EDUCATIONAL ATTAINMENT			REGION OF BIRTH OF FOREIGN BORN		
Population 25 years and over	31,525	100.0	Total (excluding born at sea)	2,292	100.0
Less than 9th grade	802	2.5	Europe	1,307	57.0
9th to 12th grade, no diploma	3,364	10.7	Asia	261	11.4
High school graduate (includes equivalency)	13,004	41.2	Africa	29	1.3
Some college, no degree	6,398	20.3	Oceania	15	0.7
Associate degree	1,971	6.3	Latin America	582	25.4
Bachelor's degree	3,861	12.2	Northern America	98	4.3
Graduate or professional degree	2,125	6.7			
Percent high school graduate or higher	86.8	(X)	LANGUAGE SPOKEN AT HOME		
Percent bachelor's degree or higher	19.0	(X)	Population 5 years and over	43,628	100.0
			English only	39,862	91.4
MARITAL STATUS			Language other than English	3,766	8.6
Population 15 years and over	36,003	100.0	Speak English less than "very well"	1,152	2.6
Never married	6,737	18.7	Spanish	1,692	3.9
Now married, except separated	23,265	64.6	Speak English less than "very well"	454	1.0
Separated	714	2.0	Other Indo-European languages	1,783	4.1
Widowed	2,438	6.8	Speak English less than "very well"	596	1.4
Female	1,861	5.2	Asian and Pacific Island languages	212	0.5
Divorced	2,849	7.9	Speak English less than "very well"	82	0.2
Female	1,508	4.2			
GRANDPARENTS AS CAREGIVERS			ANCESTRY (single or multiple)		
Grandparent living in household with one or more own grandchildren under 18 years	734	100.0	Total population	46,302	100.0
Grandparent responsible for grandchildren	239	32.6	Total ancestries reported	57,801	124.8
			Arab	71	0.2
VETERAN STATUS			Czech ¹	388	0.8
Civilian population 18 years and over ..	33,996	100.0	Danish	123	0.3
Civilian veterans	5,915	17.4	Dutch	1,785	3.9
			English	4,230	9.1
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION			French (except Basque) ¹	1,233	2.7
Population 5 to 20 years	10,779	100.0	French Canadian ¹	265	0.6
With a disability	764	7.1	German	11,567	25.0
Population 21 to 64 years	25,656	100.0	Greek	190	0.4
With a disability	5,096	19.9	Hungarian	683	1.5
Percent employed	58.1	(X)	Irish ¹	10,994	23.7
No disability	20,560	80.1	Italian	9,138	19.7
Percent employed	72.8	(X)	Lithuanian	156	0.3
Population 65 years and over	6,909	100.0	Norwegian	689	1.5
With a disability	2,559	37.0	Polish	3,229	7.0
			Portuguese	97	0.2
RESIDENCE IN 1995			Russian	862	1.9
Population 5 years and over	43,628	100.0	Scotch-Irish	673	1.5
Same house in 1995	26,348	60.4	Scottish	813	1.8
Different house in the U.S. in 1995	17,089	39.2	Slovak	325	0.7
Same county	4,006	9.2	Subsaharan African	67	0.1
Different county	13,083	30.0	Swedish	655	1.4
Same state	2,625	6.0	Swiss	248	0.5
Different state	10,458	24.0	Ukrainian	299	0.6
Elsewhere in 1995	191	0.4	United States or American	1,812	3.9
			Welsh	477	1.0
			West Indian (excluding Hispanic groups)	165	0.4
			Other ancestries	6,567	14.2

-Represents zero or rounds to zero. (X) Not applicable.

¹The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Pike County, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
EMPLOYMENT STATUS			INCOME IN 1999		
Population 16 years and over	35,354	100.0	Households	17,447	100.0
In labor force	20,779	58.8	Less than \$10,000	1,016	5.8
Civilian labor force	20,756	58.7	\$10,000 to \$14,999	1,123	6.4
Employed	19,639	55.5	\$15,000 to \$24,999	2,134	12.2
Unemployed	1,117	3.2	\$25,000 to \$34,999	2,221	12.7
Percent of civilian labor force	5.4	(X)	\$35,000 to \$49,999	3,288	18.8
Armed Forces	23	0.1	\$50,000 to \$74,999	4,106	23.5
Not in labor force	14,575	41.2	\$75,000 to \$99,999	1,957	11.2
Females 16 years and over	17,987	100.0	\$100,000 to \$149,999	1,154	6.6
In labor force	9,314	51.8	\$150,000 to \$199,999	263	1.5
Civilian labor force	9,311	51.8	\$200,000 or more	185	1.1
Employed	8,785	48.8	Median household income (dollars)	44,608	(X)
Own children under 6 years	3,251	100.0	With earnings	13,272	76.1
All parents in family in labor force	1,642	50.5	Mean earnings (dollars) ¹	52,503	(X)
COMMUTING TO WORK			With Social Security income	5,576	32.0
Workers 16 years and over	19,302	100.0	Mean Social Security income (dollars) ¹	13,037	(X)
Car, truck, or van - - drove alone	15,183	78.7	With Supplemental Security Income	630	3.6
Car, truck, or van - - carpooled	2,472	12.8	Mean Supplemental Security Income (dollars) ¹	7,287	(X)
Public transportation (including taxicab)	563	2.9	With public assistance income	281	1.6
Walked	321	1.7	Mean public assistance income (dollars) ¹	2,062	(X)
Other means	104	0.5	With retirement income	4,213	24.1
Worked at home	659	3.4	Mean retirement income (dollars) ¹	19,253	(X)
Mean travel time to work (minutes) ¹	46.0	(X)	Families		
Employed civilian population				13,083	100.0
16 years and over	19,639	100.0	Less than \$10,000	426	3.3
OCCUPATION			\$10,000 to \$14,999	418	3.2
Management, professional, and related occupations	5,618	28.6	\$15,000 to \$24,999	1,390	10.6
Service occupations	3,451	17.6	\$25,000 to \$34,999	1,664	12.7
Sales and office occupations	5,230	26.6	\$35,000 to \$49,999	2,756	21.1
Farming, fishing, and forestry occupations	69	0.4	\$50,000 to \$74,999	3,350	25.6
Construction, extraction, and maintenance occupations	2,467	12.6	\$75,000 to \$99,999	1,712	13.1
Production, transportation, and material moving occupations	2,804	14.3	\$100,000 to \$149,999	1,003	7.7
INDUSTRY			\$150,000 to \$199,999	221	1.7
Agriculture, forestry, fishing and hunting, and mining	138	0.7	\$200,000 or more	143	1.1
Construction	1,751	8.9	Median family income (dollars)	49,340	(X)
Manufacturing	1,973	10.0	Per capita income (dollars) ¹	20,315	(X)
Wholesale trade	623	3.2	Median earnings (dollars):		
Retail trade	2,757	14.0	Male full-time, year-round workers	39,371	(X)
Transportation and warehousing, and utilities	1,284	6.5	Female full-time, year-round workers	26,279	(X)
Information	561	2.9			
Finance, insurance, real estate, and rental and leasing	1,458	7.4		Number below poverty level	Percent below poverty level
Professional, scientific, management, administrative, and waste management services	1,478	7.5	POVERTY STATUS IN 1999		
Educational, health and social services	3,583	18.2	Families	668	5.1
Arts, entertainment, recreation, accommodation and food services	2,129	10.8	With related children under 18 years	484	7.6
Other services (except public administration)	978	5.0	With related children under 5 years	168	7.6
Public administration	926	4.7	Families with female householder, no husband present	272	20.8
CLASS OF WORKER			With related children under 18 years	254	26.9
Private wage and salary workers	15,034	76.6	With related children under 5 years	82	33.9
Government workers	2,862	14.6	Individuals	3,178	6.9
Self-employed workers in own not incorporated business	1,677	8.5	18 years and over	2,120	6.3
Unpaid family workers	66	0.3	65 years and over	376	5.4
			Related children under 18 years	1,038	8.6
			Related children 5 to 17 years	808	8.5
			Unrelated individuals 15 years and over	967	16.6

-Represents zero or rounds to zero. (X) Not applicable.

¹If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator. See text.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Pike County, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total housing units	34,681	100.0	OCCUPANTS PER ROOM		
UNITS IN STRUCTURE			Occupied housing units	17,433	100.0
1-unit, detached	27,986	80.7	1.00 or less	17,217	98.8
1-unit, attached	697	2.0	1.01 to 1.50	178	1.0
2 units	354	1.0	1.51 or more	38	0.2
3 or 4 units	293	0.8			
5 to 9 units	124	0.4	Specified owner-occupied units	13,091	100.0
10 to 19 units	40	0.1	VALUE		
20 or more units	61	0.2	Less than \$50,000	232	1.8
Mobile home	5,088	14.7	\$50,000 to \$99,999	4,414	33.7
Boat, RV, van, etc	38	0.1	\$100,000 to \$149,999	4,812	36.8
			\$150,000 to \$199,999	2,133	16.3
YEAR STRUCTURE BUILT			\$200,000 to \$299,999	1,157	8.8
1999 to March 2000	656	1.9	\$300,000 to \$499,999	278	2.1
1995 to 1998	2,943	8.5	\$500,000 to \$999,999	51	0.4
1990 to 1994	5,025	14.5	\$1,000,000 or more	14	0.1
1980 to 1989	9,618	27.7	Median (dollars)	118,300	(X)
1970 to 1979	7,341	21.2			
1960 to 1969	3,454	10.0	MORTGAGE STATUS AND SELECTED		
1940 to 1959	2,997	8.6	MONTHLY OWNER COSTS		
1939 or earlier	2,647	7.6	With a mortgage	9,252	70.7
			Less than \$300	19	0.1
ROOMS			\$300 to \$499	226	1.7
1 room	135	0.4	\$500 to \$699	977	7.5
2 rooms	1,190	3.4	\$700 to \$999	2,751	21.0
3 rooms	1,938	5.6	\$1,000 to \$1,499	3,846	29.4
4 rooms	6,039	17.4	\$1,500 to \$1,999	1,099	8.4
5 rooms	8,029	23.2	\$2,000 or more	334	2.6
6 rooms	8,180	23.6	Median (dollars)	1,069	(X)
7 rooms	4,777	13.8	Not mortgaged	3,839	29.3
8 rooms	2,335	6.7	Median (dollars)	332	(X)
9 or more rooms	2,058	5.9			
Median (rooms)	5.5	(X)	SELECTED MONTHLY OWNER COSTS		
			AS A PERCENTAGE OF HOUSEHOLD		
Occupied housing units	17,433	100.0	INCOME IN 1999		
YEAR HOUSEHOLDER MOVED INTO UNIT			Less than 15.0 percent	3,733	28.5
1999 to March 2000	2,432	14.0	15.0 to 19.9 percent	2,139	16.3
1995 to 1998	4,906	28.1	20.0 to 24.9 percent	1,818	13.9
1990 to 1994	3,720	21.3	25.0 to 29.9 percent	1,485	11.3
1980 to 1989	4,009	23.0	30.0 to 34.9 percent	1,080	8.2
1970 to 1979	1,412	8.1	35.0 percent or more	2,749	21.0
1969 or earlier	954	5.5	Not computed	87	0.7
VEHICLES AVAILABLE			Specified renter-occupied units	2,538	100.0
None	676	3.9	GROSS RENT		
1	5,406	31.0	Less than \$200	16	0.6
2	7,769	44.6	\$200 to \$299	52	2.0
3 or more	3,582	20.5	\$300 to \$499	292	11.5
			\$500 to \$749	924	36.4
HOUSE HEATING FUEL			\$750 to \$999	697	27.5
Utility gas	1,629	9.3	\$1,000 to \$1,499	241	9.5
Bottled, tank, or LP gas	2,691	15.4	\$1,500 or more	19	0.7
Electricity	6,207	35.6	No cash rent	297	11.7
Fuel oil, kerosene, etc	5,276	30.3	Median (dollars)	701	(X)
Coal or coke	353	2.0			
Wood	1,131	6.5	GROSS RENT AS A PERCENTAGE OF		
Solar energy	-	-	HOUSEHOLD INCOME IN 1999		
Other fuel	119	0.7	Less than 15.0 percent	319	12.6
No fuel used	27	0.2	15.0 to 19.9 percent	304	12.0
			20.0 to 24.9 percent	306	12.1
SELECTED CHARACTERISTICS			25.0 to 29.9 percent	285	11.2
Lacking complete plumbing facilities	75	0.4	30.0 to 34.9 percent	172	6.8
Lacking complete kitchen facilities	67	0.4	35.0 percent or more	832	32.8
No telephone service	96	0.6	Not computed	320	12.6

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

PENNSYLVANIA AVENUE REVITALIZATION PLAN

INTRODUCTION

Overview

This Revitalization Plan focuses on the Pennsylvania Avenue corridor extending through Matamoras Borough and into Westfall Township to Mountain Avenue. It includes a brief discussion of the revitalization goals, the economic history of the Planning Area, its existing assets and weaknesses, current revitalization initiatives, a market analysis, and recommendations for future actions. Its overall aim is to provide recommendations for ways to improve the Pennsylvania Avenue corridor that will assist existing businesses, attract new businesses, and promote economic activity.

Background

Matamoras Borough is located along the Upper Delaware River at the boundary of Pennsylvania, New Jersey, and New York. The Delaware River has had an enormous impact on the region's economy. *It provided fertile lowlands for farming and enabled commercial transportation of timber and bluestone for the buildings and sidewalks of many major cities. Tourists arrived by train via Port Jervis and Pond Eddy/Shohola and were picked up by stagecoaches and transported to their tourist destinations. Although the Great Depression closed the doors of many popular boarding houses and luxury hotels, the prosperity at the close of World War I and World War II encouraged urban families to build summer homes and permanent homes in the region.*¹ Tourism and retail are still the economic mainstays of the Planning Area's economy.



Prior to World War II, the downtown was the focal point of most American communities. A mix of retail shops, offices, apartments, civic uses and government offices brought people into the downtown on a daily basis. The downtown served as the center of the community's business activity, and the center of its social life. In more recent years, the role of the downtown as a hub of activity has diminished. This is true of many of America's downtowns, including Matamoras Borough. Vehicular travel and the expanding road system enabled people to travel farther to obtain goods and services and to travel outside of their community's for work. Today, most residents of the Planning Area no longer work in the immediate vicinity, resulting in a declining daytime population that strains local businesses.

While the Planning Area has undergone numerous changes over the years, it remains intact as a river front community largely dependent on small retail and the tourist economy. With the Port Jervis bridge and the construction of I-84, Pennsylvania Avenue has become more accessible. The Borough and Township recognize the need to revitalize Pennsylvania Avenue and make it a more attractive place to visit and do business.

¹ Osterberg, Matthew M., Matamoras to Shohola, Pennsylvania: A Journey Through Time (Images of America Series). Arcadia Publishing SC, 1998.

REVITALIZATION GOAL AND OBJECTIVES

Revitalization Goal **Enhance the Pennsylvania Avenue Corridor and Matamoras Borough's downtown setting.**

Pennsylvania Avenue has great potential. It contains a mix of residential, retail and office uses housed in buildings - some historic - that exemplify the rural, small town character of the Planning Area. Physical improvements to Pennsylvania Avenue along with a strong connection to the Delaware River can begin to restore the appeal of the downtown and attract new economic and social activity.

Objectives

Organization **Develop a volunteer-driven, community-based committee as the key element of the revitalization program.**

- Demonstrate local commitment for revitalization with an active and well organized committee comprised of residents, business owners and local government representatives.
- Involve individuals who are willing to take leadership roles in the revitalization process.
- Foster community involvement and participation in the revitalization effort.

MAIN STREET

As a unique economic development tool, the Main Street Four-Point Approach® is the foundation for local initiatives to revitalize their districts by leveraging local assets—from cultural or architectural heritage to local enterprises and community pride.

The four points of the Main Street approach work together to build a sustainable and complete community revitalization effort. Coincidentally, the four points of the Main Street approach correspond with the four forces of real estate value, which are social, political, physical, and economic.

Organization involves getting everyone working toward the same goal and assembling the appropriate human and financial resources to implement a Main Street revitalization program. A governing board and standing committees make up the fundamental organizational structure of the volunteer-driven program. Volunteers are coordinated and supported by a paid program director as well. This structure not only divides the workload and clearly delineates responsibilities, but also builds consensus and cooperation among the various stakeholders.

Promotion sells a positive image of the commercial district and encourages consumers and investors to live, work, shop, play and invest in the Main Street district.

Design means getting Main Street into top physical shape.

Economic Restructuring strengthens a community's existing economic assets while expanding and diversifying its economic base.

Source: Main Street, National Trust for Historic Preservation

Physical Improvements

Improve the appearance of Pennsylvania Avenue.

- Beautify Pennsylvania Avenue by removing litter and dirt and installing planters and similar streetscape amenities.
- Enhance the Pennsylvania Avenue streetscape.
- Improve the appearance of buildings along Pennsylvania Avenue.

Public Safety

Maintain a safe environment along Pennsylvania Avenue.

- Maintain public safety.
- Enforce traffic laws.
- Enforce zoning regulations.

Pedestrians

Promote pedestrian access along Pennsylvania Avenue.

- Create a safe pedestrian environment.
- Enhance pedestrian amenities.

Parking

Improve parking conditions by using existing parking facilities more efficiently.

Traffic

Improve traffic conditions along Pennsylvania Avenue.

- Maintain Pennsylvania Avenue as a two-lane road through Matamoras Borough.
- Control the flow of traffic along Pennsylvania Avenue.

Economic Development

Achieve a balanced mix of residential, retail, office, and institutional uses along Pennsylvania Avenue.

- Support the expansion of public infrastructure in the Borough.
- Support improvements to downtown neighborhoods.
- Expand retail establishments to serve the local economy.
- Expand retail and entertainment offerings to capitalize on the regional tourism economy.
- Use the Delaware River and other natural features to draw visitors to Pennsylvania Avenue.
- Use the Borough's historic resources to draw visitors.

EXISTING CONDITIONS

Physical Assessment

The physical assessment involves the identification of the Pennsylvania Avenues assets and its weaknesses. Assets are the positive features, which should be supported and continued, and upon which the Borough and Township can build its revitalization effort. Weaknesses can be in the form of features that are a detriment or pose a threat to the community and its revitalization effort. Weaknesses must be overcome in order to advance the revitalization effort.

Assets

Pennsylvania Avenue has a number of assets upon which to build a revitalization effort:



- Existing Business Owners - Many of the businesses along Pennsylvania Avenue have been in existence for years, providing an existing retail base. Some business owners have demonstrated an interest in improving Pennsylvania Avenue and have initiated a campaign to beautify the streetscape.



- Rural, Small Town Character - Pennsylvania Avenue is lined with residential and commercial buildings that define the Planning Area's rural, small town setting. Maintenance and restoration of these buildings is critical to the survival of the rural downtown character.



- Delaware River - The Planning Area's location along the Delaware River is a unique and important asset. The river can be used to attract businesses, recreation enthusiasts, and tourists to Pennsylvania Avenue. The northern end of Pennsylvania Avenue terminates at the River. The Borough owns the land along the River from the Port Jervis Bridge west to the Westfall Township boundary. The remaining land along the river to the east and south is in private ownership. There is a set of stairs on the riverbank at Avenue C where canoeists often exit the river and walk to businesses on Pennsylvania Avenue. This access is very steep and difficult to maneuver. There is another access point at Airport Park, but it is also difficult to navigate due to rugged terrain.

- Airport Park - Airport Park is five blocks from Pennsylvania Avenue. It contains several ball fields and is used by athletic leagues from the Borough and the Township. It also contains the Borough's only access to the Delaware River. The facilities at Airport Park attract local residents to the Borough, and can be used to attract people from a wider area who might then use the retail services provided along Pennsylvania Avenue.

- Gateway to Pennsylvania - Matamoras Borough is one of Pennsylvania's gateway communities. Thousands of tourists and commuters enter Pennsylvania through Matamoras from New Jersey, New York, and states to the north and east. The flow of traffic passing along Pennsylvania Avenue presents an opportunity for local businesses.

- Proximity to the Port Jervis Train Station - Commuters pass along Pennsylvania Avenue daily on their way to the Port Jervis Train Station. Daily commuters passing along Pennsylvania Avenue presents an opportunity for local businesses.
- Regional Tourism - The regional tourism economy is strong and brings visitors and their dollars into the Planning Area and to the businesses along Pennsylvania Avenue.
- Natural and Historic Resources - The region's tourism economy is based on its natural and historic features and the recreational opportunities they provide. The continued vitality of the tourism economy and local businesses depends on the preservation of the area's natural and historic resources.

Challenges

While Pennsylvania Avenue has many positive features, numerous challenges have also been identified. These weaknesses are detrimental to existing businesses and inhibit business growth. Identified challenges are as follows:

- Organization - Many of the business owners along Pennsylvania are unfamiliar with each other. This is due in part to the lack of a local business organization that would bring business owners together. An informal gathering of business owners that meets regularly to socialize and discuss business matters would perhaps foster connections and strengthen efforts improve the business atmosphere in the Borough.



- Unattractive Streetscape - Pennsylvania Avenue suffers from dirt and litter along existing sidewalks and the roadway, unattractive signage, a lack of street trees and landscaping, and unattractive utility poles and overhead wires. This streetscape is uninviting to the passerby and potentially deters shoppers.

- Unattractive Storefronts - Many storefronts are cluttered with window displays and signage that detract from the store's appearance. This cluttered, unkempt appearance can actually have the unintended effect of deterring shoppers, rather than attracting them to the business. It negatively impacts the business itself and the entire atmosphere of Pennsylvania Avenue.



- Unfriendly Pedestrian Environment - Although the Borough has made much progress with the installation of sidewalks and street lamps on the east side of Pennsylvania Avenue, the project remains to be completed. Existing sidewalks are often covered with dirt and litter, and crosswalks are non-existent. Pedestrians can wait several minutes to cross heavily congested Pennsylvania Avenue. The new sidewalks are a great improvement, however more work remains to be done.

- Nearby Retail Centers - Nearby retail centers along Route 6/209 in Westfall Township housing large, national retailers are an asset in terms of bringing people to the area, but they are a threat in that they often out-compete smaller retailers and inhibit the establishment of any new retailers. In order to compete, smaller businesses must find a niche market that the larger retailers do not serve.

- Lack of Infrastructure - As noted above, Matamoras Borough is served by a central water system but relies on individual on-lot septic systems for its wastewater treatment. The lack of central sewer prevents any significant business development in the commercial corridor. The Planning Area also lacks a local television station, which is important for advertising community and business events.
- Traffic - Traffic volumes are extremely heavy along Pennsylvania Avenue, especially at peak times. Vehicles trying make left turns and those trying to enter Pennsylvania Avenue have to wait for several minutes to before proceeding. The inability to maneuver freely frustrates potential customers and frequently causes them to go elsewhere for services. As mentioned above, however, traffic can be good for business as it increases the likelihood of business patronage.
- Parking - Lack of parking is a major problem in downtown Matamoras. Very few businesses have their own parking lot. There are no public parking lots. Parking is primarily accommodated on-street. The Borough used to have a two hour parking limit along Pennsylvania Avenue, but that was eliminated. Now, vehicles park on Pennsylvania Avenue all day long, taking the prime parking spots directly in front of the stores and businesses. When customers cannot get parking in front of a store they simply go elsewhere and the business loses another shopper.

CURRENT REVITALIZATION INITIATIVES

Three organizations are currently pursuing efforts to revitalize Pennsylvania Avenue.

Matamoras Revitalization Committee

Appointed by the Borough Council, The Matamoras Revitalization Committee (MRC) is charged with spearheading revitalization efforts and has successfully obtained the funds necessary to implement the sidewalk and street lamp installation project on Pennsylvania Avenue. Sidewalks and street lamps have been installed on the east side of Pennsylvania Avenue up to First Avenue. More funding is needed to complete improvements on the east side of the Avenue and to begin improvements on its west side. The MRC is currently pursuing additional funding.



Keystone Community Club

The Matamoras Keystone Community Club is supported by dues-paying members. It is concerned with all aspects of the Borough, including the beautification of Pennsylvania Avenue. The Club planted flowers and street trees along Pennsylvania Avenue and installed decorative Christmas lights. Members remain active in efforts to revitalize Pennsylvania Avenue.

Avenue in Bloom

Avenue in Bloom is volunteer group that was started by a Pennsylvania Avenue business owner. Its mission is to beautify Pennsylvania Avenue by enlisting volunteers to sweep sidewalks and curbs, pick-up litter, pull weeds, and plant and water flowers and shrubs. Approximately 50 volunteers work one hour per week to beautify Pennsylvania Avenue. The

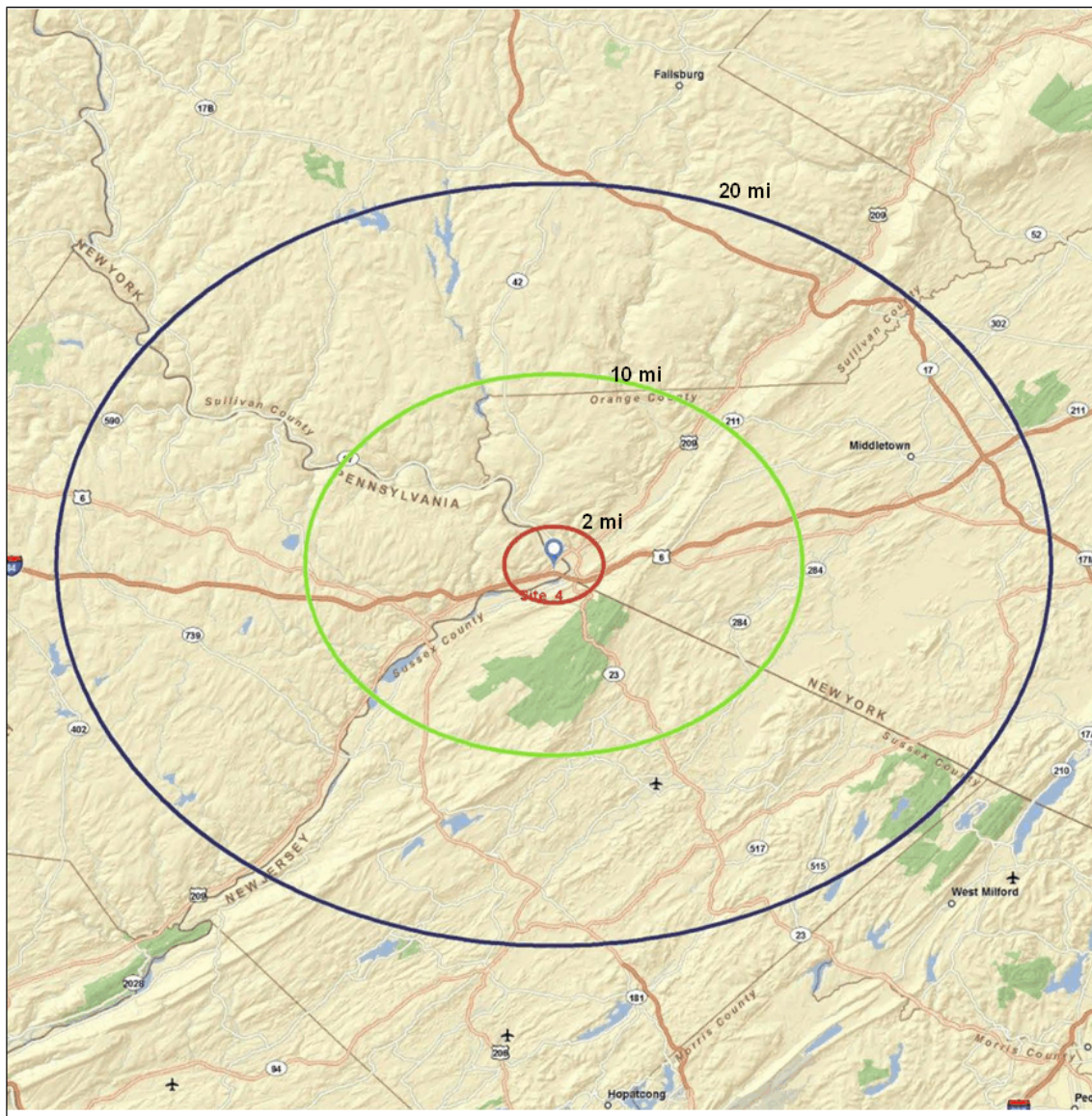
group plans to expand its volunteer base and eventually install planters along Pennsylvania Avenue.

MARKET CONDITIONS

Retail Trade Area

The retail trade area is a geographic area from which businesses along Pennsylvania Avenue draw the bulk of their customers (See *Retail Trade Area Figure*). For the purposes of this study, three trade areas have been delineated. The primary trade area is delineated by a two-mile radius around the center of the Pennsylvania Avenue corridor. This trade area encompasses Matamoras Borough and Port Jervis and represents the residential population in the immediate downtown area that most often patronize the local businesses.

Retail Trade Area



Source: ESRI

The secondary trade area is defined by a ten-mile radius. This area represents the population that must travel slightly farther to reach the Pennsylvania Avenue businesses. It encompasses Westfall and Milford Townships, Milford Borough, and small portions of Sussex County, New Jersey and Orange County, New York.

The tertiary trade area is defined by a twenty-mile radius. This area represents the population that would most likely travel to Pennsylvania Avenue to reach a specific destination business. It encompasses Shohola and Delaware Townships; parts of Lackawaxen, Blooming Grove, Porter, and Lehman Townships; part of Sussex County, New Jersey; and parts of Orange and Sullivan Counties, New York.

Trade Area Demographics

Demographics are reported for each of the three trade areas (2, 10, and 20-mile radii) for the 2000 Census, 2009 estimates, and 2014 projections. Key demographic and economic indicators, including population, households, families, and income are reported. (See *Demographic & Income Profile Tables* on the following pages.)

The data show that within each of the three trade areas population, number of households, number of families, number of owner-occupied housing units, and median household income have all increased since the 2000 census, and are expected to continue to rise over the next five years. Annual growth rates in the secondary and tertiary trade areas exceed the nationwide growth rates with the exception of median household income. In the primary trade area, the projected income growth rate (1.87%) exceeds the national growth rate (0.80%). These figures are favorable to the revitalization effort because they show consistent growth across all demographic variables and across all trade areas.

Of particular interest is the difference in income levels among the three trade areas. The 2014 median household income is \$47,840 in the primary trade area, \$62,310 in the secondary trade area, and \$67,780 in the tertiary trade area. This indicates that income (and presumably disposable income) in the primary trade area is not sufficient to support growth the local Pennsylvania Avenue economy; however, a broader market exists beyond the primary trade area, and revitalization and economic development may depend on the ability to tap into that market.

Summary		2000	2009	2014		
Population	12,542	13,835	14,452			
Households	5,006	5,561	5,831			
Families	3,191	3,445	3,566			
Average Household Size	2.48	2.47	2.46			
Owner Occupied HUs	2,708	3,024	3,309			
Renter Occupied HUs	2,298	2,537	2,522			
Median Age	36.9	37.5	37.0			
Trends: 2009-2014 Annual Rate		Area	State	National		
Population	0.88%	0%	0.91%			
Households	0.95%	0%	0.94%			
Families	0.69%	0%	0.74%			
Owner HHs	1.82%	0%	1.19%			
Median Household Income	1.87%	0%	0.80%			
Households by Income		2000	2009	2014		
	Number	Percent	Number	Percent	Number	Percent
< \$15,000	902	18.0%	663	11.9%	692	11.9%
\$15,000 - \$24,999	971	19.4%	819	14.7%	794	13.6%
\$25,000 - \$34,999	724	14.5%	723	13.0%	647	11.1%
\$35,000 - \$49,999	857	17.1%	894	16.1%	889	15.2%
\$50,000 - \$74,999	959	19.2%	1,219	21.9%	1,350	23.2%
\$75,000 - \$99,999	322	6.4%	713	12.8%	863	14.8%
\$100,000 - \$149,999	194	3.9%	393	7.1%	434	7.4%
\$150,000 - \$199,000	39	0.8%	75	1.3%	88	1.5%
\$200,000+	35	0.7%	61	1.1%	73	1.3%
Median Household Income	\$33,367		\$43,603		\$47,840	
Average Household Income	\$42,762		\$54,295		\$57,185	
Per Capita Income	\$17,392		\$21,766		\$23,007	
Population by Age		2000	2009	2014		
	Number	Percent	Number	Percent	Number	Percent
0 - 4	879	7.0%	992	7.2%	1,026	7.1%
5 - 9	939	7.5%	900	6.5%	942	6.5%
10 - 14	1,013	8.1%	898	6.5%	933	6.5%
15 - 19	879	7.0%	947	6.8%	854	5.9%
20 - 24	677	5.4%	999	7.2%	993	6.9%
25 - 34	1,507	12.0%	1,807	13.1%	2,153	14.9%
35 - 44	1,945	15.5%	1,656	12.0%	1,597	11.0%
45 - 54	1,629	13.0%	1,999	14.4%	1,866	12.9%
55 - 64	1,052	8.4%	1,580	11.4%	1,793	12.4%
65 - 74	970	7.7%	975	7.0%	1,255	8.7%
75 - 84	780	6.2%	726	5.2%	680	4.7%
85+	271	2.2%	359	2.6%	361	2.5%
Race and Ethnicity		2000	2009	2014		
	Number	Percent	Number	Percent	Number	Percent
White Alone	11,502	91.7%	12,347	89.2%	12,696	87.9%
Black Alone	423	3.4%	575	4.2%	660	4.6%
American Indian Alone	63	0.5%	78	0.6%	84	0.6%
Asian Alone	92	0.7%	150	1.1%	187	1.3%
Pacific Islander Alone	2	0.0%	4	0.0%	5	0.0%
Some Other Race Alone	216	1.7%	315	2.3%	375	2.6%
Two or More Races	245	2.0%	367	2.7%	444	3.1%
Hispanic Origin (Any Race)	779	6.2%	1,121	8.1%	1,333	9.2%

Matamoras Borough - Westfall Township Comprehensive Plan
05.10

Demographic & Income Profile - Secondary Trade Area (10 miles)

Summary	2000		2009		2014	
Population	42,323		49,580		53,092	
Households	15,722		18,517		19,884	
Families	11,251		13,007		13,832	
Average Household Size	2.68		2.67		2.66	
Owner Occupied HUs	11,460		13,422		14,808	
Renter Occupied HUs	4,262		5,095		5,076	
Median Age	37.6		39.8		39.9	
Trends: 2009-2014 Annual Rate	Area		State		National	
Population	1.38%		0%		0.91%	
Households	1.43%		0%		0.94%	
Families	1.24%		0%		0.74%	
Owner HHs	1.98%		0%		1.19%	
Median Household Income	0.74%		0%		0.80%	
	2000		2009		2014	
Households by Income	Number	Percent	Number	Percent	Number	Percent
< \$15,000	2,118	13.5%	1,659	9.0%	1,738	8.7%
\$15,000 - \$24,999	1,973	12.6%	1,741	9.4%	1,683	8.5%
\$25,000 - \$34,999	1,881	12.0%	1,663	9.0%	1,542	7.8%
\$35,000 - \$49,999	2,727	17.4%	2,722	14.7%	2,791	14.0%
\$50,000 - \$74,999	3,390	21.6%	4,299	23.2%	4,641	23.3%
\$75,000 - \$99,999	1,941	12.4%	2,768	14.9%	3,262	16.4%
\$100,000 - \$149,999	1,239	7.9%	2,691	14.5%	3,069	15.4%
\$150,000 - \$199,000	223	1.4%	607	3.3%	721	3.6%
\$200,000+	172	1.1%	367	2.0%	437	2.2%
Median Household Income	\$45,240		\$60,042		\$62,310	
Average Household Income	\$54,024		\$69,115		\$72,251	
Per Capita Income	\$20,207		\$25,875		\$27,125	
	2000		2009		2014	
Population by Age	Number	Percent	Number	Percent	Number	Percent
0 - 4	2,771	6.5%	3,210	6.5%	3,370	6.3%
5 - 9	3,364	7.9%	3,297	6.6%	3,516	6.6%
10 - 14	3,549	8.4%	3,488	7.0%	3,696	7.0%
15 - 19	2,936	6.9%	3,602	7.3%	3,393	6.4%
20 - 24	1,860	4.4%	2,760	5.6%	2,966	5.6%
25 - 34	4,806	11.4%	5,534	11.2%	6,459	12.2%
35 - 44	7,319	17.3%	6,593	13.3%	6,514	12.3%
45 - 54	6,255	14.8%	8,176	16.5%	7,854	14.8%
55 - 64	3,978	9.4%	6,370	12.8%	7,448	14.0%
65 - 74	2,924	6.9%	3,528	7.1%	4,703	8.9%
75 - 84	1,936	4.6%	2,135	4.3%	2,214	4.2%
85+	625	1.5%	887	1.8%	959	1.8%
	2000		2009		2014	
Race and Ethnicity	Number	Percent	Number	Percent	Number	Percent
White Alone	40,058	94.6%	46,136	93.1%	48,895	92.1%
Black Alone	806	1.9%	1,138	2.3%	1,335	2.5%
American Indian Alone	127	0.3%	172	0.3%	198	0.4%
Asian Alone	283	0.7%	494	1.0%	641	1.2%
Pacific Islander Alone	6	0.0%	10	0.0%	13	0.0%
Some Other Race Alone	442	1.0%	685	1.4%	845	1.6%
Two or More Races	601	1.4%	945	1.9%	1,165	2.2%
Hispanic Origin (Any Race)	1,843	4.4%	2,902	5.9%	3,600	6.8%

Source: U.S. Census Bureau, 2000. ESRI forecasts for 2009 and 2014.

Demographic & Income Profile - Tertiary Trade Area (20 Miles)

Summary	2000		2009		2014	
Population	230,140		262,702		277,659	
Households	82,415		95,115		101,027	
Families	59,839		68,090		71,754	
Average Household Size	2.73		2.70		2.69	
Owner Occupied HUs	59,596		68,724		74,953	
Renter Occupied HUs	22,819		26,391		26,074	
Median Age	37.0		39.4		39.6	
Trends: 2009-2014 Annual Rate	Area		State		National	
Population	1.11%		0%		0.91%	
Households	1.21%		0%		0.94%	
Families	1.05%		0%		0.74%	
Owner HHs	1.75%		0%		1.19%	
Median Household Income	0.71%		0%		0.80%	
	2000		2009		2014	
Households by Income	Number	Percent	Number	Percent	Number	Percent
< \$15,000	9,730	11.8%	7,451	7.8%	7,587	7.5%
\$15,000 - \$24,999	8,653	10.5%	7,592	8.0%	7,306	7.2%
\$25,000 - \$34,999	8,628	10.5%	6,901	7.3%	6,372	6.3%
\$35,000 - \$49,999	13,532	16.4%	11,988	12.6%	12,465	12.3%
\$50,000 - \$74,999	18,895	23.0%	21,616	22.7%	22,322	22.1%
\$75,000 - \$99,999	11,245	13.7%	14,894	15.7%	16,851	16.7%
\$100,000 - \$149,999	8,297	10.1%	16,934	17.8%	19,088	18.9%
\$150,000 - \$199,000	2,021	2.5%	4,676	4.9%	5,419	5.4%
\$200,000+	1,326	1.6%	3,063	3.2%	3,617	3.6%
Median Household Income	\$50,601		\$65,426		\$67,780	
Average Household Income	\$60,272		\$78,384		\$81,544	
Per Capita Income	\$21,902		\$28,718		\$30,032	
	2000		2009		2014	
Population by Age	Number	Percent	Number	Percent	Number	Percent
0 - 4	15,124	6.6%	16,825	6.4%	17,463	6.3%
5 - 9	18,349	8.0%	17,554	6.7%	18,453	6.6%
10 - 14	19,184	8.3%	18,418	7.0%	19,214	6.9%
15 - 19	15,696	6.8%	19,051	7.3%	17,722	6.4%
20 - 24	10,591	4.6%	14,838	5.6%	15,797	5.7%
25 - 34	28,045	12.2%	29,973	11.4%	34,384	12.4%
35 - 44	41,508	18.0%	36,231	13.8%	35,006	12.6%
45 - 54	34,294	14.9%	43,657	16.6%	41,444	14.9%
55 - 64	20,812	9.0%	33,199	12.6%	38,117	13.7%
65 - 74	13,988	6.1%	17,714	6.7%	23,864	8.6%
75 - 84	9,073	3.9%	10,546	4.0%	11,127	4.0%
85+	3,476	1.5%	4,696	1.8%	5,068	1.8%
	2000		2009		2014	
Race and Ethnicity	Number	Percent	Number	Percent	Number	Percent
White Alone	205,045	89.1%	228,592	87.0%	238,227	85.8%
Black Alone	11,833	5.1%	15,052	5.7%	16,753	6.0%
American Indian Alone	663	0.3%	837	0.3%	929	0.3%
Asian Alone	2,648	1.2%	4,222	1.6%	5,285	1.9%
Pacific Islander Alone	62	0.0%	92	0.0%	108	0.0%
Some Other Race Alone	5,647	2.5%	7,696	2.9%	8,916	3.2%
Two or More Races	4,242	1.8%	6,211	2.4%	7,441	2.7%
Hispanic Origin (Any Race)	18,960	8.2%	26,658	10.1%	31,417	11.3%

Source: U.S. Census Bureau, 2000. ESRI forecasts for 2009 and 2014.

Business Inventory

A business inventory was conducted in the summer of 2009 to determine the types of businesses that currently exist along Pennsylvania Avenue from Mountain Avenue at the Westfall Fire Department to the Delaware River Bridge. The inventory revealed that there is a mix of 60 retail businesses, restaurants, professional offices, and service establishments. In addition, 38 residences and 6 vacant lots/buildings are located along the Avenue. The type and number of businesses are as shown in the following *Type of Business Table*:

TYPE OF BUSINESS	#
Professional Office	7
Auto Dealer	2
Auto Parts	1
Auto Repair	4
Bank, Financial Service	3
Cable TV Service	1
Consignment Shop	1
Convenience Store	2
Dance Studio	1
Fireworks Store	2
Hair/Beauty/Tanning Salon	4
Gas Station	3
Grocery Store/Supermarket	1
Home/Outdoor Furnishings	2
Medical Clinic/Office	7
Miscellaneous Retail (Greeting Card, Party Supply, Craft Supply, Flea Market)	4
Motel	1
Post Office	1
Restaurant, Full Service	2
Restaurant, Fast Food/Limited Service	5
Restaurant & Bar	1
Taxidermy Shop	1
Tobacco Shop	4
Total Businesses	60
Vacant Building/Lot	6
Residence	38

Retail Potential

Retail potential data (included on the following pages) provides an indication of the degree to which demand for various goods is being met within a market area, and where people are spending their money. It is measured by comparing expected retail expenditures (i.e. demand) to retail sales (i.e. supply) for various categories of goods. The numerical difference between expenditures and sales represents the *Retail Gap*. The *Leakage/Surplus Factor* measures the relationship between supply and demand, and represents market opportunity. It is measured on a scale ranging from +100 to -100, where +100 is a total leakage and -100 is a total surplus. A *leakage* (positive numbers) appears where demand within the market area exceeds supply, and indicates that demand is not being met; that is, consumers must go outside of the market area to satisfy their demand. For example, if there were demand for a product that is not available in the secondary market area, the leakage/surplus factor would be 100 (total leakage), meaning that consumers are traveling outside of the 10-mile radius to get that product. There could be an opportunity to open a store to capture this demand. A *surplus* (negative numbers) appears where sales are higher than expenditures. This indicates that the market is being served and that consumers are being drawn in from areas outside of the market area.

The Retail Potential data for the three Pennsylvania Avenue trade areas suggests that demand is being met and consumers are coming into the primary trade area for a wide range of products and services such as auto parts stores, building materials stores, grocery stores, general merchandise stores, and limited service eating places, among others. The data also indicate that demand within the primary market area is not being met for several other types of products such as *other motor vehicle dealers, electronics and appliance stores, and specialty food stores*, among others. This suggests that there is an opportunity for these types of businesses within the primary trade area.

Expanding the analysis beyond the two-mile radius reveals that there is unmet demand across all three trade areas for the following products:

- Other Motor Vehicle Dealers
- Home Furnishings Stores
- Electronics & Appliance Stores
- Specialty Food Stores
- Gasoline Stations
- Clothing and Clothing Accessories Stores
- Book, Periodical, and Music Stores
- Office Supplies, Stationery, and Gift Stores
- Full-Service Restaurants
- Drinking Places

This suggests that there is an opportunity for these types of businesses. Such businesses could possibly locate in the Pennsylvania Avenue corridor with the understanding that they would need to market to consumers beyond the immediate downtown area and consider other similar businesses which already operate in the area.

Retail Potential - Primary Trade Area (2 miles)

Industry Summary	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$116,123,281	\$136,503,337	\$-20,380,056	-8.1	163
Total Retail Trade (NAICS 44-45)	\$98,476,055	\$116,482,969	\$-18,006,914	-8.4	121
Total Food & Drink (NAICS 722)	\$17,647,226	\$20,020,368	\$-2,373,142	-6.3	42
Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$23,715,962	\$33,554,660	\$-9,838,698	-17.2	19
Automobile Dealers (NAICS 4411)	\$20,139,008	\$28,624,523	\$-8,485,515	-17.4	11
Other Motor Vehicle Dealers (NAICS 4412)	\$2,030,811	\$615,461	\$1,415,350	53.5	2
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$1,546,143	\$4,314,676	\$-2,768,533	-47.2	6
Furniture & Home Furnishings Stores (NAICS 442)	\$3,422,186	\$4,265,695	\$-843,509	-11.0	10
Furniture Stores (NAICS 4421)	\$2,126,241	\$3,493,389	\$-1,367,148	-24.3	4
Home Furnishings Stores (NAICS 4422)	\$1,295,945	\$772,306	\$523,639	25.3	6
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$2,857,567	\$802,264	\$2,055,303	56.2	4
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$4,092,011	\$11,737,196	\$-7,645,185	-48.3	11
Building Material and Supplies Dealers (NAICS 4441)	\$3,820,751	\$11,426,832	\$-7,606,081	-49.9	8
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$271,260	\$310,364	\$-39,104	-6.7	3
Food & Beverage Stores (NAICS 445)	\$20,750,648	\$29,473,722	\$-8,723,074	-17.4	18
Grocery Stores (NAICS 4451)	\$18,169,964	\$28,404,994	\$-10,235,030	-22.0	14
Specialty Food Stores (NAICS 4452)	\$1,250,720	\$214,757	\$1,035,963	70.7	2
Beer, Wine, and Liquor Stores (NAICS 4453)	\$1,329,964	\$853,971	\$475,993	21.8	2
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$5,118,751	\$5,563,588	\$-444,837	-4.2	8
Gasoline Stations (NAICS 447/4471)	\$15,894,094	\$7,045,389	\$8,848,705	38.6	2
Clothing and Clothing Accessories Stores (NAICS 448)	\$4,880,318	\$4,239,305	\$641,013	7.0	9
Clothing Stores (NAICS 4481)	\$3,726,526	\$3,617,754	\$108,772	1.5	5
Shoe Stores (NAICS 4482)	\$599,734	\$509,501	\$90,233	8.1	2
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$554,058	\$112,050	\$442,008	66.4	2
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$1,363,692	\$973,171	\$390,521	16.7	11
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$754,170	\$531,918	\$222,252	17.3	7
Book, Periodical, and Music Stores (NAICS 4512)	\$609,522	\$441,253	\$168,269	16.0	4
General Merchandise Stores (NAICS 452)	\$11,056,796	\$15,454,408	\$-4,397,612	-16.6	6
Department Stores Excluding Leased Depts.(NAICS 4521)	\$5,192,526	\$7,485,521	\$-2,292,995	-18.1	1
Other General Merchandise Stores (NAICS 4529)	\$5,864,270	\$7,968,887	\$-2,104,617	-15.2	5
Miscellaneous Store Retailers (NAICS 453)	\$3,523,424	\$2,108,510	\$1,414,914	25.1	22
Florists (NAICS 4531)	\$481,530	\$510,582	\$-29,052	-2.9	3
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$1,086,596	\$204,472	\$882,124	68.3	4
Used Merchandise Stores (NAICS 4533)	\$277,490	\$345,776	\$-68,286	-11.0	9
Other Miscellaneous Store Retailers (NAICS 4539)	\$1,677,808	\$1,047,680	\$630,128	23.1	6
Nonstore Retailers (NAICS 454)	\$1,800,606	\$1,265,061	\$535,545	17.5	1
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$190,614	\$0	\$190,614	100.0	0
Vending Machine Operators (NAICS 4542)	\$422,358	\$1,265,061	\$-842,703	-49.9	1
Direct Selling Establishments (NAICS 4543)	\$1,187,634	\$0	\$1,187,634	100.0	0
Food Services & Drinking Places (NAICS 722)	\$17,647,226	\$20,020,368	\$-2,373,142	-6.3	42
Full-Service Restaurants (NAICS 7221)	\$9,001,438	\$7,031,275	\$1,970,163	12.3	24
Limited-Service Eating Places (NAICS 7222)	\$5,231,368	\$9,753,524	\$-4,522,156	-30.2	14
Special Food Services (NAICS 7223)	\$2,340,090	\$2,805,233	\$-465,143	-9.0	2
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$1,074,330	\$430,336	\$643,994	42.8	2

Source: ESRI and InfoUSA

Retail Potential - Secondary Trade Area (10 miles)

Industry Summary	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$487,862,466	\$381,946,465	\$105,916,001	12.2	402
Total Retail Trade (NAICS 44-45)	\$415,415,292	\$332,745,508	\$82,669,784	11.0	299
Total Food & Drink (NAICS 722)	\$72,447,174	\$49,200,957	\$23,246,217	19.1	103
Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$102,932,046	\$51,901,682	\$51,030,364	33.0	37
Automobile Dealers (NAICS 4411)	\$87,444,510	\$39,331,584	\$48,112,926	38.0	18
Other Motor Vehicle Dealers (NAICS 4412)	\$9,065,809	\$6,784,061	\$2,281,748	14.4	10
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$6,421,727	\$5,786,037	\$635,690	5.2	9
Furniture & Home Furnishings Stores (NAICS 442)	\$14,673,797	\$10,282,304	\$4,391,493	17.6	25
Furniture Stores (NAICS 4421)	\$8,856,814	\$7,030,841	\$1,825,973	11.5	11
Home Furnishings Stores (NAICS 4422)	\$5,816,983	\$3,251,463	\$2,565,520	28.3	14
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$12,299,342	\$2,207,267	\$10,092,075	69.6	13
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$18,466,240	\$26,004,922	\$-7,538,682	-17.0	32
Building Material and Supplies Dealers (NAICS 4441)	\$17,129,081	\$25,252,613	\$-8,123,532	-19.2	25
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$1,337,159	\$752,309	\$584,850	28.0	7
Food & Beverage Stores (NAICS 445)	\$85,953,857	\$139,451,331	\$-53,497,474	-23.7	37
Grocery Stores (NAICS 4451)	\$75,432,056	\$129,854,163	\$-54,422,107	-26.5	24
Specialty Food Stores (NAICS 4452)	\$4,822,168	\$1,045,210	\$3,776,958	64.4	7
Beer, Wine, and Liquor Stores (NAICS 4453)	\$5,699,633	\$8,551,958	\$-2,852,325	-20.0	6
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$20,220,031	\$10,186,503	\$10,033,528	33.0	16
Gasoline Stations (NAICS 447/4471)	\$65,158,126	\$38,498,097	\$26,660,029	25.7	11
Clothing and Clothing Accessories Stores (NAICS 448)	\$19,728,190	\$6,280,892	\$13,447,298	51.7	20
Clothing Stores (NAICS 4481)	\$15,180,517	\$4,906,413	\$10,274,104	51.1	12
Shoe Stores (NAICS 4482)	\$2,284,831	\$908,351	\$1,376,480	43.1	3
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$2,262,842	\$466,128	\$1,796,714	65.8	5
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$5,424,232	\$2,979,936	\$2,444,296	29.1	33
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$3,252,567	\$2,085,474	\$1,167,093	21.9	26
Book, Periodical, and Music Stores (NAICS 4512)	\$2,171,665	\$894,462	\$1,277,203	41.7	7
General Merchandise Stores (NAICS 452)	\$43,803,963	\$34,147,045	\$9,656,918	12.4	11
Department Stores Excluding Leased Depts. (NAICS 4521)	\$20,665,720	\$20,688,579	\$-22,859	-0.1	4
Other General Merchandise Stores (NAICS 4529)	\$23,138,243	\$13,458,466	\$9,679,777	26.4	7
Miscellaneous Store Retailers (NAICS 453)	\$13,223,237	\$6,582,398	\$6,640,839	33.5	60
Florists (NAICS 4531)	\$2,004,998	\$664,241	\$1,340,757	50.2	5
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$4,143,854	\$1,873,982	\$2,269,872	37.7	15
Used Merchandise Stores (NAICS 4533)	\$1,096,164	\$621,139	\$475,025	27.7	17
Other Miscellaneous Store Retailers (NAICS 4539)	\$5,978,221	\$3,423,036	\$2,555,185	27.2	23
Nonstore Retailers (NAICS 454)	\$13,532,231	\$4,223,131	\$9,309,100	52.4	4
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$5,692,622	\$0	\$5,692,622	100.0	0
Vending Machine Operators (NAICS 4542)	\$1,513,681	\$1,912,486	\$-398,805	-11.6	2
Direct Selling Establishments (NAICS 4543)	\$6,325,928	\$2,310,645	\$4,015,283	46.5	2
Food Services & Drinking Places (NAICS 722)	\$72,447,174	\$49,200,957	\$23,246,217	19.1	103
Full-Service Restaurants (NAICS 7221)	\$37,252,708	\$23,787,200	\$13,465,508	22.1	62
Limited-Service Eating Places (NAICS 7222)	\$21,299,746	\$17,785,941	\$3,513,805	9.0	33
Special Food Services (NAICS 7223)	\$9,430,641	\$6,570,850	\$2,859,791	17.9	4
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$4,464,079	\$1,056,966	\$3,407,113	61.7	4

Source: ESRI and InfoUSA

Retail Potential - Tertiary Trade Area (20 miles)

Industry Summary	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Total Retail Trade and Food & Drink (NAICS 44-45, 722)	\$2,807,866,670	\$2,394,511,855	\$413,354,815	7.9	2,126
Total Retail Trade (NAICS 44-45)	\$2,388,054,141	\$2,147,313,124	\$240,741,017	5.3	1,540
Total Food & Drink (NAICS 722)	\$419,812,529	\$247,198,731	\$172,613,798	25.9	586
Industry Group	Demand (Retail Potential)	Supply (Retail Sales)	Retail Gap	Leakage/Surplus Factor	Number of Businesses
Motor Vehicle & Parts Dealers (NAICS 441)	\$592,086,640	\$757,520,614	\$-165,433,974	-12.3	195
Automobile Dealers (NAICS 4411)	\$506,098,771	\$705,949,797	\$-199,851,026	-16.5	100
Other Motor Vehicle Dealers (NAICS 4412)	\$48,747,228	\$26,868,907	\$21,878,321	28.9	37
Auto Parts, Accessories, and Tire Stores (NAICS 4413)	\$37,240,641	\$24,701,910	\$12,538,731	20.2	58
Furniture & Home Furnishings Stores (NAICS 442)	\$85,490,132	\$59,977,114	\$25,513,018	17.5	120
Furniture Stores (NAICS 4421)	\$50,512,441	\$39,698,798	\$10,813,643	12.0	49
Home Furnishings Stores (NAICS 4422)	\$34,977,691	\$20,278,316	\$14,699,375	26.6	71
Electronics & Appliance Stores (NAICS 443/NAICS 4431)	\$74,184,058	\$22,639,545	\$51,544,513	53.2	81
Bldg Materials, Garden Equip. & Supply Stores (NAICS 444)	\$109,878,629	\$130,701,099	\$-20,822,470	-8.7	170
Building Material and Supplies Dealers (NAICS 4441)	\$101,651,468	\$118,434,797	\$-16,783,329	-7.6	122
Lawn and Garden Equipment and Supplies Stores (NAICS 4442)	\$8,227,161	\$12,266,302	\$-4,039,141	-19.7	48
Food & Beverage Stores (NAICS 445)	\$502,314,904	\$493,452,316	\$8,862,588	0.9	171
Grocery Stores (NAICS 4451)	\$438,714,108	\$447,477,646	\$-8,763,538	-1.0	81
Specialty Food Stores (NAICS 4452)	\$29,200,690	\$13,373,641	\$15,827,049	37.2	48
Beer, Wine, and Liquor Stores (NAICS 4453)	\$34,400,106	\$32,601,029	\$1,799,077	2.7	42
Health & Personal Care Stores (NAICS 446/NAICS 4461)	\$110,600,981	\$63,259,693	\$47,341,288	27.2	86
Gasoline Stations (NAICS 447/4471)	\$366,553,206	\$302,946,591	\$63,606,615	9.5	94
Clothing and Clothing Accessories Stores (NAICS 448)	\$120,107,189	\$45,509,633	\$74,597,556	45.0	127
Clothing Stores (NAICS 4481)	\$94,170,735	\$32,122,844	\$62,047,891	49.1	81
Shoe Stores (NAICS 4482)	\$12,543,676	\$6,215,074	\$6,328,602	33.7	17
Jewelry, Luggage, and Leather Goods Stores (NAICS 4483)	\$13,392,778	\$7,171,715	\$6,221,063	30.3	29
Sporting Goods, Hobby, Book, and Music Stores (NAICS 451)	\$31,290,709	\$24,707,315	\$6,583,394	11.8	132
Sporting Goods/Hobby/Musical Instrument Stores (NAICS 4511)	\$19,629,947	\$18,672,451	\$957,496	2.5	104
Book, Periodical, and Music Stores (NAICS 4512)	\$11,660,762	\$6,034,864	\$5,625,898	31.8	28
General Merchandise Stores (NAICS 452)	\$221,734,301	\$160,557,795	\$61,176,506	16.0	56
Department Stores Excluding Leased Depts. (NAICS 4521)	\$100,851,330	\$96,842,214	\$4,009,116	2.0	24
Other General Merchandise Stores (NAICS 4529)	\$120,882,971	\$63,715,581	\$57,167,390	31.0	32
Miscellaneous Store Retailers (NAICS 453)	\$71,007,157	\$41,773,044	\$29,234,113	25.9	288
Florists (NAICS 4531)	\$10,653,969	\$4,137,476	\$6,516,493	44.1	39
Office Supplies, Stationery, and Gift Stores (NAICS 4532)	\$22,404,160	\$9,786,603	\$12,617,557	39.2	66
Used Merchandise Stores (NAICS 4533)	\$6,312,497	\$3,971,147	\$2,341,350	22.8	75
Other Miscellaneous Store Retailers (NAICS 4539)	\$31,636,531	\$23,877,818	\$7,758,713	14.0	108
Nonstore Retailers (NAICS 454)	\$102,806,235	\$44,268,365	\$58,537,870	39.8	20
Electronic Shopping and Mail-Order Houses (NAICS 4541)	\$54,881,875	\$13,340,369	\$41,541,506	60.9	1
Vending Machine Operators (NAICS 4542)	\$7,595,388	\$2,542,799	\$5,052,589	49.8	4
Direct Selling Establishments (NAICS 4543)	\$40,328,972	\$28,385,197	\$11,943,775	17.4	15
Food Services & Drinking Places (NAICS 722)	\$419,812,529	\$247,198,731	\$172,613,798	25.9	586
Full-Service Restaurants (NAICS 7221)	\$229,383,870	\$120,253,980	\$109,129,890	31.2	348
Limited-Service Eating Places (NAICS 7222)	\$119,954,482	\$92,419,640	\$27,534,842	13.0	171
Special Food Services (NAICS 7223)	\$45,531,887	\$28,020,766	\$17,511,121	23.8	28
Drinking Places - Alcoholic Beverages (NAICS 7224)	\$24,942,290	\$6,504,345	\$18,437,945	58.6	39

Source: ESRI and InfoUSA

BUSINESS OWNERS SURVEY

- Distribution** As a means of encouraging business owner participation in the planning process, a survey was hand distributed to 70 businesses along Pennsylvania Avenue between the Delaware River Bridge and the traffic signal at the eastern leg of the I-84 interchange. Sixteen completed surveys were returned. A summary of these responses follows:
- Ownership** 14 independent, 1 corporate, and 1 national.
- Years in Business** 3 months to 46 years
- Advantages/Strengths**
- good exposure from high traffic
 - good police protection
 - good recreation opportunities
 - area wide strong growth
 - available parking
 - good location, centrally located
 - easy access to I-84, NJ, NY
- Disadvantages/Weaknesses**
- 22-foot parking limitation
 - high utility costs and insurance rates
 - employment difficulties
 - lack of parking - lack of municipal parking
 - high traffic - difficulty exiting side streets
 - truck traffic and noise
 - sign limitations restrict on-site advertising
 - congestion at 10th Street
 - poorly maintained buildings - overall poor image
 - uneven sidewalks
 - lack of side street sidewalks
 - lack of Council support
 - lack of business owner interest
 - less gas tax in NJ
- Market Area**
- Matamoras-Westfall is the primary market area for respondents
 - Many rely on the wider region of Pike County, NJ and New York
 - Tourists are less important

Issues/Obstacles

# Responses	
Lack of Traffic	6
Property Improvements	5
Cost Rent/property	4
Telecom Services	1
Codes/Regs	4
Avail of Employees	3
Employee Skill/Prep	3
Public Safety/Crime	1
Parking	8
Competition	5

**Critical Factors
for Success**

# Responses	
Foot Traffic	8
Financing	6
Marketing	11
Equip/Technology	3
Tourism	6
Qualified Labor	5
Update/Enforce Codes	1

Current Business Level

# Responses	
Rapidly Growing	1
Moderately Growing	1
Same Level/Fairly Steady	8
Moderately Lower	3
Fewer sales/Less Income	4
Rapidly Declining	2

Changes to Business

# Responses	
Expand	3
Reduce	0
No Plans to Change	5
Sell	4
Uncertain	4

**Needed Information/
Assistance**

# Responses	
Marketing/Advertising	10
Employee Hiring/Training	5
Business Expansion	3
Internet for E-Commerce	3
Loan Prep Assistance	1
Management Training	2
Property/Facade Improvements	5
Computer/Tech Assistance	2

**Types of Businesses
Needed to Improve
Pennsylvania Avenue**

- restaurants, mid-priced restaurants
- small shops and boutiques
- bed and breakfast establishments
- theater/cinema
- park with attractions
- limit large competing businesses
- less cigarette shops, flea markets

Improvement and Marketing Actions

- pave Pennsylvania Avenue
- increase parking
- improve property appearance
- funding for property improvements
- complete sidewalks
- limit number of street lamps
- reroute truck traffic, limit jake brakes
- clean up and improve streetscape - flowers, etc.
- put power lines underground
- banners on street lamps
- enforce codes, require repair of dilapidated signs and structures
- provide traffic signals and pedestrian crossing
- need free or low cost newspaper to advertise businesses
- market as open/friendly town to tourists
- create a market image
- improve lighting

Interest in Participating

Ten of the respondents expressed interest in participating in revitalization efforts, 3 expressed some interest and 3 were not interested.

PLANNING IMPLICATIONS

Physical Improvements

Physical improvements are needed along Pennsylvania Avenue. This should be undertaken in a phased approach that will focus first on beautifying the street and sidewalks, second on improving the appearance of buildings, and third on installation of planters, street trees, street lamps and other streetscape amenities.

Business Development

Along with opportunities for the business specified in the retail potential analysis (above), the *destination* component of the market provides an opportunity. Destination businesses draw people from a wide area. They are based on providing a unique experience, which can be related to dining, entertainment, historical and cultural features, and recreation. This is the only segment that is lacking in the Pennsylvania Avenue corridor, particularly in downtown Matamoras.

In addition to retail uses, a healthy downtown contains a mix of residential, office, and institutional uses. The residential neighborhoods in and around Matamoras Borough should be supported and maintained, as they provide the local market for many of the Pennsylvania Avenue businesses. This market area has the potential to grow as future development in neighboring municipalities, particularly in Westfall Township, will provide more potential consumers. Office uses also help to diversify the local economy and increase its daytime population, which in turn supports other businesses. Institutional, cultural, and recreational uses provide further diversification and stability and bring people to the area.

Organization and Commitment

Business development and diversification of the uses along Pennsylvania is a long-term undertaking and will require a high level of organization and commitment.

FUTURE PLANNING POLICIES AND ACTIONS

Funding	<p>Seek funding to finance revitalization efforts.</p> <ul style="list-style-type: none"> • <u>Main Street Program</u> - Apply for assistance from the Main Street Program which provides funding for a staff person to head the revitalization effort. • <u>Elm Street Program</u> - Apply for assistance from the Elm Street Program which provides funding for improvements to neighborhoods surrounding the downtown business core. • <u>State Grant Programs</u> - Apply for funding from state grant programs such as the Community Revitalization Program, Business in our Sites, Community Development Block Grants, and Economic Stimulus Package Technical Assistance Program. • <u>Federal Grant Programs</u> - Apply for funding from federal grant programs including the Economic Development Administration's assistance programs.
Organization	<p>Develop a volunteer-driven, community-based committee as the key element of the revitalization program</p> <ul style="list-style-type: none"> • <u>Business Owner Interaction</u> - Encourage business owners to meet each other and to have regular gatherings – perhaps at the Borough building – to socialize and to discuss business issues. • <u>Current Efforts</u> - Support current revitalization efforts and organizations (such as Avenue in Bloom). • <u>Volunteer Recruitment</u> - Assist current revitalization organizations with advertising and recruiting of volunteers through the Borough and Township newsletters and other media outlets. • <u>Staff</u> - Hire a staff person to spearhead revitalization actions. • <u>Revitalization Committee</u> - Form a Borough or joint Borough-Township committee that meets regularly to discuss revitalization actions and monitor progress of the revitalization effort.
Physical Improvements	<p>Improve the appearance of the Pennsylvania Avenue Corridor.</p> <ul style="list-style-type: none"> • <u>Beautification</u> - Conduct a regularly scheduled clean-up of the streets, sidewalks, and parking areas. Consider purchasing street cleaning equipment. Install trash receptacles, especially in front of eating and drinking establishments. • <u>Sidewalks</u> - Pursue the completion of sidewalk installations along both sides of Pennsylvania Avenue. • <u>Street Trees</u> - Install street trees to provide shade and aesthetic appeal and to screen utility poles and overhead wires.

- Signs - Strengthen sign regulations in the zoning ordinance to limit the number and type of signs permitted on a lot, and enforce the sign regulations.
- Landscaping - Strengthen zoning and SALDO regulations to require landscaping treatments along the Pennsylvania Avenue street frontage and in parking areas.
- Planters - Install planters at appropriate locations along Pennsylvania Avenue.
- Benches - Install benches along Pennsylvania Avenue to provide pedestrians with a place to sit.
- Street Lamps - Pursue the completion of street lamp installations along both sides of Pennsylvania Avenue.
- Outdoor Storage - Strengthen zoning regulations to control the outdoor storage and display of equipment and materials.

Buildings

Improve the appearance of buildings along Pennsylvania Avenue.

- Maintenance - Enforce building maintenance codes in order to improve the appearance of building facades.
- Restoration - Provide incentives to new and existing property owners to restore buildings.
- Design Guidelines - Create design guidelines for building, landscaping, amenities and signs to ensure that improvements and new development are consistent with the community's character.
- Historic Buildings - Identify and document historic buildings along Pennsylvania Avenue and in surrounding neighborhoods. Amend zoning regulations to permit adaptive reuse of these buildings as a means to preserve their historic integrity.

Enforcement

Consistently enforce laws and regulations to achieve a clean, healthy, and safe downtown environment.

- Zoning - Strengthen sign, parking, landscaping, and outdoor storage regulations and enforce them.
- Policing - Maintain a police presence to ensure public safety.
- Litter - Enforce litter laws.

Pedestrians

Create a pedestrian friendly environment.

- Sidewalks - Maintain existing sidewalks, and continue with the installation of new sidewalks along Pennsylvania Avenue.

- Crosswalks - Provide crosswalks at all intersections along Pennsylvania Avenue.
- Right-of Way Signs - Install pedestrian signs at strategic intersections.
- Other Amenities - Install pedestrian amenities, including shade trees and benches.

Infrastructure

Provide needed infrastructure.

- Sewer Service - Work with the West Township Municipal Authority to connect public sewer service from the Township to the Borough when financially feasible.
- Media Communications - Lobby the FCC to get local television and radio coverage.

Parking

Provide sufficient parking.

- On-Street Parking - Maintain on-street parking. On-street parking is important as a convenience to shoppers, as a traffic calming device for drivers, and as a physical and psychological barrier protecting pedestrians from moving vehicles. The conversion of on-street parking to driving lanes often results in faster moving traffic that makes small downtowns less pedestrian-friendly and less business-friendly.
- Zoning - Amend parking regulations to place time limits on on-street parking.
- Parking Meters - Consider the use of parking meters to limit on-street parking and to generate revenue.
- Parking Plan - Develop a parking plan to provide convenient and safe access for business customers and employees.

Traffic

Improve traffic conditions along Pennsylvania Avenue.

Bulbout or curb extension

Bulbouts or curb extensions extend the sidewalk or curb line into the street, reducing the street pavement width. Bulbouts calm traffic speeds and improve pedestrian crossings. They shorten crossing distances and reduce the time pedestrians are exposed to traffic. They also improve visibility for pedestrians and motorists.



Bulbouts placed at an intersection discourage motorists from parking in a crosswalk or from blocking a curb ramp. Motorists may travel more slowly at intersections or midblock locations with bulbouts depending upon how narrow the roadway becomes. Used in sequence, especially with landscaping, bulbouts tighten overly wide streets. The more restricted the street width becomes, the slower motorists tend to travel. Bulbouts also reduce turning speeds at intersections.

<http://www.ecocitycleveland.org/transportation/traffic/tools/bulbout.html>

- Traffic Study - Conduct a detailed traffic study to examine the feasibility of installing traffic calming devices along Pennsylvania Avenue and potential impacts. Such devices might include a traffic signal(s), bulbouts, crosswalks, improved signage, turning lanes and left turn bays.
- Access Management - Create an access management plan for Pennsylvania Avenue.
- Congested Corridor Report - Use the 2004 Congested Corridor Report and initiate pertinent improvements.

**Economic
Development**

Increase economic activity and make Pennsylvania Avenue an area destination by expanding retail, office, and entertainment offerings that will attract local residents and regional consumers and tourists.

- Business Retention - Connect exiting business owners with business resources such as the Small Business Administration and the Pike County Chamber of Commerce for assistance with business management, marketing, and applications for loans.
- Promotion and Marketing - Conduct community events to attract area residents to Pennsylvania Avenue. Examples are holiday festivals, street festivals (e.g., First Friday and/or Third Thursday festivals, etc.), a weekend farmers' market, arts and craft festivals, music festivals, etc. Advertise community events and special events held at local businesses on the radio and in local and regional newspapers.
- Hours of Operation - Encourage businesses to extend their hours on certain days to promote evening and weekend activity on Pennsylvania Avenue.
- New Business Recruitment - Prepare a business recruitment package that markets Pennsylvania Avenue and the local area to prospective retailers and professional offices (refer to the Retail Potential reports for prospective businesses). Work with the real estate community, Chamber of Commerce and other organizations to pursue these businesses.
- Natural, Historic and Recreational Resources - Use the community's natural and historical features and recreational resources to attract tourists. For example, develop a historic walking/driving tour and/or a *natural wonders* tour that highlights the unique resources found in the Borough and the Township.
- Delaware River Access - Increase public access to the Delaware River by improving the existing access in Airport Park and working with DEP and regulatory agencies to develop additional access points.
- River Views - Increase the visibility of the Delaware River by establishing small river front parks, overlook points, and/or a river front promenade.
- River Activities - Support the establishment of businesses that provide services for river activities such as fishing, canoeing, and tubing, and collaborate with existing river businesses to advertise to their customers the various retail and service establishments along Pennsylvania Avenue.
- Airport Park - Promote Airport Park as a regional recreational resource to draw potential consumers to Pennsylvania Avenue.

Chapter 124

ZONING

GENERAL REFERENCES

Planning Commission — See Ch. 22.

Floodplain development — See Ch. 63.

Building permits — See Ch. 48.

Streets and sidewalks — See Ch. 105.

Unsafe buildings — See Ch. 49.

Subdivision of land — See Ch. 108.

ARTICLE I
General Provisions

§ 124-1. Repealer; conflict of provisions.

This chapter, as adopted herein and as may be duly amended by the Borough Council, shall repeal and replace in total the Matamoras Borough Zoning Ordinance of December 7, 1982, as amended. This chapter is not intended to and shall not be construed to affect or repeal any other ordinance, code or regulation of the Borough of Matamoras. If any other ordinance, code or regulation of the Borough of Matamoras is in conflict or inconsistent with the requirements of this chapter, the most restrictive standards and provisions shall apply.

§ 124-2. Title.

This chapter is an ordinance permitting, prohibiting, regulating, restricting and determining the uses of land, watercourses and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; creating zoning districts and establishing the boundaries thereof; authorizing the appointment of a zoning officer; creating a zoning hearing board; and providing for the administration, amendment and enforcement of this chapter, including the imposition of penalties. This chapter shall be known and may be cited as the "Matamoras Borough Zoning Ordinance."

§ 124-3. Purpose.

This chapter is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures. This chapter is enacted for the following purposes:

- A. To promote, protect and facilitate one (1) or more of the following: the public health, safety, morals and general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources; agricultural land and uses; reliable, safe and adequate water supplies; safe and adequate sewerage disposal; schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.¹
- B. To prevent one (1) or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.

1. Editor's Note: See 53 P.S. § 10101 et seq.

§ 124-4. Interpretation.

In interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and the general welfare of the borough and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the borough except that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this chapter shall control.

§ 124-5. Community development objectives.

This chapter has been adopted in part to assist in implementing the Matamoras Borough Comprehensive Plan. The community development objectives supplement the goals and objectives in the Comprehensive Plan and include, but are not limited to, the following:

- A. To provide the opportunity for safe, decent, sanitary housing and living environments, with the maximum range of choice in type and location for all families and individuals.
- B. To ensure that the land uses of the community are logically situated in relation to one another.
- C. To provide adequate space for each type of development in the community so as to avoid overcrowding of land.
- D. To provide for the control of development density in each neighborhood so that the populace can be serviced adequately by such facilities as streets, schools, recreation and utilities systems.
- E. To protect existing property by requiring that development afford adequate light, air and privacy for persons living and working within the municipality.
- F. To facilitate the efficient movement of traffic.
- G. To secure the preservation and prudent use of natural resources.
- H. To strive for a variety in housing types.
- I. To provide for equal opportunities in all facets of community living.
- J. To strive for coordination between policies, plans and programs in the community through cooperation among governing officials, community interest groups and the general populace.

ARTICLE II Terminology

§ 124-6. Rules of construction; word usage.

The following rules of construction shall apply to this chapter:

- A. For the purpose of this chapter, certain terms and words are herein defined. Whenever used in this chapter, they shall have the meanings indicated in this Article, except where there is indicated, in context, a different meaning.
- B. The particular shall control the general.
- C. The words "shall" and "must" are mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present sense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. The phrase "used for" includes "arranged for," "designed for," "intended for" and/or "occupied for."
- F. The word "person" includes "individual," "profit or nonprofit organization," "partnership," "company," "unincorporated association," "corporation" or other similar entities.

§ 124-7. Terms, phrases and words not defined.

When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

§ 124-8. Definitions.

- A. For the purposes of this chapter, the following words, terms and phrases shall have the meanings indicated herein:

ACCESSORY BUILDING, STRUCTURE OR USE — A use of land or of a building or portion thereof or a building or structure customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. Playhouses, doghouses and animal pens shall be considered "accessory structures" for the purposes of this chapter.

ADULT BUSINESS — Use of a building or land for a business which has obscene materials as a significant portion of its stock-in-trade or involves the sale, lease, trade, gift or display of drug paraphernalia. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes any specified anatomical areas and/or specified sexual activities. Drug paraphernalia includes any objects, devices, instruments, apparatus or contrivances whose primary and traditionally exclusive use is involved with the illegal use of any and all controlled substances under Pennsylvania law. For the purposes of this chapter, "adult businesses" shall also include any nightclub, bar, restaurant, arcade, theater or any other establishment that regularly

features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities or films, motion pictures, videocassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas or where any specified sexual activities are conducted for economic gain or any other form of consideration.

- (1) SPECIFIED ANATOMICAL AREAS — As used herein, "specified anatomical areas" means and includes any of the following:
 - (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
 - (b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- (2) SPECIFIED SEXUAL ACTIVITIES — Includes any of the following:
 - (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
 - (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
 - (c) Masturbation, actual or simulated; or
 - (d) Excretory functions as part of or in connection with any of the activities set forth in Subsections A(2)(a) through (c) of this definition.

ADULT DAY CARE — Care given for part of the twenty-four-hour day to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care.

ADULT DAY-CARE CENTER — Any premises or portion thereof operated for profit, in which adult day care is simultaneously provided for four (4) or more adults who are not relatives of the operator.

ALTERATION — Any change or rearrangement in the structural parts or in the existing facilities of a building or structure which increases or decreases the area of the building or structure whether by extension on any side or by an increase in height; or the moving of such building from one (1) location to another.

AMUSEMENT ARCADE — A building or part of a building in which five (5) or more pinball machines, video games or other similar player-operated amusement devices are maintained.

AMUSEMENT PARK — A commercially operated park or facility with various devices for entertainment, including but not limited to rides,

games, electronic games and similar devices, food stands and other associated facilities.

ANIMAL HOSPITAL — A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

APPLICANT — See "person."

AUCTION HOUSE — A building where goods, chattel and other property are offered to the public for sale and which are sold to the highest bidder.

BASEMENT — A story partly below the finished grade but having at least one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A "basement" shall be considered as one (1) story in determining the permissible number of stories.

BED-AND-BREAKFAST — Any dwelling in which more than three (3) persons, either individually or as families, are housed or lodged for hire, usually for short tourist-related stays, with meals normally included as a part of the services rendered.

BLOCK OR LOT FRONTAGE — That portion of a block or lot which fronts on a single street.

BOARDING HOME — Any dwelling in which four (4) or more persons, either individually or as families, are housed or lodged for hire for extended periods with meals normally but not necessarily included as a part of the services rendered. and rental rooms contain no cooking facilities and bathrooms are normally shared with other boarders.

BODY PIERCING — The performance of physically perforating (for purposes of insertion of decorative jewelry) the skin of a person(s) by another person for a certain monetary compensation. **[Added 10-8-2002 by Ord. No. 267]**

BOROUGH — The Borough of Matamoras, Pike County.

BOROUGH COUNCIL — The Borough Council of the Borough of Matamoras, Pike County, Pennsylvania.

BUFFER — A part of a required setback area (yard) which is used to provide separation between incompatible uses to effect a visual barrier, reduce noise, block physical passage between uses and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases.

BUILDING — A structure formed of any combination of materials which is erected on the ground and permanently affixed thereto and designed, intended or arranged for the housing, shelter, enclosure or structural support of persons, animals or property of any kind. A multifamily building divided by unpierced masonry walls extending from the ground

to the underside of the roof shall not be deemed to be more than one (1) "building" for the purpose of this chapter.

BUILDING, ATTACHED — A building which has two (2) or more walls or portions thereof in common with an adjacent building.

BUILDING COVERAGE — The percentage of lot area which shall be allowed to be covered with roofed structures.

BUILDING, DETACHED — A building surrounded by open space on all four (4) sides within the same lot.

BUILDING HEIGHT — The vertical distance from the grade at the front of the building, or the average of the grades of the street fronts if the building faces more than one (1) street, to the highest point of the roof beams of a flat roof and to the mean height between eaves and ridge for gabled, hipped and pitched roofs.

BUILDING LINE OR BUILDING SETBACK LINE — A fixed line within property, defining the minimum distance between any building or structure or portion thereof to be erected or altered and an adjacent right-of-way or street line.

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which said building is situated.

BUILDING, SEMIDETACHED — A building which has one (1) wall or portion thereof in common with an adjacent building.

BUS TERMINAL — An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

CARPORT — A roofed-over structure open on two (2) or more sides and used in conjunction with a dwelling, for the storage of private motor vehicles.

CAR WASH — Any building or premises or portions thereof used for washing automobiles, trucks, buses or other vehicles for commercial purposes.

CELLAR — A story partly below the finished grade, having one-half (1/2) or more of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A "cellar" shall not be considered a story in determining the permissible number of stories.

CERTIFICATE OF USE AND OCCUPANCY — A statement, based on an inspection, signed by the Zoning Administrative Officer, setting forth that a building, structure, sign and/or land complies with this chapter and/or that a building, structure, sign and/or land may be lawfully employed for specific uses as set forth therein.

CHILD-CARE CENTER — Any establishment enrolling four (4) or more children and where tuition, fees or other forms of compensation for the care of the children are charged.

CHILD DAY CARE — Care in lieu of parental care given for part of the twenty-four-hour day to children under sixteen (16) years of age, away from their own homes, but does not include child day care furnished in places of worship during religious services nor child day care provided by an employer to its employees so long as such a center is housed within the employer's facility.

CHILD DAY-CARE CENTER — Any premises or portion thereof operated for profit in which child day care is provided simultaneously for seven (7) or more children who are not relatives of the operator.

CHURCH — A building used for public worship, and including associated facilities but not including other uses specifically listed on the Schedule of Uses,² unless said use is permitted in the district.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

CLUB/LODGE, PRIVATE — An establishment operated for social, athletic, recreational or educational purposes but open only to members and not generally open to the general public.

COMMERCIAL COMMUNICATIONS DEVICE — Any device with is intended for transmitting or receiving commercial television, radio or telephone communications, excluding the following:**[Added 5-5-2002 by Ord. No. 264]**

- (1) Industrial, scientific and medical equipment as regulated by the Federal Communications Commission in 47 CFR 18.
- (2) Military and government radar antennas and associated communications towers used for navigational purposes as regulated by 47 CFR 87.
- (3) Amateur (ham) and citizen band transmitting and receiving antennas and associated communications towers as regulated by 47 CFR 97 and 47 CFR 95, respectively, and which are less than 45 feet in height.
- (4) Radio transceivers normally hand-held or installed in a vehicle, such as an automobile, truck, trailer, or watercraft.
- (5) A radio frequency machine which is designated and marketed as a consumer product, such as microwave ovens, radio control toys, and television satellite dishes.

COMMERCIAL COMMUNICATIONS DEVICE SUPPORT STRUCTURE — Any pole, telescoping mast, tower, tripod, or any other structure which supports a commercial communications device.**[Added 5-5-2002 by Ord. No. 264]**

COMMERCIAL COMMUNICATIONS DEVICE SUPPORT STRUCTURE HEIGHT — The vertical distance measured from the base of the support

structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the height.**[Added 5-5-2002 by Ord. No. 264]**

COMMERCIAL VEHICLE — Any motor vehicle which is required by law to bear any license plate other than that issued for private passenger car use; and any motor vehicle, including passenger cars identified or commonly associated with any business, industry or public agency, shall be considered a "commercial vehicle" under the terms of this chapter.

COMMISSION — The Planning Commission of Matamoras Borough.

COMPREHENSIVE PLAN — The Matamoras Borough Comprehensive Plan, including all maps, charts and textual matter.

CONDITIONAL USE — A use which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this chapter are satisfied. "Conditional uses" are allowed or denied by the Borough Council after recommendations by the Planning Commission, and the Council may establish such conditions deemed reasonable to protect adjoining uses and the general public health, safety and welfare.

CONTRACTOR'S YARD — Any premises used as the base of operation by any tradesman, contractor or subcontractor for the storage of equipment and supplies, fabrication of subassemblies and parking of vehicles and equipment used in any contracting business or trade.

CONVENIENCE STORE — A one-story, retail store containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It may also include the sale of gasoline but shall not include the repair or service of vehicles.

COUNCIL — The Borough Council of the Borough of Matamoras, Pike County.

DATA COLLECTION UNIT (DCU) — A cabinet-type facility that can be attached to an existing or proposed utility pole or a similar pole.**[Added 5-9-2017 by Ord. No. 331]**

DECK — An elevated [more than six (6) inches] attached or unattached accessory structure constructed of wood with no walls or roof. As an accessory structure, it must meet the required setbacks.

DETENTION FACILITY — A publicly operated or regulated facility used to house and/or rehabilitate individuals detained or sentenced by the criminal justice system, including but not limited to jails, prisons, penitentiaries, reformatories and similar facilities.

DEVELOPER — Any landowner, agent of such owner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

DISTRIBUTED ANTENNA SYSTEM (DAS) — Also referred to as "microcell." A set of antenna nodes networked with each other and connected to a wireless service source comprised of one or more high-power antennas that serve a given area and are replaced by a group of low-power antennas to serve the same geographic area. **[Added 5-9-2017 by Ord. No. 331]**

DWELLING — A structure or portion thereof which is used exclusively for human habitation.

DWELLING, SINGLE-FAMILY — A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side yards.

DWELLING STRUCTURE, MULTIFAMILY — A building or buildings, not exceeding the height requirements of this chapter, designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multifamily dwelling" shall include condominium as well as noncondominium housing units, including the following construction types:

- (1) RESIDENTIAL CONVERSION TO APARTMENTS — Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units.
- (2) APARTMENT BUILDING — Multifamily dwellings originally designed as such, containing three (3) or more dwelling units.
- (3) TOWNHOUSE — Multifamily dwelling of three (3) or more dwelling units in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one (1) or more common fire-resistant walls.

DWELLING, TWO-FAMILY — A dwelling accommodating two (2) families living independently with no common cooking or sanitary facilities, the units attached either side by side through the use of a party wall, and having one (1) side yard adjacent to each dwelling unit, or upstairs/downstairs units.

DWELLING UNIT — One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

ESSENTIAL SERVICES — Municipal or public utility facilities which do not require enclosure in a building, which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including the construction or maintenance of gas, electrical, steam, telephone, sewage treatment

plants and collection systems or water distribution systems, including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment. Buildings, solid waste disposal facilities, commercial communications towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the PA Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building, see "public or semipublic use.") **[Amended 5-5-2002 by Ord. No. 264]**

FACADE — The exterior wall of a building exposed to public view or that wall viewed by persons not inside the building.

FAST-FOOD RESTAURANT — An establishment whose principal business is the sale of preprepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises, and which may include facilities that enable customers to obtain food while remaining in their vehicles.

FENCE — A structure erected as a barrier to prevent entry or escape, to mark a boundary or for ornamental or landscaping purposes, and typically constructed of posts and/or other supports in combination with wire, boards or other materials.

GARAGE, PRIVATE — An enclosed space for the storage of one (1) or more private motor vehicles, provided that no business, occupation or service is conducted therein.

GARDEN CENTER, RETAIL — A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

GASOLINE SERVICE STATION — A structure, building or area of land or any portion thereof that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, sale of accessories and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a "gasoline service station."

GREENHOUSE, COMMERCIAL — A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution and including associated structures for office space and storage, but not including retail sales of any products or services.

GREENHOUSE, PRIVATE — An accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, used for growing of plants for private use by the inhabitants of the principal structure.

GROSS FLOOR AREA — The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two (2) buildings, but not including interior parking spaces, loading space for vehicles or any space where the floor-to-ceiling height is less than six (6) feet.

GROUP HOME — A facility or dwelling unit where a group of not more than seven (7) individuals, including staff, not related by blood, marriage, adoption or guardianship are living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability and which is typically administered by a public or nonprofit agency. Any facility housing more than seven (7) individuals, including staff, shall be considered a health facility.

HEALTH FACILITIES — Establishments primarily engaged in providing services for human health maintenance, including hospital facilities, nursing facilities and medical and dental clinics and offices, whether publicly or privately operated, but not including rehabilitation centers.

HEIGHT OF SIGN OR OTHER STRUCTURE (WHICH IS NOT A BUILDING) — The vertical distance measured from the grade at the front of the structure or sign to its highest point. The highest point in the case of a sign shall include the supporting structure.

HOME OCCUPATION — Any use customarily conducted entirely within a dwelling or in a building accessory thereto and carried on by the inhabitants residing therein, providing that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, the exterior appearance of the structure or premises is constructed and maintained as a residential dwelling and no goods are publicly displayed on the premises other than an approved sign; professional practice by a single practitioner of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers and veterinarians and similar types of professional practice uses; but excluding stables, kennels, animal breeding and similar uses; excluding motor vehicle, small engine repair shops and similar uses; and excluding other uses not meeting the standards in § 124-14 of this chapter.

HOTEL — A facility offering temporary [generally for periods of two (2) weeks or less] lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and limited recreational facilities.

IMMEDIATE SURROUNDING AREA — Any area of the borough which can be described as a distinct neighborhood and which is limited geographically to a size less than one-half (1/2) of the borough land area. Neighborhood commercial uses designed to service such an area shall be limited to those which can be construed as having such a neighborhood as their primary marketing area.

INDUSTRY, HEAVY — A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or

raw materials or a use engaged in storage of or manufacturing processes using flammable or explosive materials or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

INDUSTRY, LIGHT — A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

INTERMEDIATE CARE FACILITY — An institution or portion thereof which provides on a regular basis health-related care and services to resident individuals who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but who, because of their mental or physical condition, require health-related care and services above the level of room and board.

JUNK — Any scrap, waste, reclaimable material or debris, vehicles or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

JUNKYARD — An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to wastepaper, rags, metal, building materials, house furnishings, machines, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outside storage or deposit on a lot of two (2) or more inoperable vehicles which do not have current licenses shall be considered a "junkyard." Agricultural vehicles such as tractors, mowers, etc., which are utilized as part of an active on-going farming operation and contractors' construction equipment shall be exempt from this provision. Automobile sales lots managed by licensed automobile dealers and storage areas for antique autos shall be also exempt from this provision.

KENNEL — The keeping of four (4) or more dogs that are more than six (6) months of age.

LAND DEVELOPMENT — Any of the following activities:

- (1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of streets,

common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development in accord with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.³

LOT — Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area and width required by this chapter and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land. The term "lot" shall also mean "parcel," "plot," "site" or any similar term.

LOT AREA — The total number of square feet in the lot less any area included in any rights-of-way affecting the lot.

LOT, CORNER — A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five degrees (135°).

LOT DEPTH — The average horizontal distance between the front lot line and the rear lot line.

LOT, INTERIOR — A lot other than a corner lot, on which the front lot line abuts a street but the side lot lines of which do not abut a street.

LOT LINE, FRONT — The line separating the lot from a street.

LOT LINE, REAR — The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE — Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a "side street lot line."

LOT WIDTH — The average of the width of a lot at the building setback line and the rear lot line.

MACRO CELL TOWER — A facility with a central pole up to 50 feet in height that has a service radius of approximately 2.5 miles. **[Added 5-9-2017 by Ord. No. 331]**

MANUFACTURED HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly, contained in one (1) or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation, including but not limited to mobile homes and modular homes.

MANUFACTURING — Establishments engaged in the mechanical or chemical transformation of materials or substances into new products,

including but not limited to the assembling of component parts, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, agricultural products processing, wood products industries and the like; and research, engineering or testing laboratories.

MASSAGE — The performance of manipulative exercises using the hands and/or a mechanical device on a person(s)'s skin other than the face or neck by another person(s) for a certain monetary compensation, and which does not involve persons who are related to each other by blood, adoption, marriage or official guardianship.**[Added 8-6-2002 by Ord. No. 266]**

MASSAGE PARLOR**[Added 8-6-2002 by Ord. No. 266]** —

(1) An establishment that meets all of the following criteria:

- (a) Massages are conducted (see definition);
- (b) The person conducting the massage is not licensed by the state as a health-care professional or a therapeutic massage therapist, or is not certified by a recognized therapeutic massage organization that requires substantial professional training;
- (c) The massages are not conducted within a licensed hospital, nursing home, personal-care center or office of a medical doctor, physical therapist, chiropractor, or other licensed practitioner;
- (d) The use is not clearly a customary and incidental accessory use to a permitted exercise club or to a high school or college athletic program.

(2) A massage parlor shall be considered an "adult business" for the purposes of this Zoning Ordinance.

MICRO CELL TOWER — A facility with a central pole less than 30 feet in height with a service radius of 0.5 mile or less.**[Added 5-9-2017 by Ord. No. 331]**

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. This shall include double-wide trailers but exclude homes of modular construction not designed to be moved after erection.

MOBILE HOME LOT — Land occupied or to be occupied by a mobile home in a mobile home park, improved with the necessary utility

connections and other appurtenances, and said lot being specifically designated by diversion from other lots in the mobile home park.

MOBILE HOME PARK — A parcel or contiguous parcels of land under single ownership which have been planned and improved for the placement of two (2) or more mobile homes.

MODEL HOME — A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

MOTEL — A facility offering temporary [generally for periods of two (2) weeks or less] lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least twenty-five percent (25%) of the rooms having direct access to the outside.

MULTIFAMILY PROJECT — Any development of single parcel of property that includes one (1) or more buildings containing two (2) or more dwelling units and that includes common open space and facilities.

MULTIPLE OCCUPANT COMMERCIAL BUILDING — A building containing two (2) or more independent, nonresidential uses, such uses also being permitted in the district where the multiple occupant building is proposed.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use, which is clearly secondary to the use as a residential dwelling and which involves neither customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:**[Added 11-1-2005 by Ord. No. 282]**

- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (2) The business shall employ no employees other than family members residing in the dwelling.
- (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference with radio or television reception, which is detectable in the neighborhood.

- (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (7) The business activity shall be conducted only within the swelling and may not occupy more than 25% of the habitable floor area.
- (8) The business may not involve any illegal activity.

NONCONFORMING LOT OF RECORD — Any lot in any district which fronts upon a street and is insufficient in size to meet the minimum width, depth and area requirements specified for the district where such a lot is situated, such lot having been created prior to the enactment of this chapter or any amendments hereto and which by documentary evidence is shown to be, prior to and continuously since the effective date of this chapter and amendments hereto, in separate and distinct ownership from all abutting land.

NONCONFORMING SIGN — Any sign legally existing prior to the effective date of this chapter, as amended (December 12, 1982).

NONCONFORMING STRUCTURE — A structure or part of a structure which does not comply with the applicable use or extent of the use provisions in this chapter, as amended, where such structure lawfully existed prior to the enactment of this chapter or amendments hereto, and including but not limited to nonconforming signs.

NONCONFORMING USE — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendments hereto, where such use was lawfully in existence prior to the enactment of this chapter. Such nonconforming uses include but are not limited to nonconforming signs and other structures.

NURSERY, COMMERCIAL — A parcel of property including buildings on which trees, shrubs and other plants are raised for wholesale to retail distributors; but not including a garden center.

NURSING FACILITY — Includes nursing home/skilled nursing facility, intermediate care facility, personal care home and adult day-care center.

NURSING HOME/SKILLED NURSING FACILITY — Any facility or part of a facility in which professionally supervised nursing care and related medical and other health services are provided for a period exceeding twenty-four (24) hours for two (2) or more individuals who are not in need of hospitalization and are not relatives of the nursing home administrator, but who because of age, illness, disease, injury convalescence or physical or mental infirmity need such care.

OFFICE BUILDING — A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

OPEN SPACE — All areas of a multifamily development or cluster development not conveyed to individual owners and not occupied by

buildings and required or proposed improvements shall be dedicated as permanent "open space" for the benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the project parcel and contiguous.

PARKING LOT, PRIVATE — An open area for the same uses as a private garage.

PARKING LOT, PUBLIC — An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

PARKING SPACE — An off-street space available for the parking of one (1) motor vehicle and measuring a minimum of ten (10) feet by twenty (20) feet, exclusive of driveways, passageways and maneuvering space appurtenant thereto.

PARTY WALL — A wall or an interior lot line used or adopted for joint services between two (2) buildings.

PATIO — An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone or other material suitable for that purpose.

PERSONAL CARE HOME — Any premises or portion thereof in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who do not require the services in or of a licensed long-term care facility but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self administration. **[Amended 11-1-2005 by Ord. No. 282]**

PLANNING COMMISSION — The Planning Commission of the Borough of Matamoras, Pike County, Pennsylvania.

PORCH — An attached roofed patio or deck. With the exception of any wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A "porch" is considered an attached accessory structure and must meet those setback requirements for principal structures.

PRIVATE RECREATIONAL FACILITIES — Outdoor or indoor areas or structures, operated by private nonprofit or private commercial entities, open to the public, which contain entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and racquetball courts, bowling alleys, ski areas, golf courses and the like, but excluding theaters, public parks and playgrounds.

PROFESSIONAL OFFICE — The office of a member of a recognized profession who is licensed by the commonwealth for the practice of such profession, maintained for the conduct of that profession, including but not limited to doctors, dentists, lawyers, real estate sales, insurance sales and similar uses approved by the borough; and which does not include the retail sale of any goods or merchandise.

PUBLIC NOTICE — Notice published once each week for two (2) consecutive weeks in a newspaper of general circulation in the borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC OR SEMIPUBLIC USE — Any structure or use which is owned and operated by a municipality or body/group appointed by a municipal body; or which is owned and operated by a nonprofit organization; or any public utility facility requiring enclosure in a structure; and such structure or use fulfills a community need or provides a public service, including but not limited to municipal buildings and facilities, public schools, public libraries, churches, synagogues and volunteer fire and ambulance facilities, but not including any detention, prison or other correctional institutions. If such a use is specifically listed in the Schedule of Uses,⁴ said use shall be permitted only in the district as listed and shall be further subject to any supplementary regulations contained in Article IV of this chapter.

REHABILITATION CENTER — Any facility or part of a facility in which professionally supervised counseling, medical and other health services are provided to individuals for the treatment of alcohol, drug or other substance abuse.

RESEARCH AND DEVELOPMENT — An establishment or other facility for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

RESTAURANT — An establishment where food and drink is prepared, served and consumed primarily within the principal building.

RETAIL BUSINESS — An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY — Land reserved for use as a street, drainage facility or other public or community use.

SCHOOL, PRIVATE — A privately operated facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SCHOOL, PUBLIC — A publicly operated facility that provides a curriculum of elementary and/or secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SELF-STORAGE FACILITY — A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, commercial goods or supplies.

SEMI-PUBLIC BUILDING OR USE — See "public or semipublic use."

SERVICE ESTABLISHMENT — Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc. If such a use is specifically listed in the Schedule of Uses,⁵ said use shall be permitted only in the district as listed and shall be further subject to any supplementary regulations contained in Article IV of this chapter.

SETBACK — An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front setbacks shall be measured from the edge of the highway right-of-way and other setbacks from property lines.

SEWAGE DISPOSAL, CENTRAL — A sanitary sewage collection system in which sewage is carried from individual lots or dwelling or commercial units by a system of pipes to a central treatment and disposal facility.

SEWAGE DISPOSAL, ON-SITE — A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

SIGN — Any object, device, display, structure or part thereof, situated outdoors or indoors and intended for viewing from the building exterior, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

SIGN, BILLBOARD — A sign advertising a business, product, service, commodity, activity or other concern which is located, produced or offered at a location other than the premises on which the billboard is located.

SIGN, FACADE — Any sign attached parallel to but within six (6) inches of a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign face.

4. Editor's Note: The Schedule of Uses is included at the end of this chapter.

5. Editor's Note: The Schedule of Uses is included at the end of this chapter.

SIGN, FREESTANDING — A sign supported by one (1) or more upright poles, columns or braces placed in or on the ground and not attached to any building or structure.

SIGN, OVERHANGING — Any sign affixed to a building or wall in such manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.

SIGN, PORTABLE — Any sign not permanently affixed to the ground or to a building, or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and any sign attached to, painted on or displayed on a vehicle which is used for the expressed purpose of advertising a business establishment, product, service or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic, unless said vehicle is used in the day-to-day operations of the business.

SIGN, SANDWICH BOARD — A portable sign which is used for the expressed purpose of advertising a business establishment, product, service or entertainment on the premises upon which the sign is erected; such sign comprised of no other framework or support than the wood or other material on which the advertising material is displayed.

SIGN, SURFACE AREA — The area of any sign computed by multiplying its greatest length by its greatest height. Structural members not bearing advertising material or not in the form of a symbol, character, logo or design shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g., raised letters attached to a facade or painted windows), "surface area" shall be that area within the perimeter of a rectangle enclosing the extreme limits of the advertising material. Sign surface area shall apply to each side of a sign which contains advertising material.

SIGN, TEMPORARY — A display, informational sign, banner or other advertising device constructed of cloth, canvas, fabric, wood or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

SOLID WASTE OR WASTE — Any garbage, refuse, industrial, lunchroom or office waste or other material, including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials, resulting from industrial, mining or agricultural operations or local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility.

SOLID WASTE FACILITY, COMMERCIAL — Any facility operated by a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste, including but not limited to liquid, solid, toxic, hazardous and medical waste.

SOLID WASTE FACILITY, PUBLIC — Any facility operated by a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste, including but not limited to liquid, solid, toxic, hazardous and medical waste.

SOLID WASTE STAGING AREA — Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle for transport to a solid waste facility or which is used for the parking or storage of vehicles and/or containers used to transport solid waste.

SPECIAL EXCEPTION — A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land and/or a building for specific purposes in accord with this chapter.

SPECIALTY SHOPS — Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

STORY — That portion of a building included between the surface of any floor and the surface of the floor next above it; or, if there is no floor above it, then the space between any floor and the ceiling next above it. A basement, but not a cellar, shall be deemed to be a "story." Each level of a split-level building, excluding cellars, shall be considered a half story.

STORY, HALF — Any space immediately below and wholly or partly within the roof framing, with or without a finished floor, where not more than seventy-five percent (75%) of such space has structural headroom of seven (7) feet and six (6) inches or more. Any space which has more than seventy-five percent (75%) of its area with such headroom shall be deemed to be a full story.

STREET — A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes "thoroughfare," "avenue," "boulevard," "court," "drive," "expressway," "highway," "lane," "alley," "road" and similar terms.

STRUCTURAL ALTERATION — Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

STRUCTURE — A combination of materials to form a construction for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.

STRUCTURE, PERMANENT — Anything constructed and the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

STRUCTURE, PORTABLE — Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

STUDIO — Any building or structure used for the study or teaching of an art form or discipline such as painting, ceramics, sculpture, photography, dance, music and martial arts, but not including private schools.

TATTOO — The performance of applying color by a mechanical means utilizing ink and needle to the skin of person(s) for a certain monetary compensation.**[Added 10-8-2002 by Ord. No. 267]**

TATTOO AND/OR BODY-PIERCING STUDIO — An establishment that meets the following criteria:**[Added 10-8-2002 by Ord. No. 267]**

(1) Tattoo work and/or body piercing is performed.

THERAPEUTIC MASSAGE FACILITY — An establishment that meets all of the following criteria:**[Added 8-6-2002 by Ord. No. 266]**

(1) Massages are conducted (see definition); and

(2) The person conducting the massage is licensed by the State of Pennsylvania as a health-care professional or a therapeutic massage therapist, or is certified by a recognized therapeutic massage organization that requires substantial professional training.

TRUCK TERMINAL — A terminating point where goods are transferred from a truck to a storage area or to other trucks or picked up by other forms of transportation.

USABLE OPEN SPACE — An unenclosed portion of the area of a lot which is not devoted to driveways, parking spaces or principal structures, but which may include common buildings such as shelters, pavilions or recreational structures centrally located, accessible to occupants of the building or buildings.

USE — The specific purpose for which land, a sign, structure or building is designed, arranged or intended or for which it may be occupied or maintained; or any activity, occupation, business or operation which may be carried on thereon or therein. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE — Relief granted pursuant to the provisions of § 124-45C of this chapter and Articles VI and IX of the Pennsylvania Municipalities Planning Code.⁶

VEHICLE AND EQUIPMENT REPAIR OPERATION — An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

VEHICLE AND EQUIPMENT SALES OPERATION — The use of any building, land area or other premises for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment, including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty percent (50%) of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a "vehicle and equipment sales operation."

VEHICLE RENTAL OPERATION — The use of any building, land area, or other premises for the display and rental of new and used automobiles of operable condition; pickup trucks; or panel trucks or vans. **[Added 10-3-2000 by Ord. No. 259]**

WALKWAY — A narrow passageway, no wider than four (4) feet, extending from the entrance or patio of the principal building at or no more than six (6) inches above ground level, out to and including encroachment of the front yard but not encroaching on any road right-of-way. Construction material may consist of wood, stone, masonry, pavement or other similar material suitable for that purpose. (Note: If constructed above six (6) inches from the ground, see "deck.")

WAREHOUSE — Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

WATER SUPPLY, BOROUGH — The water supply and distribution system owned and operated by the Matamoras Borough Water Authority.

WHOLESALE BUSINESS — Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional or professional business users or to other wholesalers; or acting as agents or brokers and buying merchandise for or selling merchandise to such individuals or companies.

YARD, FRONT — An open, unoccupied space between an adjacent right-of-way and front lot line and the building setback line, and extending the full width of the lot.

YARD/GARAGE SALE — Any offering for sale to the public of used household items conducted on a temporary, intermittent basis.

YARD, REAR — An open, unoccupied space between the rear lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending for the full width of the lot.

YARD, SIDE — An open, unoccupied space between the side lot line and a line drawn parallel thereto at such distance therefrom as may be specified herein for any zoning district, and extending from front yard to rear yard.

ZONING HEARING BOARD — The Zoning Hearing Board of the Borough of Matamoras, Pike County, Pennsylvania.

ZONING OFFICER — The administrative officer charged with the duty of enforcing the provisions of this chapter.

- B. The above definitions are also supplemented by those contained in other borough ordinances. Where there is any conflict between definitions or provisions contained in this chapter and other ordinances, the definitions or provisions contained herein shall apply insofar as they affect this chapter.

ARTICLE III
Zoning Map; Zoning Districts

§ 124-9. Official Zoning Map.

The Borough of Matamoras is hereby divided into zoning districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this chapter, together with all future notations, references and amendments.

- A. Identification of Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Borough Council and attested to by the Secretary of the body, together with the date of the adoption of this chapter.
- B. Changing the Official Zoning Map. If, in accordance with the provisions of this chapter and the Pennsylvania Municipalities Planning Code, as amended,⁷ changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment for the same has been approved by the Borough Council. All changes shall be noted on the Official Zoning Map by date, with a brief description of the nature of the change.
- C. Location of Official Map. The Official Zoning Map shall be kept on file at the Matamoras Borough Hall.

§ 124-10. Classification of districts.

For the purpose of this chapter, the borough is hereby divided into the following districts:

- R Recreation
- R-1 Single-Family Residential
- R-2 General Residential
- C-1 Neighborhood Commercial
- C-2 General Commercial
- I Industrial
- F Floodplain

§ 124-11. Interpretation of district boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Designation of district boundaries. Boundaries indicated as approximately following the center line of streets, highways, alleys, railroad rights-of-way, streams, existing lot lines or municipal boundary lines shall be construed to follow such features indicated. Where boundaries are indicated as being approximately perpendicular to the

7. Editor's Note: See 53 P.S. § 10101 et seq.

right-of-way line of a street, highway or alley, such boundary shall be construed as being perpendicular thereto. Where a district boundary line does not follow such a line, position is shown on said Zoning Map by reference to an ordinance describing such lines or by specific dimension expressing its distance, in feet, from a street center line or other boundary line as indicated and running parallel thereto.

- B. Determination of location of boundaries. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map or if uncertainty exists as to the true location of a district boundary line in a particular instance, the Zoning Officer shall refer the application to the Zoning Hearing Board which shall, pursuant to public notice, make the determination of the location of the district boundary.

§ 124-12. District regulations.

District regulations are of two (2) types, use regulations and development standards, both of which shall apply to any proposed new use, expansion of an existing use or change of use of land in Matamoras Borough. Use regulations and statements of intent for each zoning district are provided in the Schedule of Uses⁸. Development standards are found in the Schedule of Development Standards.⁹

- A. Listed uses. Uses shall be permitted only in strict accord with the Schedule of Uses. A use listed as a principal permitted use, conditional use, special exception or accessory use shall be permitted in the district only as listed. The absence of a particular use in any District Schedule of Uses indicates the use is not permitted in that district, except in accord with § 124-12B of this chapter. A specific use which may by definition be included in a more general listing shall only be permitted where specifically listed. For example, laundries and dry cleaning (a type of service establishment) would not be permitted as a "service establishment" but only under "laundries and dry cleaning establishment."
- B. Uses not included. Whenever any proposed use is neither specifically permitted nor denied by this chapter, the Zoning Officer shall refer the application to the Planning Commission which shall make a recommendation to the Borough Council whether the proposed use should be permitted or not permitted in a particular zoning district, based on the use's similarity to other uses which are specifically identified by this chapter. Upon receipt of the Planning Commission recommendation, the Council shall make the final determination and, if the use is determined to be permitted, classify the use as either a principal permitted, conditional, accessory or special exception use in a particular district. The use shall then be treated in accord with the applicable requirements of this chapter.

8. Editor's Note: The Schedule of Uses is included at the end of this chapter.

9. Editor's Note: The Schedule of Development Standards is included at the end of this chapter.

ARTICLE IV
Supplementary Regulations

§ 124-13. Additional regulations for all districts.

- A. Visibility at intersections. On a corner lot nothing other than fences, etc., as noted in § 124-13B shall be erected [except street signs, utility poles, traffic signs or trees whose branches are trimmed to a height of ten (10) feet], placed, planted or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the center-line grades of the intersection streets in the area bound by the street center lines of such intersecting streets and a line joining the street center lines at a distance of seventy (70) feet from the point of intersection.
- B. Fences, walls and hedges. Fences, walls and hedges shall be permitted in any yard; provided, however, that no fence, wall (except retaining walls) or hedge in any yard fronting on a street shall be over 36 inches in height except as allowed in Subsection B(1). Fences exceeding 36 inches shall be permitted, provided that said fence contains an open area of not less than 75%. This provision shall not restrict the Council or Zoning Hearing Board from establishing specific conditions of approval for screening of conditional uses or special exceptions. **[Amended 2-6-2007 by Ord. No. 287]**
- (1) Fences exceeding 36 inches in height shall be permitted on corner lots in the side yard adjacent to a street from the rear lot line to the nearest roofed portion of the building on the lot; or, if there is no building situated on the lot, to a point halfway between the front and rear lot lines.
- (2) Refer to § 124-15B(1) for setback exemption for fences and walls.
- C. Corner lots. On every corner lot there shall be provided on each side thereof, adjacent to a street, a yard equal in depth to the required front yard of the prevailing zoning district in which the corner lot is located. The side corresponding to the mailing address of the property shall be considered to be the front yard. **[Amended 10-2-2007 by Ord. No. 292]**
- D. Erection of more than one (1) principal structure or building on a lot. In any district, more than one (1) structure or building housing a permitted principal use may be erected on a single lot, provided that area, yard and other requirements of this chapter shall be met for each structure or building as though it were on an individual lot, unless otherwise regulated by this chapter. [For example, if the minimum lot size is five thousand (5,000) square feet and two (2) principal structures are proposed, then the minimum lot area required is ten thousand (10,000) square feet.] Such proposals shall also be subject to the land development provisions of the borough's Subdivision and Land Development Regulations.¹⁰
- E. Exceptions to height regulations. The height limitations contained herein do not apply to spires, clock towers, microwave towers, cupolas,

10. Editor's Note: See Ch. 108, Subdivision of Land.

silos, antennas, flagpoles, water tanks, ventilators, chimneys, television or radio towers, elevators or stair bulkheads or other similar appurtenances usually required to be placed above the roof level and not intended for human occupancy.

- F. Buildings to have access. Every building hereafter erected or moved shall be on a lot adjacent to a public street or a private street approved by the borough, and all buildings shall be located on lots so as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- G. Lots in two (2) districts. Where a district boundary line divides a lot in single or joint ownership of record at the time such line is established, the less-restricted portion of such lot shall extend not more than thirty (30) feet into the more-restricted portion, provided that the lot has frontage on a street in the less-restricted district.
- H. Front yard exceptions. When an unimproved lot is situated between two (2) improved lots with front yard dimensions less than those required for the district, the front yard required may be reduced to a depth equal to the average of the two (2) adjoining lots; provided, however, that in no case shall the front yard be reduced by more than fifty percent (50%) of the required front yard for that district.

§ 124-14. Home occupation regulations.

It is the intent of this section to regulate the operation of home occupations so that the average neighbor, under normal circumstances, will not be aware of the existence of the home occupation except for a permitted sign and required parking. Any home occupation or expansion of a home occupation shall be a conditional use, and in addition to the criteria in § 124-44 and all other applicable standards of this chapter, the following standards shall apply:

- A. The home occupation(s) must be clearly incidental and secondary to the use of the dwelling as a residence.
- B. The total area used by all home occupations on the premises does not exceed twenty-five percent (25%) of the gross floor area of the dwelling unit, including basement, and accessory structures as existed at the effective date of this chapter, but not to exceed five hundred (500) square feet in any case.
- C. No outdoor display or display visible from outdoors or outdoor storage of materials, goods, products, supplies or equipment used in the home occupation(s) shall be permitted.
- D. There shall be no visible evidence that the residence is being operated as a home occupation except for the permitted sign and required parking area.
- E. The home occupation(s) shall be conducted only by a member of the family residing in the dwelling, and not more than one (1) person other than residents of the dwelling shall be employed on the premises.
- F. Off-street parking shall be provided on the premises as required by this chapter to prevent parking on any public or private right-of-way.
- G. No home occupation use shall generate nuisances such as traffic, noise, vibration, glare, odors, fumes, electrical interference or hazards to any

greater extent than what is usually experienced in the residential neighborhood.

- H. No goods or items for retail or wholesale sale shall be permitted except for art, craft or similar items produced or created on the premises, and the display area for the same shall not exceed one hundred fifty (150) square feet. Mail order or sales businesses not involving customer contact on the premises or wholesale brokering not involving stock on the premises shall be permitted.
- I. The professional practice of medicine, dentistry, architecture, law and engineering, artists, beauticians, barbers and veterinarians and similar types of professional practice uses shall be limited to practitioners who reside on the premises.
- J. Section 124-20, Performance Standards, shall also apply to home occupations.
- K. The Borough Council may require documentation that adequate sewage disposal will be provided for the proposed home occupation.
- L. The Borough Council shall attach any and all necessary conditions to assure compliance with this § 124-14, and such conditions may include hours of operation, water use restrictions, sewage disposal requirements, screening and other conditions deemed necessary.

§ 124-15. Accessory uses, buildings or structures.

- A. Detached building. No detached accessory building or structure shall be erected in any required front yard.
- B. Accessory buildings. All detached accessory buildings or structures, and all television satellite reception dishes, shall maintain a rear yard setback of two feet and a side yard setback of two feet except as allowed in § 124-13B(1). All accessory buildings or structures attached to the principle structure shall meet all required setbacks for the principal structure. **[Amended 11-14-1995 by Ord. No. 248; 2-6-2007 by Ord. No. 287]**
 - (1) Unless specifically noted, the setback provisions of this chapter shall not apply to fences or walls. (NOTE: When issuing zoning permits for fences or walls to be placed on the property line, it's suggested that the Zoning Officer make recommendation to the property owner to discuss the proposed structure with the owner of the neighboring property, since maintenance is likely to be needed on both sides, and if the fence/wall is placed on the property line, that would typically need to be done from the neighboring property.)
- C. Swimming pools. Aboveground swimming pools that are designed to contain a water depth of 24 inches or more must be located in a rear or side yard only, not less than four feet from the side or rear lines. Below-ground pools that are designed to contain a water depth of 24 inches or more must be located in a rear or side yard only, not less than 10 feet from side or rear lines. All such pools shall be considered accessory structures and shall require a zoning permit. Below-ground pools shall be entirely enclosed with a permanent fence not less than four feet in height of a design to restrict access to the pool, and such fence shall contain a gate that can be locked. Aboveground pools shall

be equipped with retractable or removable ladders. Access to all pools shall be restricted when not in use. **[Amended 8-5-2008 by Ord. No. 305]**

§ 124-16. (Reserved)

§ 124-17. Sign regulations.

- A. Permits required. No sign shall be erected, altered or relocated except in conformity with this chapter until a permit, if required, for the same has been issued by the Zoning Officer. For the purpose of this § 124-17, "alter" shall include any change in size, height, or wording due to change in business name or change in the business that the sign represents, and "relocate" shall include any change in the physical location of the sign. The repainting, changing of parts and preventative maintenance of signs shall not require a permit. **[Amended 10-2-2007 by Ord. No. 298]**
- B. Signs requiring no permits. The following signs shall be permitted in all districts and no permits shall be required.
- (1) Signs advertising the sale or development of the premises upon which they are erected and signs bearing the words "sold" or "rented" or similar phrases, together with the name of the person effecting sale or rental. Although a permit is not required, the following standards shall apply to all such signs:
 - (a) The surface area of each sign face shall not exceed six (6) square feet.
 - (b) Not more than two (2) signs shall be placed on any one (1) premises.
 - (c) Such signs are not illuminated.
 - (d) Such signs shall be removed within fourteen (14) days after completion of the project or the sale, rental or lease of the subject property.
 - (2) Signs to provide for the normal and safe flow of traffic into and out of the place of business such as entrance, exit and parking signs. Such signs shall not be of a size greater than necessary for persons of normal visual acuity to observe and shall contain no advertising material.
 - (3) Signs of mechanics, painters and other artisans, which may be erected and maintained during the period such persons are performing work on the premises on which such signs are erected, provided that the surface area of each sign face does not exceed twelve (12) square feet and such signs are removed promptly upon completion of the work.
 - (4) Trespassing signs or signs indicating the private nature of a driveway or property, provided that the size of any sign shall not exceed two (2) square feet.
 - (5) Business signs. **[Added 10-2-2007 by Ord. No. 300]**
 - (a) Signs, not exceeding two square feet in size, and one per business entrance, which indicates whether the subject business is open or closed. Flags may be used for this purpose if hung

from a vertical pole and are permitted to drape naturally from that pole. Flags displayed in this manner may not exceed three feet by five feet in size, and they do not hinder sight distances or infringe on pedestrian traffic, and are limited to one flag per business.

- (b) Signs, not exceeding two square feet in size, and one per business entrance, which indicate hours of operation of the subject business.
- (6) Legal notices: identification, informational or directional signs erected or required by governmental bodies; official traffic signs and signals; other state, county, school district or municipal government signs. **[Amended 10-2-2007 by Ord. No. 296]**
- (7) Signs offering the sale of farm products or nursery products raised on the premises, provided that the area of any such sign shall not exceed six (6) square feet and not more than one (1) such sign shall be erected on any one (1) premises.
- C. General sign regulations. The following regulations shall apply to all signs:
 - (1) With the exception of billboards, a sign shall be permitted only in connection with the permitted use on the premises.
 - (2) All signs shall be removed when the reasons for their erection no longer apply. The Zoning Officer may identify such signs and notify the property owner of the violation and establish a reasonable time period for the removal of the sign. If such sign is not removed within said time period, the property owner shall be subject to the fines and penalty provisions for violation of this chapter.
 - (3) Signs shall be permitted on the roof or above the roofline of the building to which they are attached, but shall not exceed the maximum building height permitted for the district.
 - (4) (Reserved)
 - (5) Signs other than official traffic signs shall comply with the required setbacks as established for principal structures in the subject zoning district.
 - (6) Signs other than official traffic signs and signs permitted by § 124-17C(3) shall not project into, onto or over any public right-of-way or alley and shall not be erected, installed, maintained or replaced so as to be a hazard to the users of a public right-of-way or alley.
 - (7) No signs shall be erected, installed or maintained in a location which will constitute an obstruction to vision or endanger the safety of the traveling public.
 - (8) No sign, except a public sign, visible from a public street shall use the words "stop," "danger" or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
 - (9) No sign shall be so constructed, erected or located which would create a safety hazard by obstructing the visibility of a motorist or pedestrian proceeding along the public way or entering or leaving a parking lot or any road intersection.

- (10) No revolving or any other type of moving animated or electronic message sign shall be permitted with the exception of barber poles and time and temperature indicators. However, electronic message signs shall be permitted provided the display face of the sign does not exceed three square feet in size, and the viewing angle of the sign is not directly visible to the motoring public. Signs will have to be parallel to the facing roadway and attached to the building or inside a window. **[Amended 10-2-2007 by Ord. No. 297]**
 - (11) No sign shall be attached to any tree, fence or other object not specifically intended for sign support except for "no trespassing" signs, legal warning or other private signs not exceeding two (2) square feet in surface area and conforming yard sale signs. No sign shall be attached to any utility pole.
 - (12) Freestanding signs and sign structures shall not exceed a height of twenty (20) feet from the average natural grade measured to the top of the sign.
 - (13) All signs, with the exception of permitted temporary signs, shall be permanently attached to the ground or a structure. Portable signs shall not be permitted except in accord with §§ 124-17I and 124-17N of this chapter.
 - (14) Signs shall be constructed of durable material and be maintained in good condition.
 - (15) Signs shall be illuminated only by a steady, stationary (excepting for indicators of time and temperature), shielded light source directed solely at the sign or internal to it, without causing glare for motorists, pedestrians or neighboring premises. No interior or exterior light shall be permitted that by reason of intensity, color, location, movement or direction of its beam may interfere with public safety. This shall include flashing, oscillating and spot lights when improperly placed. No sign shall resemble traffic signals.
- D. Business and institutional signs. Freestanding, overhanging and facade signs shall be permitted for the identification of any business, profession, manufacturing plant or other commercial establishment (hereinafter referred to as "business") or any public or semipublic use, school, church, hospital or similar institution (hereinafter referred to as "institution") which is permitted in accord with this chapter. Such signs may only be placed on and maintained by the owner, lessee or occupant of land upon which is located the main office or principal place of business or institution or where a branch office, store, warehouse or other principal permitted facility is maintained by said owner, lessee or occupant. In the case of freestanding and overhanging signs, advertising material may be shown on each side of the sign.
- (1) Freestanding signs. In cases where a freestanding sign is used, no overhanging sign shall be permitted. Not more than one (1) freestanding sign shall be permitted along each road frontage of the subject parcel. The surface area of each sign face shall not exceed two (2) square feet for each linear foot of horizontal building facade length along the road frontage, but not to exceed eighty (80) square feet.

- (2) Overhanging signs. In cases where an overhanging sign is used, no freestanding signs shall be permitted. Not more than one (1) overhanging sign shall be permitted for each business or institution premises. However, an overhanging sign may be used along each public road right-of-way which the subject parcel abuts. The surface area of each sign face shall not exceed twelve (12) square feet. The minimum horizontal distance between overhanging signs on adjoining structures shall not be less than six (6) feet, and no overhanging sign shall be erected above or below another overhanging sign except in accord with § 124-17H. The lowest part of any overhanging sign projecting over a public sidewalk or walkway shall be at least ten (10) feet above the sidewalk or walkway grade and shall conform to front yard setbacks; however, maximum projection shall not exceed six (6) feet, and in no case shall any overhanging sign project into any public road right-of-way except on Pennsylvania Avenue if the proper permit is obtained from the Pennsylvania Department of Transportation.
- (3) Facade sign. In addition to the signs permitted in Subsection D(1) and (2) of this subsection, business or institution signs may be attached to the facade of the principal structure. Said signs shall only be attached to the facade of the building which abuts a public road right-of-way, unless the front entrance(s) of the individual business(s) face the driveway or parking area of the building, in which case, said sign may be attached to that facade instead. Said signs shall be attached directly to and in the same plane of the facade and shall not project more than six inches from the facade. The total aggregate surface of the sign(s) shall not exceed 5% of the facade area along the road frontage, but not to exceed a maximum of 100 square feet. **[Amended 10-2-2007 by Ord. No. 299]**
- (4) Sign text. The text on any sign permitted by this Subsection D shall not contain information or advertising for any product not sold or any service not provided on the premises.
- (5) Canopies and awnings. In addition to the other signs permitted by this Subsection D, a canopy or awning shall be permitted, provided that the lowest part of the canopy or awning is not less than eight (8) feet above the sidewalk and bears no text or other advertising except the name of the business or institution and shall be fully supported by attachment to the building, and no posts to the sidewalk or which encroach on the sidewalk or into any public road right-of-way shall be permitted.
- (6) Bulletin boards. One (1) bulletin board sign, not to exceed twelve (12) square feet in surface area for each sign face, shall be permitted for schools, churches, public buildings and similar institutional uses, said sign to be used solely for the display of information applicable only to the subject use.
- (7) Directional signs. Signs giving directions to institutional or business establishments (but not including home occupations) not located on Pennsylvania Avenue, provided that the sign surface area does not exceed four (4) square feet. Such signs shall be limited to one (1)

per establishment, and the written permission of the property owner upon whose premises the sign is erected shall be required.

- E. Billboards. The following regulations shall apply to all billboards:
- (1) Billboards shall comply with all applicable state and federal regulations governing outdoor advertising.
 - (2) Billboards shall be permitted in the C-2 District only.
 - (3) A billboard may only be erected on a lot or parcel of property which fronts on Pennsylvania Avenue.
 - (4) Not more than one (1) billboard shall be erected on any lot or parcel of property; and in no case shall a billboard be located closer than three hundred (300) feet to any other billboard.
 - (5) No billboard shall exceed two hundred (200) square feet in surface area.
 - (6) All billboards shall maintain a side yard setback of not less than twenty-five (25) feet and shall be located not less than thirty (30) feet nor more than seventy-five (75) feet from the adjoining public road right-of-way line.
 - (7) No billboard shall be attached to or erected on any other building or structure.
- F. Home occupation signs. Home occupation or nameplate signs displaying the name and address of the occupant or the profession or activity of the occupant of a dwelling unit shall be permitted, provided that not more than one (1) such sign shall be erected on any premises. The surface area of each sign face shall not exceed two (2) square feet, and the sign shall meet the setback requirements for principal structures in the subject district.
- G. Residential development and multifamily project signs. The following signs shall be permitted:
- (1) Freestanding real estate signs for advertising the sale or rental of the premises upon which the sign is erected, provided that the sign surface area does not exceed thirty-two (32) square feet and that there shall be no more than one (1) such sign on any one (1) lot on the same street frontage. For the purpose of this chapter, multifamily dwelling units shall not be advertised by such real estate signs for more than twelve (12) months after building construction is completed.
 - (2) Directional signs, not to exceed a surface area of two (2) square feet, erected within the project to direct persons to a rental office or sample apartment.
 - (3) Facade signs to identify the individual buildings within the project, provided that such signs do not exceed six (6) square feet and are limited to one (1) per building and are attached to the building facade.
- H. Shopping center or multiple commercial or institutional occupant signs.
- (1) One (1) freestanding sign identifying the multiple occupant building is permitted on the premises of such project, provided that the sign surface area does not exceed thirty-two (32) square feet.
 - (2) One (1) sign identifying each business or profession located in the building is permitted, provided that the sign surface area does not

exceed ten (10) square feet. Such signs shall be attached to the same frame as the project sign.

- (3) In addition, one (1) sign for each occupant of the building may be attached to the principal structure in accord with Subsection D(3) above.

I. Temporary signs. The following temporary signs shall be permitted upon obtaining a permit:

- (1) Special advertising or business identification signs or banners not exceeding thirty-two (32) square feet in total surface area, including but not limited to signs announcing to the general public any special events such as commercial sales days, cultural or entertainment attractions or charitable activities. Such signs shall not be erected more than one (1) week prior to the activity and shall be permitted for the length of the activity, but in no case exceeding twenty-one (21) days; and not more than three (3) such signs shall be permitted for any establishment in any calendar year.
- (2) Temporary signs announcing a nonpolitical campaign, drive or event of a civic, nonprofit, educational or religious organization, provided that such sign shall not exceed 120 square feet in sign surface area. Such signs shall not be erected more than two weeks prior to the function and shall be removed immediately upon the completion of the function. If not located on the premises of the advertising organization, such signs shall require the written permission of the property owner upon whose premises the sign is erected.
[Amended 7-6-2004 by Ord. No. 275]

J. Nonconforming signs.

- (1) Nonconforming signs shall be those signs not in compliance with this chapter and existing prior to the effective date of this chapter or any amendments hereto.
- (2) No nonconforming sign shall be changed, expanded or altered in any manner, including but not limited to sign area, location and/or height, except to bring the sign into conformity. No nonconforming sign shall be moved in whole or in part to any other location where it would remain nonconforming.
- (3) Termination of nonconforming signs.
 - (a) Unsafe signs. Signs shall be governed by the requirements of Chapter 49 of the Matamoras Borough Code with regard to an unsafe building or structure, as defined by § 49-3 of said Code.
 - (b) Termination by abandonment. Any nonconforming sign structure, the use of which as a sign is discontinued for a period of forty-five (45) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and shall not thereafter be reestablished except in full compliance with this chapter.
 - (c) Termination by damage or destruction. Any nonconforming sign damaged or destroyed, by any means, to the extent of one-third (1/3) of its replacement cost new shall be terminated and shall not be restored.

K. Nuisance signs.

- (1) No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
 - (2) In the event that such a nuisance sign is not repaired or properly restored or removed within thirty (30) days after written notice has been given to the owner of the sign or the owner or lessee of the land upon which the sign is located, the Borough Council may institute appropriate actions to prevent the violation or abate the nuisance.
- L. Political signs. The erection of political campaign signs advertising a candidate for a governmental election shall be permitted in any district in accord with the standards in this § 124-17. All such signs shall be removed within seven (7) days following the election for which the signs were erected.
- M. Recreational districts.
- (1) Advertising signs and other signs authorized by the Borough Council shall be permitted in R Recreation Districts, provided that the surface area of each sign face does not exceed fifty (50) square feet, and provided that permission as to the location, nature and content thereof is first obtained from Borough Council by resolution duly adopted.
 - (2) All other signs shall be permitted in R Recreation Districts, provided that they do not exceed thirty-two (32) square feet in size.
- N. Sandwich board signs. Sandwich board signs are not permitted in any district of the Borough of Matamoras, except those permitted as temporary signs (reference § 124-17I). **[Amended 7-6-2004 by Ord. No. 275]**

§ 124-18. Off-street parking and loading.

- A. Availability of facilities. Off-street parking, loading and unloading facilities shall be provided to lessen congestion in the streets. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking lot space located off the public right-of-way. The following parking requirements shall not apply to nonresidential uses in the General Commercial District; however, all residential uses in the General Commercial District shall comply with the requirements of this § 124-18.
- B. Size and design of parking spaces. Parking shall be provided in accord with an overall parking plan which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. At the minimum, all parking areas shall be designed in accord with the standards in this Subsection B and shall in all cases be adequate in size and design for the vehicles for which its use is intended.
- (1) The net parking space per vehicle shall be not less than nine (9) feet wide and nineteen (19) feet long.

- (2) Garages and carports not in the public right-of-way may be considered parking spaces.
- (3) All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls of the parking area.
- (4) No more than fifteen (15) contiguous spaces shall be permitted in any continuous row without interruption by landscaping.
- (5) No more than sixty (60) parking spaces shall be accommodated in any single parking area.
- (6) No more than two (2) interconnected parking areas shall be permitted without having direct access to a public street or a private street meeting borough street standards.
- C. Lighting. Any lighting used to illuminate any off-street parking shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.
- D. Public rights-of-way. Parking, loading and unloading of vehicles shall not be permitted on public rights-of-way, except in designated areas and in accord with borough parking regulations. Parking areas shall not be designed or located so as to require or encourage cars to back into a public or private street in order to leave the lot.
- E. Reduction of existing parking. Off-street parking facilities existing at the effective date of this chapter shall not subsequently be reduced to an amount less than that required under this chapter.
- F. Number of spaces to be provided.
 - (1) Any structure or building which is not exempted by Subsection A, which hereafter is erected, converted or enlarged for any of the following uses, or any open area hereafter used for commercial purposes shall be provided with off-street parking spaces adequate to serve such use but with not fewer than the minimum spaces as set forth below, which spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
 - (2) For projects involving more than one (1) use and/or structure, the total number of parking spaces required shall be determined by summing the number of spaces for each individual use. In cases where the specific use of space cannot be identified as, for example, in multiple occupant commercial buildings or shopping centers, parking shall be provided at the rate of one (1) space per two hundred (200) square feet of gross floor area of the building.
 - (3) Parking for the handicapped shall be provided in accord with state requirements.
 - (4) Should the applicant provide evidence that the number of parking spaces required by this section is not necessarily required to meet the immediate needs of the proposed use, the number of spaces provided may be reduced as a conditional use by a maximum of fifty percent (50%), provided that sufficient and suitable area is dedicated to future parking to meet the normal standards in this § 124-18 and the applicant shall agree, in writing, to install the parking at the direction of the Borough Council. Reserve parking areas shall be included in the calculation of lot coverage area. Parking facilities used jointly by two (2) or more principal uses shall be considered conditional uses.

Use	Parking Spaces Required
Dwellings	
One- and two-family	2 per dwelling unit
Multifamily	2 per dwelling unit
Homes for handicapped or infirm, nursing homes, group care homes, halfway houses and similar uses	3 per every 5 beds
Hotels, motels, boarding and tourist homes, bed-and-break- fast establishments and other uses providing overnight accommodations	1 per bedroom, plus 1 per employee on the largest shift
Sales and rental of goods, merchandise and equipment	
Retail establishments	1 per 200 SFGFA
Wholesale establishments	1 per 400 SFGFA
Offices, research facilities and services not primarily related to goods	
Serving customers or clients on premises such as attorneys, physicians, insurance and travel agents	1 per 200 SFGFA
Drive-in banks	1 per 200 SFGFA, plus reservoir lane capacity equal to 5 spaces per drive-in window
Serving little or few customers or clients on premises, such as corporate offices	1 per 400 SFGFA
Manufacturing, processing, renovating, assembling goods, merchandise and equipment	1 per 400 SFGFA
Educational, cultural, religious, social, fraternal uses	
Public schools	
Elementary and middle schools	1.75 per classroom
High schools	5 per classroom
Trade and vocational schools, colleges	1 per 100 SFGFA
Churches, synagogues and temples	1 per every 4 seats used for services
Libraries and museums, social, fraternal clubs and lodges and similar uses`	1 per 300 SFGFA
Recreation, amusement and entertainment	

Use	Parking Spaces Required
Bowling alleys, skating rinks, indoor athletic or exercise facilities and similar uses	1 per every 3 persons of fully utilized design capacity (if measurable in such fashion), otherwise 1 per 200 SFGFA
Movie theaters, stadiums and similar uses with seating accommodations	1 per every 4 seats
Public and private out- door recreation facil- ities such as golf courses, swimming pools and similar uses	1 per 200 SFGFA, plus 1 per every 3 persons of fully utilized design capacity
Hospitals, clinics and other medical treatment facilities	2 per bed or 1 per 150 SFGFA, whichever is greater
Restaurants, bars, taverns and other eating establish- ments	1 per 100 SFGFA, plus reservoir lane capacity equal to 5 spaces per drive-in window
Vehicle related uses	
Sales, service, repair	1 per 200 SFGFA
Gas sales	1 per 200 SFGFA, plus sufficient parking area at pumps which does not interfere with other required spaces
Car wash	1 per 100 SFGFA, plus 2 reservoir spaces in front of each stall for self- serve and 5 reservoir spaces for conveyor type
Warehousing and storage	1 per 4,000 SFGFA
Miscellaneous uses	
Veterinary	1 per 200 SFGFA
Open air sales	1 per 1,000 square feet of lot area used for display or sales
Nursery schools and day care	1 per 200 SFGFA
Greenhouses	1 per 200 SFGFA
Emergency services	1 per 200 SFGFA
Junk and scrap yards	1 per 200 SFGFA
Post office	1 per 200 SFGFA

NOTE: "SFGFA" means "square feet of gross floor area." Gross floor area is the sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls or from the center line of a wall separating two (2) buildings, but not including interior parking spaces, loading space for vehicles or any space where the floor-to-ceiling height is less than six (6) feet.

- (5) For uses not specifically provided above, the Borough Council, with the recommendation of the Planning Commission, shall determine the required number of spaces based upon the similarity of the proposed use to the uses provided.
- G. Loading and unloading areas. In addition to the off-street parking spaces required above, the Borough Council, with the recommendation of the Planning Commission, may for conditional uses, or the Zoning Hearing Board for special exceptions may, require the developer of any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or other nonresidential uses to provide adequate off-street areas for loading and unloading of vehicles. In cases where the use is located in the I Industrial District, the loading space shall be a minimum of thirty-five (35) feet in depth and twelve (12) feet in width, with an overhead clearance of fourteen (14) feet. In no case where a building is erected, converted or enlarged for commercial, manufacturing or business purposes shall any public right-of-way be used for loading or unloading of materials.
- H. Access to off-street parking and loading areas. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, salespeople and/or the general public. Where a parking or loading area does not abut on a public right-of-way or private alley or easement of access, there shall be provided an access drive not less than twelve (12) feet in width per lane of traffic and not less than eighteen (18) feet in width in all cases where the access is to storage areas or loading and unloading spaces required hereunder. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:
- (1) Access drive design and sight distance for access to borough and state roads shall comply with the standards contained in the most current edition of PA Code Title 67, Transportation, Chapter 441, Access to and Occupancy to Highways by Driveways and Local Roads.
 - (2) Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
- I. Parking and loading area setbacks. All parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public right-of-way or adjoining property lines by a buffer area at least five (5) feet in depth unless said area is shared in accord with Subsection L. All access drives and parking lots serving multifamily dwellings and nonresidential uses shall be at least five (5) feet from any building on the lot.
- J. Surfacing. Any off-street parking area shall be graded for proper drainage and shall be surfaced so as to provide a durable and dustless surface, such as a gravel, concrete or bituminous concrete surface, and shall be so arranged as to provide for orderly and safe parking and storage of vehicles.
- K. Off-lot parking. When required accessory off-street parking facilities are provided elsewhere than on the lot on which the principal use is located, they shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in the office of the County Recorder of Deeds requiring

the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

- L. Joint use parking. In cases where two (2) principal uses share a common property line, shared parking facilities may be utilized. Applications for joint parking shall be considered conditional uses. The arrangement for joint use parking shall be provided by deed restriction for the portion of each parcel included in the shared arrangement. The joint use parking area may span the common property line, thereby eliminating the setback required in Subsection I. The standards in Subsection F for number of spaces to be provided shall apply to joint use parking. To the extent that principal uses operate at different times, the same spaces may be credited to both uses. (Example: If a church parking lot is generally occupied only to ten percent (10%) of capacity on days other than a Sunday, another development not operating on a Sunday could make use of the unused church lot spaces on weekdays.)
- M. Existing parking areas. No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this chapter. Any such change shall require conditional use approval.
- N. Parking for residential use. Off-street parking shall be provided in accord with this § 124-18 for all residential uses in all districts.
- O. Parking and storage of certain vehicles. Automotive vehicles, boats or trailers of any kind or type without current license plates shall not be parked or stored on any public street or any required front yard of any residentially zoned property.

§ 124-19. Floodplains.

The Matamoras Floodplain Development Ordinance (Borough Ordinance No. 202)¹¹ shall apply to all zoning districts; and all uses, structures and buildings shall comply with the standards of said ordinance, in addition to the requirements of this chapter.

§ 124-20. Performance standards.

The following performance standards shall apply to all commercial, manufacturing and other nonresidential uses. (As used in this § 124-20, "borough" shall mean the Borough Council for conditional uses and the Zoning Hearing Board for special exceptions.)

- A. Yards and buffers. Unless otherwise regulated by this chapter, where a commercial or manufacturing use is proposed contiguous to any existing residential use or any R-1 or R-2 District, side and rear yard setbacks shall be increased to ten (10) feet. Storage of equipment, supplies, products or any other materials shall not be permitted in any front, rear or side yard setback areas. Additional setbacks, buffer areas or fencing may be required by the borough if the nature of the proposed use as determined by the borough so requires. In the case of a conditional use or special exception, the borough may require landscaped buffers in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights, reduce noise, serve as

11. Editor's Note: See Ch. 63, Floodplain Development.

a protective barrier by blocking physical passage to dangerous areas and reduce air pollution, dust and litter and to otherwise maintain and protect the rural character of the district.

- (1) In determining the type and extent of the buffer required, the borough shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation and the relationship of the proposed project to adjoining areas.
 - (2) The width of the required buffer, as determined by the borough, shall not be less than twenty percent (20%) of the required setback distances.
 - (3) A mix of ground cover and shrubby vegetation and canopy trees of such variety compatible with the local climate may be required so that a dense screen not less than four (4) feet in height will be formed within three (3) years of planting.
 - (4) Berms and landscaped walls or fences compatible with the principal building design may be incorporated in the required buffer.
 - (5) In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use or when two (2) or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the borough shall determine that the proposed use and adjoining use(s) are not incompatible.
 - (6) Design details of buffers shall be included on the site plan, and buffers shall be considered improvements for the purposes of guaranteeing installation in accord with the requirements for land developments in the Borough Subdivision and Land Development Ordinance.¹² It shall be the responsibility of the property owner to maintain all buffers in good condition and to replace any dying or dead plants or deteriorating landscape material.
- B. Operations and storage. All facilities and operations of the principal use, including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies, shall be enclosed and carried out within a building or shall, as required by the borough, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted.
- C. Fire and explosion hazards. All activities involving any manufacturing, production, storage, transfer or disposal of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of federal, state and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety

12. Editor's Note: See Ch. 108, Subdivision of Land.

and accident response actions shall be provided by the developer for review by the local fire company(s). In the case of a conditional use or special exception, additional buffer areas or fencing may be required by the borough if the nature of the proposed use as determined by the borough so requires.

- D. Radioactivity or electric disturbance. No activities shall be permitted which exceed federal standards for radioactivity emissions or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable federal regulations shall apply.
- E. Noise. Any noise source which, due to intensity, frequency, duration, location, lack of shielding or other reason which causes injury, damage, hurt, inconvenience, annoyance, or discomfort to others in the legitimate use and enjoyment of their rights of person or property shall be prohibited. Noise shall comply with Matamoras Borough Code Chapter 78, Nuisances, § 78-12. **[Amended 12-3-2002 by Ord. No. 270]**
- F. Vibration. No vibration shall be permitted which is detectable without instruments at the property line.
- G. Lighting and glare.
 - (1) No light source shall be exposed to the eye except those covered by globes or defusers. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source. Lighting design should be an inherent part of the architectural design. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps and directional signs. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Borough Subdivision and Land Development Ordinance.¹³
 - (2) No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted so as to be visible at the property line. This restriction shall not apply to signs otherwise permitted by the provisions of this chapter.
- H. Smoke. No emission shall be permitted from any chimney or otherwise of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringelmann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.
- I. Odors. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.
- J. Other forms of air pollution. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can

13. Editor's Note: See Ch. 108, Subdivision of Land.

cause any damage to health, to animals, vegetation or other forms of property or which can cause any excessive soiling.

K. Surface and ground water protection.

(1) All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. In the case of a conditional use or special exception, the borough may require a plan to be submitted for review and approval and may require security for ensuring contamination response. Monitoring wells and water quality testing may also be required by the borough.

(2) The developer shall also provide details about the use of groundwater and any processes that could result in the depletion of groundwater supplies. No use shall be permitted which would result in the depletion of ground water supplies.

L. Landscaping. Any part or portion of a site where existing vegetation has been disturbed and which is not used for building, other structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements shall be provided with an all-season ground cover and shall be landscaped in accord with an overall landscape plan. In the case of a conditional use or special exception, additional landscaping, screening and/or buffers may be required by the borough where buffers are determined by the borough as necessary to protect adjoining uses. Said landscaping plan shall be submitted for review and approval by the borough as part of the zoning approval process.

M. Stormwater management and soil erosion control.

(1) A stormwater management plan and soil erosion control plan shall be provided by the applicant. Said plan shall be prepared and implemented pursuant to the standards contained in the Borough Subdivision Ordinance,¹⁴ County Conservation District standards and generally accepted engineering principles appropriate for the proposed use and a ten-year design storm. Upon the recommendation of the Borough Engineer, a twenty-five-year or greater design storm, if topographic, soil or other considerations so dictate, and/or additional controls may be required.

(2) The protection of the quality of groundwater and surface water shall be an integral part of all proposed stormwater management practices; and all stormwater management plans shall include an element specifically addressing water quality. The plan shall provide for the minimization of the discharge of first flush sediments off the project site or directly to infiltration structures. Containment of first flush sediments shall be accomplished by accepted and proven engineering design and practice, including but not limited to the use of grass buffer/filter strips, grass swales, detention basins, sediment traps and special inlet devices.

- N. Waste materials. No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground.
- O. Handicapped access. Access for handicapped persons to all uses shall be provided in accord with all applicable state and federal requirements.
- P. Sewage disposal. All uses and expansion of uses shall be provided with adequate sewage disposal facilities in accord with all applicable Pennsylvania Department of Environmental Resources (PA DER) and borough standards.
- Q. Water supply. All uses and expansion of uses shall be connected to the borough public water supply system.
- R. Other regulations. Documentation shall be provided by the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Resources, the Pennsylvania Department of Labor and Industry, the Federal Emergency Management Agency and the United States Environmental Protection Agency.

**§ 124-21. Standards for commercial communications devices.
[Added 5-5-2002 by Ord. No. 264]**

The following regulations shall apply to commercial communications devices (CCD), including but not limited to cellular phone antennas, antennas for communications service regulated by the PA Public Utility Commission, other commercial antennas and associated facilities. Such CCD and support structures and associated facilities shall be permitted only in the districts as provided on the Schedule of Uses in this chapter¹⁵ and this § 124-21.

A. Purposes:

- (1) To accommodate the need for communications devices while regulating their location and number in the Borough in recognition of the need to protect the public health, safety and welfare.
- (2) To minimize the adverse visual effects of communications devices and support structures through proper design, siting and vegetative screening.

14. Editor's Note: See Ch. 108, Subdivision of Land.

15. The Schedule of Uses is included at the end of this chapter as Appendix Nos. 1 through 7.

- (3) To avoid potential damage to adjacent properties from communications device support structure failure and falling ice, through engineering and proper siting of support structures.
 - (4) To encourage the joint use of any commercial communications device support structures and to reduce the number of such structures needed in the fixture.
- B. Use regulations. A permit shall be required for every CCD and support structure installed at any locations, and the following use regulations shall apply:
- (1) Existing tall structures. A CCD site with a CCD that is attached to an existing communications tower or other tall structure in the allowed districts where the height of the CCD does not exceed the height of the existing structure by more than 15 feet shall be permitted in all the districts as an accessory use, and conditional use approval shall not be required. Any subsequent installations above the initial fifteen-foot height increase shall be a conditional use. The applicant shall provide the following information:
 - (a) Evidence from a Pennsylvania-registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the building or other structure, considering wind and other loads associated with the antenna location.
 - (b) Detailed construction and elevation drawings indicating how the antennas will be mounted on the structure to document compliance with the applicable requirements.
 - (c) Evidence of agreements and/or easements necessary to provide access to the building or structure on which the antennas are to be mounted so that installation and maintenance of the CCD and associated equipment can be accomplished.
 - (2) New structures; conditional use. A CCD site with a CCD that is either not mounted on an existing structure or is more than 15 feet higher than the structure on which it is mounted shall require conditional use approval in accord with this § 124-21 and shall be permitted only in the allowed districts.
 - (3) Associated use. All other uses ancillary to the CCD (including business office, maintenance depot, vehicle storage, etc.) are prohibited from the CCD site, unless otherwise permitted and approved in the zoning district in which the CCD site is located. This shall not prohibit the installation, as accessory structures, of equipment containers not intended for human occupancy to house only equipment necessary for the operation of the CCD.
 - (4) CCD as a second principal use. A CCD shall be permitted on a property with an existing use subject to the following land development standards:
 - (a) The CCD facility shall be fully automated and unattended on a daily basis and shall be visited only for periodic maintenance.
 - (b) The minimum lot area, minimum setbacks and maximum height required by this chapter for the CCD and support structure shall apply, and the land remaining for accommodation of the existing

principal use(s) on the lot shall also continue to comply with the minimum lot area, density and other requirements.

- (c) The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
- (d) The applicant shall present documentation that the owner of the property has granted an easement filed of record or other legal interest for the land for the proposed facility and that vehicular access is provided to the facility.

C. Standards.

- (1) Location requirement and number. The applicant shall demonstrate, using technological evidence that the CCD must go where it is proposed, in order to satisfy its function in the company's grid system. The applicant shall also provide information about the location of the other proposed CCD sites anticipated in the grid system. The number of CCD to be installed at a site by an applicant shall not exceed the current minimum necessary to ensure the adequacy of current service required by the Federal Communications Commission (FCC) license held by that applicant. The applicant must document the need for the additional CCD to ensure the adequacy of current service.
- (2) Collocation; new tower. If the applicant proposes to build a tower (as opposed to mounting the CCD on an existing structure), the Borough shall require the applicant to demonstrate that it contacted, in writing, owners of tall structures within an eight-mile radius of the site proposed, asked for permission to install the CCD on those structures, and was denied for reasons other than economic ones. This would include smokestacks, water towers, tall buildings, CCD support structures of other cellular phone companies, other communications towers (fire, police, etc.) and other tall structures. The Borough may deny the application to construct a new tower if the applicant has not made a good-faith effort to mount the CCD on an existing structure, thereby documenting that there exists no other support structure which can reasonably serve the needs of the owner of the proposed CCD. A good-faith effort shall demonstrate that one or more of the following reasons apply to a particular structure:
 - (a) The proposed equipment would exceed the structural capacity of the existing structure and its reinforcement cannot be accomplished.
 - (b) The proposed equipment would cause radio frequency interference with other existing equipment for that existing structure and the interference cannot be prevented.
 - (c) Such existing structures do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - (d) Addition of the proposed equipment would result in electromagnetic radiation from such structure exceeding

applicable standards established by the FCC governing human exposure to electromagnetic radiation.

- (e) A market-competitive agreement could not be reached with the owners of such structures.
- (3) CCD height. The applicant shall demonstrate the CCD is at the height required to function satisfactorily and is no taller than necessary for the use and any other potential users as determined in Subsection C(8) below. The Borough may, as a condition of approval, require the CCD support structure to be designed and constructed to be stackable (structurally capable of being increased in height) to a height that will assure that additional carriers can be accommodated if such additional height is required in the future.
- (4) Parcel size; setbacks. If a new CCD support structure is constructed or if the CCD height exceeds the height of the existing structure on which it is mounted by more than 15 feet, the minimum parcel size and setbacks in this Subsection C(4) shall apply.
 - (a) Separate parcel. If the CCD is manned and/or the parcel on which the CCD and support structure is a separate and distinct parcel, the zoning district minimum lot size shall apply and the setback for equipment containers, other accessory structures and guy wire anchors shall be a minimum of 25 feet. The distance between the base of the support structure and any adjoining property line or public road right-of-way shall not be less than the height of the CCD structure. The lot shall be of such size that all required setbacks are satisfied.
 - (b) Lease, license or easement. If the CCD is unmanned and the land on which the CCD and support structure is leased, or used by license or easement, the setback for any part of the CCD, the support structure, equipment containers, or any other accessory structures, and guy wire anchors shall be a minimum of 25 feet from the line of lease, license or easement. The distance between the base of the support structure and any adjoining property line (not lease, license or easement line) shall not be less than the height of the CCD structure, and the distance between the base of the support structure and a public road right-of-way shall not be less than 50 feet. **[Amended 3-1-2005 by Ord. No. 278]**
- (5) CCD support structure safety. The applicant shall demonstrate that the proposed CCD and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. All support structures shall be fitted with anti-climbing devices, as approved by manufacturers. The applicant shall submit certification from a Pennsylvania registered professional engineer that a proposed CCD and support structure will be designed and constructed in accordance with current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association,

and applicable requirements of any applicable building code. Within 45 days of initial operation, the owner and/or operator of the CCD and support structure shall provide a certification from a Pennsylvania-registered professional engineer that the CCD and support structure comply with all applicable regulations.

- (6) Fencing. A fence to provide an effective barrier to prevent entry to the facility shall be required around the CCD support structure and other equipment, unless the CCD is mounted on an existing structure. The fence shall be a minimum of eight feet in height. The applicant shall supply keys to emergency responders to provide access in case of emergency.
- (7) Performance standards. The performance standards listed in § 124-20 of this chapter shall be applicable to this section.
- (8) Collocation; other uses. In order to reduce the number of CCD support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including but not limited to other cellular phone companies, and local fire, police, emergency management, and ambulance companies. The applicant shall show evidence of written contract with all wireless service providers who supply service within the region for purpose of assessing the feasibility of collocated facilities. The applicant shall provide a report detailing the number and type of carriers which can be accommodated on the proposed structure, including the anticipated height requirements of other potential users. The proposed structure, if evidenced by need as determined by the Borough, shall be constructed, including increased height, to provide available capacity at reasonable cost for other providers should there be a future additional need for such facilities. The Borough may, as a condition of approval, require the CCD support structure to be designed and constructed to be stackable (structurally capable of being increased in height) to a height that will assure that additional carriers can be accommodated if such additional height is required in the future.
- (9) Licenses; other regulations; insurance. The applicant must demonstrate that it has obtained the required licenses from the FCC, the PA Public Utility Commission and other agencies. The applicant shall also document compliance with all applicable state and federal regulations. The applicant shall submit the name, address, and emergency telephone number for the operator of the CCD, and a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence, and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the CCD and support structure.
- (10) Access; required parking. The applicant must comply with the requirements of § 124-18, Off-street parking and loading, in this chapter.
- (11) Color and lighting; FAA and PennDOT notice. CCD support structures under 200 feet in height should be painted silver or

have a galvanized finish retained, in order to reduce visual impact. Support structures may be painted green up to the height of nearby trees. Support structures 200 feet in height or taller, or those subject to Federal Aviation Administration (FAA) regulations shall comply with the said regulations. No CCD support structure may be artificially lighted except in accord with FAA requirements. The applicant shall provide a copy of the response to Notice of Proposed Construction or Alteration forms submitted to the FAA and PennDOT Bureau of Aviation, and the CCD and support structure shall comply with all FAA and PennDOT requirements.

- (12) Communications interference. The applicant shall document that the radio, television, telephone or reception of similar signals for nearby properties will not be disturbed or diminished.
- (13) Historic structures. A CCD shall not be located on a building or structure that is listed on a historic register or within 500 feet of such a structure.
- (14) Discontinued use; bond.
 - (a) Should any CCD or support structure cease to be used as a communications facility, the owner or operator or then owner of the land on which the CCD and support structure is located shall be required to remove the same within one year from the abandonment of use. Failure to do so shall authorize the Borough to remove the facility and assess the cost of removal to the foregoing parties. The Borough may also file a municipal lien against the land to recover costs of removal and attorney's fees. In the case where there is no separate parcel, the lien shall be against the entire parent parcel of land upon which the CCD and/or support structure is located by lease, license or easement.
 - (b) The operator of every CCD shall provide a bond to cover the cost of CCD and associated equipment removal. Nothing herein shall legally bind the governing body to effect the removal of any CCD, which shall remain the ultimate responsibility of the owner of the property upon which the CCD is located and the owner of the CCD.
 - [1] Amount. The amount of the bond shall be established by the governing body based upon size and nature of the proposed facility, but in no case shall the amount be less than \$20,000.
 - [2] Form. The bond shall be executed by a surety company authorized by the laws of the Commonwealth of Pennsylvania to transact business within the Commonwealth of Pennsylvania
 - [3] Term; annual renewal. The bond shall be executed in favor of the Borough and shall be for the use of the Borough. The term of the bond shall be for one year, with automatic renewal.
 - [4] It shall be the condition of the bond that if the applicant does not fully observe and comply with the provisions of this

§ 124-21 and any other applicable approvals or regulations, the governing body shall have authority to use such bond to effect the required compliance and/or removal of the CCD.

- (15) Fire suppression system. The applicant shall provide details about any fire suppression system installed in any structure or equipment container associated with the CCD. The applicant shall provide the Fire Department of the Borough with the appropriate fire-fighting and suppression materials.
 - (16) Site plan. A full site plan shall be required for all CCD and support structure sites, showing the CCD, CCD support structure, building, fencing, buffering, access, and all other items required by § 124-44 of this chapter governing information required for conditional uses. The site plan shall not be required if the CCD is to be mounted on an existing structure and the CCD does not exceed the height of the existing structure by more than 15 feet.
- D. Mini cell towers and antennas, distributed antenna systems and data collection units shall be special exceptions in all zones and in public rights-of-way. **[Added 5-9-2017 by Ord. No. 331]**
- (1) General:
 - (a) Purpose. Mini commercial cell towers, including related antennas, shall be permitted in order to support distributed antenna systems (DAS).
 - (b) Locations. Mini commercial cell towers and/or related antennas shall be permitted on public property, private property, and public rights-of-way, subject to the conditions specified herein.
 - (c) Applicability. Mini commercial cell towers and/or related antennas shall be permitted as special exceptions and shall be subject to the provisions of § 124-44 hereof and all other applicable requirements of this chapter, except as otherwise specified in this section.
 - (2) Application requirements.
 - (a) Submission requirements. The following shall be in addition to all other applicable application requirements specified herein:
 - [1] Coverage map and general information. A narrative description and a map showing the coverage area of the provider's existing facilities that serve customers in the Borough and the specific site that is the subject of the application.
 - [2] A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a significant gap or capacity shortfall in the applicant's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service.
 - [3] A copy of a sworn statement by an authorized representative that the applicant holds all applicable licenses or other approvals required by the Federal Communications Commission (FCC), the Pennsylvania Public Utility

Commission and any other agency of the federal or state government with authority to regulate telecommunications facilities that are required in order for the applicant to construct the proposed facility.

- [4] A copy of a sworn statement by an authorized representative that the applicant is in compliance with all conditions required for such license and approvals.
 - [5] A description of the number, type, power rating, frequency range, and dimensions of all wireless telecommunications facilities proposed to be installed.
 - [6] A site plan and elevations drawn to scale. Plans shall include microcell or roof-mounted antennas and all related equipment. Elevations shall include all structures on which facilities are to be mounted.
 - [7] A description of the proposals for camouflaging all facilities from public view so that the facilities will not be rendered readily visible. Where any facility or part thereof would be readily visible, the application shall explain why it can't be made not readily visible. Demonstration that the proposed methods will achieve the desired effect of minimizing visibility.
 - [8] If a ground-mounted or freestanding tower is proposed, the application shall include an explanation as to why other, less obtrusive facility types are not feasible.
 - [9] The applicant shall also include an agreement to pay the reasonable actual cost of peer review by a professional engineer to review the test information submitted with the application.
- (b) Review and approval process.
- [1] The Borough must take action on the application within 150 days from its submission.
 - [2] If the application only involves adding an antenna to an existing pole, action must be taken within 90 days.
 - [3] No application shall be denied if the effect of such denial would preclude telecommunications service to the subject area.
- (3) Location requirements.
- (a) A mini commercial cell tower may be erected within a public right-of-way if, in addition to other requirements, the Pennsylvania Public Utility Commission has issued a certificate of public convenience for its location; and, provided further, that it shall be determined by the Borough that it shall not interfere with other utilities, visibility, or other matters of public safety.
 - (b) Such facility may be located in the right-of-way of a state highway, approved by the Pennsylvania Department of Transportation (PennDOT).
 - (c) Such facilities shall not be located in residential zones unless there is evidence supporting the need for service.

- (d) No freestanding facilities shall be located within 1,000 feet of other freestanding facilities unless they have been rendered not readily visible, and mounting on a building or co-location is determined to be infeasible.
- (4) Height and size limits. Facilities shall be the minimum functional height and width required to support the proposed antenna installation, unless a higher tower will facilitate co-location or other objectives of this chapter; provided, however, that no mini commercial cell tower shall exceed a height of 50 feet, and no attached antenna shall extend more than five feet above the top of the tower.
- (5) Aesthetics.
 - (a) The facility shall not be an eyesore.
 - (b) All facilities shall be designed and located to minimize their visibility to the greatest extent feasible, considering the technological requirements, by means of placement, screening, and camouflage. The applicant shall use the smallest and least visible antennas feasible to accomplish the owner operator's coverage or capacity objectives. All wireless telecommunications facilities proposed for locations where they would be readily visible from the public right-of-way or from the habitable living areas within 100 feet shall incorporate appropriate techniques to camouflage or disguise the facility, and blend it into the surrounding environment, to the greatest extent feasible.
- (6) Lighting. All facility lighting shall be designed to meet, but not exceed, minimum requirements for security, safety, and FAA regulations, and in all instances shall be designed to avoid glare and minimize the illumination of adjacent properties. Beacon lighting shall not be included in the design of facilities unless required by the FAA.

§ 124-22. Yard sales.

Individual, private, family yard sales shall be considered an accessory use in association with a permitted residential use and shall be permitted in all zoning districts. Yard sales shall comply with all the applicable requirements of this chapter and with the requirements of the Matamoras Borough Yard Sale Control Ordinance, as amended. Yard sales are meant to allow individuals to offer for sale accumulated normal household items or arts and crafts; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited except in districts where such commercial use is permitted and only in accord with the requirements of this chapter.

§ 124-23. Gasoline service stations.

Gasoline service stations shall be subject to the following conditions:

- A. Plans shall be presented detailing traffic flow within the station, points of ingress and egress and probable effects on local traffic flow. Ingress

and egress points shall not be located closer than one hundred (100) feet of any intersection.

- B. Service station operation shall be limited to sales and minor repairs.
- C. All vehicle and parts storage areas shall be so designed and located as not to intrude into any required yard setback area. Yard areas adjacent to residential districts shall be suitably screened.
- D. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- E. No lighting provided shall produce glare visible to adjoining residences.
- F. The minimum lot area shall be ten thousand (10,000) square feet.

§ 124-24. Car washes.

Car washes shall be subject to the following conditions:

- A. Automatic, semiautomatic or self-service car washes shall be limited to cleaning or waxing vehicles and shall be carried out only within an enclosed building.
- B. The lot shall be so graded that process water shall not run off across the lot or onto a public street.
- C. The car wash shall be designed to specifications provided by the Borough Engineer and shall meet all requirements of the Pennsylvania Department of Environmental Resources.
- D. The lot area shall be sufficient to provide space for the building, required yards, drives and storage area.
- E. Automobile storage or waiting space shall be provided at the rate of not fewer than five (5) vehicles for each bay in a self-service car wash and not fewer than ten (10) vehicles for each space or rated capacity within an automatic or semiautomatic car wash.
- F. All vehicle storage spaces shall be designed and located so as not to intrude into any required yards. Main or accessory buildings shall not be located closer than fifty (50) feet to any residential district.
- G. All lot lines adjoining residential areas shall be adequately screened.
- H. Lighting provided shall not produce glare on adjoining properties.
- I. Hours of operation shall be limited so as not to inconvenience residents on adjoining properties during normal sleeping hours.

§ 124-25. Dwelling units.

It is the intent of this section to establish minimum standards for the erection of dwelling units in the borough in order to protect the public health, safety and general welfare and to maintain the character of the community.

- A. Foundations. All dwelling units shall be placed upon a complete, permanent, frost-free foundation consisting of a full basement or crawl space.
- B. Floor space. Single-family dwellings and two-family dwellings shall contain a minimum of six hundred (600) square feet of interior gross floor area per dwelling unit, excluding basement and accessory structures.

- C. Mobile homes. A mobile home may be erected as a single-family dwelling and must comply with the requirements of this § 124-25 and the lot size, yard, height, floor area, water supply, sewage and other requirements of this chapter.

§ 124-26. Two-family dwellings.

- A. Districts permitted. Two-family dwellings are considered principal permitted uses in the R-2, C-1, C-2 and I Districts.
- B. Common wall. In cases where the two-family dwelling is a duplex involving a common (i.e., party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. Each lot shall meet the district minimum lot size requirements and front, rear and other side yards shall be maintained as required for the applicable district.
- C. Over/under units. In cases where the two-family dwelling consists of two (2) dwelling units constructed with one (1) unit located on the second floor above a first floor dwelling unit, the lot size shall be the same as for a single-family residence in the same district and required district front, side and rear yards shall be maintained. If such a two-family dwelling is proposed on two (2) or more separate lots of record, said lots shall be combined into one (1) lot prior to the issuance of a zoning permit.
- D. Parking. Off-street parking shall be provided in accord with § 124-18 of this chapter.
- E. Sewage disposal. Documentation shall be provided by the applicant that adequate sewage disposal will be provided in accord with borough and PADER requirements.
- F. Conversions. See § 124-28.

§ 124-27. Multifamily residential.

- A. General provisions.
- (1) Multifamily dwellings are considered conditional uses in the R-2, C-1 and C-2 Districts in order to provide the opportunity for the development of a variety of housing types in the borough. In addition to the conditional use standards set forth in § 124-44 of this chapter and all other applicable standards, the following standards shall apply to multifamily dwellings.
- (2) Multifamily dwellings shall be considered major subdivisions and land developments subject to the borough subdivision and land development regulations.¹⁶ This major subdivision classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one (1) subdivision. Application for preliminary approval of multifamily dwelling projects, accordingly, will be made to the Borough Planning Commission in the manner provided in the subdivision regulations. The developer shall also submit all information required by said regulations in addition to the following additional information:

- (a) An application for multifamily dwelling conditional use by a letter or brief from the developer indicating how the development will specifically meet the conditional use standards contained in § 124-44 of this chapter.
 - (b) A proposed plot plan showing all necessary information, to include, at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, overall grading plan with storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this chapter. Building layouts, floor plans and profiles shall also be provided, indicating building dimensions, numbers and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the borough. Setbacks from property lines, improvements and other buildings shall also be specifically shown.
 - (c) A schedule or plan for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this chapter to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event provide to the satisfaction of the borough that maintenance and use of the property, regardless of ownership, be restricted to either activities intended for the sole benefit of the occupants of the particular project proposed or permanent open space as hereinafter provided.
- B. Permitted uses. Multifamily dwelling buildings shall consist solely of residential dwelling units, rental office, recreational and parking facilities. However, coin-operated washing and drying machines and vending machines for food, beverages, newspapers or cigarettes located inside the building shall be permitted, provided that these are for the tenants' use only. Sample apartments or townhouses for display purposes shall be permitted for each type of construction.
- C. Water and sewer systems. The proposed development shall be served by the borough water supply and a sewage disposal system approved by the Department of Environmental Resources.
- D. Area and bulk regulations. All multifamily dwelling developments shall conform to all of the requirements in this § 124-27D:

	Townhouses¹	Apartment Buildings
Minimum gross lot area (acres)	0.5	0.5
Minimum lot depth to width ratio	4:1	4:1

	Townhouses¹	Apartment Buildings
Minimum side yard (feet)	30 ²	30
Minimum rear yard (feet)	30	30
Minimum front yard (feet)	30	30
Distance between buildings	See § 124-27E(2)	
Maximum dwelling units per gross acre	8	10
Minimum usable open space devoted solely to recreational use and activities	10% of the tract ³	10% of the tract ³
Maximum height	3 stories, but not greater than 30 feet	
Maximum number of units per building	6	8

NOTES:

- ¹ Minimum width of a townhouse dwelling shall be twenty (20) feet per unit.
- ² Applies to end building only.
- ³ Usable open space shall not include front, side and/or rear yards of an individual building.

E. Design requirements. All multifamily dwelling developments shall conform to all of the requirements in this § 124-27E.

- (1) The developer should vary architectural treatments within apartment projects, between individual apartments and between dwelling units in a townhouse development. Variations may include those of exterior elevation, building setbacks, provision of balconies, architectural details, pitch of roof, exterior materials or use of color. Variety and flexibility in design layout and arrangement of buildings, parking areas, services, recreation areas, common open space and planting that fully considers the particular physical characteristics of the site and natural amenities is highly desired.
- (2) The horizontal distance between any multifamily buildings shall be not less than the height of the highest adjoining building, but in no case less than twenty (20) feet.
- (3) Access and service shall be provided in the front of each townhouse. Parking may be provided on the lot, as carports, as an integral part of the townhouse, or a joint parking facility for a group of townhouses with such deed restrictions as are necessary to determine ownership and maintenance of common parking facilities and methods of assigning charges for maintaining snow removal and repairs. (See also § 124-18.)
- (4) Usable open space devoted to recreational use as herein required shall be designed for use by tenants of the development and shall be

- improved and equipped by the developer in accordance with plans submitted to and approved by the Borough Council.
- (5) In the event that a development is designed to contain more than one (1) permitted use, the plan submitted shall indicate an area designation for each such use, and all requirements of this chapter for each area so designated shall be met.
- F. Parking facilities.
- (1) Number of spaces. Off-street parking, whether garage or on-lot, shall be provided on the premises at the rate of two (2) spaces for each dwelling unit.
- (2) Requirements for parking lots shall conform to the applicable requirements of § 124-18 of this chapter.
- (3) Site requirements.
- (a) Entrance and exit drives and interior access roads shall be designed so vehicles entering or leaving the site cannot be blocked.
- (b) Entrance and exit drives shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but shall at no time exceed thirty (30) feet in width.
- G. Drainage. Section 108-27 of Chapter 108, Subdivision of Land, and all storm drainage provisions of other borough ordinances shall apply to all multifamily developments.
- H. Lighting. Lighting for buildings, accessways and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.
- I. Storage of trash and rubbish. Exterior storage areas for trash and rubbish shall be well-screened on three (3) sides and the trash and rubbish contained in covered, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary condition.
- J. Conversions of existing structures. Conversions of any existing structures to multifamily dwelling use, regardless of whether such conversions involve structural alteration, shall also be considered conditional uses and, moreover, be subject to the provisions of this § 124-27, including but not limited to density requirements. (See also § 124-28.)
- K. Common property ownership and maintenance.
- (1) In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of the same shall be provided by the developer for approval by the borough. This shall specifically include but not be limited to provisions dealing with the ownership and maintenance of open space, improvements and utilities. Said arrangement shall indemnify the borough of any responsibility associated with the same. The developer shall also submit evidence of compliance with the Pennsylvania Condominium Law¹⁷ or an attorney's opinion that said law does not apply to the subject project.
- (2) If a property owners' association is proposed, it shall be governed by the following requirements:
- (a) The association shall be formed by and with the financial assistance of the developer, if necessary, prior to the sale of any lots or units.

- (b) Membership in the organization shall be mandatory for all owners in the project and their successors.
- (c) The association shall be responsible for maintaining, insuring and paying taxes on common property, and costs of the same shall be shared equitably by the members in accord with the bylaws and procedures established by the association.
- (d) Such staff or services as are necessary to maintain and administer common property and facilities shall be provided by the association.

§ 124-28. Conversion of dwellings.

Any conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall be considered a conditional use and, in addition to the other applicable standards in this chapter, the standards in this section shall apply.

- A. General requirements. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to dwelling unit, living space, lot coverage, dimensions of yards and other applicable standards.
- B. Structural alterations. If the proposed project involves structural alterations, the application shall include a certification of a registered architect or engineer that the existing building is structurally sound and that the proposed conversion will not impair its structural integrity.
- C. Parking. Off-street parking shall be provided in accord with § 124-18 of this chapter.
- D. Sewage disposal. Documentation shall be provided by the applicant that adequate sewage disposal will be provided in accord with borough and PADER requirements.

§ 124-29. Residential/commercial mixed use.

Residential/commercial mixed uses in a single principal structure are considered conditional uses in the C-1 and C-2 Districts in accord with the following and all other applicable standards in this chapter.

- A. Uses permitted. The commercial uses in any residential/commercial use building shall only be permitted in accord with the Schedule of Uses.¹⁸
- B. Residential units. The number of residential units in the structure shall be determined by the parking, sewage disposal and other performance standards in this chapter, but in no case shall the number of residential units exceed the density established for the same by this chapter.

17. Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.

18. Editor's Note: The Schedule of Uses is included at the end of this chapter.

§ 124-30. Adult businesses.

Adult businesses shall not be permitted in the Borough of Matamoras. Said uses are prohibited due to the rural small town character of the borough and said uses are not logically or sensibly needed in the area. Said uses are more logically and sensibly provided in areas that are more urbanized or are in the path of urbanization and are thereby suited for adult businesses.

§ 124-30.1. Outdoor furnaces. [Added 3-3-2009 by Ord. No. 307]

It is the purpose of this section to eliminate the further construction and operation of outdoor furnaces within the limits of the Borough of Matamoras for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Borough and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning of such furnaces, create noxious and hazardous smoke, soot, fumes, odor, air pollution, particles and other products of combustion that can be detrimental to citizens' health and can deprive neighboring residents of the enjoyment of their property or premises. Consideration has been given to the sizes of residential lots within the Borough, the density of structures, the proximity of houses to one another, and the predominance of wooden structures.

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

OUTDOOR FURNACE — Any equipment, device, apparatus or structure, or any part thereof, which is installed, affixed or situated outdoors for the purpose of combustion of any type of fuel to produce heat or energy used as a component of a heating system providing heat for an interior space or water source. Specifically excepted herefrom is the use of electric generators for temporary use during periods of electrical stoppage or lack of access to utility-based power.

B. Regulations.

- (1) After the effective date of this section, outdoor furnaces shall be prohibited and shall not be installed or maintained within the Borough of Matamoras except as provided herein.
- (2) Any existing chimney stack shall be at least 20 feet or at least two feet above the roofline of the highest structure within 200 feet, whichever is higher when installed. Said chimney stack shall also have a spark arrestor installed on top.
- (3) This section shall not be construed to be retroactive and shall not require the removal of any outdoor furnace in existence within the Borough of Matamoras at the effective date of this section.
- (4) For any existing outdoor furnace primarily designed for burning wood or other solid material, no fuel other than natural wood without additive, wood pellets without additive and agricultural seeds in their natural state may be burned. Processed wood products and other nonwood products, recyclable materials, plastics, rubber, paper products, garbage and painted or treated wood are prohibited.

- (5) Outdoor furnaces are prohibited to burn between June 1 and August 30.
- (6) Outdoor furnaces and associated installation shall be subject to inspection by the Zoning Enforcement Office and Building Codes Enforcement Officer at any reasonable time to assure compliance with the terms hereof.
- (7) Any existing outdoor furnace installation is subject to the permit provisions of the Zoning and Building Code Ordinance, and including compliance with all applicable state and federal statutes, including the Environmental Protection Agency (EPA) and the Underwriters Laboratories (UL) Listing.
- (8) Nothing contained herein shall authorize the maintaining of existing installation that is a public or private nuisance, regardless of compliance herewith.
- (9) If any sentence, clause, section, or part of this section is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the section. It is hereby declared as the intent of the Borough Council of the Borough of Matamoras that this section would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
- (10) If an external (outdoor) fuel-burning device or appliance is more than 50% torn down, physically deteriorated, or decayed, any rebuilding or restoration of said external (outdoor) fuel-burning device or appliance shall be a violation of this section.
- (11) Any person, firm or corporation who shall violate any provision of this section shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500, pursuant to § 124-43. Every day that a violation of this section continues shall constitute a separate offense.
- (12) This section shall be incorporated into and be part of the Zoning Ordinance of the Borough of Matamoras, effective immediately.

ARTICLE V

Nonconforming Uses and Structures**§ 124-31. Purpose.**

It is the purpose of this Article to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, reestablishments and extensions of nonconforming uses and/or structures may not be contrary to the public interest or the general purpose of this chapter when failure to allow such alteration, reestablishment or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Article to prescribe those standards which are to be applied by the borough in determining the reasonableness of a proposal to alter, reestablish or extend a nonconforming use. The following are regulations which shall apply to the alteration, reestablishment or extension of nonconforming uses.

§ 124-32. Term defined.

A nonconforming use or building shall be a building, structure or use legally existing at the effective date of this chapter, or any amendment thereto, or a building, structure or use planned and under construction in compliance with existing laws prior to the effective date of this chapter, or any amendment thereto, and completed within a one-year period after the effective date of this chapter, or amendment thereto, and which does not conform with the use regulations of the district in which located. A building, structure or use allowed by variance in a district where it is nonconforming with any regulations of this chapter shall also be considered a nonconforming use. (See also definitions in § 124-8.)

§ 124-33. Maintenance and repair; other allowed changes.**[Amended 5-2-2006 by Ord. No. 284]**

- A. Normal maintenance and repair, such as painting, replacing a roof, etc., is allowed, as well as alterations and interior renovations that do not structurally alter the building or area or result in increased use of the building or area or a different nature of use than that existing at the present time or otherwise create more incompatibility with the surrounding permitted uses.
- B. In cases where the nonconforming structure is a single-family dwelling or a two-family dwelling, or a structure accessory to a single-family or two-family dwelling, alterations and/or interior renovations that structurally alter the building are allowed, providing the Zoning Officer reviews such plans and determines that such changes do not create further nonconformity. However, a single-family dwelling or a two-family dwelling or accessory structure to those dwellings that was allowed by variance in a district where it is nonconforming with any regulations of this chapter is subject to the requirements of § 124-34 below.

§ 124-34. Changes, reestablishments and additions. [Amended 5-2-2006 by Ord. No. 284]

All changes, reestablishments and additions to nonconforming uses and structures, excepting those identified in § 124-33, shall be considered conditional uses subject to the requirements of § 124-44 and all other applicable standards of this chapter, and permits for changes in use, reestablishment or additions shall be granted only after a determination by the borough that the following conditions will be satisfied.

- A. Storage of materials. There shall be no increase in the amount of materials, supplies and/or products that are stored outside a nonconforming facility excepting those types of uses outlined in Subsection B.
- B. Screening. Where the nonconforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside, the use may only be expanded if a solid fence of wood or some similar material and/or vegetative screening, not less than six (6) feet in height, is present on all sides of the immediate area in use.
- C. Yards and setbacks. No addition, change or expansion of a nonconforming use shall create further nonconformity by violation of yard and/or height regulations of the district in which it is located.
- D. Stormwater. The provisions of § 124-20M of this chapter and § 108-27 of Chapter 108, Subdivision of Land, shall apply.
- E. Parking and traffic. In no case will a change, reestablishment, addition or expansion of a nonconforming use be allowed which would result in the diversion of traffic or relocation of a driveway on the site to any point nearer a residential property or result in violation of any of the parking and unloading requirements of this chapter. If the total number of parking spaces for the site is to be increased more than twenty-five percent (25%) over those available as of the date of this chapter, the borough may require vegetative screening of the parking area from nearby residential areas.
- F. Extension onto new properties. The use may only be expanded or extended onto a new property in the district if that property is immediately adjacent to the existing location, the properties are considered as a unit and were both under the same ownership as of the effective date of this chapter and the owner has clearly exhausted the alternatives available for expansion on the existing site.

§ 124-35. Time frame for reconstruction.

A nonconforming use or structure may be reestablished or reconstructed to the same nonconformity within a period of eighteen (18) months after it has been discontinued, vacated, damaged or removed. Prior to the removal of a nonconforming use or structure in anticipation of reestablishment or reconstruction to the existing nonconformity, the owner of such use or structure shall contact the Zoning Officer so that a certificate of nonconformity may be issued prior to the removal of the nonconforming use or structure.

§ 124-36. Nonconforming lots of record.

A single-family dwelling may be erected on any existing lot of record, provided that the owner does not possess adjoining property which can be combined with the subject parcel, that no front, side or rear yard setback is less than required and that a sewage permit can be properly issued.

ARTICLE VI

Administration and Enforcement**§ 124-37. Authority; enforcement.**

- A. Zoning Officer. It shall be the duty of the Zoning Officer, to be appointed by the Borough Council, to enforce the provisions of this chapter. The Zoning Officer shall examine all applications for permits and shall issue or refuse permits within 30 days of receipt of the application or, where applicable, refer said application to the governing body. The Zoning Officer shall record and file all applications for permits with accompanying plans and documents, and shall file reports rendered, certificates issued, inspections made and notices or orders issued and shall identify and register nonconforming uses and structures when application is made of such certification or registration and shall make such other reports as Borough Council may require. **[Amended 6-5-2007 by Ord. No. 289]**
- B. Conditional uses and special exceptions and variances. Permits for construction and uses which are conditional uses shall be issued only upon written order of the Borough Council. Permits for construction and uses which are a special exception or a variance to requirements of this chapter shall be issued only upon written order of the Zoning Hearing Board.

§ 124-38. Permits.

- A. Requirements of permits. A building and/or zoning permit shall be required prior to the erection, addition or alteration or demolition of any building or structure or any accessory building or structure or portion thereof or regulated sign; prior to the use or change in use of a building or land; and prior to the change or extension of a nonconforming use. It shall be unlawful for any person to commence work for the erection or alteration or demolition of any building or for a change in land use until a permit has been duly issued therefor. No zoning permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure. **[Amended 10-2-2007 by Ord. No. 294]**
- B. Applications for permits.
- (1) All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information deemed necessary by the borough to determine compliance with this chapter and all other pertinent ordinances.
 - (2) The Zoning Officer, Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, may require the applicant to provide a current survey map of his property to confirm

compliance with lot size, lot width, setbacks or any other requirement of this chapter.

- (3) Applications for variances, special exceptions and conditional uses shall include the Tax Map number of the project parcel and a list of property owners located within two hundred (200) feet of the project parcel. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.
- C. Subdivision approval. Applications for uses which also necessitate approvals under the Borough Subdivision Ordinance¹⁹ shall be processed in the manner provided for plat approval under that ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A zoning permit shall not be issued until the proposed use has been granted a preliminary approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a certificate of use has been properly issued pursuant to § 124-41 of this chapter.
- D. Issuance of permits. No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration complies with all the provisions of this chapter as well as with all the provisions of other applicable regulations. Once issued, a zoning permit shall be valid for a period of one (1) year. If after one (1) year from permit issuance the use, structure or building authorized by said permit has not been established or erected, said permit shall expire and a new permit shall be required.
- E. Temporary permit. A temporary permit may be authorized by the Borough Council for a nonconforming structure or use which it deems necessary to promote the proper development of the community, provided that such nonconforming structure or use shall be completely removed upon expiration of the permit for a specified period of time not to exceed one (1) year and may be renewed annually for an aggregate period not exceeding three (3) years.
- F. Zoning permits for temporary uses and structures. **[Added 6-6-2006 by Ord. No. 285]**
 - (1) A Zoning Permit for a temporary use or structure may be issued by the Borough Zoning Officer for any of the following:
 - (a) A temporary permit may be issued for customary, routine and accessory short-term temporary use and structure, provided that:
 - [1] Only a well-established nonprofit organization, fire company or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose or existing retail businesses shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted;

19. Editor's Note: See Ch. 108, Subdivision of Land.

- [2] Such total temporary uses and structures shall be limited to a maximum of 12 total days per calendar year for all activities;
 - [3] The applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the temporary use and structure, without obstructing parking that is required to serve other uses on the site; and
 - [4] The applicant shall have written consent of the owner of the property where the temporary use and structure is to be held, if not owned by the applicant. Such written consent shall be submitted to the Zoning Officer as part of the zoning permit package.
- (b) A temporary permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction while such construction is actively underway under a valid Borough permit.
 - (c) Permits for a temporary use and structure shall be processed in accord with the applicable provisions set forth in §§ 124-38 through 124-44 and shall be displayed while the temporary use and structure is open for business.
- (2) Time period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a twelve-day maximum period shall apply. In no case shall the Zoning Officer exceed the twelve-day limit annually for any applicant, use or location. **[Amended 7-7-2009 by Ord. No. 308]**
- (3) Temporary retail sales. Except as provided in Subsection F(1)(a)[1] above, and except for agricultural sales allowed by the State Right to Farm Act,²⁰ a lot shall only be used for temporary retail sales if all of the following conditions are met:
- (a) The property shall be located within a zoning district that allows retail sales.
 - (b) The operator shall have received any business permits required by the Borough. The operator may be a different entity than the operator of another business on the lot.
 - (c) No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - (d) Any signs advertising a temporary use and structure shall comply with § 124-17I, Temporary signs.
 - (e) If food or beverages are sold that are not prepackaged, the applicant shall prove compliance with the state health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.
 - (f) Any structure shall meet applicable minimum setbacks.
 - (g) Permits for a temporary retail sale shall be processed in accord with the applicable provisions set forth in §§ 124-30 through 124-44 and shall be displayed while the temporary use and structure is open for business.

- (h) The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
 - (i) The applicant shall have written consent of the owner of the property where the temporary retail sales will be held, if the property is not owned by the applicant. Such written consent shall be submitted to the Zoning Officer as part of the zoning permit package.
 - (j) Yard sales shall be exempt from the requirements of this section and must comply with § 124-22.
- G. Demolition permit. A demolition permit shall be required by the Zoning Officer for removal of existing structure(s). The Zoning Officer will set a time limit for how long debris can remain on the site. A dumpster with a maximum volume of 30 cubic yards of debris may remain on site within the allotted time limit, unless otherwise authorized by the Zoning Officer. The Zoning Officer shall require a certificate of homeowners' insurance for the property being demolished. If the demolition work is performed by a contractor authorized by the property owner, that contractor must have all inclusive insurances for a business, and comply with all regulations of the Pennsylvania Department of Environmental Protection on disposal of demolition debris. **[Added 10-2-2007 by Ord. No. 295]**
- H. Stop-work orders may be issued by the Zoning Officer or the Building Inspector in conjunction with § 124-42, Compliance or other sections of this Zoning Ordinance. A fee associated with a stop-work order must be paid in full before any work may be resumed. **[Added 10-2-2007 by Ord. No. 295]**

§ 124-39. Fees.

- A. As authorized by Section 617.3(e) of the Pennsylvania Municipalities Planning Code,²¹ the Borough Council shall, by duly adopted resolution of the Council, establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this chapter.
- B. Permits, special exceptions and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.
- C. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

§ 124-40. Inspection.

20.Editor's Note: See 3 P.S. § 951 et seq.

21.Editor's Note: See 53 P.S. § 10617.3(e).

- A. Inspection by the Zoning Officer. The Zoning Officer shall have the authority to make the following minimum number of inspections on property for which a permit has been issued:
- (1) At the beginning of construction. A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
 - (2) At the completion of construction. A record shall be made indicating the time and date of the inspection and the findings of the Zoning Officer in regard to the issuance of a certificate of use. Nothing contained in this chapter shall impose or imply any responsibility upon the Borough Council or its officials or agents for the quality of workmanship or materials employed in construction.
- B. Inspection by borough officials. It shall be deemed that the applicant, by virtue of submitting a zoning application to the borough, grants permission to the Borough Planning Commission, Borough Council or other agent authorized by the Borough Council to make such inspections of the subject premises as determined necessary by the Borough Council to confirm compliance with the provisions of this chapter. Such inspection shall be made at reasonable times and shall be solely for the purposes set forth in this § 124-40B.

§ 124-41. Certificate of use.

- A. Definition. A certificate of use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this chapter or that a building or structure lawfully may be employed for specified uses under the provisions of this chapter, or both.
- B. Required. No vacant land shall be occupied or used and no structure or part of a structure hereafter erected, structurally altered or changed in use shall be occupied or used until a certificate of use shall have been issued therefor by the Zoning Officer.
- C. New structures and buildings, additions and alterations. **[Amended 5-2-1995 by Ord. No. 246]**
- (1) Required. A certificate of use, either for the whole or part of a new building or structure or for the alteration of or addition to an existing building or structure, shall be applied for immediately upon completion of the construction authorized by the permit and prior to any occupancy thereof. The Zoning Officer shall issue or deny the application for the certificate of use within fifteen (15) days of receipt of the application for the same. If the erection, alteration of or addition to such building or structure or part shall have been completed in conformity with the provisions of this chapter and the conditions on the permit, the certificate of use shall be issued. If the

construction does not conform with the provisions of this chapter and the conditions of the permit, the certificate of use shall be denied.

- (2) Exemption. A certificate of use shall not be required for fences or signs. However, the exemption from the requirement for a certificate of use shall not exempt such structures from compliance with the requirements of this chapter, and any owner of such structure shall be subject to enforcement proceedings for failure of compliance.

D. Change in use.

- (1) A certificate of use for the use or occupancy of vacant land or for a change in the use of land or for a change in the use of an existing building shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use. Any change of use which results in a change from a use listed on the Schedule of Uses²² to another use listed on the Schedule of Uses shall be treated as a new use, and the applicable approvals, including conditional use or special exception approval, shall be required. For example, the conversion of a warehouse building into an auto body shop would not involve new construction; however, the use would be changing and would require a change of use permit.

- (2) In cases where a use changes but remains within the same definition of a use listed on the Schedule of Uses and no new construction is involved, a certificate of use shall be required for the change in use. However, conditional use approval or special exception approval will not be required. For example, a candy store changing to a hardware store, both retail businesses as listed on the Schedule of Uses, would not require conditional use approval, but rather, only a certificate of use issued by the Zoning Officer.

E. Nonconforming uses. A certificate of use for changing or extending a nonconforming use existing at the time of the passage of this chapter or of an amendment thereto shall be applied for and issued before any such nonconforming use shall be changed or extended in accord with this chapter.

F. Records. A record of all certificates of use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

§ 124-42. Compliance.

Failure to comply with any provision of this chapter, failure to secure or comply with a decision of the Borough Council or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension or addition to a building or prior to or after the use or change of use of land or failure to secure a certificate of use permit shall be violations of this chapter. When written notice of a violation of any of the provisions of this chapter shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed

22. Editor's Note: The Schedule of Uses is included at the end of this chapter .

by Section 616.1 of the Pennsylvania Municipalities Planning Code,²³ such violation shall be discontinued or corrected as set forth in said notice.

§ 124-43. Violations and penalties; remedies.

- A. Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the borough, pay a judgment of not more than five hundred dollars (\$500.), plus all court costs, including reasonable attorney fees incurred by the borough as a result thereof.
- B. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this chapter shall be paid over to the borough.
- C. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- D. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the borough, the right to commence any action for enforcement pursuant to this section.
- E. In case any building, structure or land is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this chapter, the Borough Council or, with the approval of the Borough Council, an officer of the municipality or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute (in the name of the borough) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the borough at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.

23. Editor's Note: See 53 P.S. § 10616.1.

§ 124-44. Conditional uses; special exceptions.**A. Conditional uses.**

- (1) Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this chapter and in § 124-44C and as required by the Pennsylvania Municipalities Planning Code.²⁴
- (2) Upon determining that an application for a specific use may only be granted as a conditional use under the terms of this chapter, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Borough Planning Commission. The Planning Commission shall review the application within thirty (30) days following its next regular meeting and may hold a public hearing pursuant to public notice to receive comment on the proposed use.
- (3) The Planning Commission shall report its findings, together with a recommendation indicating whether the criteria listed above and any applicable performance standards have been satisfied. Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Borough Council shall conduct a public hearing pursuant to public notice and shall grant or deny the application. If the application is granted, the Borough Council shall attach such reasonable conditions and safeguards as the Board deems necessary to protect the public health, safety and welfare and to implement the purposes of this chapter and shall direct the Zoning Officer, in writing, to issue a permit for the same. If the application is denied, the applicant shall be notified within five (5) days of the action in person or by certified mail, such notice including reasons for denial.

B. Special exceptions. Uses specified as special exceptions shall be permitted only after review and approval by the Borough Zoning Hearing Board pursuant to the express standards as provided for specific special exceptions in this chapter and in Subsection D below along with all other applicable standards. Procedures for special exceptions shall be pursuant to Article IX of the Pennsylvania Municipalities Planning Code.²⁵**C. Expansions and additions to conditional uses and special exceptions.** Any expansion of or addition to a use or structure classified as a conditional use or special exception in the Schedule of Uses²⁶ shall be considered a conditional use or special exception, respectively.**D. Standards and criteria.** The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this chapter and other ordinances of Matamoras Borough. In addition to all the applicable standards provided in this chapter for specific conditional uses and special exceptions, the following standards and

24. Editor's Note: See 53 P.S. § 10101 et seq.

25. Editor's Note: See 53 P.S. § 10101 et seq.

26. Editor's Note: The Schedule of Uses is included at the end of this chapter .

criteria shall be applied in the review of applications for conditional uses and special exceptions.

- (1) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values or other matters affecting the public health, safety and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this chapter or any other plan, program, map or ordinance of the borough or other government agency having jurisdiction to guide growth and development.
- (2) The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities and services of the borough, whether such services are provided by the borough or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the borough. The permit approval shall be so conditioned.
- (3) In reviewing an application, the following additional factors shall be considered:
 - (a) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 - (b) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 - (c) Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - (d) Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - (e) Adequacy of stormwater and drainage facilities. Stormwater leaving any site shall not exceed pre-development levels and facilities shall be designed to accommodate a ten-year storm.
 - (f) Adequacy of water supply and sewage disposal facilities.
 - (g) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - (h) Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.

- (i) Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (4) No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this chapter shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties affected, all conditions necessary to protect the general health, safety and welfare shall be imposed as conditions of approval. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, hours of operation, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein, and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the borough; and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

E. Information required.

- (1) General requirements. **[Amended 5-2-1995 by Ord. No. 246]**
 - (a) The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein, and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the borough, and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.
 - (b) Six (6) copies of the application for conditional use or special exception and supporting documentation shall be submitted.
 - (c) In the case of an application involving the construction of any new structure or any addition to an existing structure, all of the information required in this § 124-44E shall be provided by the applicant. However, the Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, may determine, as part of the review process, that certain information is not required for a particular application, and upon such determination, the specified information need not be provided by the applicant.
 - (d) In the case of an application which does not involve the construction of any new structure or any addition to an existing structure, a narrative providing details of the project shall be provided as required by Subsection E(2)(a) which follows. However, a plot plan, as required in Subsection E(2)(b) which follows, shall not generally be required unless the Planning Commission, Borough Council or the Zoning Hearing Board, as

the case may be, deems such plot plan necessary to evaluate and make a decision on the application. The Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, shall determine, as part of the review process, the type of information and level of detail of the plot plan if such plot plan is required.

- (e) In any case, the Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be, may require any other additional information or any level of detail deemed necessary to determine compliance with this chapter or to identify any impacts of the proposed use.
- (2) Specific requirements.
 - (a) A narrative providing details of the project.
 - (b) A plot plan legible in every detail and drawn to scale but not necessarily showing precise dimensions, and including the following information:
 - [1] The name of the development.
 - [2] The name and address of the landowner and/or land developer. (If corporation, give name of officers.)
 - [3] Location map.
 - [4] North arrow.
 - [5] Graphic scale.
 - [6] Written scale.
 - [7] The date the plot plan was completed.
 - [8] The names of adjacent property owners and Tax Map numbers, including those across adjacent roads.
 - [9] Proposed and existing street and lot layout, including street names and right-of-way widths.
 - [10] Existing and proposed man-made and/or natural features:
 - [a] Watercourses, lakes and wetlands (with names).
 - [b] Rock outcrops, ledges and stone fields.
 - [c] Buildings and structures and setbacks required by this chapter.
 - [d] Approximate location of tree masses.
 - [e] Utility lines, wells and sewage system(s).
 - [f] Entrances, exits, access roads and parking areas, including the number of spaces.
 - [g] Drainage and stormwater management facilities.
 - [h] Any and all other significant features.
 - [11] The location of permanent and seasonal high-water table areas and one-hundred-year flood zones.
 - [12] Tract boundaries accurately labeled.
 - [13] The total acreage of the tract and the extent of the areas of the site to be disturbed and the percentage of lot coverage when the project is completed.
 - [14] The location and type of rights-of-way or other existing restrictive covenants which might affect the subdivision and/or development.

[15] A statement of the type of water supply and sewage disposal proposed.

F. Limitation of approval.

- (1) Any conditional use approval granted by the Borough Council and any special exception approval granted by the Zoning Hearing Board shall expire one (1) year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, said approval and any permit issued subsequent thereto shall be deemed null and void and the developer shall be required to submit another application for the same. **[Amended 5-2-1995 by Ord. No. 246]**
- (2) In cases where conditional use approval or special exception approval precedes land development approval, said conditional use approval or special exception approval shall become null and void unless a complete application for land development in accord with the Borough Subdivision and Land Development Ordinance²⁷ is made within one hundred eighty (180) days from the date of conditional use approval or special exception approval.

§ 124-45. Zoning Hearing Board.

A. Jurisdiction.

- (1) The Borough Council shall appoint a Zoning Hearing Board and may appoint alternate members to the Zoning Hearing Board in accord with Section 903 of the Pennsylvania Municipalities Planning Code, as enacted or hereafter amended.²⁸ The Zoning Hearing Board shall have such powers and authority as set forth in Article IX of said Code. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
 - (a) Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to Sections 609.1 (curative amendments) and 916.1(a)(2) (ordinance validity) of the Pennsylvania Municipalities Planning Code.²⁹
 - (b) Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
 - (c) Appeals from the determination of the Zoning Officer, including but not limited to the granting or denial of any permit or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

27. Editor's Note: See Ch. 108, Subdivision of Land.

- (d) Appeals from the determination of the Municipal Engineer or Zoning Officer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within any land use ordinance.
 - (e) Applications for variances from the terms of this chapter or any floodplain or flood hazard ordinance or such provisions within any land use ordinance, pursuant to § 124-45C of this chapter and Section 910.2 of the Pennsylvania Municipalities Planning Code.³⁰
 - (f) Applications for special exceptions under this chapter pursuant to Section 912.1 of the Pennsylvania Municipalities Planning Code³¹ and § 124-44 of this chapter.
 - (g) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this chapter, if such provisions exist.
 - (h) Appeals from the Zoning Officer's determination under Section 916.2 (preliminary opinion) of the Pennsylvania Municipalities Planning Code.³²
 - (i) Appeals from the determination of the Zoning Officer or Municipal Engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving subdivision and land development or planned residential development applications.
 - (2) The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Uses³³ for the particular district.
 - (3) In all its actions, the Zoning Hearing Board shall follow procedures as provided in the Pennsylvania Municipalities Planning Code.³⁴
- B. Zoning Hearing Board applications.
- (1) Application to the Zoning Hearing Board shall be made, in writing, to the Chairman of the Zoning Hearing Board and shall state:
 - (a) The name and address of the applicant.
 - (b) The name and address of the owner of the real estate to be affected by such proposed exception or variance.
 - (c) A brief description and location of real estate to be affected by such proposed change.

28.Editor's Note: See 53 P.S. § 10903.

29.Editor's Note: See 53 P.S. § 10609.1 and 53 P.S. § 10916.1(a)(2), respectively.

30.Editor's Note: See 53 P.S. § 10910.2.

31.Editor's Note: See 53 P.S. § 10912.1.

32.Editor's Note: See 53 P.S. § 10916.2.

33.Editor's Note: The Schedule of Uses in Appendix Nos. 1 through 7 located at the end of this chapter.

34.Editor's Note: See 53 P.S. § 10101 et seq.

- (d) A statement of the present zoning classification of the real estate in question, the improvements thereon and the present use thereof.
 - (e) A statement of the section of this chapter under which the application is being requested and the reasons why it should be granted.
 - (f) Any reasonably accurate description of the present improvements and the additions intended to be made under this application, indicating the size of such proposed improvements, material and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot and size of improvements now erected and proposed to be erected thereon.
 - (g) Any other information the applicant deems appropriate.
- (2) If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Zoning Hearing Board matters shall otherwise be processed in conformance with the requirements of the Pennsylvania Municipalities Planning Code.³⁵
- C. Variances.
- (1) The Zoning Hearing Board shall have the right to authorize such variances from this chapter as are permitted under Section 910.2 of the Pennsylvania Municipalities Planning Code.³⁶ The Board may grant a variance, provided that the following findings are made where relevant in a given case:
- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.
 - (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (c) That such unnecessary hardship has not been created by the applicant.
 - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor to be detrimental to the public welfare.

35.Editor's Note: See 53 P.S. § 10101 et seq.

36.Editor's Note: See 53 P.S. § 10910.2.

- (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (2) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Article VI and this chapter.
- (3) This authority shall not include the right to grant a use variance that would, in fact, alter the Zoning Map and thus constitute a rezoning.

§ 124-46. Mediation.

Parties to a proceeding authorized by Article IX and Article X-A of the Pennsylvania Municipalities Planning Code voluntarily chose the mediation option as set forth in Section 908.1 of the Pennsylvania Municipalities Planning Code.³⁷

§ 124-47. Appeals to court; other administrative proceedings.

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.³⁸

§ 124-48. Amendments.

- A. The Borough Council may amend this chapter by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.³⁹
- B. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code.⁴⁰

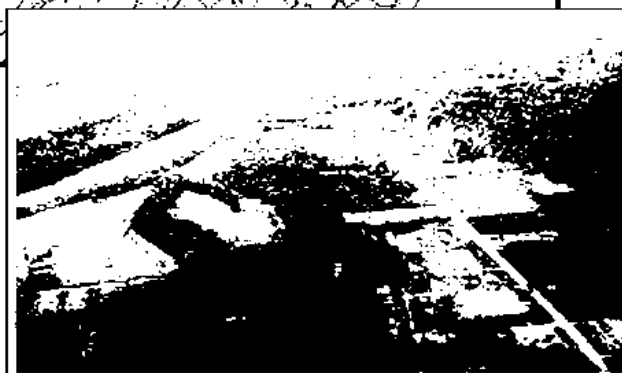
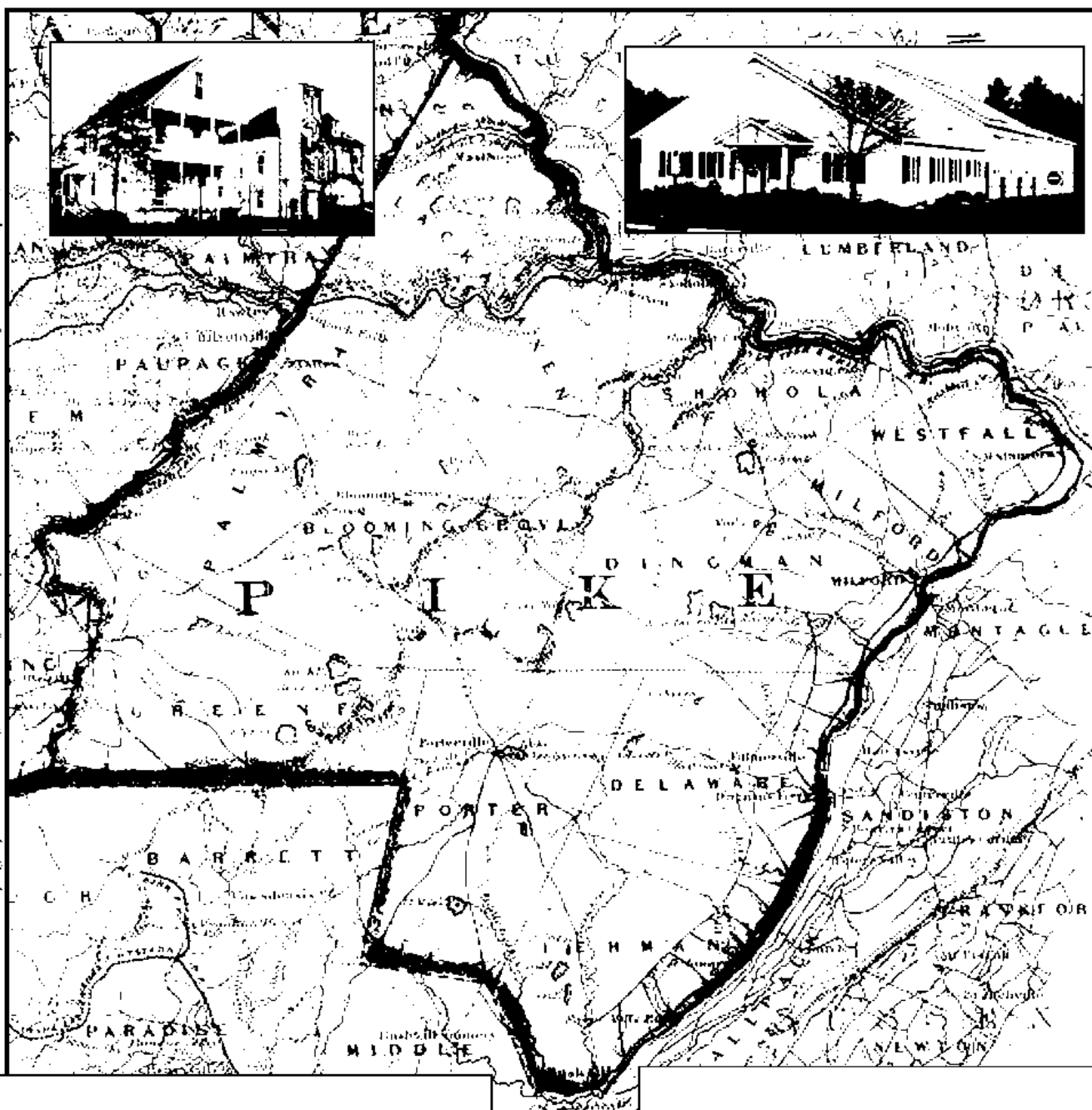
37.Editor's Note: See 53 P.S. § 10908.1.

38.Editor's Note: See 53 P.S. § 10101 et seq.

39.Editor's Note: See 53 P.S. § 10101 et seq.

40.Editor's Note: See 53 P.S. § 10609.1 and 53 P.S. § 10916.1, respectively.

The New Topographical Atlas of the State of Pennsylvania, Stedman, Brown & Lyon, Philadelphia, 1872.



This Comprehensive Plan was financed in part by the Pennsylvania Department of Community and Economic Development with a grant from the Land Use Planning and Technical Assistance Program.

MILFORD BOROUGH / MILFORD TOWNSHIP COMPREHENSIVE PLAN

**ADOPTED
NOVEMBER 6, 2006**

PREPARED BY

**MILFORD BOROUGH PLANNING COMMISSION
MILFORD BOROUGH COUNCIL**

**MILFORD TOWNSHIP PLANNING COMMISSION
MILFORD TOWNSHIP BOARD OF SUPERVISORS**

WITH FINANCIAL SUPPORT AND PARTICIPATION OF

THE MILFORD WATER AUTHORITY

PLANNING ASSISTANCE BY

**COMMUNITY PLANNING AND MANAGEMENT, LLC
CARSON HELFRICH
HCR #1 BOX 59
PAUPACK, PA 18451**

**SHEPSTONE MANAGEMENT COMPANY
THOMAS J. SHEPSTONE
100 FOURTH STREET
HONESDALE, PA 18431**

<p>This Comprehensive Plan was financed in part by the Pennsylvania Department of Community and Economic Development with a grant from the Land Use Planning and Technical Assistance Program.</p>
--

COMPREHENSIVE PLAN TABLE OF CONTENTS

INTRODUCTION AND OVERVIEW

Planning Needs	1
Gateway Community	1
Planning Issues Overview	2
Planning Process	4
Need for Continued Planning	5
Sidebar - State Mandated Plan Review	5

SUMMARY OF FINDINGS

Community Character and Development History	1
Growth and Development, and Existing Land Use	1
Community Facilities and Services	2
Water Supply and Sewage Disposal	3
Historic Preservation	4
Highways and Transportation	4
Housing	5
Economic Development	5
Demographics and Economic Base	6
Financial Analysis	6
Planning and Development in Contiguous Municipalities, Pike County and the Region	7

GOALS AND ACTIONS SUMMARY

General Community Development Objectives	1
Goals	2
Overall Actions	3
Key Implementation Strategies	3
Land Use, Natural Resources Conservation and Environmental Protection	4
Community Facilities and Services	8
Water Supply and Sewage Disposal	14
Historic Preservation	16
Housing	17
Economic Development	18
Capital Improvements Program	19
Official Map	19
Transportation	19

COMMUNITY CONSERVATION AND DEVELOPMENT GOALS AND OBJECTIVES

Need for Goals and Objectives	1
Sidebar - Shared Vision	1
Sidebar - Maintaining Community Character, Milford Borough Policies for Decision Making	2
A Guide and Policy Statement	2
General Community Development Objectives	2
Sidebar - Note About Open Space	3
Goal 1 - Quality Lifestyle	4
Goal 2 - Natural Resources and Open Space	6
Goal 3 - Economic Base	7

Goal 4 - Housing	8
Goal 5 - Community Facilities and Services	8
Goal 6 - Road System	9
COMMUNITY SURVEY	
Milford Borough	1
Milford Township	3
COMMUNITY CHARACTER AND DEVELOPMENT HISTORY	
Regional Location	1
General Characteristics	1
Development History	1
Past, Present and Future	4
LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION	
Summary of Planning Issues	1
Growth and Development Overview	2
Importance of Regional Location	2
Need for Area Wide Planning	3
Land Use Overview	3
Residential Land	3
Commercial/Industrial	3
Public and Semi-Public Land	4
Woodland and Agricultural Land	6
Potential for Development	7
Existing Land Use Management Regulations	7
Future Land Use	7
Current Zoning Districts Affirmed	7
Traditional Zoning and Performance Zoning	8
Cooperative Zoning	8
Municipal Long Term Commitment	8
Open Land and Natural Area Conservation	8
Fiscal Benefits of Open Land Preservation	8
Conservation Subdivision Design	10
Goals for Conservation Design Development	10
Sidebar - Preservation/Conservation Techniques	10
Milford Springs Watershed	11
Environmental Protection	14
Sidebar - Conservation Easements	13
Sidebar - Milford Township Design Guidelines	15
Santos Farm	15
Ridge Lines and Scenic Vistas	15
Residential Neighborhoods	16
Specific Actions for Residential Development	16
Nonresidential Development	16
Specific Actions for Nonresidential Development	16
Forestry	17
Mineral Extraction	17
Other Specific Land Use Control and Environmental Protection Actions	17

COMMUNITY FACILITIES AND SERVICES

Overview	1
growth and Development	1
Planning and Cooperation	1
Plan Focus	1
Facility and Service Providers	1
Intermunicipal Cooperation	1
Schools	3
Sidebar - School Districts and the Pennsylvania Municipalities Planning Code	3
Township Government	3
Borough Government	3
Facilities and Services	4
Community Surveys	4
Township and Borough Facilities	4
Local Road Maintenance	4
Milford Township Facilities and Staff	5
Milford Borough Facilities and Staff	6
Road Maintenance Cooperation	7
Recreation Opportunities	7
recreation Facilities	7
Recreation and the Planning Code	8
Sidebar - Milford Borough Parks and recreation Plan	9
Resident Expectations	9
<i>Pinchot Greenway Trail Feasibility Study / Master Plan</i>	9
Other Specific Actions Related to recreation	11
Police Protection	11
Fire Protection and Ambulance Service	12
Emergency Management	14
Solid Waste Disposal and Recycling	14
Shade Trees	15
Sidewalks and <i>Streetscapes</i> in the Borough	15
Side Street Sidewalks	16
Parking in the Borough	17
County Facilities	19
Pike County Public Library	19
Delaware River, Sawkill Creek and Vandermark Creek as Part of the Community	20
Community Facilities for New Development	21
Community Facility and Service Priorities	21

WATER SUPPLY AND SEWAGE DISPOSAL

Water Supply	1
Groundwater Quantity	1
Sidebar - How much groundwater do we have?	1
Sidebar - Groundwater Overview	2
Water Quality	2
Sidebar - Groundwater Recharge Rates	2
Sidebar - The Hydrologic Cycle in Pennsylvania / How Groundwater Moves	3
Conservation and Protection	4
Milford Municipal Authority	5
Sidebar - Sawkill-Vantine Connection	6
Water Source Protection	6
Sidebar - Protective Easement for Springs	11
Nitrogen and Chloride Aquifer Study	12

<i>Pike County Water Resources Plan</i>	12
Water Supply Actions	13
Sidebar - Land Use and Water Quality and Quantity	14
Sewage Disposal	14
On-Site Sewage Systems	14
Actions Related to On-Site Sewage Disposal	15
Central Sewage Collection and Treatment	16
General Sewage Disposal Actions	17

III HISTORIC PRESERVATION

Historic Resources	1
Milford Township	1
Sidebar - National Register of Historic Places	1
Milford Borough Historic Districts	2
Sidebar - Benefits of Historic Preservation	3
Borough Historic District Ordinance	3
Recent Community Survey	4
Historical Architectural review Board	4
ARB Design Guide	4
Sign Design Assistance	5
Borough Actions	5
Sidebar - Historic Preservation Planning	5
Township Actions	6

IV TRANSPORTATION

Summary of Planning Issues	1
The Transportation System	1
Access - Mobility	1
Highway Classification Factors	1
Highway Functional Classification	2
Expressway	3
Arterial Highway	4
Collector Road	4
Local Road	4
Roads in the Milford Planning Area	4
Traffic Volume	5
Road Network Level-of-Service	5
Congested Corridor Improvement Program	5
Corridor Improvement Alternatives	7
Other Problem Areas	7
Milford-Montague Toll Bridge	7
Need for Regional Transportation Planning	8
Milford Borough Traffic Planning	8
Municipal Roads -- Condition and Future Plans	8
Condition of State Roads	8
Bridges	8
Subdivision Roads	9
Bicycle Routes	9
Airports, Railroads and Public Transportation	9
Other Road and Intersection Actions	9

HOUSING

Municipalities Planning Code Requirements	1
Affordability in a Gateway Community	1
Housing Affordability Considerations	1
Age and Condition of Housing	1
Sidebar - Affordable Housing Study	2
Home Ownership	3
Housing Value	4
Recent Real Estate Demand	5
Housing Affordability in the Planning Area	5
Specific Housing Actions	8
Sidebar - Higher Density Housing in the Planning Area / Density Bonuses	8

ECONOMIC DEVELOPMENT

Background	1
The Role of the New York City Metro Area	2
The Tourism Sector	2
Tourism Assets	3
Strengths, Weaknesses, Opportunities and Threats	5
Recommended Economic Development Actions	6

CAPITAL IMPROVEMENTS PROGRAM

C.P. - Budgeting Device	1
Informal v. Formal	1
Prioritization of Municipal Needs	2

OFFICIAL MAP

Pennsylvania Municipalities Planning Code	1
What Is an <i>Official Map</i> ?	1
What Misconceptions Surround The <i>Official Map</i> ?	1
What Are the Benefits of the <i>Official Map</i> ?	2
What Can Be Included on the <i>Official Map</i> ?	2

REGIONAL PLANNING AND INTERMUNICIPAL COOPERATION

PLANNING PROCESS AND INTERRELATIONSHIP OF PLAN ELEMENTS AND IMPLEMENTATION STRATEGIES

Framework for the Future	1
Planning <i>Process</i>	1
Conservation of Community Character	1
Community Vision	2
Community Involvement	2
Implementation Strategies	2

DEMOGRAPHICS AND ECONOMIC BASE

Demographics	1
Historic Population and Recent Trends	1
Population Density	4
Population Projections	4
Age of Population	5
Age of Housing	7
Housing Units	7

Housing Demand	9
Housing Value	9
Types of Housing Units	9
Household Size	10
Vacancy Rate	11
Seasonal Housing	11
Travel Time to Work	11
Seasonal Population	13
Municipal Immigration	13
Economic Base	14
Existing Economic Production Units	14
Employment by Sector and Job Type	14
Income levels	16
Poverty Status	18
Regional Economy and Tax Consequences	18
Future Considerations	18
Demographic Profiles	19

FINANCIAL ANALYSIS

Introduction	1
Taxing Authority	1
Sidebar - Second Class Townships	2
Sidebar - Boroughs	3
Revenue and Expenditure	4
Municipal Comparisons	7
Real Estate Tax Potential	9
Other Revenue Sources	10
Future Considerations	11

PLANNING AND DEVELOPMENT IN PIKE COUNTY, THE REGION AND CONTIGUOUS MUNICIPALITIES

Planning Code	1
County Planning	1
Regional Planning	1
Planning and Zoning in Contiguous Municipalities	2
Contiguous Municipality Review	2

MILFORD BOROUGH / MILFORD TOWNSHIP COMPREHENSIVE PLAN

**ADOPTED
NOVEMBER 6, 2006**

PREPARED BY

**MILFORD BOROUGH PLANNING COMMISSION
MILFORD BOROUGH COUNCIL**

**MILFORD TOWNSHIP PLANNING COMMISSION
MILFORD TOWNSHIP BOARD OF SUPERVISORS**

WITH FINANCIAL SUPPORT AND PARTICIPATION OF

THE MILFORD WATER AUTHORITY

PLANNING ASSISTANCE BY

**COMMUNITY PLANNING AND MANAGEMENT, LLC
CARSON HELFRICH
HCR #1 BOX 59
PAUPACK, PA 18451**

**SHEPSTONE MANAGEMENT COMPANY
THOMAS J. SHEPSTONE
100 FOURTH STREET
HONESDALE, PA 18431**

<p>This Comprehensive Plan was financed in part by the Pennsylvania Department of Community and Economic Development with a grant from the Land Use Planning and Technical Assistance Program.</p>
--

INTRODUCTION AND OVERVIEW

Planning Needs

This *Comprehensive Plan* was undertaken by the local officials of Milford Borough and Milford Township both municipalities in recognition of a number of principal critical community needs:

- to identify and inventory the changes which have taken place in both municipalities over their development histories, and particularly since the adoption of the Borough Comprehensive Plan in 1979, and the Township Comprehensive plan in 1987;
- to establish a framework for the conservation of the historic character, residential neighborhoods, open land, and environment while concurrently providing for sustainable growth and development;
- to provide the foundation for updated land use management tools, principally zoning ordinances and subdivision and land development regulations, to ensure well designed development and to minimize sprawl;
- to organize for the most efficient administration of local government and the delivery of community facilities and services; and,
- to fully explore the possibilities and benefits of inter-municipal cooperation for providing facilities, services and administration.

Gateway Community

Every community is unique in terms of community character and development concerns. Simply stated, the Borough and Township are grappling with and must manage the tremendous population growth occurring in Pike County. Geographically, the Borough and Township lie at the eastern edge of Pike County and adjacent to an early Delaware River ford to and from New Jersey. This position has been key to shaping the area's character and will perpetually affect its future growth and development as Pike County continues as the fastest growing county in the Commonwealth. Today, the River crossing, now a Joint Toll Bridge Commission bridge, carries thousands of vehicles per day between Pike County and the greater New Jersey and New York metropolitan area. Many of these

travelers are second home owners and tourists; however, in recent years, more and more are permanent residents of Pike County commuting to work.

The recent and future growth and development of the Milford Planning Area is aptly described as a *Gateway Community* in Balancing Nature and Commerce in Gateway Communities:

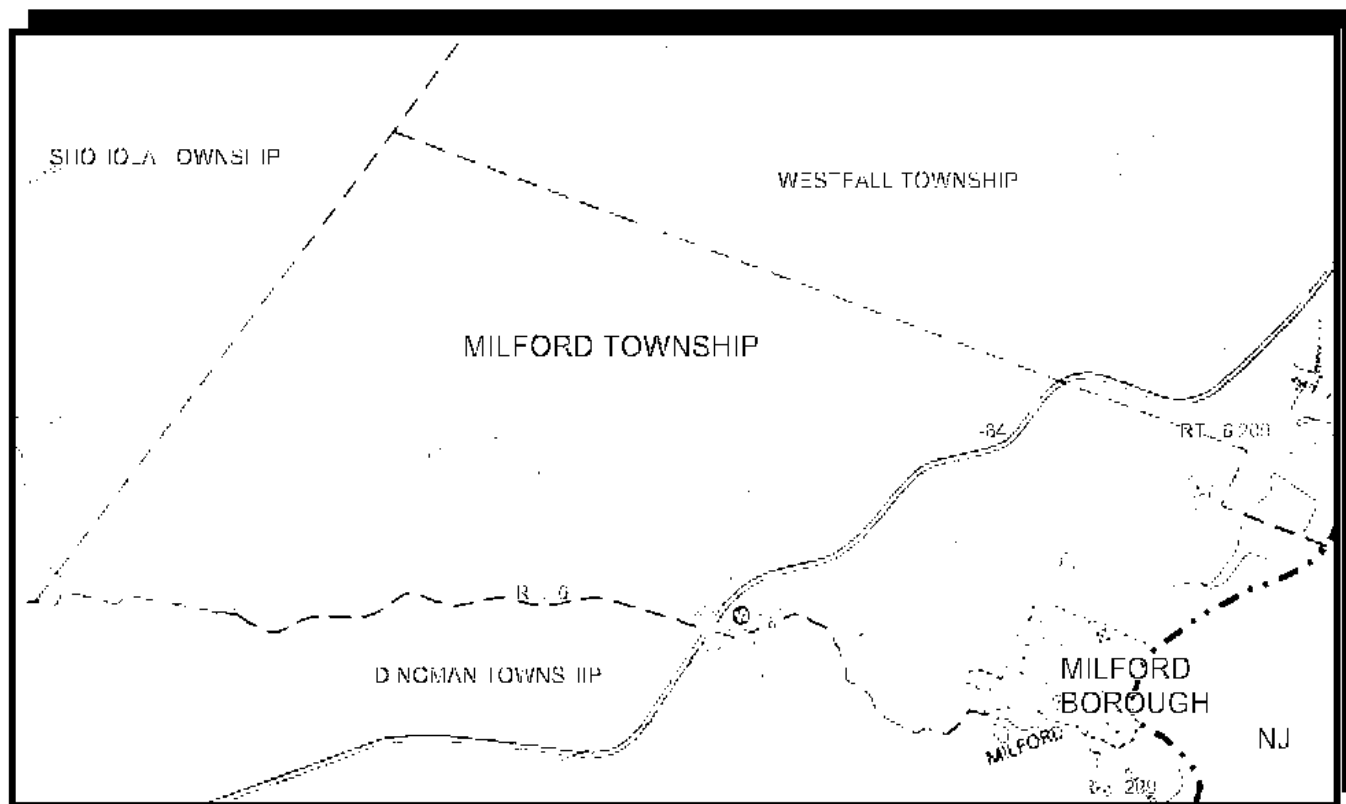
Communities that once promised refuge from the ills of the city have been transformed into congested towns with clogged highways, burgeoning crime rates, and mile after mile of look-alike shopping malls, franchise architecture, and soulless housing tracts.

It should come as no surprise, then, that Americans are once again on the move, this time in a migration that pushes growth even farther into the countryside. Increasing numbers of people are fleeing the suburbs and choosing to live in the small towns and open spaces surrounding America's magnificent national and state parks, wildlife refuges, forests, historic sites, wilderness areas, and other public lands.

Gateway communities – the towns and cities that border these public lands – are the destinations of choice for much of the country's migrating populace. With their scenic beauty and high quality of life, gateway communities have become a magnet for millions of Americans looking to escape the congestion, banality, and faster tempo of life in the suburbs and cities.¹

Unlike many U.S. cities and suburbs, gateway communities offer what an increasing number of Americans value: a clean environment, safe streets, and a friendly, small-town atmosphere. But just as in the suburbs, unplanned growth and rapid development in gateway communities can create the same social and scenic ills from which many Americans are now fleeing. Worse, rising real estate values and higher property taxes brought on by an increased demand for housing can force lifelong residents from the

¹Balancing Nature and Commerce in Gateway Communities, Howe, J., McMahon, and Propst, L., Island press, Wash., D.C., 1997, p. 1.



Milford Borough and Milford Township, Pike County

(PennDOT, Type 10 Map, 1999)

communities they call home. Skyrocketing property values can quickly translate into housing shortages for longtime residents.²

If current demographic trends continue, gateway communities will experience astronomical growth rates for at least the next 20 years.³

The Borough and Township clearly serve as a gateway community lying between the 15,600-acre Delaware Water Gap National Recreation Areas and the Upper Delaware National Scenic and Recreational River, and at the eastern edge of a county which some 95,000 acres of state park, state forest and state game lands. Complementing this public land are the many historic resources highlighted locally by the Pinchot Institute in Milford Township and the Milford Borough Historic District.

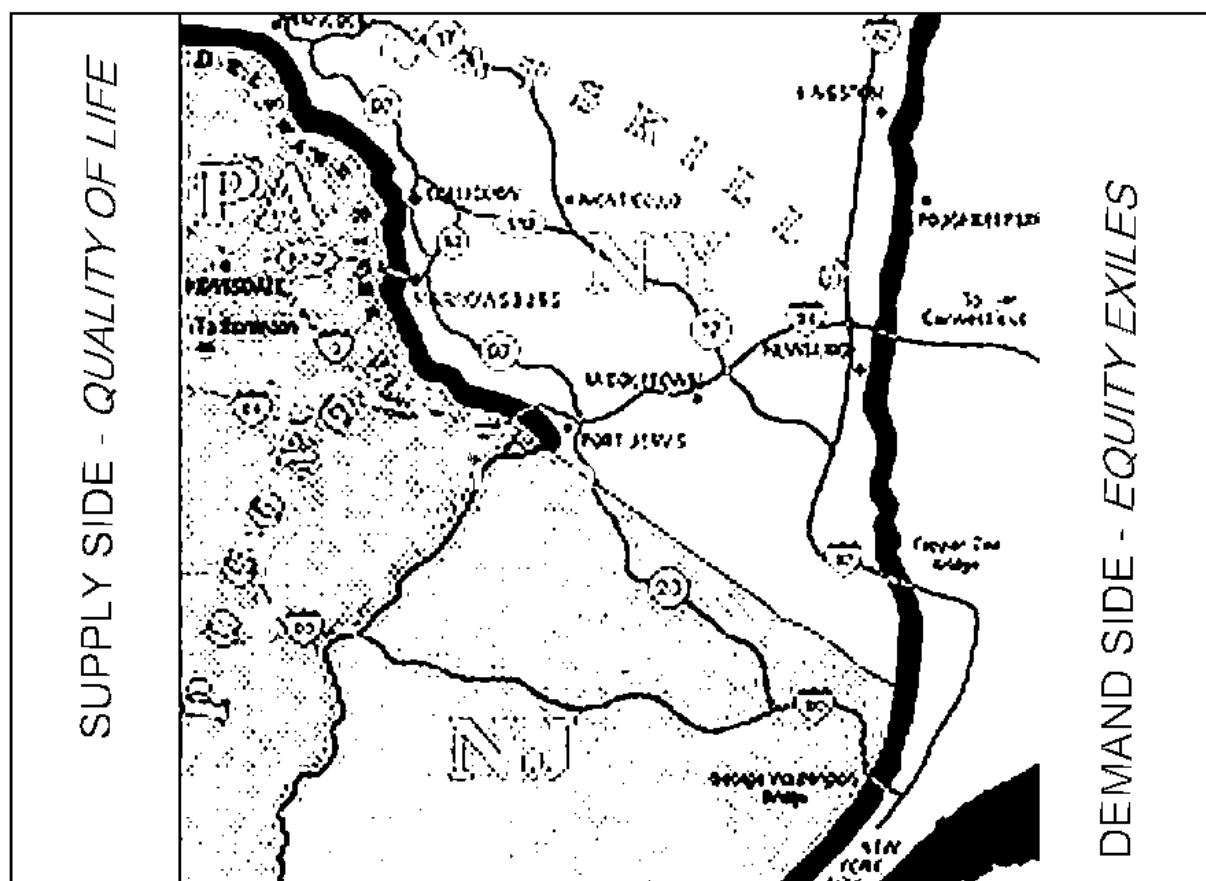
²Balancing Nature and Commerce in Gateway Communities, Howe, J., McMahon, and Propst, L., Island press, Wash., D.C., 1997, p. 2.

³*Ibid.*, p. 3.

Planning Issues Overview

Although not increasing in population at a rate as high as Pike County and other of its local municipalities, Milford Borough and Milford Township, serving as the *gateway*, bear much of the traffic destined for other locations in the County. The Borough and township also serve as a principal trade and community activity center for surrounding parts of the County. Route 209 from the south (combined with the New Jersey Route 206 traffic crossing the toll bridge) meets Route 6 in the center of Milford. Route 6 carries traffic west into Pike County and, in combination with Route 209, east to the state line. The recently upgraded State Route 2001 also connects the planning area to Dingman Township and other points to the south. Interstate Route 84 is easily accessible from Route 6 at the Milford Interchange, the northern half of which lies in Milford Township.

The Borough is largely developed with relatively few vacant lots. Commercial development is primarily retail/service found along Broad Street and Harford Street; and, the recent inclusion of many of these commercial structures in a National Historic District, along with the many historic residences in the



Borough, highlights the character of the community. Local efforts for community improvement have resulted in the recent installation of new bluestone sidewalks along Broad Street and additional improvements are planned. The Pike County Courthouse and Administration Building are also important elements of the Borough, and along with the commercial zones, have raised the issue of need for additional off-street parking. The Borough is served by a central water supply and the Municipal Authority has upgraded much of the conveyance system and is taking steps to protect the spring water supply and its watershed. The entire Borough relies on on-lot sewage disposal systems and the need for central sewage, along with the potential stimulus of additional development, have become part of the growth and development management discussion.

Much of Milford Township remains undeveloped woodland including some 2,150 acres of State Forest Land, 100 acres owned by the U.S. Forest Service at Grey Towers (The home of Governor Gifford Pinchot), and about 1,300 acres owned by the National Park Service as part of the Delaware Water Gap

National Recreation Area. Most of the Township lies within the Sawkill Creek Watershed which is classified as *exceptional value* by the Pennsylvania Department of Environmental Protection resulting in more stringent environmental standards applied to development.

Most commercial development is located largely along Harford Street just west of the Borough and along Route 6 to the east. Businesses in the Township are also mainly retail and service establishments, with the Altec/Lansing electronics facility the most notable exception. Although not as expansive as many of the residential subdivisions in other Pike County townships, a number of private residential communities are scattered throughout the Milford Township. Farming has essentially vanished from the Township, with the Santos Farm just east of the Borough, the only remaining evidence of the once active agricultural community.

Given the amount of undeveloped land in the Township portion of the planning area and adjoining townships, the attractive lifestyle associated with the

traditional, small town character, and the close proximity to the New Jersey and New York metropolitan and developing areas, continued growth in population and number of housing units and associated commercial development and traffic is expected for the Borough and Township. Clearly, the Milford Borough and Milford Township are poised to become one of the most changing areas of Pike County. This anticipated change presents to the municipalities the challenge of providing public services and facilities to meet the demands of the increasing population. Concurrently, the municipalities are responsible to ensure that the growth and development occurs in accord with sound planning principles with the goal of preserving the environment and community character. In short, the citizens and public officials must resolve the land use conflicts which result from the necessary balance between new development and the need for facilities and services, environmental protection, community character and open land conservation.

This combination of growth and development issues clearly demonstrates the critical need for this *Comprehensive Plan*, continued intermunicipal cooperation, and the consideration of new and innovative land use and community management techniques. Each individual municipality must choose its direction, and continue to work cooperatively to accomplish the goals of the *Plan*.

Planning Process

The comprehensive planning process is being conducted cooperatively under recent amendments to the Pennsylvania Municipalities Planning code. Local planning in the Commonwealth is governed by the Pennsylvania Municipalities Planning Code and this *Comprehensive Plan* was prepared and adopted in accord with Planning Code requirements. The two municipalities, recognizing the changes occurring in the area, came together and organized this intermunicipal planning effort.

The elected officials from Milford Borough and Milford Township organized the planning process, and each governing body appointed four members to the Planning Committee that managed the process. The Milford Borough Municipal Authority played a key role by providing part of the funding for the plan and participating from the perspective of the supplier of public water and potential provider of central sewage service Community Planning and Management, LLC

of Paupack, Pennsylvania, and Shepstone Management Company of Honesdale, Pennsylvania provided professional planning assistance.

In short, the planning process involves finding the sometimes complex answers to three simple questions:

1. Where are we?
2. Where do we want to be?
3. How do we get there?

Where are we? - Background Studies

The initial step in the process is the collection and analysis of information on a wide range of community characteristics and concerns aimed at defining the existing condition of the community and identifying planning implications. This data is compiled in the following sections which are included in the *Plan*:

1. *Community Character and Development History*
2. *Growth and Development, and Existing Land Use*
3. *Natural Features, Land Suitability for Development and Development Concerns*
4. *Demographics and Economic Base*
5. *Financial Analysis*
6. *Community Facilities and Services*
7. *Highways and Transportation*
8. *Planning and Development in Pike County, the Region and Contiguous Municipalities*

Where do we want to be? - Goals and Objectives/ Plans

The *Plan Goals and Objectives* are a vision of how residents and local officials expect the community to develop and evolve into the future. Objectives are specific actions which are designed to achieve goals and satisfy community needs. The *Goals and Objectives* were formulated by the Planning Committee and local officials based on the public participation process and the findings of the background studies. Based on this community vision and the needs identified in the planning process, various plans to guide the future growth and development of the Milford Planning Area were developed and include:

1. *Land Use, Natural Resource Conservation and Environmental Protection Plan*
2. *Community Facilities and Services Plan*
3. *Transportation Plan*
4. *Housing Plan*
5. *Capital Improvements Program*
6. *Official Map*
7. *Regional Planning and Intermunicipal Cooperation*
8. *Planning Process and Interrelationship of Plan Elements and Implementation Strategies*

How do we get there? - Implementation Strategies

The specific means to effect the various plans are also included, and are detailed in the *Planning Process and Interrelationship of Plan Elements and Implementation Strategies* section and discussed at various points in the various specific plans. In addition, and to facilitate on-going use of the *Comprehensive Plan*, the actions and the responsible entities required to carry out the plan's expectations are summarized in a matrix titled *Implementation Strategies And Specific Actions*. Examples of *implementation strategies* include zoning ordinance and subdivision and land development ordinance updates, historic structures preservation, and capital improvement budgeting.

Need for Continued Planning

It is important to emphasize that a comprehensive plan should not simply be considered a *document on a shelf*, but instead, one element of a community management process dependent upon the attitude and on-going foresight of the public officials charged with the responsibility of guiding the growth and development of the community. A comprehensive plan is a starting point - a blueprint to guide the future development of the two-municipality area and should be revised and updated periodically to reflect changing conditions, attitudes, situations, and goals of the community. The success of the planning program will be measured only in the form of accomplishment. The effectuation of the plan will be the responsibility of the area's residents. It will require public support and positive action by the local municipal officials.

State Mandated Plan Review

A recent amendment to the Pennsylvania Municipalities Planning Code (§301,c) requires local municipal comprehensive plans to be reviewed *at least every ten years*. The change suggests a greater Commonwealth emphasis on planning and the need for local municipalities to incorporate the planning process into normal functions. However, the ten-year review window is certainly far too long. Planning, that is, assessing how decisions and community changes fit into the plan, should be practiced continually.

COMMUNITY CONSERVATION AND DEVELOPMENT GOALS AND OBJECTIVES

Need for Goals and Objectives

Any community conservation and land use management effort by its very nature must include goals. Without goals there would be little direction to the future of the community. In the case of planning for a rapidly changing *gateway community* such as the Milford Planning Area, goals establish the framework for change and growth management, and the foundation for maintaining key community characteristics. Goals pronounce the community's expectations and provide a vision of how the community plans to evolve into the future. Objectives are specific actions which are designed to achieve goals and satisfy community needs. Making decisions based on planning goals and attaining specific objectives improves the physical condition of the community and sustains and enhances the overall quality of life.

Community Balance

Rural communities and residents of rural communities are characteristically unique from their more urban counterparts, and have the opportunity to directly mold their communities. The same can be said for *gateway communities* which are simply rural communities in transition. *The rural community is seen as the conservator of its own resources, habitat, and culture. Local citizens are directly involved in the control of community assets as they plan for the retention, enrichment, and equitable use of those assets for present and future generations.*

Along with the community's goals, specific objectives must be identified; actions and methods for achieving the goals. Some objectives will be the direct responsibility of local elected and appointed officials. Others will require the cooperation and participation of other levels of government and the private sector.¹

The goals of all residents of the community will not be the same. Some residents will demand community conservation and environmental protection while other residents will favor increased economic development. Some residents will demand more community facilities

Shared Vision

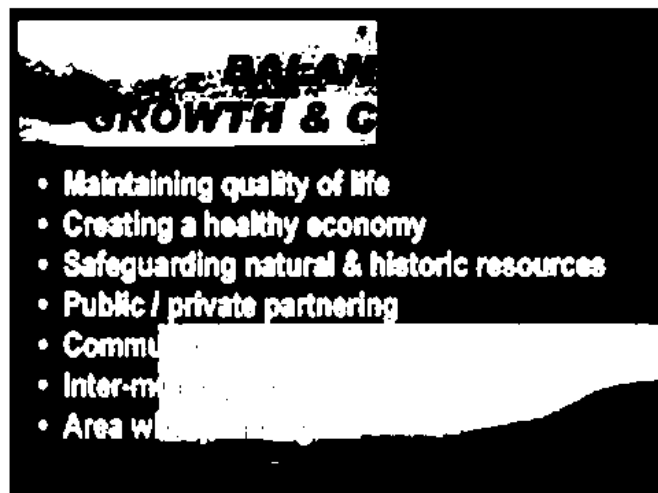
Every successful business, organization, or individual has a plan for the future. Communities are no different. If nothing else, a community needs to agree on a shared vision of what it wants to become. This vision should address the full range of local concerns: schools, housing, economic development, neighborhoods, parks and open space. Creating a shared vision is important because it provides a blueprint for the future of the community. People may differ on how to achieve the community's vision, but without a blueprint nothing will happen.

Source: Balancing Nature and Commerce in Gateway Communities, Howe, J., McMahon, and Propst, L., Island press, Wash., D.C., 1997, p. 48.

and services, while others prefer lower taxes. Some residents will strive for land use diversity while others would prefer to live in a residential community. One function of the community conservation and land use management process is to strike a balance between these varied expectations and develop a shared vision to meet the overall goals of the community.

County Planning and Area Wide Planning

A key factor in formulating a set of local goals and objectives is the planning conducted at the county level. Typically, a county-wide comprehensive plan establishes a broad framework for the future growth and development of the county. As mandated by the



¹ P. Lusk, J. A. Rivera, F. O. Sargent, M. Varela, (1991) *Rural Environmental Planning for Sustainable Communities*, Island press, Washington, D. C., p. 5

Maintaining Community Character

Milford Borough Policies for Planning and Decision Making

Residents of Milford Borough respect their heritage and celebrate the unique character and quality of life of the community. More and more *equity exiles* are finding their way to Pike County from nearby metropolitan areas and are placing increasing pressure on local facilities and services, and the overall quality of life. A *gateway community*, lying between the Delaware Water Gap National Recreation Area and the Upper Delaware National Scenic and Recreational River, and flanked by tens of thousands of acres of state forest and game land, the Borough and Township are at the heart of much of the development occurring in Pike County.

Recognizing that Milford Borough is a mature community with few undeveloped lots, the basic growth and development management tenet is the enhancement of the traditional character of the community. The Borough must maintain this niche for its residents and businesses who value living and working in a traditional community. To achieve this, the Borough has set the following policies to guide its overall planning and decision making:

- Promote the Borough's assets to ensure a healthy economy and use the Zoning Ordinance and Historic District Ordinance to ensure high quality development compatible with the historical character of the community.
- Build on the Borough's assets and improve the community by encouraging the restoration and maintenance of the historic building stock, requiring such improvements to be consistent with existing historic character; increasing the landscaping of streets and private properties; and improving quality of public parks.
- Protect historic and traditional neighborhoods by ensuring that new construction conforms with existing structures in setbacks, bulk, and appearance; maintaining the integrity of existing sidewalks and walkways, and providing for new sidewalks and walkways; and ensuring that parking lots are as unobtrusive as possible.
- Promote the health and interaction of Borough residents, and the vibrancy of the community, by encouraging people to walk or bicycle for some of their activities. Encourage this by permitting a mixture of small stores and offices in close proximity to residential areas; by promoting well-landscaped sidewalks; by slowing down auto traffic; and by ensuring that parking lots are well landscaped and no larger than necessary.
- Mitigate some of the planning mistakes of the past by retrofitting auto-oriented areas with landscaped sidewalks and parking lots; by providing maximum as well as minimum parking spaces for various uses; and, by allowing the construction of new buildings closer together, to maintain the small town fabric of the Borough.

Pennsylvania Municipalities Planning Code (MPC), the Pike County Planning Commission and Board of Commissioners adopted a county-wide comprehensive plan in 1993. The County is currently preparing an updated comprehensive plan. The Pennsylvania Municipalities Planning Code §301.4, states *municipal comprehensive plans which are adopted shall be generally consistent with the adopted county comprehensive plan. This Milford-Milford Comprehensive Plan should strive to maintain consistency with the recommendations of the Pike County Comprehensive Plan to the extent that the County Plan is not untenable in terms of the key provisions of the Milford-Milford Plan.*

Another test of consistency for this plan will be addressed in terms of the plans of neighboring municipalities along with the plans of other public

entities and community organizations providing community facilities and services and dealing with growth and development issues. The Delaware Valley School District is a good example of such an entity.

A Guide and Policy Statement

This *Milford-Milford Comprehensive Plan* is intended to serve as a means of addressing the future growth and development of the Borough and Township by identifying key issues and establishing goals and objectives. The community planning process is also aimed at fostering cooperation between Pike County and the two municipalities as envisioned by §306 of the Pennsylvania Municipalities Planning Code which states, *both the county and the municipality shall each give the plan of the other consideration in order that the objectives of each plan can be protected to the greatest extent possible.*

The following goals and objectives were developed by local officials based on the planning process. The goals and objectives are intended to serve the Borough and Township as a guide and policy statement for land use management and community facilities and services decision making. Any significant action taken by a local municipality, be it the adoption of a zoning ordinance or the improvement of a municipal building, should be evaluated in terms of the community's goals and objectives. In addition, community planning and land conservation and development management is an on-going process, and the municipalities must periodically evaluate the goals and objectives to ensure that they adequately reflect current community conditions and the expectations of residents and officials.

General Community Development Objectives

This statement of the General Community Development Objectives is intended to set the overall tone for the planning process. More detailed goals and specific objectives for particular aspects of the community follow in a later section.

- **Cooperation** - To use the comprehensive planning process to expand the level of intermunicipal cooperation between the Borough and Township, and to foster cooperation with adjoining municipalities and the County on growth and development issues of area wide concern.
- **Internal Coordination** - To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, appointed boards, community interest groups, and residents.
- **Public Information** - Achieve greater awareness, understanding and participation of residents in carrying out the recommendations in the *Comprehensive Plan* via an active public information process using such methods as a web site, newsletter, and public meetings.
- **Use of Land** - To achieve the best use of the land within the Borough and Township while allowing for reasonable residential and commercial development. In the Borough, the focus will be on preserving historical character and achieving a pedestrian friendly ambiance in the commercial district. In the Township, the focus will be on the preservation the environment and open space. This

Note About Open Space

The preservation of open space is a common thread of this *Comprehensive Plan*. Open space is land which has not been developed for a constructive or productive use and is intended for environmental and natural resource protection, scenic, or recreational purposes. Open space may include, for example, woodland, wetlands, watercourses, reverting farmland, and floodplain. In the case of a development project, open space may include passive recreation areas such as ballfields, lawns and buffer areas. Agricultural land is certainly open land, but not truly open space because it is in fact highly developed for crop and livestock production.

will ensure that the varying uses of land will complement one another and thus improve the economic, social, and aesthetic character of the overall Milford community.

- **Range of Land Uses** - To allow a range of residential and commercial uses at appropriate locations and establish performance standards through zoning to ensure that such uses do not unduly affect adjoining properties or the public health, safety and general welfare and are consistent with the historic and gateway character of the communities.
- **Population Density** - To establish realistic population densities in order to ensure health standards, privacy and open space and in order to allow for the provision of community facilities and services in the most convenient and efficient manner.
- **Streets and Roads** - To maintain and improve the street and road system for better internal circulation and to protect residential neighborhoods from through traffic.
- **Facilities and Services** - To provide the necessary community facilities and services to meet the needs of increased development and the increasing and changing population.
- **Environmental Protection** - To guide the location of future development and establish performance standards to minimize *externalities* (negative impacts) on the natural and community environment.

- **Housing** - To provide the opportunity for a wide-range and variety of housing types at reasonable densities to meet the needs of all residents; newly-formed households, growing families and senior citizens.
- **Economic Development** - To provide, within the context of overall community conservation, the opportunity for local business and strengthen the area economy by encouraging well-planned commercial, industrial, residential, and recreational

growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.

- **Monitoring** - To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions, and to meet a changing population, both current and new residents, in concert with maintaining small town character and quality environment

GOAL 1

Protect and enhance the Millford Planning Area's quality lifestyle by maintaining the Borough's historical-residential character and the Township's quality natural environment; and, recognize forest land and other open land as important elements of the local economy, character, and scenic setting.

The Milford area's physical environment, regional location and past development practices have shaped and maintained its character as a *gateway community*. Without careful planning, vigilant land use management, and continued community conservation, the quality lifestyle sought by so many from nearby metropolitan areas can succumb to the cumulative effects of the demands of an increasing population.

Open land was the cornerstone of the area when its earliest settlers arrived, and has played a key role in the growth and development of the Borough and Township. Without this open land, the timber resources it held and the agricultural capability it offered, the character of the two municipalities would be dramatically different. Maintaining open land and the quality lifestyle associated with it is key to the future of the area. Having served as the early center of development, Milford Borough is now a mature community which more and more relies on its historic, small-town character as the foundation of its quality of life and economy. In the Township, where significant residential and commercial development has occurred in more recent years, thousands of acres of open land remain. While much of this is publically owned, the balance holds great potential for residential development.

The two municipalities are perceived as attractive communities offering a high quality of life, and within an easy commute to employment in the greater New Jersey and New York metropolitan area. Future development must be controlled and managed with an overriding concern to sustain the area's community character while meeting the needs and expectations of

residents for employment, shopping and services.

Shared Objectives:

- **Open Land Conservation** - Preserve and conserve agricultural land, forest land, open space, significant natural features, and sensitive land areas.
- **Innovative Conservation Methods** - Evaluate, in cooperation with the Pike County Planning Commission to ensure coordination with other municipalities, more progressive means of open land preservation including purchase of conservation easements and transferable development rights, especially in cooperation with conservancy and land trust organizations.
- **Gateway Agencies** - Establish a working relationship with the National Park Service, U.S. Forest Service, and the Pennsylvania Department of Conservation and Natural Resources to ensure coordination of local planning goals and federal and state actions related to public lands.
- **River Access** - Provide improved access to the Delaware River for Planning Area residents. Currently there is no public access to the River in Milford Township.
- **Zoning** - Develop zoning performance standards to control residential density and minimize conflicts between existing and future development, and update periodically to address changing conditions.

- **Cooperative Zoning** - Consider the use of cooperative zoning in the Milford Planning Area as a means of directing higher density residential and commercial/industrial development to areas best suited for such development.
- **Commercial Uses** - Ensure consistency of commercial uses with existing community character by apply zoning performance standards to address noise, lighting, outdoor storage, and other potential effects as well as ensuring appropriate landscaping and signage.
- **Economic Development** Cooperate with local business development organizations to promote commercial development which builds on community assets and which will not compromise the quality of life.
- **Water and Sewer** - Carefully consider the expansion of the central water supply and central sewage collection and treatment facilities in terms of stimulating unwanted development in areas with important historical, cultural, natural, and scenic features.
- **Nuisances** - Control common law nuisances and threats to public health and safety due to, among others, noise, lack of property maintenance, poor building practices, junk accumulation, and odors.

Borough Objectives

- **Historic District Ordinance** - Recognizing that the historic character of the Borough is critical to the local economy and quality of life, continue to apply the provisions of Historic District Ordinance to ensure compatibility of alterations to existing buildings and new buildings.
- **Historic District Expansion** - Consider the expansion of the area governed by the Historic District Ordinance to afford additional protection to the Borough's historic character.
- **Historic Character** - Integrate the protection of historic character into all public decisions.
- **Streetscape** - As a means of enhancing the Borough's appeal as a *gateway community*, continue to enhance the appearance of the Commercial District with additional streetscape

improvements.

- **Pedestrians** - Provide a safe environment for pedestrians by improving sidewalks, controlling traffic, and requiring new development to address pedestrian traffic.
- **Street Trees** - Recognize the importance of the Borough's status as a *Tree City USA Program* community and continue to preserve and replace street trees via the Borough Shade Tree Commission.
- **Volunteer Organizations** - Continue to support and cooperate with all of the volunteer organizations involved in the enhancement of the Borough.
- **Commercial District** - If demand for commercial land increases, carefully evaluate the possibility of expansion of the Limited Commercial District as a transition zone between the more intense uses in the Commercial District and the Residential District.
- **Consistent Setbacks** - Require in the zoning ordinance the reduction of front yard setbacks for new building to be consistent with the setbacks of adjoining, existing buildings.
- **Building Orientation** - Require in the zoning ordinance that building orientation be consistent with adjoining structures.

- **Parking in Front Yard** - Revise regulations to position more parking in side and rear yards and less in front yards to maintain the integrity of streetscapes and residential neighborhoods
- **County Facilities** - Recognizing that serving as the County Seat has played an important part of the Borough's history and economy, work with the Pike County Board of Commissioners to ensure the expansion of County facilities is consistent with the goals and objectives of this *Comprehensive Plan*.

Township Objectives

- **Residential Density** - Concentrate higher density residential development along the Route 6 corridor and maintain upland areas for low density residential development.

- **Conservation Design** - Consider the use of *conservation subdivision design* to cluster residential development away from important natural, historic, scenic and cultural features, and preserve the resulting open space.

- **Conservation Design** - Recognize that the Route 6 corridor includes areas immediately adjacent to the Borough which are of a transitional land use nature and require special zoning treatment ranging from intensity of development to sidewalks.

GOAL 2

Conserve natural resources and open space and use the resources in a way to sustain the area's economy, including maintaining a strong timber industry with accommodation of value added products.

Without careful planning and management, the use of the natural resources and sensitive environmental areas in the Milford Planning Area can lead to the decline of community character and the quality lifestyle it affords, with eventual direct threats to the environment and public health and safety. Of special concern are streams, ground water, forest and soil resources. If the quality of the area's natural resources are diminished, the local economy will suffer.

Shared Objectives:

- **Resource Identification** - Identify sensitive natural areas such as wetlands, groundwater recharge areas, woodlands, steep slopes, poor soils and flood plains, and adopt regulations to protect such areas by requiring resource sensitive development.
- **Growth Management** - Implement creative growth management techniques and design guidelines which foster suitable new and redevelopment activities.
- **Critical Resource Areas** - Promote the conservation of open space within the Milford Planning Area and the County and actively promote the long-term preservation and maintenance of valuable natural resource areas through public negotiated acquisition, private dedication of easements, and other cooperative efforts.
- **Land Use Ordinances** - Evaluate and develop land use ordinances in terms of effects on open space with the goal of maintaining open space to the greatest extent possible while allowing a reasonable density of development.
- **Area Wide Cooperation** - Coordinate environmental preservation efforts with neighboring jurisdictions, and establish an action plan targeting environmental concerns that require a regional approach.

- **Water Quality** - Consider the impacts of residential and nonresidential development on water quantity and quality and encourage the use of best management practices.
- **Area Development** - Monitor development projects in adjoining municipalities and assess impacts on the Milford Planning Area.
- **Economic Development** - Encourage local economic development groups to make natural resource protection an integral part of all promotion efforts.

Borough Objectives

- **Sewage Disposal** - Monitor the effectiveness of on-lot sewage disposal systems and evaluate central sewage disposal as a means of correcting any widespread problems.

Township Objectives

- **Conservation Design** - Consider the use of *conservation subdivision design* to cluster residential development away from important natural, historic, scenic and cultural features, and preserve the resulting open space.
- **Transferrable Development Rights** - Consider the use of transferrable development rights to direct development to locations with adequate infrastructure and enable conservation-minded landowners to preserve their properties.
- **Ridge Lines** - Consider measures that will preserve the characteristics of important ridge lines by limiting the amount and type of clearing associated with development.

GOAL 3

Expand the Milford Planning Area's existing economic base by exploring economic development opportunities consistent with and building on the existing *gateway community* character in order to strengthen the existing general and tourist economy, create employment opportunities and generate tax revenue.

A healthy economy fosters a healthy community by providing business development and employment opportunities. Local governments may choose to take no direct role in economic development, but they can institute land use management and development policies that have a positive effect on the local economy and tax base, while addressing community conservation concerns. Milford Planning Area officials recognize that residents will continue to rely on the greater region for many employment and shopping and service needs. However, by employing cooperative zoning to allocate land uses in the joint Planning Area, the Township and Borough can direct commercial and industrial development to the most appropriate locations.

Shared Objectives:

- **Location** - Welcome new commercial and industrial development to areas of existing similar development and where community facilities are adequate so that the development is compatible with existing land use and community character.
- **Site Planning** - Establish effective landscaping and site plan design criteria in the zoning and land development regulations to ensure that new development rises to a high standard and enhances, rather than detracts from, the appeal of the Milford Planning Area as a *gateway community*.
- **Performance Standards** - Adopt, enforce and update zoning performance standards to minimize community by limiting such nuisances as noise; outdoor manufacturing, processing and storage; lighting; and other potential effects.
- **Home Occupations** - Encourage local economic viability by allowing home occupations consistent with residential districts.
- **Regional Economy** - Recognize the importance of the regional economy and monitor and participate in county and regional business development activities.

- **Regional Image** - Create a distinctive image of the region by developing common welcoming signage themes and promoting local activities collectively.
- **Government Efficiency** - Continue to maintain an efficient government and keep taxes low as an incentive for economic development.
- **County Seat** - Recognize that County government is an economic asset to the Planning Area and work with the Board of Commissioners to accommodate the necessary facilities in a manner consistent with the *Comprehensive Plan*.

Borough Objectives:

- **Scale of Development** - Limit the type and intensity of new land uses in the Borough to be consistent with existing development via cooperative zoning with the Township.
- **Community Partnership** - Work with existing businesses and property owners to ensure the continued viability of the Borough's existing commercial area.

Township Objectives:

- **Existing Industry** - Support the continued development and possible expansion of Altec Lansing and other businesses providing local employment and contributing to the tax base.
- **Commercial Design Standards** - Develop guidelines for commercial building design, landscaping and parking that will ensure high aesthetic quality and while meeting basic needs.

GOAL 4

Provide for a variety of housing types and densities.

Families and individuals of all income levels reside in the Milford Planning Area and need continued access to decent and affordable housing with proper community facilities. The special needs of young families looking for their first home and senior citizens on fixed incomes must be addressed. Similar to commercial development, the Borough and Township can employ cooperative zoning to direct housing types and densities to the most appropriate locations in the Milford Planning Area.

Shared Objectives:

- **Housing Types** - Allow residential development of various types (single-family, two-family, multi-family, mobile home parks) in certain areas at a density sufficiently high to moderate the land cost of the increasing cost of housing, while requiring adequate off street parking, water supply and sewage disposal.
- **Housing Programs** - Investigate and encourage participation in all county, state and federal housing rehabilitation and assistance programs to ensure residents receive full benefit from such programs.
- **Standards** - Require all residential development to meet adequate design standards and provide proper community facilities via the Uniform Construction Code and the subdivision and land development ordinance.
- **Code Changes** - Carefully evaluate the affect of zoning and other code changes on the cost of housing.

- **Senior Housing** - Encourage the development of nursing homes, adult care centers, assisted living facilities and other housing types which provide amenities that are attractive to retirees.

Borough Objectives:

- **Commercial District Dwellings** - Where adequate off-street parking and sewage disposal are available, encourage the use of second and third floor spaces in the Commercial District for dwellings.

Township Objectives:

- **Multi-Family** - Allow multi-family dwellings in conservation design in all zoning districts at the same density as single-family dwellings.
- **Affordable Housing** - Consider density and design incentives to encourage the development of age-restricted and affordable housing.

GOAL 5

Ensure that community facilities and services are provided to meet the Milford Planning Area's needs.

Residents rely on community and public facilities and services to meet their transportation, educational, water supply, sewage disposal, police protection, emergency response, recreation and other daily living need. Municipalities do not, and cannot, provide all the facilities and services demanded by residents, many such services being provided by other levels of government or volunteer organizations. Nevertheless, without diligent and ongoing attention to the operation and maintenance of existing facilities and services, and

planning for new facilities and services, a municipality can fall short in adequately serving its residents.

Shared Objectives:

- **Capital Budget** - Systematically identify the need for local municipal community facilities and services, including useful life replacement of existing facilities, and develop a capital budget to meet the needs.

- **Maintenance** - Provide necessary maintenance of existing municipal buildings, equipment and other community facilities to extend the useful life and forestall unnecessary capital expenditures.
- **Volunteer Organizations** - Acknowledging the critical importance of such groups to the community, encourage and continue to support volunteer fire, ambulance and other public service organizations.
- **New Development** - Ensure that an adequate and safe water supply system, a proper sewage disposal system, well designed and constructed roads, and other facilities are provided by developers as part of any residential development.
- **Water and Sewer Extensions** - Evaluate the extension of any central water supply or central sewage disposal service in terms of stimulating unwanted development.
- **Efficiency** - Manage all municipal facilities and services efficiently and effectively.
- **Cooperation** - Encourage and participate in any area intergovernmental cooperation efforts for community facilities planning and economies of scale for joint purchasing, recreation and other facilities and services.
- **Infrastructure Needs** - Encourage the County to take the lead with area municipalities to address the infrastructure needs of Eastern Pike County.

- **Parks and Open Space** - Expand and enhance the Planning Area's parks and open space to provide recreation, while preserving scenic vistas, natural areas and historic sites.
- **River Access** - Identify and secure waterfront property to provide public access to the Delaware River for recreational opportunities.

Borough Objectives:

- **Sidewalks** - Recognize the importance of sidewalks to the quality of life in the Borough and develop a sidewalk inventory, improvement, construction, and maintenance program to ensure long term viability of sidewalks.
- **Storm Water** - Evaluate the storm water management facilities in the Borough and develop a plan to address current problems and ensure proper management for new development.
- **Creek Access** - Investigate the negotiated acquisition of recreation access easements along the Sawkill Creek and the Vandermark Creek.

Township Objectives:

- **Recreation** - Work with the Borough to develop a shared recreation facility in the Township near the Borough and/or in conjunction with the recently acquired 28-acre Water Authority parcel..

GOAL 6

Establish and maintain an adequate road system to safely and efficiently move goods and people through the area

Safe and well maintained roads are vital to all communities, serving not only as the means of travel within the community, but as the direct link to the region and beyond. The interstate and state routes serving the region and the Township and Borough provide easy access to and from the area, and will certainly foster continued development, residential to house citizens who commute to work and associated commercial development to serve the increasing population. Local officials must plan carefully to ensure adequate funding for the improvement and maintenance of locally-owned roads.

Because the Planning Area serves as a *gateway community* and as the business and activity center for surrounding municipalities, traffic has become a critical concern. Congestion on Route 6 and Route 209, and attendant flow of traffic through residential sections of the Borough, literally threaten pedestrian safety, community character, and quality of life. The Borough and Township must work with adjoining municipalities, the Pike County Road Task Force, PennDOT, and the New Jersey Department of Transportation to comprehensively address traffic issues.

Land use management tools must consider the capacity of roads, directing commercial and higher density development to areas served by roads capable of carrying increased traffic and the trucks necessary to serve commercial establishments.

Shared Objectives:

- **Classification** - Inventory and classify according to function all public roads in the two municipalities and assess maintenance and improvements needed.
- **Regional Needs** - Establish an intermunicipal and interagency group to address regional traffic impacts and highway improvement needs.
- **Improvements Program** - Identify key intersections and other problem areas, and develop a road and intersection maintenance and capital improvements program.
- **Capacity** - Maintain the adequacy of roads by requiring adequate off-street parking and loading, limited curb cuts, controlled and well designed access points, and standards for dedication of roads to the municipalities.
- **Development Location** - Limit higher density and higher traffic impact development to areas with adequate highway capacity to accommodate such development.
- **Road Ordinance** - Maintain an up-to-date municipal road ordinance setting standards for construction of new subdivision roads.

- **Planning** - Actively participate in all County and PennDOT highway planning programs.
- **HOP Requirement** - Require as part of any zoning approval for new or expanded uses, the issuance of a highway occupancy permit by the municipalities or PennDOT, as appropriate.
- **HOP Ordinance** - Maintain an up-to-date municipal highway occupancy ordinance setting standards for driveway access to municipal roads and required storm water and utility improvements.
- **Official Map** - Using an official map, establish and reserve public street alignments and adequate rights-of-way for planned street improvements.

Borough Objectives:

- **Alleys** - Preserve the integrity of the alleys in the Borough to function as the primary access for residential parking.
- **Parking** - Increase parking capacity in the downtown area by providing for new and/or expanded public parking facilities.

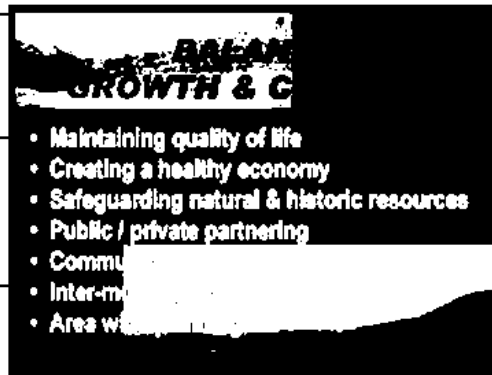
Township Objectives:

- **Road Linkages** - Include the consideration of through road connections as part of the development review process.
- **Road Dedication** - Evaluate the acceptance of public dedication of development roads in terms of public benefit versus long term costs.

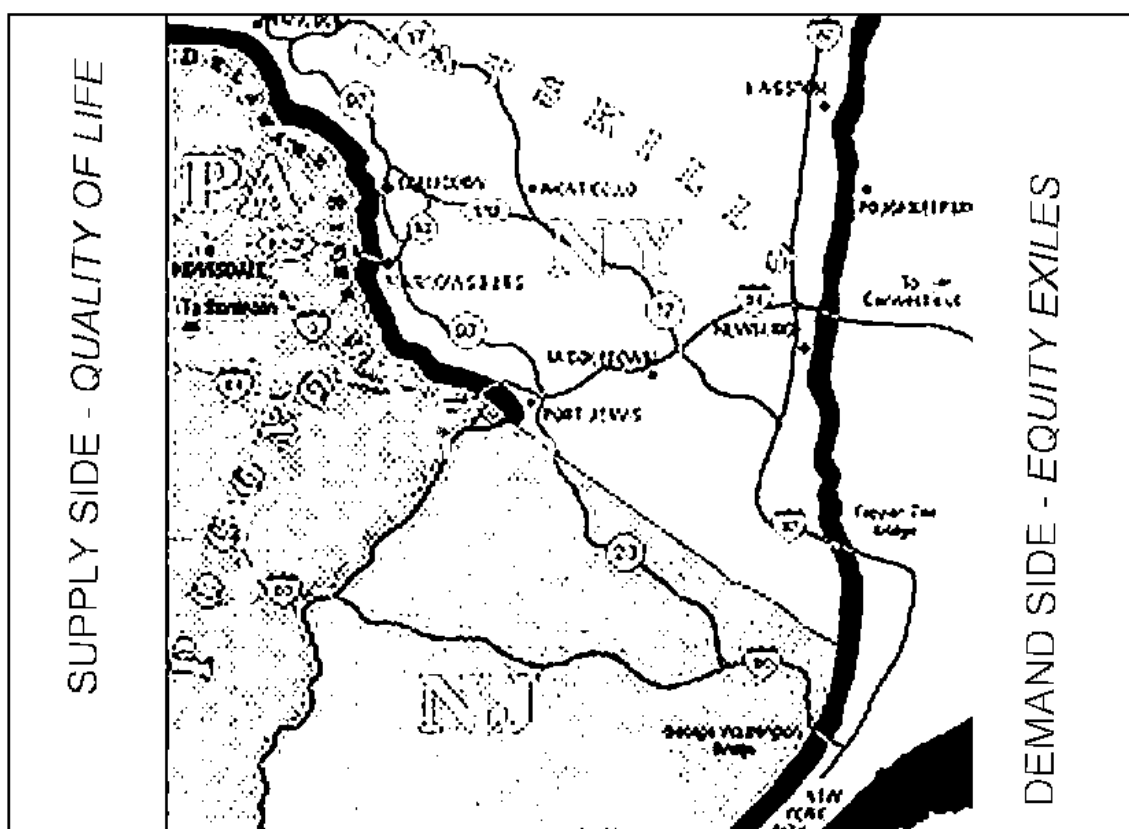
GOALS AND ACTIONS SUMMARY

This *Milford borough - Milford Township Comprehensive Plan* establishes a broad range of community conservation goals and objectives and identifies many specific actions to carry the *Plan* forward. This section provides a summary of those goals and actions. The discussion and tables which follow coincide with the sections of the *Plan*.

GENERAL COMMUNITY DEVELOPMENT OBJECTIVES (Plan Section - Goals and Objectives)	
1	Cooperation - To use the comprehensive planning process to expand the level of intermunicipal cooperation between the Borough and Township, and to foster cooperation with adjoining municipalities and the County on growth and development issues of area wide concern.
2	Internal Coordination - To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, appointed boards, community interest groups, and residents.
3	Public Information - Achieve greater awareness, understanding and participation of residents in carrying out the recommendations in the <i>Comprehensive Plan</i> via an active public information process using such methods as a web site, newsletter, and public meetings.
4	Use of Land - To achieve the best use of the land within the Borough and Township while allowing for reasonable residential and commercial development. In the Borough, the focus will be on preserving historical character and achieving a pedestrian friendly ambiance in the commercial district. In the Township, the focus will be on the preservation the environment and open space. This will ensure that the varying uses of land will complement one another and thus improve the economic, social, and aesthetic character of the overall Milford community.
5	Range of Land Uses - To allow a range of residential and commercial uses at appropriate locations and establish performance standards through zoning to ensure that such uses do not unduly affect adjoining properties or the public health, safety and general welfare and are consistent with the historic and gateway character of the communities.
6	Population Density - To establish realistic population densities in order to ensure health standards, privacy and open space and in order to allow for the provision of community facilities and services in the most convenient and efficient manner.
7	Streets and Roads - To maintain and improve the street and road system for better internal circulation and to protect residential neighborhoods from through traffic.
8	Facilities and Services - To provide the necessary community facilities and services to meet the needs of increased development and the increasing and changing population.
9	Environmental Protection - To guide the location of future development and establish performance standards to minimize <i>externalities</i> (negative impacts) on the natural and community environment.
10	Housing - To provide the opportunity for a wide-range and variety of housing types at reasonable densities to meet the needs of all residents; newly-formed households, growing families and senior citizens.
11	Economic Development - To provide, within the context of overall community conservation, the opportunity for local business and strengthen the area economy by encouraging well-planned commercial, industrial, residential, and recreational growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.
12	Monitoring - To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions, and to meet a changing population, both current and new residents, in concert with maintaining small town character and quality environment



GOALS (Plan Section - Goals and Objectives)	
1	Quality of Life - Protect and enhance the Milford Planning Area's quality lifestyle by maintaining the Borough's historical residential character and the Township's quality natural environment; and, recognize forest land and other open land as important elements of the local economy, character, and scenic setting.
2	Natural Resources - Conserve natural resources and open space and use the resources in a way to sustain the area's economy, including maintaining a strong timber industry with accommodation of value added products.
3	Economy - Expand the Milford Planning Area's existing economic base by exploring economic development opportunities consistent with and building on the existing <i>gateway community</i> character in order to strengthen the existing general and tourist economy, create employment opportunities and generate tax revenue.
4	Housing - Provide for a variety of housing types and densities.
5	Facilities and Services - Ensure that community facilities and services are provided to meet the Milford Planning Area's needs.
6	Roads - Establish and maintain an adequate road system to safely and efficiently move goods and people through the area.



OVERALL ACTIONS (Plan Section - Planning Process, Interrelationships, and Implementation)	
1	Open Land Preservation - Evaluate all public and private actions with the goal of preserving forest and open land as a viable part of community character.
2	Environment - Direct development away from environmentally sensitive areas and conserve large blocks of open land.
3	Growth Areas - Identify areas for growth within and adjacent to existing developed areas.
4	Facilities for New Development - Require adequate community facilities for new development.
5	Sewer Extensions - Carefully consider any sewer extensions to assess effects on stimulating development.
6	Growth Management - Promote the idea of growth management - an effort to manage the location, type, and timing of future growth.
7	Cooperation - Encourage increased local, inter-municipal, and regional cooperation for comprehensive planning and land use control implementation; and overall local municipal administration and management.
8	Economic Development - Encourage a mix of business and commercial development in appropriate locations in the Planning Area.
9	Housing - Encourage a variety of housing types.

KEY IMPLEMENTATION STRATEGIES (Plan Section - Planning Process, Interrelationships, and Implementation)	
1	Plan Review - Annual review of this <i>Plan</i> to evaluate new development and regional issues which warrant changes.
2	Capital Improvements Program - Development of short-term and long-term capital improvements program to prioritize needed improvements and allocate funds to those improvements; with annual progress evaluations and adjustments in capital project timing and capital equipment purchases.
3	Education - Continuing education about land use management for local officials and the public.
4	Ordinance Updates - Diligent updating of any adopted land use management ordinances to effect the land use plan, provide environmental protection, preserve open land, maintain rural and historic character, and achieve community facilities and services and housing objectives.
5	Prioritizing Needs - Focusing limited municipal resources on those community facilities and services which are most critical to meet resident needs.
6	Fair Share - Monitoring community facilities and services provided by the county, state, and federal government to ensure such services are adequate and the Milford Planning Area gets its <i>fair share</i> .
7	Funding Programs - Participating in all county, state and federal entitlement and grant funding programs, not solely for the sake of participation, but only if such programs can be sensibly used to achieve valid community development objectives.
8	Plan Findings - Making a specific finding as to relationship to this <i>Plan</i> for all subdivisions and land development proposals.

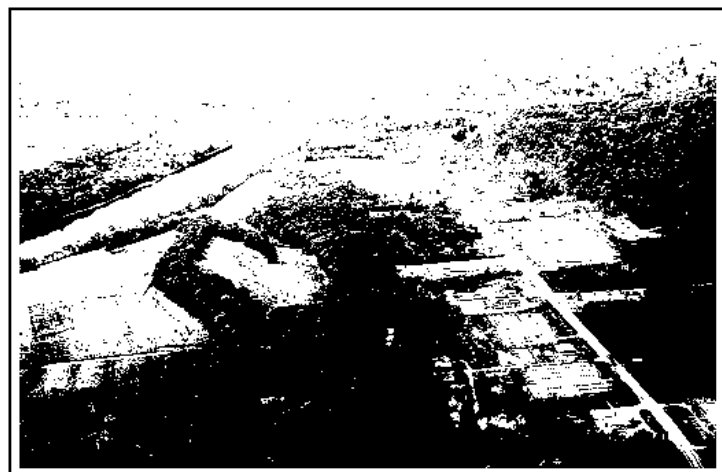
SPECIFIC ACTIONS

LAND USE, NATURAL RESOURCE
CONSERVATION AND
ENVIRONMENTAL PROTECTION**Basic Land Use Planning Approach:**

- conserving and protecting sensitive and vulnerable environmental resource areas
- preserving open land as part of the development process
- protecting residential neighborhoods and subdivisions from incompatible development
- ensuring that the character of the Borough's historic downtown and other Planning Area historic properties are preserved
- providing well-situated and appropriate development areas to accommodate projected growth
- relying on the larger region for major retail and service needs
- carefully controlling the expansion of public water and sewer service areas



Milford from The Knobb - circa 1900

The Santos Farm and the *Three-Lane* in Milford Township

LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION			
#	ACTION	RESPONSIBILITY	TIMING
1	Current Zoning - The current zoning districts are affirmed and ordinances will be updated as necessary to address changing conditions.	Planning Commissions Council Supervisors	ongoing
2	Cooperative Zoning - While maintaining separate ordinances, the Borough and Township will explore cooperative zoning as a means of improving land use management and directing land uses to appropriate areas of the Milford Planning Area.	Planning Commissions Council Supervisors	1 year
3	Milford Springs Source Water Protection Plan - The Township and Borough will consider the recommendations of the <i>Source Water Protection Plan</i> and encourage Dingman, Shohola and Westfall Townships to do the same.	Milford Authority Council Supervisors	ongoing

LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION			
#	ACTION	RESPONSIBILITY	TIMING
4	Water Quality - Establish criteria in the Township and Borough Zoning Ordinances to manage development with a goal of protecting water quality.	Planning Commissions Supervisors Council	1 - 2 years
5	Conservation Easements - Consider the purchase of conservation easements from willing sellers with local funds to preserve open land.	Planning, Council, Supervisors, Pike Open Space Bond	1 - 3 years
6	Land Conservation Organizations - Support the efforts of local land trusts.	Planning Commissions Council, Supervisors	ongoing
7	<u>Environmentally Friendly or Green Development</u> - Each municipality will continue to apply ordinance standards and review and update the standards as necessary to ensure quality development. The range includes: <ul style="list-style-type: none"> • Environmental impact analysis requirements for large scale and environmentally problematic uses. • Vegetation preservation and clearing control. • Soil stabilization and landscaping . • Stream, lake and wetland buffers. • Stormwater best management practices including quality treatment and infiltration. • Floodplain management. • Hydrogeological studies for proposed uses with large groundwater consumption. • On-site sewage disposal system management. • Limitations and special standards for development on steep slopes. 	Planning Commissions Council Supervisors	ongoing

Advantages Offered by Conservation Easements

Private Ownership: The property remains in private ownership and continues to contribute to the local tax base. The landowner may choose to live on the land, sell it, or pass it on to heirs.

Owners Satisfaction: Gives the landowner the satisfaction that the land will remain unchanged.

Flexibility: Easements are flexible and can be written to meet a particular land-owner's needs while protecting the property's resources.

Permanency: Most easements are permanent, remaining in force when the land changes hands. The easement holder ensures that the restrictions are maintained.

Tax Reduction: There are significant tax advantages if easements are donated rather than sold.

Charitable Taxes: The donation of a conservation easement to a land trust is treated as a charitable gift of the development rights. The donation creates a charitable tax deduction, equal to the value of the conservation easement, on the landowner's Federal and State income tax returns.

Estate Taxes: Estate taxes are significantly lower, sometimes making the difference between heirs holding onto the family land or selling it to pay inheritance taxes.

Property Taxes: Conservation easements will sometimes lower property taxes, a result of reduced valuation on property subject to the conservation easement.

Minimizes Effect of Development: Minimizes other impacts of residential development such as increased population, traffic, and demand for community facilities and services.



The Santos Farm



LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION			
#	ACTION	RESPONSIBILITY	TIMING
8	<p><u>Santos Farm</u> - The 120-acre Santos Farm in Millford Township is a key component of the Planning Area's landscape. Township and Borough officials to work with the owners and interested groups and agencies to:</p> <ul style="list-style-type: none"> • Acquire the land for a public use and preserve as much of the farm as possible as open land. • Find a productive use for the farm house and outbuildings as a means to preserve the buildings. • Provide substantial open land buffers along the Delaware River and incorporate public access into any development plans. 	Planning Commissions	1 - 3 years
9	<p><u>Ridge Lines and Scenic Vistas</u> -</p> <ul style="list-style-type: none"> • Identify and protect key ridge line and scenic vista properties with conservation easements. • Encourage the use of conservation design to protect ridge lines and scenic vistas. 	<p>Planning Commissions Council Supervisors Land Trusts Pike Open Space Bond</p>	<p>• 1 - 2 years • ongoing</p>

LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION			
#	ACTION	RESPONSIBILITY	TIMING
10	<p><u>Nonresidential Development</u> -</p> <ul style="list-style-type: none"> • Monitor the effectiveness of zoning ordinance performance standards to ensure community and environmental protection and update to meet changing needs • Carefully evaluate the range of commercial uses in the Borough's downtown area in terms of historic district compatibility. • Consider allocating nonresidential development in the Planning Area to better preserve community character. • Maintain up to date design guidelines for commercial, industrial, and institutional development to encourage the most efficient use of commercial land and development consistent with community character. 	Planning Commissions Council Supervisors	ongoing
11	<p><u>Residential Development</u></p> <ul style="list-style-type: none"> • Consider innovative residential development techniques such as Traditional Neighborhood Development, Conservation Design and Transferrable Development Rights. • Consider application of these techniques to extensions of the Borough into the Township 	Planning Commissions Council Supervisors	ongoing

<i>Milford Township Design Guidelines . . . Zoning §417 Commercial/Industrial Site Design Guidelines -</i>	
<p><i>The Township Planning Commission and Board of Supervisors, in reviewing the site plan for any proposed commercial or industrial conditional use application, shall consider its conformity to the Milford Township Comprehensive Plan and the various other plans, regulations and ordinances of the Township. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Township shall be part of the review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets . The Board of Supervisors shall further consider the following specific factors:</i></p>	<ul style="list-style-type: none"> • <i>Building design and location.</i> • <i>Maximum retail commercial building size.</i> • <i>Large commercial building facades.</i> • <i>Lighting and signage.</i> • <i>Parking and accessory buildings.</i> • <i>Drainage systems.</i> • <i>Landscape preservation</i> • <i>Driveway and road construction</i> • <i>Construction on slopes.</i> • <i>Tree borders.</i> • <i>Development at intersections.</i> • <i>Streets and sidewalks.</i> • <i>Setbacks.</i> • <i>Utilities.</i>

SPECIFIC ACTIONS

COMMUNITY FACILITIES AND SERVICES

Community Facility and Service Priorities

A common theme in this *Comprehensive Plan* is the need for local municipalities to set priorities for the use of resources in meeting community needs and resident expectations. Concurrently, immediate community needs and resident expectations must be balanced with local officials' long term view of the future of the community and the costs of action or non-action in providing or postponing facilities and services. Based on this tenet and the results of the community surveys, the Borough and Township will focus local municipal resources on those facilities and services traditionally provided by small municipalities and those important to residents.

Road maintenance now accounts for much of the municipal budgets and this will continue to be a primary role of the two municipalities. The Borough and Township will also work with the volunteer organizations to maintain and improve emergency services, and will explore regional solutions for police service and recreation as demand dictates. In the Borough, continued improvement to sidewalks and *streetscapes* are important to many residents. In any case, Milford Borough and Milford Township will continue to work together to manage growth and development in the area as the best means for minimizing community impacts, planning for the use of municipal resources, and maintaining a quality lifestyle.

COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Road Maintenance Cooperation - Work with the Pike County Council of Governments as a means of using local road maintenance resources most efficiently. The COG could:			
1	<u>Equipment List</u> - Update and keep current the list of vehicles and equipment owned by the Townships.	Council Supervisors Road Maintenance Staff	1 year
2	<u>Equipment Clearing House</u> - Serve as a clearinghouse and notify all participants when a municipality is selling or purchasing equipment which may meet the needs of another municipality.		
3	<u>Sharing</u> - Investigate the possibilities for increased sharing labor and equipment.		
4	<u>Winter Maintenance</u> - Investigate the possibilities for increased contracting with or swapping with adjoining municipalities for winter road maintenance where travel savings may be realized.		
5	<u>Purchasing</u> - Coordinate joint purchasing of supplies and materials whenever possible to reduce unit costs.		



Milford Township Building



Milford Offices and Borough Hall

COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Individual Municipal Road Maintenance			
6	<u>Inventory</u> - Maintain an accurate inventory of all vehicles and equipment.	Road Maintenance Staff	1 year
7	<u>Liquidation</u> - Liquidate obsolete vehicles and equipment.	Supervisors, Council	ongoing
8	<u>Capital Improvements Plan</u> - Include planned purchases of vehicles and equipment on a capital budget to better plan for large expenditures.	Council, Supervisors Road Maintenance Staff	1 - 3 years



COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Recreation			
9	<u>Focus on Existing Facilities</u> - Focus on maintaining and improving existing Borough recreation facilities.	Park and Rec Board Council	ongoing
10	<u>Shared Park</u> - Establish a shared Township/Borough park in the Township near the Borough or in conjunction with a park on the recently acquired 28-acre Water Authority parcel.	Planning Commissions Council, Supervisors, Park and Rec Board	3 - 5 years
11	<u>Recreation Fees</u> - Consider amending the subdivision ordinances to begin assessing recreation fees for new development.	Planning Commissions Council Supervisors	1 year

COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Recreation			
12	<u>Cooperation</u> - Work cooperatively to . . . <ul style="list-style-type: none"> • plan for recreation and open space from an area wide perspective. • coordinate individual municipal efforts. • maximize use of resources. • improve standing for state grants. • provide a broader base of support for recreation and open space planning. • Include the Santos Farm in the planning. 	Planning Commissions Council Supervisors Park and Rec Board School District	ongoing
13	<u>Planning and Maintenance</u> - Ensure improvements at existing facilities are made in accord with an overall plan and all facilities are maintained.		
14	<u>Site Identification</u> - Identify potential sites for additional recreation facilities and amend the comprehensive plan to include these sites.	Council Supervisors Park and Rec Board	1 - 3 years
15	<u>Funding Plan</u> - Develop a funding plan to include: <ul style="list-style-type: none"> • use of fees assessed for residential development under the subdivision and land development ordinance. • solicitation of private contributions. • grants. • direct municipal contributions. • a special fund for land acquisition and capital improvements 	Council Supervisors Park and Rec Board	1 - 3 years
16	<u>Community Organizations</u> - Cooperate with area wide community recreation organizations to improve recreation facilities and programs.	Council Supervisors Park and Rec Board	
17	<u>Official Map</u> - Show planned recreation facilities on Municipal Official Maps to ensure that the land can be acquired.	Council Supervisors	as needed

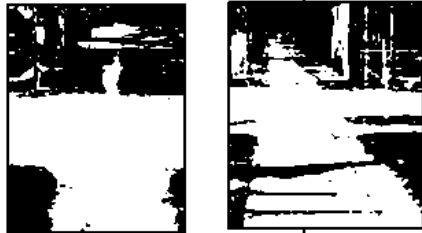
Milford Borough Parks and Recreation Plan

- Maintain and preserve the Borough's existing Parks and Recreational areas, while considering safety, aesthetics, and handicapped access features.
- Ensure that the parks remain accessible, available, and free to the general public.
- Encourage and cooperate with numerous groups and organizations, which utilize the Borough's Parks, to conduct various events, memorials, sporting activities, festivals, etc. as approved by the Council.
- The Recreation and Parks Committee shall utilize an annual budget as apportioned by the Borough Council and additional monies as provided by Dingman Township or any other public/private donations or grants, in a productive and wise manner.
- Explore future park facilities for the Borough's "Riverside" property along the Delaware River.
- Pursue public and private grants to fund improvements, equipment purchases, and maintenance of the Borough's Parks.
- Conduct activities, events, and clinics that will encourage the use of the parks by the community's youth.
- Renovate and restore the former dilapidated tennis court to provide for a multipurpose skate park arena.
- Provide cultural activities for all age groups such as organized field trips, music festivals, and art shows.
- Encourage volunteerism by numerous groups and individuals to assist with various programs and clinics.



COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Police Protection			
18	Need - Monitor need for expanded or new police protection services.	Council Supervisors	ongoing
19	Regional - Explore the potential for sharing of police and similar emergency services between communities including a purchase of services and contract basis.	Council Supervisors Police Chief	as needed
Emergency Services			
20	Support - Continue to support existing volunteer emergency services	Emergency Services Providers, Council, Supervisors	ongoing
21	Paid Services - Monitor the need for paid emergency services.	Emergency Services Providers, Council, Supervisors	1 year
Solid Waste Disposal and Recycling			
22	Solid Waste - Continue current system of County Planning, regional landfills, private hauler collection in the Township, and single hauler contract in the Borough	Supervisors Council Pike County Gen. Auth.	ongoing
23	Recycling - Work with the County General Authority to ensure access to recycling facilities for all residents.		






COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Shade Trees and Vegetation			
24	Tree City - Continue to support and enhance the current shade tree programs in the Borough.	Council Shade Tree Commission Community Groups	ongoing
25	Vegetation Preservation - Include standards in the zoning ordinance and subdivision and land development ordinance for the preservation of trees and vegetation and the planting of shade trees in new subdivisions.	Planning Commissions Council Supervisors	1 year
Sidewalks and Streetscapes in the Borough			
26	Streetscapes - Continue the improvement of sidewalks and streetscapes on Broad Street and Harford Street and initiate a capital budget program for maintenance.	Milford Enhancement Committee, Council, Community Groups	ongoing
27	Side Street Sidewalks - <ul style="list-style-type: none"> Take steps to prohibit parking in residential front yards to eliminate sidewalk encroachment. Inventory existing sidewalks in terms of location and condition using a walking audit or <i>walkability checklist</i> Develop a plan, including funding, for pedestrian circulation to include sidewalk locations and crosswalks. Update the Borough ordinance for sidewalk ownership and maintenance responsibilities. 	Planning Commission Council 	1 - 2 years
Parking in the Borough			
28	Parking Study - Continue to implement the recommendations of the January 2002 <i>Study of Parking in Downtown Milford</i> .	Planning Commission Council	ongoing



Before Streetscape Improvements

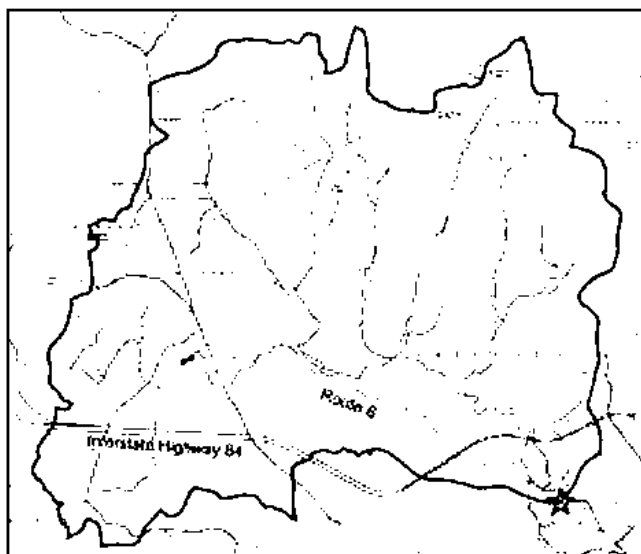


After Streetscape Improvements

COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
County Facilities			
29	<u>Planning and Design</u> - Recognize the importance of County facilities to the Planning Area and work with the County to ensure that any new County facilities are developed in consideration of the effects on parking, and if developed within the Historic District, maintaining its integrity..	Planning Commissions Council Supervisors County Officials	ongoing
Delaware River, Sawkill Creek, and Vandermark Creek as Part of the Community			
30	<u>Access</u> - Incorporate improved access to the Delaware River, the Sawkill Creek and the Vandermark Creek into any open space, trail and recreation planning. The possibilities include: <ul style="list-style-type: none"> Improving the River Park area owned by the Borough and connect it to the Ballfield via a stairway. Including the River Park area in any identified walking or trail routes. Incorporating Delaware River access in any public acquisition plans for the Santos Farm. Working with willing landowners to allow public access to the Sawkill and Vandermark Creeks similar to <i>The Glen</i> Trail. Securing the Mott Street Bridge as an integral part of Sawkill Creek access. 	Planning Commissions, Council, Supervisors, Community Groups <div style="display: flex; justify-content: space-around; align-items: center;">    </div>	ongoing
Community Facilities for New Development			
31	<u>SALDO Enforcement</u> - Continue the enforcement and update as necessary of current subdivision and land development ordinances to ensure that roads, drainage and other community facilities are installed to standards which will result in quality, durable facilities.	Planning Commissions Supervisors Council	ongoing






Milford Water Treatment Plant and Storage Tank



Milford Springs Source Water Area

WATER SUPPLY AND SEWAGE DISPOSAL			
#	ACTION	RESPONSIBILITY	TIMING
Water Supply			
1	<u>Source Water Protection Plan</u> - Work with the Milford Authority to improve the public water system and protect water quality considering the <i>Source Water Protection Plan</i> in meeting Township and Borough goals.	Planning Commissions Supervisors, Council Milford Authority	on-going
2	<u>Zoning</u> - Consider the inclusion of groundwater protection standards in each zoning ordinance. (See sample zoning <i>Groundwater Protection Zoning Section</i> in the Appendix.)	Planning Commissions Supervisors Council	1 -2 years
3	<u>Township Groundwater Protection Program</u> Consider developing a groundwater protection program: <ul style="list-style-type: none"> Involve the community by organizing a committee of interested individuals from the community, and neighboring communities Determine sources and uses of the community's water supply and define the proposed groundwater protection areas. Identify possible contamination sources-past, present, and future-in the groundwater protection areas. Establish goals and priorities based on an evaluation of the groundwater threats. Implement appropriate management measures, including plans for future needs. 	Citizens Planning Commission Supervisors Conservation District	3 - 5 years
Sewage Disposal			
4	<u>On-Lot Sewage Disposal</u> <ul style="list-style-type: none"> Monitor existing on-lot sewage disposal systems and order corrections when malfunctions occur. Ensure that all new systems meet DEP regulations. Update sewage facilities plans as needed. Consider an on-lot sewage management program. 	SEO's Supervisors Council	<ul style="list-style-type: none"> •ongoing •ongoing •as needed •1 - 3 years

WATER SUPPLY AND SEWAGE DISPOSAL			
#	ACTION	RESPONSIBILITY	TIMING
5	Central Sewage - If the central sewage disposal system moves forward, Milford Planning Area officials will: <ul style="list-style-type: none"> • Carefully identify the service area based on disposal needs aimed at correcting problems and meeting commercial development potential in existing commercial zones. • Acquire disposal capacity only in the amount necessary to handle the identified service area. • Strictly limit connections to only the service area to avoid stimulating residential development in adjoining areas. This is particularly important in Milford Township where hundreds of acres are available for subdivision. 	Supervisors Council Milford Authority	3 - 5 years
6	General Sewage Disposal Actions <ul style="list-style-type: none"> • Encourage DEP to actively investigate the use of alternative sewage disposal methods to meet the needs of municipalities in high quality and exceptional value watersheds. 	Supervisors Council Milford Authority	ongoing

HISTORIC PRESERVATION			
#	ACTION	RESPONSIBILITY	TIMING
1	<p><u>Borough Actions</u> - Continue and strengthen the historic preservation program by:</p> <ul style="list-style-type: none"> • Making additional public investments in the Borough to enhance its historic character. (e.g., streetscape improvements.) • Improving the public information efforts of the ARB about the benefits of historic preservation and how the Borough ordinance works. A web site would be a good approach. • Integrating the historic district ordinance with the zoning ordinance – each is aimed at protecting overall community property values while balancing individual property rights with the public benefit. • Carefully evaluating the range of commercial uses in the Commercial and Limited Commercial Zoning Districts to ensure historic district compatibility. • Continuing to allow <i>no impact</i> home occupations in all zoning districts to encourage productive use of historic structures. • Requiring that parking areas for new commercial and institutional buildings be to the side and rear of the building. • Prohibiting parking in the front yards of residential properties and that garages be accessed from alleys. 	<p>Planning Commission Council, ARB</p>  <p>Community House</p>  <p>Forester's Hall (www.fs.fed.us)</p>	ongoing
2	<p><u>Township Actions</u></p> <ul style="list-style-type: none"> • Conduct an inventory of historic resources in the entire Township to include Indian sites, buildings, old roads, etc. • Consider the development of a local historic register program. • Incorporate the preservation of historic resources in conservation design for residential development. • Continue to allow home occupations in all zoning districts as a means of encouraging productive use of historic structures which tend to be larger and more difficult to maintain. • Prepare and adopt design guidelines for commercial, industrial, and institutional development to encourage the most efficient use of commercial land and development consistent with the Township's character. 	<p>Planning Commission Supervisors</p>  <p>Grey Towers (www.pinchot.org)</p>	3 - 5 years

Benefits of Historic Preservation

- Creation of local historic districts stabilizes, and often increases residential and commercial property values.
- Increases in property values in historic districts are typically greater than increases in the community at large.
- Historic building rehabilitation, which is more labor intensive and requires greater specialization and higher skill levels, creates more jobs and results in more local business than does new construction.
- Heritage tourism provides substantial economic benefits. Tourists drawn by a community's (or region's) historic character typically stay longer and spend more during their visit than other tourists.
- Historic rehabilitation encourages additional neighborhood investment and produces a high return for municipal dollars spent.
- Use of a city or town's existing, historic building stock can support growth management policies by increasing the supply of centrally located housing.

Source: *Planning Commissioners Journal*, No. 52, Fall 2003, p. 4.



Hickory Hills, Milford Township



Townhouses, Wheatfield Village, Milford Township

HOUSING			
#	ACTION	RESPONSIBILITY	TIMING
1	Higher Density Development - Adopt standards to ensure that higher density development is directed to identified growth areas served by an adequate water supply, sewage disposal system, and other improvements.	Planning Commissions Supervisors Council	1 year
2	Flexible Development Techniques - Promote <i>conservation design</i> development, planned residential development, traditional neighborhood development and development incentives such as density bonuses for age-restricted and affordable housing.	Planning Commissions Supervisors Council	1 - 2 years
3	Land Use Ordinances - Review land use ordinances in terms of standards not directly linked to public health and safety which increase housing costs.	Planning Commissions Supervisors Council	ongoing
4	Housing Programs - Work with the Wayne County Housing Authority to ensure that the housing needs of low-income and elderly households in the are being addressed, and encourage Pike County to consider a Pike Housing Authority..	Planning Commissions Supervisors Council	ongoing
5	Cooperation - Cooperate with area municipalities and the County to plan for housing needs regionally and consider joint housing plans.	Planning Commissions Supervisors, Council Housing Authority	ongoing



Apartments, East High Street, Milford Borough



West Ann Street, Milford Borough

ECONOMIC DEVELOPMENT			
#	ACTION	RESPONSIBILITY	TIMING
1	Government Intervention - Avoid needless economic development intervention when the market is already delivering a fairly balanced tax base and high quality of life within the Milford Planning Area	Chamber of Commerce Pike Econ Dev Corp Supervisors Council	ongoing
2	Tours - Develop walking and driving tours to historical and recreational assets and the McDade Trail, The Delaware river, etc.	Chamber of Commerce Pocono Mt. Vac. Bur.	1 - 2 years
3	Small Industry - Market the Milford Planning Area for small industries not requiring extensive infrastructure.	Chamber of Commerce Pike Econ Dev Corp	ongoing
4	Home-Based Businesses - Encourage of home-based businesses by allowing them broadly throughout the community, relying on zoning performance standards to properly address impacts.	Planning Commissions Supervisors Council	ongoing
5	Design Guidelines - Continue applying and improving commercial design guidelines that ensure new development complements existing character – parking, lighting, signs, landscaping, ARB in the Borough, etc. <div data-bbox="667 758 943 1041" data-label="Image"> </div>	Planning Commissions Supervisors Council and ARB	ongoing
6	Water Supply - Extend the Borough water supply to serve additional areas of Routes 6/209.	Milford Authority Supervisors, Businesses	1 - 3 years
7	Delaware River - Connect of the Borough and Township to the Delaware River for purposes of marketing and promotion via views, trails and accesses.	Supervisors, Council, Park and Rec Board, NPS, Chamber of Commerce	2 - 4 years
8	Gateway Community - Embellish the Planning Area's role as a <i>gateway</i> community with additional common-theme way finding signs.	Chamber of Commerce PennDOT Special Committee	1 - 2 years
9	Website - Develop a website to market the Borough commercial area and to serve as the base for a Business Improvement District.	Chamber of Commerce Special Committee	2 - 3 years



Altec Lansing



The Water Wheel

TRANSPORTATION			
#	ACTION	RESPONSIBILITY	TIMING
1	Regional Transportation Planning - Encourage the County to take the lead role in regional transportation planning and involve the affected municipalities (in Pennsylvania and New Jersey), the Pike County Road Task Force, PennDOT, NJ DOT and the Joint Toll Bridge Commission.	County Planning Dept.	immediate
2	Borough Traffic Planning - Conduct a traffic analysis study to identify alternatives for reducing impacts of traffic in the context of the area wide planning recommended above and evaluate nonstructural solutions such as one-way streets and traffic calming devices in addition to capital improvements	Planning Commission Council	1 year
3	Municipal Roads - Focus on the maintenance and improvement of existing municipal roads and monitor the need and ability to correct specific width and alignment problems as traffic volumes dictate and available funds allow	Supervisors Council	ongoing
4	State Roads - Work with PennDOT and the Pike County Planning Commission and to have the most critical state route improvement needs programmed by PennDOT on their Twelve-Year Transportation Program.	Supervisors Council	ongoing
5	Roads and Access - Maintain up-to-date standards for the construction of roads in new subdivisions and for access to public roads.	Planning Commissions Supervisors Council	ongoing

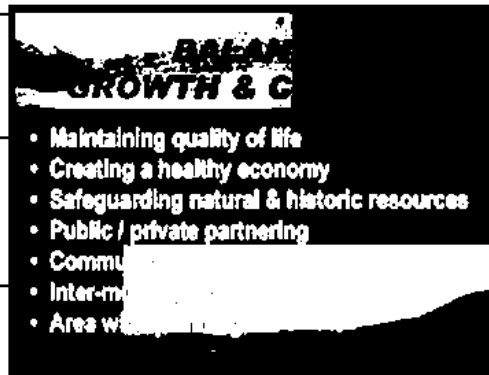
CAPITAL IMPROVEMENTS PROGRAM			
#	ACTION	RESPONSIBILITY	TIMING
1	Capital Budget - Prioritize local municipal community facility and service needs and adopt a capital improvements budget to financially plan for large expenditures for buildings, equipment, roads, etc., by setting aside funds in accord with the programmed budget.	Supervisors Council	1 year

OFFICIAL MAP			
#	ACTION	RESPONSIBILITY	TIMING
1	Township Action and Borough Action - Consider the adoption of an <i>Official Map</i> to show existing public lands and facilities and anticipated needs, and consider its use to identify important open space areas for acquisition in fee or by easement.	Planning Commissions Supervisors Council	2 - 3 years

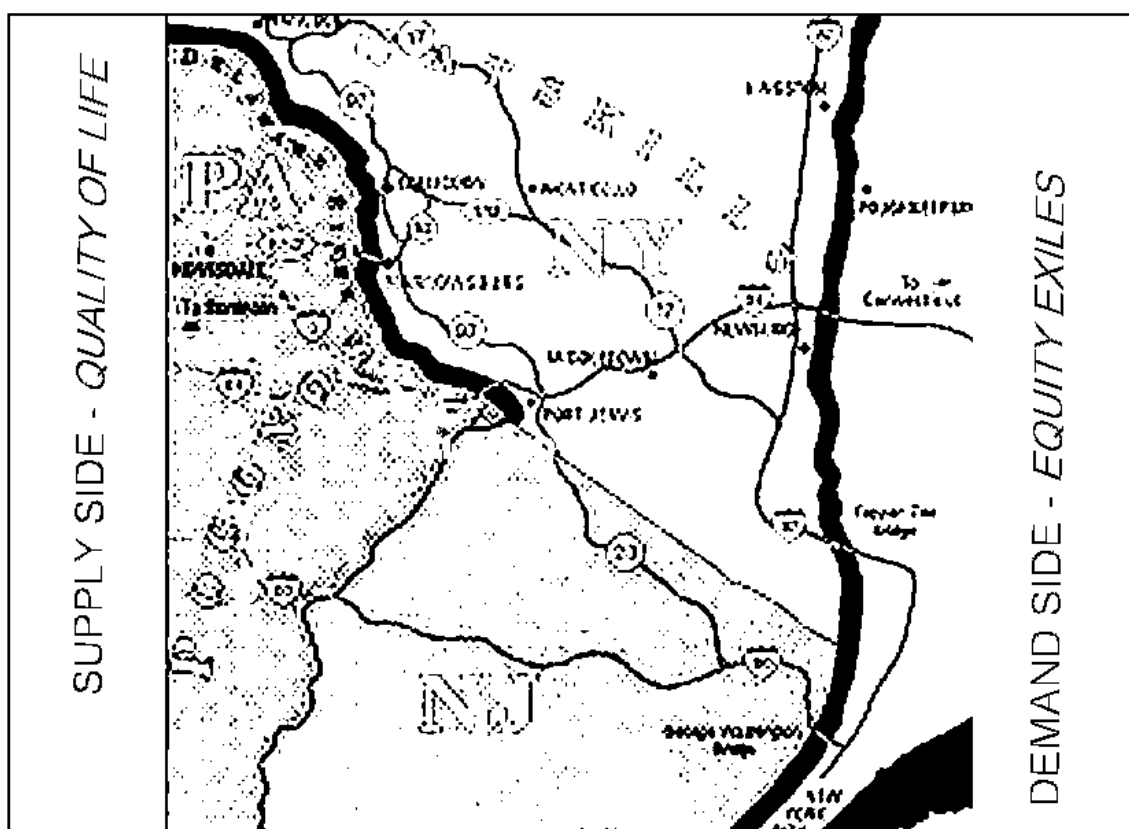
GOALS AND ACTIONS SUMMARY

This *Milford borough - Milford Township Comprehensive Plan* establishes a broad range of community conservation goals and objectives and identifies many specific actions to carry the *Plan* forward. This section provides a summary of those goals and actions. The discussion and tables which follow coincide with the sections of the *Plan*.

GENERAL COMMUNITY DEVELOPMENT OBJECTIVES (Plan Section - Goals and Objectives)	
1	Cooperation - To use the comprehensive planning process to expand the level of intermunicipal cooperation between the Borough and Township, and to foster cooperation with adjoining municipalities and the County on growth and development issues of area wide concern.
2	Internal Coordination - To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, appointed boards, community interest groups, and residents.
3	Public Information - Achieve greater awareness, understanding and participation of residents in carrying out the recommendations in the <i>Comprehensive Plan</i> via an active public information process using such methods as a web site, newsletter, and public meetings.
4	Use of Land - To achieve the best use of the land within the Borough and Township while allowing for reasonable residential and commercial development. In the Borough, the focus will be on preserving historical character and achieving a pedestrian friendly ambiance in the commercial district. In the Township, the focus will be on the preservation the environment and open space. This will ensure that the varying uses of land will complement one another and thus improve the economic, social, and aesthetic character of the overall Milford community.
5	Range of Land Uses - To allow a range of residential and commercial uses at appropriate locations and establish performance standards through zoning to ensure that such uses do not unduly affect adjoining properties or the public health, safety and general welfare and are consistent with the historic and gateway character of the communities.
6	Population Density - To establish realistic population densities in order to ensure health standards, privacy and open space and in order to allow for the provision of community facilities and services in the most convenient and efficient manner.
7	Streets and Roads - To maintain and improve the street and road system for better internal circulation and to protect residential neighborhoods from through traffic.
8	Facilities and Services - To provide the necessary community facilities and services to meet the needs of increased development and the increasing and changing population.
9	Environmental Protection - To guide the location of future development and establish performance standards to minimize <i>externalities</i> (negative impacts) on the natural and community environment.
10	Housing - To provide the opportunity for a wide-range and variety of housing types at reasonable densities to meet the needs of all residents: newly-formed households, growing families and senior citizens.
11	Economic Development - To provide, within the context of overall community conservation, the opportunity for local business and strengthen the area economy by encouraging well-planned commercial, industrial, residential, and recreational growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.
12	Monitoring - To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions, and to meet a changing population, both current and new residents, in concert with maintaining small town character and quality environment



GOALS (Plan Section - Goals and Objectives)	
1	Quality of Life - Protect and enhance the Milford Planning Area's quality lifestyle by maintaining the Borough's historical residential character and the Township's quality natural environment; and, recognize forest land and other open land as important elements of the local economy, character, and scenic setting.
2	Natural Resources - Conserve natural resources and open space and use the resources in a way to sustain the area's economy, including maintaining a strong timber industry with accommodation of value added products.
3	Economy - Expand the Milford Planning Area's existing economic base by exploring economic development opportunities consistent with and building on the existing <i>gateway community</i> character in order to strengthen the existing general and tourist economy, create employment opportunities and generate tax revenue.
4	Housing - Provide for a variety of housing types and densities.
5	Facilities and Services - Ensure that community facilities and services are provided to meet the Milford Planning Area's needs.
6	Roads - Establish and maintain an adequate road system to safely and efficiently move goods and people through the area.



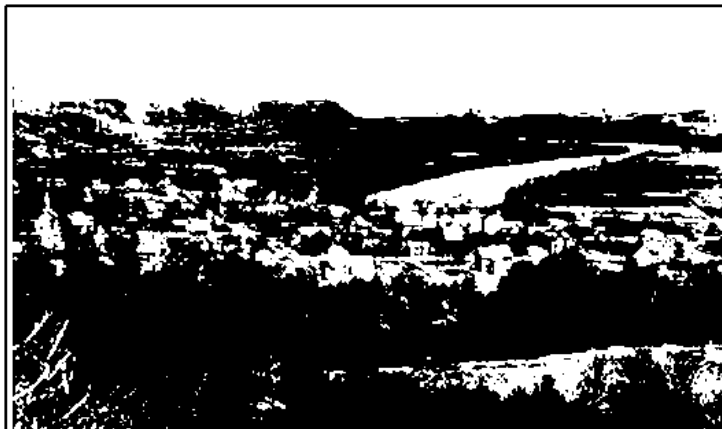
OVERALL ACTIONS (Plan Section - Planning Process, Interrelationships, and Implementation)	
1	Open Land Preservation - Evaluate all public and private actions with the goal of preserving forest and open land as a viable part of community character.
2	Environment - Direct development away from environmentally sensitive areas and conserve large blocks of open land.
3	Growth Areas - Identify areas for growth within and adjacent to existing developed areas.
4	Facilities for New Development - Require adequate community facilities for new development.
5	Sewer Extensions - Carefully consider any sewer extensions to assess effects on stimulating development.
6	Growth Management - Promote the idea of growth management - an effort to manage the location, type, and timing of future growth.
7	Cooperation - Encourage increased local, inter-municipal, and regional cooperation for comprehensive planning and land use control implementation; and overall local municipal administration and management.
8	Economic Development - Encourage a mix of business and commercial development in appropriate locations in the Planning Area.
9	Housing - Encourage a variety of housing types.

KEY IMPLEMENTATION STRATEGIES (Plan Section - Planning Process, Interrelationships, and Implementation)	
1	Plan Review - Annual review of this <i>Plan</i> to evaluate new development and regional issues which warrant changes.
2	Capital Improvements Program - Development of short-term and long-term capital improvements program to prioritize needed improvements and allocate funds to those improvements; with annual progress evaluations and adjustments in capital project timing and capital equipment purchases.
3	Education - Continuing education about land use management for local officials and the public.
4	Ordinance Updates - Diligent updating of any adopted land use management ordinances to effect the land use plan, provide environmental protection, preserve open land, maintain rural and historic character, and achieve community facilities and services and housing objectives.
5	Prioritizing Needs - Focusing limited municipal resources on those community facilities and services which are most critical to meet resident needs.
6	Fair Share - Monitoring community facilities and services provided by the county, state, and federal government to ensure such services are adequate and the Milford Planning Area gets its <i>fair share</i> .
7	Funding Programs - Participating in all county, state and federal entitlement and grant funding programs, not solely for the sake of participation, but only if such programs can be sensibly used to achieve valid community development objectives.
8	Plan Findings - Making a specific finding as to relationship to this <i>Plan</i> for all subdivisions and land development proposals.

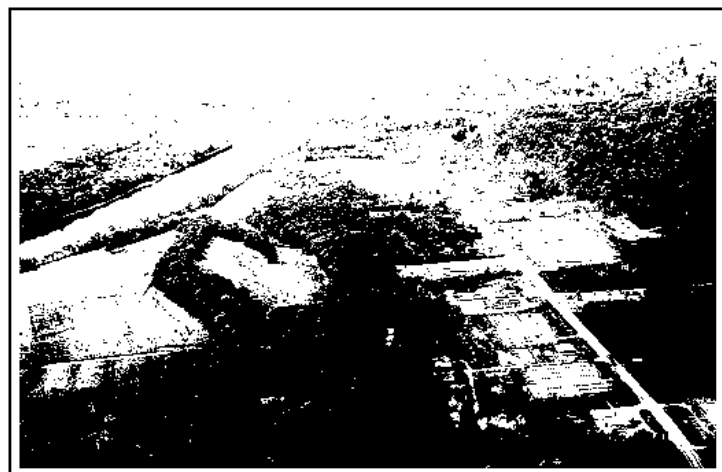
SPECIFIC ACTIONS

LAND USE, NATURAL RESOURCE
CONSERVATION AND
ENVIRONMENTAL PROTECTION**Basic Land Use Planning Approach:**

- conserving and protecting sensitive and vulnerable environmental resource areas
- preserving open land as part of the development process
- protecting residential neighborhoods and subdivisions from incompatible development
- ensuring that the character of the Borough's historic downtown and other Planning Area historic properties are preserved
- providing well-situated and appropriate development areas to accommodate projected growth
- relying on the larger region for major retail and service needs
- carefully controlling the expansion of public water and sewer service areas



Milford from The Knobb - circa 1900

The Santos Farm and the *Three-Lane* in Milford Township

LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION			
#	ACTION	RESPONSIBILITY	TIMING
1	<u>Current Zoning</u> - The current zoning districts are affirmed and ordinances will be updated as necessary to address changing conditions.	Planning Commissions Council Supervisors	ongoing
2	<u>Cooperative Zoning</u> - While maintaining separate ordinances, the Borough and Township will explore cooperative zoning as a means of improving land use management and directing land uses to appropriate areas of the Milford Planning Area.	Planning Commissions Council Supervisors	1 year
3	<u>Milford Springs Source Water Protection Plan</u> - The Township and Borough will consider the recommendations of the <i>Source Water Protection Plan</i> and encourage Dingman, Shohola and Westfall Townships to do the same.	Milford Authority Council Supervisors	ongoing

LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION			
#	ACTION	RESPONSIBILITY	TIMING
4	Water Quality - Establish criteria in the Township and Borough Zoning Ordinances to manage development with a goal of protecting water quality.	Planning Commissions Supervisors Council	1 - 2 years
5	Conservation Easements - Consider the purchase of conservation easements with local funds to preserve open land.	Planning, Council, Supervisors, Pike Open Space Bond	1 - 3 years
6	Land Conservation Organizations - Support the efforts of local land trusts.	Planning Commissions Council, Supervisors	ongoing
7	<u>Environmentally Friendly or Green Development</u> - Each municipality will continue to apply ordinance standards and review and update the standards as necessary to ensure quality development. The range includes: <ul style="list-style-type: none"> • Environmental impact analysis requirements for large scale and environmentally problematic uses. • Vegetation preservation and clearing control. • Soil stabilization and landscaping . • Stream, lake and wetland buffers. • Stormwater best management practices including quality treatment and infiltration. • Floodplain management. • Hydrogeological studies for proposed uses with large groundwater consumption. • On-site sewage disposal system management. • Limitations and special standards for development on steep slopes. 	Planning Commissions Council Supervisors	ongoing

Advantages Offered by Conservation Easements

Private Ownership: The property remains in private ownership and continues to contribute to the local tax base. The landowner may choose to live on the land, sell it, or pass it on to heirs.

Owners Satisfaction: Gives the landowner the satisfaction that the land will remain unchanged.

Flexibility: Easements are flexible and can be written to meet a particular land-owner's needs while protecting the property's resources.

Permanency: Most easements are permanent, remaining in force when the land changes hands. The easement holder ensures that the restrictions are maintained.

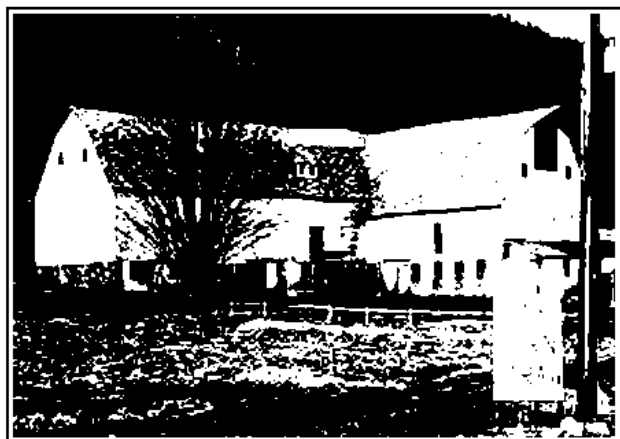
Tax Reduction: There are significant tax advantages if easements are donated rather than sold.

Charitable Taxes: The donation of a conservation easement to a land trust is treated as a charitable gift of the development rights. The donation creates a charitable tax deduction, equal to the value of the conservation easement, on the landowner's Federal and State income tax returns.

Estate Taxes: Estate taxes are significantly lower, sometimes making the difference between heirs holding onto the family land or selling it to pay inheritance taxes.

Property Taxes: Conservation easements will sometimes lower property taxes, a result of reduced valuation on property subject to the conservation easement.

Minimizes Effect of Development: Minimizes other impacts of residential development such as increased population, traffic, and demand for community facilities and services.



The Santos Farm



LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION			
#	ACTION	RESPONSIBILITY	TIMING
8	<p><u>Santos Farm</u> - The 120-acre Santos Farm in Millford Township is a key component of the Planning Area's landscape. Township and Borough officials to work with the owners and interested groups and agencies to:</p> <ul style="list-style-type: none"> • Acquire the land for a public use and preserve as much of the farm as possible as open land. • Find a productive use for the farm house and outbuildings as a means to preserve the buildings. • Provide substantial open land buffers along the Delaware River and incorporate public access into any development plans. 	Planning Commissions	1 - 3 years
9	<p><u>Ridge Lines and Scenic Vistas</u> -</p> <ul style="list-style-type: none"> • Identify and protect key ridge line and scenic vista properties with conservation easements. • Encourage the use of conservation design to protect ridge lines and scenic vistas. 	Planning Commissions Council Supervisors Land Trusts Pike Open Space Bond	• 1 - 2 years • ongoing

LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION			
#	ACTION	RESPONSIBILITY	TIMING
10	<p><u>Nonresidential Development</u> -</p> <ul style="list-style-type: none"> • Monitor the effectiveness of zoning ordinance performance standards to ensure community and environmental protection and update to meet changing needs ◻ Carefully evaluate the range of commercial uses in the Borough's downtown area in terms of historic district compatibility. ◻ Consider allocating nonresidential development in the Planning Area to better preserve community character. ◻ Maintain up to date design guidelines for commercial, industrial, and institutional development to encourage the most efficient use of commercial land and development consistent with community character. 	Planning Commissions Council Supervisors	ongoing
11	<p><u>Residential Development</u></p> <ul style="list-style-type: none"> • Consider innovative residential development techniques such as Traditional Neighborhood Development, Conservation Design and Transferrable Development Rights. • Consider application of these techniques to extensions of the Borough into the Township 	Planning Commissions Council Supervisors	ongoing

<i>Milford Township Design Guidelines . . . Zoning §417 <u>Commercial/Industrial Site Design Guidelines</u> -</i>	
<p><i>The Township Planning Commission and Board of Supervisors, in reviewing the site plan for any proposed commercial or industrial conditional use application, shall consider its conformity to the Milford Township Comprehensive Plan and the various other plans, regulations and ordinances of the Township. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Township shall be part of the review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets . The Board of Supervisors shall further consider the following specific factors:</i></p>	<ul style="list-style-type: none"> • <i>Building design and location.</i> • <i>Maximum retail commercial building size.</i> • <i>Large commercial building facades.</i> • <i>Lighting and signage.</i> • <i>Parking and accessory buildings.</i> • <i>Drainage systems.</i> • <i>Landscape preservation</i> • <i>Driveway and road construction</i> • <i>Construction on slopes.</i> • <i>Tree borders.</i> • <i>Development at intersections.</i> • <i>Streets and sidewalks.</i> • <i>Setbacks.</i> • <i>Utilities.</i>

SPECIFIC ACTIONS

COMMUNITY FACILITIES AND SERVICES

Community Facility and Service Priorities

A common theme in this *Comprehensive Plan* is the need for local municipalities to set priorities for the use of resources in meeting community needs and resident expectations. Concurrently, immediate community needs and resident expectations must be balanced with local officials' long term view of the future of the community and the costs of action or non-action in providing or postponing facilities and services. Based on this tenet and the results of the community surveys, the Borough and Township will focus local municipal resources on those facilities and services traditionally provided by small municipalities and those important to residents.

Road maintenance now accounts for much of the municipal budgets and this will continue to be a primary role of the two municipalities. The Borough and Township will also work with the volunteer organizations to maintain and improve emergency services, and will explore regional solutions for police service and recreation as demand dictates. In the Borough, continued improvement to sidewalks and *streetscapes* are important to many residents. In any case, Milford Borough and Milford Township will continue to work together to manage growth and development in the area as the best means for minimizing community impacts, planning for the use of municipal resources, and maintaining a quality lifestyle.

COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Road Maintenance Cooperation - Consider the creation of a Council of Governments as a means of using local road maintenance resources most efficiently. The COG could:			
1	<u>Equipment List</u> - Update and keep current the list of vehicles and equipment owned by the Townships.	Council Supervisors Road Maintenance Staff	1 year
2	<u>Equipment Clearing House</u> - Serve as a clearinghouse and notify all participants when a municipality is selling or purchasing equipment which may meet the needs of another municipality.		
3	<u>Sharing</u> - Investigate the possibilities for increased sharing labor and equipment.		
4	<u>Winter Maintenance</u> - Investigate the possibilities for increased contracting with or swapping with adjoining municipalities for winter road maintenance where travel savings may be realized.		
5	<u>Purchasing</u> - Coordinate joint purchasing of supplies and materials whenever possible to reduce unit costs.		



Milford Township Building



Milford Offices and Borough Hall

COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Individual Municipal Road Maintenance			
6	<u>Inventory</u> - Maintain an accurate inventory of all vehicles and equipment.	Road Maintenance Staff	1 year
7	<u>Liquidation</u> - Liquidate obsolete vehicles and equipment.	Supervisors, Council	ongoing
8	<u>Capital Improvements Plan</u> - Include planned purchases of vehicles and equipment on a capital budget to better plan for large expenditures.	Council, Supervisors Road Maintenance Staff	1 - 3 years



COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Recreation			
9	<u>Focus on Existing Facilities</u> - Focus on maintaining and improving existing Borough recreation facilities.	Park and Rec Board Council	ongoing
10	<u>Shared Park</u> - Establish a shared Township/Borough park in the Township near the Borough or in conjunction with a park on the recently acquired 28-acre Water Authority parcel.	Planning Commissions Council, Supervisors, Park and Rec Board	3 - 5 years
11	<u>Recreation Fees</u> - Consider amending the subdivision ordinances to begin assessing recreation fees for new development.	Planning Commissions Council Supervisors	1 year

COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Recreation			
12	<u>Cooperation</u> - Work cooperatively to . . . <ul style="list-style-type: none"> • plan for recreation and open space from an area wide perspective. • coordinate individual municipal efforts. • maximize use of resources. • improve standing for state grants. • provide a broader base of support for recreation and open space planning. • Include the Santos Farm in the planning. 	Planning Commissions Council Supervisors Park and Rec Board School District	ongoing
13	<u>Planning and Maintenance</u> - Ensure improvements at existing facilities are made in accord with an overall plan and all facilities are maintained.		
14	<u>Site Identification</u> - Identify potential sites for additional recreation facilities and amend the comprehensive plan to include these sites.	Council Supervisors Park and Rec Board	1 - 3 years
15	<u>Funding Plan</u> - Develop a funding plan to include: <ul style="list-style-type: none"> • use of fees assessed for residential development under the subdivision and land development ordinance. • solicitation of private contributions. • grants. • direct municipal contributions. • a special fund for land acquisition and capital improvements 	Council Supervisors Park and Rec Board	1 - 3 years
16	<u>Community Organizations</u> - Cooperate with area wide community recreation organizations to improve recreation facilities and programs.	Council Supervisors Park and Rec Board	
17	<u>Official Map</u> - Show planned recreation facilities on Municipal Official Maps to ensure that the land can be acquired.	Council Supervisors	as needed

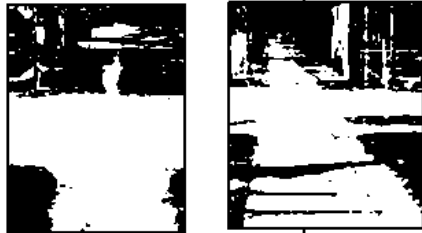
Milford Borough Parks and Recreation Plan

- Maintain and preserve the Borough's existing Parks and Recreational areas, while considering safety, aesthetics, and handicapped access features.
- Ensure that the parks remain accessible, available, and free to the general public.
- Encourage and cooperate with numerous groups and organizations, which utilize the Borough's Parks, to conduct various events, memorials, sporting activities, festivals, etc. as approved by the Council.
- The Recreation and Parks Committee shall utilize an annual budget as apportioned by the Borough Council and additional monies as provided by Dingman Township or any other public/private donations or grants, in a productive and wise manner.
- Explore future park facilities for the Borough's "Riverside" property along the Delaware River.
- Pursue public and private grants to fund improvements, equipment purchases, and maintenance of the Borough's Parks.
- Conduct activities, events, and clinics that will encourage the use of the parks by the community's youth.
- Renovate and restore the former dilapidated tennis court to provide for a multipurpose skate park arena.
- Provide cultural activities for all age groups such as organized field trips, music festivals, and art shows.
- Encourage volunteerism by numerous groups and individuals to assist with various programs and clinics.



COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Police Protection			
18	<u>Need</u> - Monitor need for expanded or new police protection services.	Council Supervisors	ongoing
19	<u>Regional</u> - Explore the potential for sharing of police and similar emergency services between communities including a purchase of services and contract basis.	Council Supervisors Police Chief	as needed
Emergency Services			
20	<u>Support</u> - Continue to support existing volunteer emergency services	Emergency Services Providers, Council, Supervisors	ongoing
21	<u>Paid Services</u> - Monitor the need for paid emergency services.	Emergency Services Providers, Council, Supervisors	1 year
Solid Waste Disposal and Recycling			
22	<u>Solid Waste</u> - Continue current system of County Planning, regional landfills, private hauler collection in the Township, and single hauler contract in the Borough	Supervisors Council Pike County Gen. Auth.	ongoing
23	<u>Recycling</u> - Work with the County General Authority to ensure access to recycling facilities for all residents.		






COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
Shade Trees and Vegetation			
24	Tree City - Continue to support and enhance the current shade tree programs in the Borough.	Council Shade Tree Commission Community Groups	ongoing
25	Vegetation Preservation - Include standards in the zoning ordinance and subdivision and land development ordinance for the preservation of trees and vegetation and the planting of shade trees in new subdivisions.	Planning Commissions Council Supervisors	1 year
Sidewalks and Streetscapes in the Borough			
26	Streetscapes - Continue the improvement of sidewalks and streetscapes on Broad Street and Harford Street and initiate a capital budget program for maintenance.	Milford Enhancement Committee, Council, Community Groups	ongoing
27	Side Street Sidewalks - <ul style="list-style-type: none"> Take steps to prohibit parking in residential front yards to eliminate sidewalk encroachment. Inventory existing sidewalks in terms of location and condition using a walking audit or <i>walkability checklist</i> Develop a plan, including funding, for pedestrian circulation to include sidewalk locations and crosswalks. Update the Borough ordinance for sidewalk ownership and maintenance responsibilities. 	Planning Commission Council 	1 - 2 years
Parking in the Borough			
28	Parking Study - Continue to implement the recommendations of the January 2002 <i>Study of Parking in Downtown Milford</i> .	Planning Commission Council	ongoing



Before Streetscape Improvements

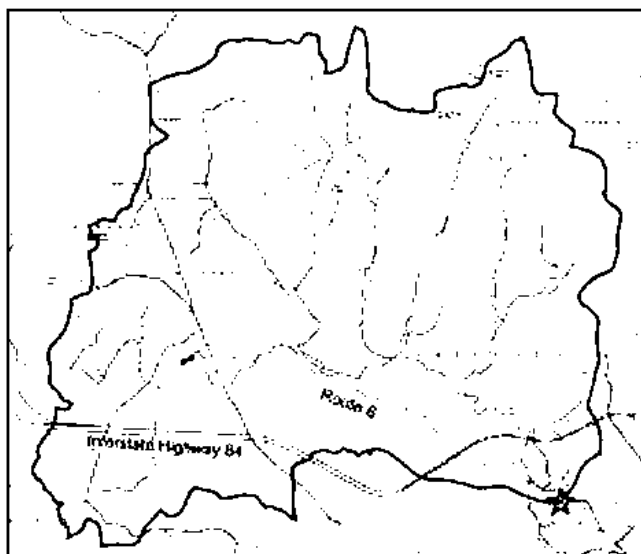


After Streetscape Improvements

COMMUNITY FACILITIES AND SERVICES			
#	ACTION	RESPONSIBILITY	TIMING
County Facilities			
29	<u>Planning and Design</u> - Recognize the importance of County facilities to the Planning Area and work with the County to ensure that any new County facilities are developed in consideration of the effects on parking, and if developed within the Historic District, maintaining its integrity..	Planning Commissions Council Supervisors County Officials	ongoing
Delaware River, Sawkill Creek, and Vandermark Creek as Part of the Community			
30	<u>Access</u> - Incorporate improved access to the Delaware River, the Sawkill Creek and the Vandermark Creek into any open space, trail and recreation planning. The possibilities include: <ul style="list-style-type: none"> Improving the River Park area owned by the Borough and connect it to the Ballfield via a stairway. Including the River Park area in any identified walking or trail routes. Incorporating Delaware River access in any public acquisition plans for the Santos Farm. Working with willing landowners to allow public access to the Sawkill and Vandermark Creeks similar to <i>The Glen</i> Trail. Securing the Mott Street Bridge as an integral part of Sawkill Creek access. 	Planning Commissions, Council, Supervisors, Community Groups <div>  <p>Borough River Park Property</p>  <p>Sawkill Creek</p>  <p>The Glen</p> </div>	ongoing
Community Facilities for New Development			
31	<u>SALDO Enforcement</u> - Continue the enforcement and update as necessary of current subdivision and land development ordinances to ensure that roads, drainage and other community facilities are installed to standards which will result in quality, durable facilities.	Planning Commissions Supervisors Council	ongoing






Milford Water Treatment Plant and Storage Tank



Milford Springs Source Water Area

WATER SUPPLY AND SEWAGE DISPOSAL			
#	ACTION	RESPONSIBILITY	TIMING
Water Supply			
1	<u>Source Water Protection Plan</u> - Work with the Milford Authority to improve the public water system and protect water quality considering the <i>Source Water Protection Plan</i> in meeting Township and Borough goals.	Planning Commissions Supervisors, Council Milford Authority	on-going
2	<u>Zoning</u> - Consider the inclusion of groundwater protection standards in each zoning ordinance. (See sample zoning <i>Groundwater Protection Zoning Section</i> in the Appendix.)	Planning Commissions Supervisors Council	1 -2 years
3	<u>Township Groundwater Protection Program</u> Consider developing a groundwater protection program: <ul style="list-style-type: none"> Involve the community by organizing a committee of interested individuals from the community, and neighboring communities Determine sources and uses of the community's water supply and define the proposed groundwater protection areas. Identify possible contamination sources-past, present, and future-in the groundwater protection areas. Establish goals and priorities based on an evaluation of the groundwater threats. Implement appropriate management measures, including plans for future needs. 	Citizens Planning Commission Supervisors Conservation District	3 - 5 years
Sewage Disposal			
4	<u>On-Lot Sewage Disposal</u> <ul style="list-style-type: none"> Monitor existing on-lot sewage disposal systems and order corrections when malfunctions occur. Ensure that all new systems meet DEP regulations. Update sewage facilities plans as needed. Consider an on-lot sewage management program. 	SEO's Supervisors Council	<ul style="list-style-type: none"> •ongoing •ongoing •as needed •1 - 3 years

WATER SUPPLY AND SEWAGE DISPOSAL			
#	ACTION	RESPONSIBILITY	TIMING
5	<p>Central Sewage - If the central sewage disposal system moves forward, Milford Planning Area officials will:</p> <ul style="list-style-type: none"> • Carefully identify the service area based on disposal needs aimed at correcting problems and meeting commercial development potential in existing commercial zones. • Acquire disposal capacity only in the amount necessary to handle the identified service area. • Strictly limit connections to only the service area to avoid stimulating residential development in adjoining areas. This is particularly important in Milford Township where hundreds of acres are available for subdivision. 	Supervisors Council Milford Authority	3 - 5 years
6	<p>General Sewage Disposal Actions</p> <ul style="list-style-type: none"> • Encourage DEP to actively investigate the use of alternative sewage disposal methods to meet the needs of municipalities in high quality and exceptional value watersheds. 	Supervisors Council Milford Authority	ongoing

HISTORIC PRESERVATION			
#	ACTION	RESPONSIBILITY	TIMING
1	<p><u>Borough Actions</u> - Continue and strengthen the historic preservation program by:</p> <ul style="list-style-type: none"> • Making additional public investments in the Borough to enhance its historic character. (e.g., streetscape improvements.) • Improving the public information efforts of the ARB about the benefits of historic preservation and how the Borough ordinance works. A web site would be a good approach. • Integrating the historic district ordinance with the zoning ordinance – each is aimed at protecting overall community property values while balancing individual property rights with the public benefit. • Carefully evaluating the range of commercial uses in the Commercial and Limited Commercial Zoning Districts to ensure historic district compatibility. • Continuing to allow <i>no impact</i> home occupations in all zoning districts to encourage productive use of historic structures. • Requiring that parking areas for new commercial and institutional buildings be to the side and rear of the building. • Prohibiting parking in the front yards of residential properties and that garages be accessed from alleys. 	<p>Planning Commission Council, ARB</p>  <p>Community House</p>  <p>Forester's Hall (www.fs.fed.us)</p>	ongoing
2	<p><u>Township Actions</u></p> <ul style="list-style-type: none"> • Conduct an inventory of historic resources in the entire Township to include Indian sites, buildings, old roads, etc. • Consider the development of a local historic register program. • Incorporate the preservation of historic resources in conservation design for residential development. • Continue to allow home occupations in all zoning districts as a means of encouraging productive use of historic structures which tend to be larger and more difficult to maintain. • Prepare and adopt design guidelines for commercial, industrial, and institutional development to encourage the most efficient use of commercial land and development consistent with the Township's character. 	<p>Planning Commission Supervisors</p>  <p>Grey Towers (www.pinchot.org)</p>	1 - 2 years

Benefits of Historic Preservation

- Creation of local historic districts stabilizes, and often increases residential and commercial property values.
- Increases in property values in historic districts are typically greater than increases in the community at large.
- Historic building rehabilitation, which is more labor intensive and requires greater specialization and higher skill levels, creates more jobs and results in more local business than does new construction.
- Heritage tourism provides substantial economic benefits. Tourists drawn by a community's (or region's) historic character typically stay longer and spend more during their visit than other tourists.
- Historic rehabilitation encourages additional neighborhood investment and produces a high return for municipal dollars spent.
- Use of a city or town's existing, historic building stock can support growth management policies by increasing the supply of centrally located housing.

Source: *Planning Commissioners Journal*, No. 52, Fall 2003, p. 4.



Hickory Hills, Milford Township



Townhouses, Wheatfield Village, Milford Township

HOUSING			
#	ACTION	RESPONSIBILITY	TIMING
1	Higher Density Development - Adopt standards to ensure that higher density development is directed to identified growth areas served by an adequate water supply, sewage disposal system, and other improvements.	Planning Commissions Supervisors Council	1 year
2	Flexible Development Techniques - Promote <i>conservation design</i> development, planned residential development, traditional neighborhood development and development incentives such as density bonuses for age-restricted and affordable housing.	Planning Commissions Supervisors Council	1 - 2 years
3	Land Use Ordinances - Review land use ordinances in terms of standards not directly linked to public health and safety which increase housing costs.	Planning Commissions Supervisors Council	ongoing
4	Housing Programs - Work with the Wayne County Housing Authority to ensure that the housing needs of low-income and elderly households in the are being addressed, and encourage Pike County to consider a Pike Housing Authority..	Planning Commissions Supervisors Council	ongoing
5	Cooperation - Cooperate with area municipalities and the County to plan for housing needs regionally and consider joint housing plans.	Planning Commissions Supervisors, Council Housing Authority	ongoing



Apartments, East High Street, Milford Borough



West Ann Street, Milford Borough

ECONOMIC DEVELOPMENT			
#	ACTION	RESPONSIBILITY	TIMING
1	Government Intervention - Avoid needless economic development intervention when the market is already delivering a fairly balanced tax base and high quality of life within the Milford Planning Area	Chamber of Commerce Pike Econ Dev Corp Supervisors Council	ongoing
2	Tours - Develop walking and driving tours to historical and recreational assets and the McDade Trail, The Delaware river, etc.	Chamber of Commerce Pocono Mt. Vac. Bur.	1 - 2 years
3	Small Industry - Market the Milford Planning Area for small industries not requiring extensive infrastructure.	Chamber of Commerce Pike Econ Dev Corp	ongoing
4	Home-Based Businesses - Encourage of home-based businesses by allowing them broadly throughout the community, relying on zoning performance standards to properly address impacts.	Planning Commissions Supervisors Council	ongoing
5	Design Guidelines - Continue applying and improving commercial design guidelines that ensure new development complements existing character – parking, lighting, signs, landscaping, ARB in the Borough, etc. <div data-bbox="667 758 943 1041" data-label="Image"> </div>	Planning Commissions Supervisors Council and ARB	ongoing
6	Water Supply - Extend the Borough water supply to serve additional areas of Routes 6/209.	Milford Authority Supervisors, Businesses	1 - 3 years
7	Delaware River - Connect of the Borough and Township to the Delaware River for purposes of marketing and promotion via views, trails and accesses.	Supervisors, Council, Park and Rec Board, NPS, Chamber of Commerce	2 - 4 years
8	Gateway Community - Embellish the Planning Area's role as a <i>gateway</i> community with additional common-theme way finding signs.	Chamber of Commerce PennDOT Special Committee	1 - 2 years
9	Website - Develop a website to market the Borough commercial area and to serve as the base for a Business Improvement District.	Chamber of Commerce Special Committee	2 - 3 years



Altec Lansing



The Water Wheel

TRANSPORTATION			
#	ACTION	RESPONSIBILITY	TIMING
1	Regional Transportation Planning - Encourage the County to take the lead role in regional transportation planning and involve the affected municipalities (in Pennsylvania and New Jersey), the Pike County Road Task Force, PennDOT, NJ DOT and the Joint Toll Bridge Commission.	County Planning Dept.	immediate
2	Borough Traffic Planning - Conduct a traffic analysis study to identify alternatives for reducing impacts of traffic in the context of the area wide planning recommended above and evaluate nonstructural solutions such as one-way streets and traffic calming devices in addition to capital improvements	Planning Commission Council	1 year
3	Municipal Roads - Focus on the maintenance and improvement of existing municipal roads and monitor the need and ability to correct specific width and alignment problems as traffic volumes dictate and available funds allow	Supervisors Council	ongoing
4	State Roads - Work with PennDOT and the Pike County Planning Commission and to have the most critical state route improvement needs programmed by PennDOT on their Twelve-Year Transportation Program.	Supervisors Council	ongoing
5	Roads and Access - Maintain up-to-date standards for the construction of roads in new subdivisions and for access to public roads.	Planning Commissions Supervisors Council	ongoing

CAPITAL IMPROVEMENTS PROGRAM			
#	ACTION	RESPONSIBILITY	TIMING
1	Capital Budget - Prioritize local municipal community facility and service needs and adopt a capital improvements budget to financially plan for large expenditures for buildings, equipment, roads, etc., by setting aside funds in accord with the programmed budget.	Supervisors Council	1 year

OFFICIAL MAP			
#	ACTION	RESPONSIBILITY	TIMING
1	Township Action and Borough Action - Consider the adoption of an <i>Official Map</i> to show existing public lands and facilities and anticipated needs, and consider its use to identify important open space areas for acquisition in fee or by easement.	Planning Commissions Supervisors Council	2 - 3 years

SUMMARY OF FINDINGS

This section of the *Comprehensive Plan* summarizes the major findings of the planning process. The findings are organized in the same sequence as the overall *Plan*.

Community Character and Development History

- ☛ The Milford Planning Area clearly serves as a *gateway* community lying between the 15,600-acre Delaware Water Gap National Recreation Areas and the Upper Delaware National Scenic and Recreational River, and at the eastern edge of a county which some 95,000 acres of state park, state forest and state game lands.
- ☛ Complementing this public land are the many historic resources highlighted locally by the Pinchot Institute in Milford Township and the Milford Borough Historic District.
- ☛ *Gateway communities – the towns and cities that border these public lands – are the destinations of choice for much of the country's migrating populace. With their scenic beauty and high quality of life, gateway communities have become a magnet for millions of Americans looking to escape the congestion, banality, and faster tempo of life in the suburbs and cities.¹*
- ☛ The Planning Area can best be characterized as a small gateway town in transition to a bedroom community where open land remains a predominate, yet fragile, feature of the landscape.
- ☛ Continued residential development, and in fact total suburbanization, is clearly on the horizon as stimulated by recent internal population growth and migration from nearby urban areas to the Borough and Township and other small communities.
- ☛ Timbering, farming and milling served as the base for the initial settlement and early economic development of the planning area.

- ☛ During the Nineteenth Century, the Milford area was a rural community surrounded by small farms, and it saw the beginning of tourism and recreation which would lead to the many second homes of the 1970's and 1980's.
- ☛ Today, the basic natural resource activities have lost significance to the local economy and many acres in the region which once were forested or in agriculture are now subdivided into residential lots.
- ☛ Given its proximity to New Jersey, New York and Pennsylvania metropolitan areas, its attractive lifestyle, recreation appeal, and the effect of 9-11, the Milford planning area holds great potential for continued development.

Growth and Development, and Existing Land Use

- ☛ The Planning Area's economy and land use pattern is inextricably linked to nearby metropolitan areas, and as these areas expand there will be more pressure for development in the Township and Borough.
- ☛ The challenge is to strike a balance for sustainable development. That is, to provide for the essential economic growth and development of the area, while conserving its scenic and natural environment, particularly open land and natural resources, and its small town character, the very elements which have largely been the impetus for the area's past development.
- ☛ Area economic development organization efforts to attract light manufacturing and commercial development could provide jobs for the entire region, and enhance the Township's attraction as a residential community.
- ☛ The Planning Area's future land use, environmental quality and community character will evolve in response to the actions of community leaders and active citizens combined with the forces of the local and regional economy, and the demand for land and community facilities and services.

¹Balancing Nature and Commerce in Gateway Communities, Howe, J., McMahon, and Propst, L., Island press, Wash., D.C., 1997, p. 1.

☞ Intermunicipal cooperation and area wide planning will be vital to meeting the problems created by regional growth and development.

☞ Two key land use issues in the Planning Area are:

- The use of the Santos Farm, the last working farm in the Planning Area.
- Managing development in the watershed of Milford Springs, the water supply for the Borough and part of the Township.

☞ Forest and open land remain the primary land use types in the Township.

☞ An integral part of the *gateway* community character of the Milford Planning Area are the wooded ridge lines and scenic vistas visible from the major highways passing through the area.

☞ Residential development is the primary type of development in the Planning Area.

☞ The primary type of dwelling in the two municipalities is single-family residential, eighty-three percent in the Township and sixty-five percent in the Borough according to the 2000 Census.

☞ Most commercial development is found along Route 6 and Route 209. The largest scale commercial in the Planning Area is located in the Township along Route 6/209 east of the Borough.

☞ Milford Borough and Milford Township have each adopted a subdivision and land development ordinance and a zoning ordinance, and have amended each as needed over the years to manage land use and provide local environmental controls

Community Facilities and Services

☞ Community facilities and services, as provided by local, county and state government, and by quasi-public institutions such as volunteer fire departments, hospitals and libraries, are most often considered in terms of government or institutional response to meet the needs and demands of the community's residents. .

☞ As the Planning Area and regional population continues to increase, the demand for facilities and services will also increase -- more classroom space, police protection, social services, recreation facilities, etc. will be needed.

☞ In addition to the historic role of providing road maintenance, municipalities in Pennsylvania have become responsible for a wider range of facilities and services including land use controls, environmental protection, police protection, water, sewer and storm water facilities, parks and recreation, and solid waste disposal.

☞ Community facilities and services can also serve as a tool, or as an unexpected trigger, to guide or stimulate community growth and development.

☞ The provision of community facilities and services offers myriad opportunities for intermunicipal cooperation which can result in efficiency of program operation and service delivery, and economics of scale in purchasing of supplies and materials.

☞ Staffing at the Township appears adequate as does office and meeting space, with the replacement of a dump truck in the next several years as the primary capital expenditure.

☞ Borough office space is tight and the renovation of the Borough Hall and Office Building is planned.

☞ Borough operations and programs have become more complex in recent years and additional staff may be warranted.

☞ Milford Borough and Milford Township each employ road crews who provide all normal winter and summer maintenance. Each municipality contracts for larger scale road maintenance and improvement projects, primarily major improvement projects such as paving and shoulder reconstruction.

☞ Milford Borough owns and maintains two large parks, Memorial Park and the Borough Ballpark and several other small parks and public places with the help of the Borough Recreation and Parks Commission and the Milford garden Club.

- Having historically relied on the facilities in neighboring municipalities to meet the demand, Milford Township does not currently provide any recreation facilities.
- The community surveys found that recreation opportunities are important, they are not as important as other aspects of the local community.
- The Borough community survey found that more than seventy percent of respondents rated Borough police protection good to excellent. Forty-two percent of Township survey respondents believe more local police protection is important and twenty-one percent believe it is very important.
- Fire protection and basic life support services in the Milford Planning Area are provided entirely by volunteers, and most survey respondents in each municipality rated emergency services as good to excellent.
- Advanced life support is provided by ALS Pike County, a nonprofit organization operating out of Dingman Township.
- Many volunteer organizations are finding it more difficult to find volunteers given the increased demands for training, and this situation must be monitored along with the need for paid staff.
- Solid waste collection and disposal in the Township is provided by private contractors and appears to be adequate.
- The Borough Council annually awards a contract to one hauler for the collection of all solid waste in the Borough and a large majority of respondents to the Borough survey rated garbage collection service as good to excellent.
- The recent improvement of the sidewalks and *streetscapes* along Board Street and Harford Street have added significantly to the small town character and quality of life for all who live in or visit the Borough.
- In many areas of the Borough the sidewalks are in poor condition or missing altogether, or have been damaged or removed when residents park in front yards, and a variety of surface treatments are used.
- In 2002, the Milford Borough Parking Committee completed a Study of Parking in Downtown Milford which identifies problems and proposes solutions.
- County facilities have long been an integral and important part of the fabric of the Borough, adding to the local economy. Any new County facilities must be developed in consideration of the effects on parking, and if developed within the Historic District, maintaining its integrity.
- The Delaware River, the Sawkill Creek and the Vandermark Creek are important parts of the community but pedestrian access is somewhat limited.

Water Supply and Sewage Disposal

- Groundwater is the source for all potable water in the Milford Planning Area and its conservation and quality protection are two critical issues facing the community.
- Based on available studies, with long term consumption primarily residential, and large areas of undeveloped land for recharge, it appears that the overall supply of groundwater in the Planning Area and all of Pike County will be adequate for quite some time.
- All of Milford Borough and adjoining areas of Milford Township are served by the Borough of Milford Municipal Authority system which relies on springs for its source.
- The Milford Borough Municipal Authority is aggressively addressing water quality protection in the watershed that supplies Milford Springs based on the recently completed *Source Water Protection Plan*.
- The entire Milford Planning Area relies on soil-based sewage disposal systems, most of which are individual on-lot disposal systems with a number of residential developments served by community on-lot systems
- No widespread sewage disposal problems have been reported in either the Borough or Township, and reported malfunctions are corrected in accord with DEP requirements

- While sewage disposal in the residential areas of the Borough has not been a problem, the commercial areas in the Borough have historically suffered sewage disposal problems given the small lot sizes and the higher volume of water use for certain types of establishments.
- None of the Milford Planning Area is served by a central sewage collection and treatment system.
- Based on the sewage disposal needs of the commercial zoning districts in the Borough and along Route 6/209 in Milford Township, the Milford Borough Municipal Authority has been coordinating the discussion of providing central sewage disposal via extension of the Westfall Township Sewer Authority system.
- Any sewer service area in the Township must be strictly defined so that the central sewage would not be available outside the Route 6/209 corridor to avoid stimulating residential development.
- In the Borough, service could be limited to the commercial zoning districts or could be extended throughout the community.

Historic Preservation

- The many historic resources in the Milford Planning Area are key components of the traditional small town character so critical to the local lifestyle and tourism based economy.
- Six individual structures in the Milford Planning Area and three historic districts are listed on the National Register of Historic Places.
- In 1999 the Borough Council adopted a Historic District Ordinance which applies to the entire Commercial Zoning District and the entire Limited Commercial Zoning District.
- The Historic District Ordinance establishes the Architectural Review Board to advise the Council on the appropriateness of any proposed construction, alteration, repair, restoration or demolition of any buildings in the designated historic district.
- The Architectural Review Board has published the *Milford Design Guide* to aid property owners with planning and completing building renovation and construction projects in compliance with the Ordinance.
- Most respondents of the Borough community survey view the preservation effort as positive and a number believe additional eligible areas should be included.
- The Historic Preservation Trust of Pike County, Inc., assists business owners in the areas governed by the Historic District Ordinance to design signs that are consistent with the heritage of the building and/or business.

Highways and Transportation

- Route 6 and Route 209 carry some of the highest traffic volumes in Pike County.
- Much of the traffic in eastern Pike County passes through the intersection of Broad Street and Harford Street.
- Level-of-service, a measure of a traffic flow, is unacceptable on Broad and Harford at peak traffic periods - particularly on weekends and holidays, and as the population increases the level-of-service will decline.
- Congestion on Broad and Harford results in increased traffic in residential areas of the Borough.
- Level-of-service on other roads in the Planning Area is expected to remain satisfactory over the next ten to fifteen years even with increased traffic, projected by PennDOT at two-to-three percent per year.
- Other state roads in the Township are generally in good condition with steep grades and sharp turns, and poor sight distance at certain intersections the major concerns.
- The primary concern for Township and Borough streets is drainage and routine paving/maintenance which will not place a serious strain on budgets.
- Diligent re-paving, routine maintenance, and shoulder widening are the major concerns for state roads.

- ☛ Public transportation in Pike County is associated only with the provision of social services and the Shortline bus service. Train service to New York City is available in nearby Port Jervis.

Housing

- ☛ Real estate values in the Milford Planning Area, and all of Pike County, have been increasing rapidly given the appeal of the quality lifestyle so close to metropolitan areas.
- ☛ Balancing this demand driven housing cost increase with the need for affordable housing is difficult, particularly when coupled with the problem of providing adequate sewage disposal for higher density housing.
- ☛ U.S. Department of Housing and Urban Development guidelines define *affordable housing* as costing no more than thirty percent of a household's gross monthly income.
- ☛ Compared to the other municipalities in Pike County, the Township and Borough clearly contain a *fair share* of two-family and multi-family housing which are important to the affordability issue.
- ☛ Although many homes are more than fifty years old, there are very few homes in either the Township or Borough which are not in good condition.
- ☛ In both the Borough and Township a significant proportion of home owning households and renting households have housing costs which exceed the *thirty percent rule* for household income and housing expense.

Economic Development

- ☛ While Pike County as a whole has grown rapidly, the Milford Planning Area's 15.4% expansion only slightly exceeded the national growth rate, indicating commercial expansion and economic development will continue to be associated with growth in surrounding jurisdictions
- ☛ As second homes have been converted to first homes, the average travel time to work has increased to 34 minutes within the Township, a fifty-six percent jump.
- ☛ The U.S. Census Bureau includes Pike County as part of the New York - Northern New Jersey Metropolitan Area.
- ☛ An astounding 9.1% of Pike County workers commuted to New York City to work in 2000. Moreover, the top five counties from whom Pike County's in-migrating households came between 1995 and 2000 were Orange (NY), Queens (NY), Bergen (NJ), Kings (NY) and Sussex (NJ).
- ☛ Many Milford Planning Area residents find work on the periphery of the City in revitalized areas such as Jersey City and Hoboken, as well as scores of business parks in locations such as Morris County.
- ☛ The Milford Planning Area is the principal center within the Eastern Poconos tourist region and draws thousands of tourists to its combination of culture and design, together with surrounding parks, forests and recreational attractions.
- ☛ Strengths:
 - *Gateway* and upscale community.
 - Significant and accessible historic sites and districts.
 - High overall quality of life.
 - Available land and skilled workforce of commuters.
- ☛ Weaknesses
 - Few local career job opportunities for young workers.
 - Increasing pass-through traffic.
 - Increasing population placing increased demands on community facilities, services, and infrastructure.
 - Commuting workers have less time to volunteer for community organizations.
 - Lack of parking in the Borough and seasonality of tourism inhibit year-round business development.
- ☛ Opportunities
 - Workforce and quality of life attractive to clean industries.
 - Continued evolution of service center for area wide expanding population and tourists.
 - *Gateway* status enables more tourist, restaurant,

real estate and hospitality-related services.

☞ Threats:

- New residents often maintain *not in my backyard* attitude to any development.
- Rapid growth impacts ability to provide community facilities and services and threatens community character.
- Commercial growth of *big box* in Westfall Township demands more competitive small business operation.
- In-migration of higher income households is producing some gentrification.
- Lack of space in Planning Area may drive expanding County facilities to other parts of the County.

Demographics and Economic Base

- ☞ The population in Pike County has historically been concentrated in the two boroughs in the County (Matamoras and Milford) situated along the Delaware River.
- ☞ In more recent times, the higher density population and the population growth has shifted to the Townships in the County, most dramatically to Lehman, Dingman and Delaware Townships.
- ☞ This population shift has contributed to many of the growth and development issues now facing the planning area and other municipalities in Pike County – loss of open land, traffic, increased numbers of school children, and demand for recreation, police protection and other public facilities and services.
- ☞ With its many acres of open land, the Township holds more potential for population growth than the Borough.
- ☞ Based on a conservative 10-year, 15% growth rate, the Township population would reach almost 1,600 by 2010 and over 1,700 by 2020.
- ☞ Clearly, the Township would continue to be rural by Census definition, although many new lots and housing units will be required to meet the demands of the population.
- ☞ Based on a 10-year, 5% growth rate, perhaps somewhat optimistic, the Borough population in 2010 would reach some 1,160 persons and increase to almost 1,200 in 2020, essentially the same number of residents as in 1960 and 1970.
- ☞ Although the development potential in the Borough is very limited compared to the Township and other parts of the County, both municipalities can expect to see a continued high demand for housing.

Financial Analysis

- ☞ In terms of revenue available for meeting general operating expenses, the real estate tax generates the most revenue in Milford Borough and Milford Township.
- ☞ The realty transfer tax varies from year to year depending on the level of real estate sales, but accounts for significant revenue in the both the Township and Borough.
- ☞ Road maintenance accounts for the highest proportion of spending in Milford Township and a significant proportion in Milford Borough.
- ☞ In the case of the Borough, public safety, which includes police protection, is the highest spending category.
- ☞ Given the fixed costs of local government and the range of facilities and services provided by the Borough, its per capita taxation, revenue, and expenditures were significantly higher than Milford Township and the other municipalities in the County.
- ☞ As demand for facilities and services increases, Milford Borough will have a much more difficult time balancing its budget than most other Pike County municipalities given its limited potential for development increased assessed valuation.
- ☞ Given its higher assessed valuation and lower millage, Milford Township has the greatest potential for additional tax revenues. The Township will certainly be able to meet its revenue needs withing its current tax structure for many years.
- ☞ Owing largely to its relatively fixed real estate valuation, Milford Borough has reached the 30-

mill limit, a position shared by many mature, small boroughs in the Commonwealth. Increased costs of governance will obviously require the Borough to find additional revenue sources. pay for local government services.

Planning and Development in Contiguous Municipalities, Pike County and the Region

- The update of the *Pike County Comprehensive Plan* is expected to be completed in the Summer of 2006.
- Given that the *County Plan* sets goals which are similar to those of this *Milford Borough / Milford Township Comprehensive Plan* and will provide a broad framework for the future, no inconsistencies between the two plans are anticipated.
- The Northeastern Pennsylvania Alliance, located in Pittston, Luzerne County, serves as a community and economic planning and development information source and funnel for grants and special projects for Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill and Lackawanna Counties, but has no municipally authorized regional planning power.
- The three local municipalities in the County which adjoin the Milford Planning Area, Dingman Township, Shohola Township and Westfall Township, have each adopted comprehensive plans and zoning ordinances.
- Although the adjoining comprehensive plans vary in date, status of formal adoption, and content, all of the plans concentrate on land use issues and no significant inconsistencies are anticipated between those plans and this *Plan*.

COMMUNITY SURVEY

Public participation is critical to the comprehensive planning process and the community survey conducted by the Comprehensive Plan Committee is one of the key elements. In addition to gaining a general understanding of interested resident opinions and concerns, the survey served to inform the community of the planning process and many of the issues confronting the Milford area. The survey results will be incorporated into the *Comprehensive Plan* and will be used as one of many factors for the formulation of community goals and objectives. Given budget constraints and the Committee's desire to give all residents involved in the community the opportunity to participate in the survey, the decision was made to distribute the survey form to all residents on the voter registration list. News releases also announced that

the survey was available from local officials and on the Internet. A random sample survey with higher return rates would have resulted in a better cross section of opinions but would have precluded many interested residents from participating. In other words, it is important to remember that the survey results simply represent the opinions of those registered voters and other interested residents who responded to the survey and not necessarily all area residents. To achieve a definitive representation of resident opinions (i.e., a high confidence rate of survey results) would require a scientific survey using a relatively small random sample with a high return rate. This is typically achieved by multiple mailings, tracking each survey, and follow-up phone calls.

MILFORD BOROUGH SUMMARY OF COMMUNITY SURVEY RESULTS

Return Rates

- Total number of surveys distributed: 962.
- Total number of surveys returned: 192.
- Return rate: 20%.

(86%), overall quality of life (69%) and place to raise children (66%) were rated good-to-excellent by the highest proportion of respondents.

Quality of Life

- C Respondents were about evenly divided about **how Milford has changed** - 42% believe it is more desirable and 38% less desirable.

- C At 53%, quality of schools, received a somewhat lower good-to-excellent rating than place to raise children.

- C Taken as a whole, almost 70% of respondents rated the **overall quality of life** as good-to-excellent.

- C Job opportunities received the highest poor ratings, 61%, and the cost of living was rated good-to-excellent by only 26% of respondents, and fair by 46%.

- C **Future expectations** about how the Borough will change in the next five to ten years were less than optimistic -- 31%% believe the area will become more desirable, 45% less desirable, 10% expect little change, and 14% are not sure.

- C Recreational opportunities, cultural activities, and social activities were rated good-to-excellent by 49%, 43%, and 38% of respondents, respectively, and poor by 13%, 18% and 20%.

- C The small town lifestyle, historic character and proximity to friends and relatives influenced many respondents **choice to live in Milford** and continue to keep them in the Borough.

- C The **individual elements** of the quality of life received a range of importance ratings by area wide survey respondents.

- C Respondents rated the **individual elements** of the quality of life in the larger Milford area as follows:

- C Overall quality of life, cost of living, environmental quality, and scenic beauty garnered the highest rankings of importance.

- C Scenic beauty (88%), environmental quality

- C Social activities, cultural activities and

recreational opportunities ranked the lowest.

- *What do you **like least** about Milford Borough?* In descending order the most cited reasons were: traffic difficulties, cost of services/taxes, lack of public sewage treatment, lack of shopping/services, pace of development, lack of culture/recreation, and quality of public services.

Community Facilities and Services

- C *Which of the following programs would you be willing to **support with local tax revenues**?*

	# of responses
none	52
improved sidewalks, streetscapes	46
recreation facilities and programs	41
Borough street improvements	39
expanded ambulance service	37
Borough alley improvements	32
public parking lots	32

- C Most respondents appear satisfied with **overall Borough services** - 13% rated services excellent, 60% good, 20% fair, and only 5% poor.
- C **Emergency services** were rated good-to-excellent as follows: police protection - 71%, fire protection - 88%, and ambulance service - 81%.
- C **Borough road maintenance** was rated as excellent by 11% of respondents and good by 43%; but, 37% rated it as only fair, and 9% as poor.
- C In the case of **state roads**, 9% rated maintenance as excellent, 58% as good, 24% as fair and 4% as poor.
- C **Garbage pick-up** was rated high by most respondents – 24% excellent, 63% good, 11% fair, and 2% poor.
- C 42% percent of respondents agree that **recreation facilities** and programs available to area residents are adequate; however, 46% disagreed, suggesting
- a possible role for the Borough in providing additional recreation facilities.
- C A pool, bicycle routes, hiking/walking trails and youth recreation programs are viewed as the **most important recreation** needs.
- C Improving and maintaining **sidewalks** on Broad Street and Harford Street is most important to respondents, with the installation of sidewalks throughout the Borough far less important.
- C Protecting the **Borough water supply** using Water Authority funds to purchase water shed land or conservation easements is supported by almost 85% of respondents.
- C Most respondents think the entire Borough should be served by **public sewage collection and disposal**, but many others want more information before deciding.
- C The Borough taking action to provide more **parking in commercial districts** is supported by 55% of respondents, 34% disagree, and 11% are uncertain.
- C Most respondents believe the Borough **street tree management** program has been positive and many believe additional steps should be taken to manage street trees.
- C The **commercial historic district** is viewed as a benefit to the Borough by 112 respondents while 35 believe it has done little to benefit the Borough, and some others feel the Borough should not be involved in historic preservation.

Respondent Characteristics

- C **Arrival to the Borough** - 12% have always lived in the Borough, 13% moved to the Borough from elsewhere in Pike County, 16% from elsewhere in Pennsylvania, and 44% from New Jersey or New York.
- C **Type of Employment** - 37% are professionals, executives or managers, 33% are retired, and 9% are homemakers.
- C **Place of Employment** - a total of 55% work in Pike County -- 14% with a home-based business,

27% in the Borough, and 14% elsewhere in the County.

C Age distribution . . .

AGE				
18-24	25-44	45-64	65-74	75+
2.8%	18.1%	44.1%	18.6%	16.4%

• Length of residency . . .

# YEARS					
<1	1-5	6-10	11-15	16-20	20+
1.6%	20.1%	20.7%	10.3%	6.0%	41.3%

COMMUNITY CHARACTER AND DEVELOPMENT HISTORY

Regional Location

Milford Township and Milford Borough are situated in the northeast section of Pike County and are bordered by the Delaware River and the State of New Jersey to the east. The Milford planning area is bounded on the south by Dingman Township and the Delaware Water Gap National Recreation Area, on the west by Shohola Townships, and on the north by Westfall, Township.

The two major east-west routes in Pike County are Route 6 (Grand Army of the Republic Highway and the Roosevelt Highway), which has been proposed as a National Scenic By-Way, and Interstate Route 84 which has six interchanges in the County. Major north-south routes include Route 209, Route 402 and Route 739. Route 209 once carried over 2,500 tractor-trailers daily until the National Park Service assumed its ownership in the early 1980's, which resulted in most truck traffic moving to interstate highways. Also, just south of Milford, a key Joint Toll Bridge Commission bridge across the Delaware carries NJ State Route 206 traffic from New Jersey and New York into Pennsylvania. In short, Milford has easy access to all of northeastern Pennsylvania and the greater region. This easy access has played a principal role in the recent population growth occurring in the community, and will continue to play a key factor in future growth and development.

General Characteristics

A community's character evolves from, and is defined by, a variety of interrelated factors. Milford's regional location, physical characteristics (geology, topography, soils), early settlement patterns, the area transportation network and the regional economy have been synthesized into the existing community character of the Township and Borough and their context in Pike County, the Pocono Mountains, and the larger region.

The Milford planning area can best be characterized as a small gateway town in transition to a bedroom community where open land remains a predominate, yet fragile, feature of the landscape. However, continued residential development, and in fact total suburbanization, is clearly on the horizon as stimulated by recent internal population growth and migration from nearby urban areas to the Borough and Township and other small communities. Single- family homes

are the most numerous type of dwellings, with very few mobile homes, two-family or multi-family dwellings. Most residential development is concentrated in the Borough and areas in the Township adjacent to the Borough. There is no sewer system in the Borough or Township, however, the Borough does have central water. There are several planned residential communities in the Township along with individual lots divided piecemeal over the years from larger parcels. Commercial development is mainly concentrated in the Borough and adjacent Township areas. The larger scale commercial development is in the Township along Route 6. With the exception of Altec Lansing Technologies in the Township, there are no industrial/ manufacturing plants found in the planning area.

The 2000 Census reported almost 2,400 permanent residents in the Milford planning area – 1,292 in the Township, or 104 persons per square mile, and 1,104 permanent residents in the Borough, or 2,300 persons per square mile. This is compared to the county-wide population density of 85 persons per square mile. The Township population increased by 279 persons between 1990 and 2000 and the Borough population by 40 persons. Should the 1990 to 2000 population growth rate continue, the planning area population in 2010 could be almost 2,650 persons. Given the attractive natural environment and small town character of the Milford planning area and its regional location, continued population growth is expected. Without careful planning and land use control, this growth will certainly change the community character of the Borough and Township with increased traffic congestion, fragmented open lands and increased demand for community facilities and services.

Development History

- Among the first, if not the first, white settlers on the site of Milford was Thomas Quick, who arrived in this area in 1733 and settled along the stream later known as the Vandermark, so named for another early settler.²
- The town of Milford was founded in 1796.²
- Milford was known as a milling center early in its history.⁵

- Some say that John Biddis, who was of Welsh descent, named the town after his father's home in Wales; others claim that a mill by a ford across the Delaware River resulted in the name Milford.²
- *Tree Bees*, the planting of trees along the streets of Milford, are said to have started in the town's early years when the men, using teams of horses and oxen, hauled young trees into the village for replanting. The Milford Garden Club renewed this tradition a number of occasions in later years.² The pride of keeping Milford beautiful has been accomplished over the years by its dedicated citizens.
- During the 1800s, Milford had nine working water powered mills. Six of them, including the Jervis Gordon Grist Mill, were on the Sawkill Creek.⁵
- On March 26, 1814 Pike County was formed from Wayne County. It was named for General Zebulon Montgomery Pike.¹
- When Pike County was formed under the terms of the 1814 Act of the Assembly, the people of Milford raised \$1500 for the construction of the original stone court house. The courthouse was completed in 1815, and Milford was named the County seat. The original courthouse was later used as a jail and is now a Registered National Historic Site.^{1,2}
- Milford has enjoyed a newspaper, almost without interruption, since the *Eagle of the North* appeared in 1827.²
- Milford Township was created from Upper Smithfield Township in 1832.²
- The Schocopee Schoolhouse, a historic structure, was originally constructed in the late 1850's just *out of town* on Schocopee Road. It served as a one-room school until 1907, when it was replaced by the new, *modern*, school in what is now the Borough. The structure later served as a meeting and voting place for the community and witnessed Governor Gifford Pinchot casting his vote in many local elections.⁷
- The present County court house was erected in 1872-1873 at a cost of approximately \$45,000.²
- Milford Borough was formed from Milford Township in 1874.²
- The Milford Water Company took over operation of the Milford water supply in 1875 and laid new mains to replace the wooden pipes. In 1965 the utility was acquired by the Milford Municipal Authority.²
- 1881: Fire destroyed The Upper Mill.⁵
- 1882-1899: Jervis Gordon rebuilt the Upper Mill installing a new turbine to replace the wooden water wheel.⁵
- Gifford Pinchot was the son of James Pinchot, a native of Milford, Pennsylvania, and his wife, Mary, who was from New York. In 1886, after earning a fortune in the wallpaper business in New York, James retired and returned to his hometown with his wife to build their new home.⁷
- The Thomas Quick monument, which memorialized a still controversial figure, was dedicated on Milford's Sarah Street in 1886 to honor local settlers, in particular, the Quicks.^{2,6}
- In 1899 the Borough building was erected, a native stone structure housing a meeting room, lockup, firemen's meeting room and a section for fire equipment.²
- Late in the Nineteenth Century, large hotels and boarding houses, many of them family operated, brought countless visitors to Milford. Liberal divorce laws and residency requirements helped add to the influx of visitors, many of whom fell in love with the area and continued their visits here or became residents upon retirement.²
- The first banking institution in Milford was founded in 1900. It was first located in the Bloomgarden Building and then moved to the Forest Hall Building in 1905.²
- The first Pike County Courthouse was constructed in 1815, the current Courthouse in 1874, and the administration building in 1985.
- The old Milford Elementary School was erected in 1904 as the Milford High School.²

- Milford Borough adopted its first zoning ordinance on April 3, 1939, just twenty-three years after New York City adopted the first comprehensive zoning ordinance in the United States.⁴
- In 1954, Paul Struthers donated the flag which supported Abraham Lincoln's head at his death to the Pike County Historical Society. He also donated other artifacts from the Civil War era, including clothing that belonged to his famous mother, Jeannie Gourlay Struthers, and an oral history which provided details of an unbroken chain of family ownership of the flag dating back to April 14, 1865.⁷
- In 1955, devastating flooding on local the waterways damaged the milling operations which led to the demise of the milling operation at the Upper Mill in the late 1950s.⁵
- The mill became a hardware store, and in 1968, Chandler Saint had an antique shop and clothing boutique. In 1979, he sought a grant to adapt the water wheel to generate electricity.⁵
- In 1962 Grey Towers, built by James Pinchot in 1888, became the property of the United States Government when Dr. Gifford Bryce Pinchot, son of Pennsylvania Governor Gifford Pinchot, and his wife, Cornelia, donated it to the Forest Service.^{2,7}
- On September 24, 1963, Grey Towers was dedicated as the Pinchot Institute for Conservation Studies by President John F. Kennedy.²
- The Gifford Pinchot House is listed on the National Register of Historic Places on October 15, 1966.⁸
- Interstate Route 84 was completed into Pike County the early 1970's, opening the area for more development.
- Milford Borough identified a need to prepare its first Comprehensive Plan in 1979 in order to provide a good basis for updating of the Borough Zoning Ordinance.⁴
- The Callahan House on U.S. 209 and the Pike County Courthouse are listed on the National Register of Historic Places on July 23, 1979.⁸
- Hotel Fauchere and Annex at 401 and 403 Broad Street are listed on the National Register of Historic Places on August 29, 1980.⁸
- President Ronald Reagan signed a funding bill in December 1981 that completed the transfer of Route 209 to the National Park Service.³
- U.S. Rep. Joseph McDade of Scranton introduced a bill, approved in 1983, banning all commercial vehicles on Route 209 except those making local deliveries or those whose companies are based locally. In 1984, provisions were added to allow a limited number of trucks from Orange County, N.Y. to use Route 209 each day on a first-come, first-served basis.³
- Forester's Hall on Broad and Hartford Streets is listed on the National Register of Historic Places on July 14, 1983.⁸
- 1984-Present: The Water Wheel Group bought the mill, restored the parts of the milling system for educational activities. It became known as the Jervis Gordon Grist Mill Historic District and is on the National Registry of Historic Places. The Jervis Gordon Grist Mill Historic District is commonly known as *The Upper Mill*.⁵
- Milford Township constructed the present Township Building in 1987, with meetings previously conducted in the home of the Township Secretary.
- Milford Township adopted its first comprehensive plan in 1987.
- First adopted in 1988, the Milford Township Zoning Ordinance and Subdivision and Land Development Ordinance were updated in the 1990s.
- The Thomas Quick monument came down in 1997 after vandals took hammers to its four plaques, one of which described Indians as *savages*.⁶
- A county park, located in Milford Township was acquired by the County Commissioners in 1997.¹
- The Milford Historic District is listed on the National Register of Historic Places on July 23, 1998, and Borough Council adopted the Historic District Ordinance on December 6, 1999.⁸

- Census 2000 reports Pike County is the fastest growing County in Pennsylvania.

Past, Present and Future

Timbering, farming and milling served as the base for the initial settlement and early economic development of the planning area. During the Nineteenth Century, the Milford area was a rural community surrounded by small farms, and it saw the beginning of tourism and recreation which would lead to the many second homes of the the 1970's and 1980's. Today, the basic natural resource activities have lost significance to the local economy and many acres in the region which once were forested or in agriculture are now subdivided into residential lots. Nevertheless, open land remains an important part of the local landscape. Early settlers relied heavily on waterways for transportation, continuing improvements, initiated by railroad access and culminating in modern road improvements and the completion of the interstate highway system, have transformed Pike County into the mix of communities of today. In the midst of these changes, the planning area's population has continuously increased over the past one hundred years. The Borough and Township are now continuing the transformation from a rural community to a suburban bedroom community dependent on the larger region for employment.

Given its proximity to New Jersey, New York and Pennsylvania metropolitan areas, its attractive lifestyle, recreation appeal, and the effect of 9-11, the Milford planning area holds great potential for continued development as the population of the County and larger northeast region shifts from urban to less populated municipalities. The direction plotted by this *Comprehensive Plan* and the land use control and growth management actions taken by the municipal officials of Milford Township and Milford Borough, along with the private development decisions made in response to demands for housing and commercial development, will shape the community's character over the next ten to twenty years.

¹ *Pike County, A Diamond in Northeastern Pennsylvania.* George J. Fluhr, County Historian. Third Edition, published 1998.

² *Pike County Historic Site and Scenic Area Survey.*

George J. Fluhr, Editor. VOL. IX MILFORD

³ *Route 209: State highway to park road.* David Pierce. *The Pocono Record.* August 14, 2001.

⁴ *Comprehensive Plan of Milford Borough, PA.* Milford Borough Planning Commission. Michael Cabot Associates, Community Planners. 1979

⁵<http://dvasdweb.dvasd.k12.pa.us/pppike/MillsofMilford.htm#Intro>

⁶ *Quick! Name Milford's unique claim to fame.* Greg Cannon. *Times Herald-Record.* August 23, 2003.

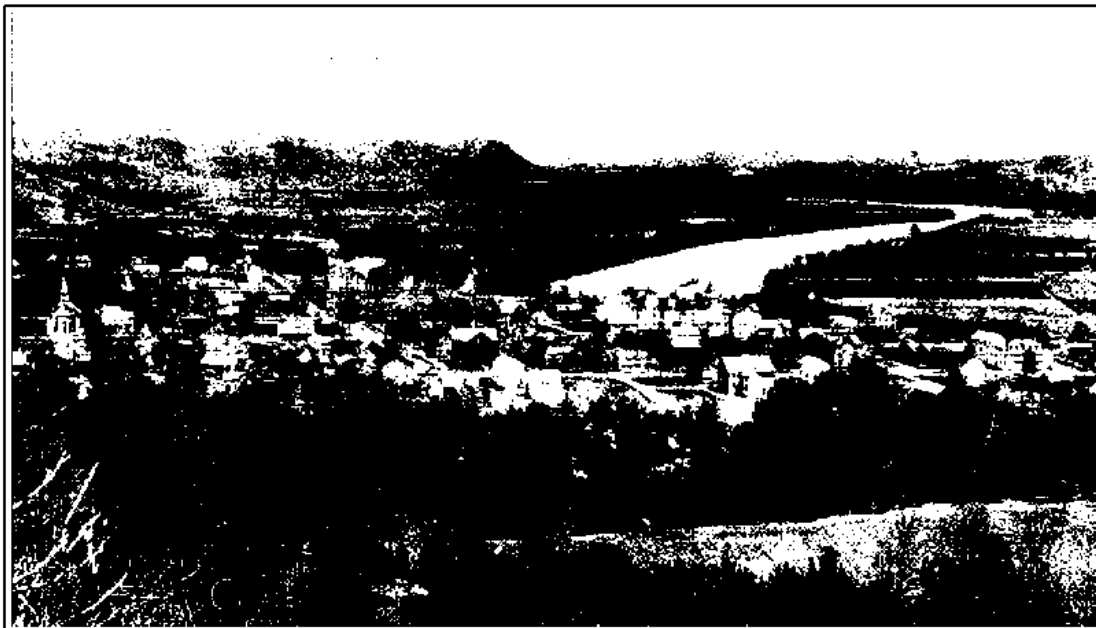
⁷ <http://www.pikehistory.org/lincoln.htm>

⁸ <http://www.nr.nps.gov>

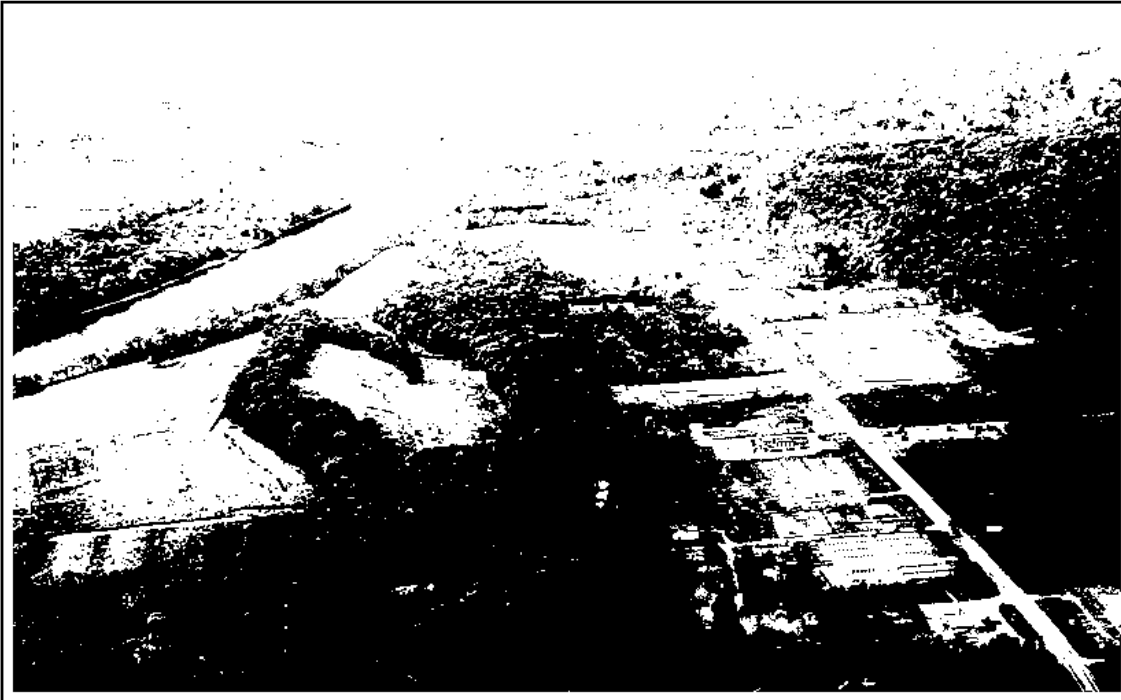
LAND USE, NATURAL RESOURCE CONSERVATION AND ENVIRONMENTAL PROTECTION PLAN

Summary of Planning Issues

- The Milford Planning Area, given its *gateway* location near the New Jersey and New York metropolitan area and its small town character, clean environment, quality of life, and open land, holds great potential for growth and development.
- More residential development in the Planning Area and surrounding municipalities will spawn more pressure for retail/service commercial development, and increased demand for municipal facilities and services.
- With relatively few lots available in the Borough or in existing subdivisions in the Township, most new development will occur on new lots subdivided from open land.
- Planning Area survey respondents overwhelmingly support the protection of open space.
- The challenge is to provide for the essential economic growth and development of the Borough and Township while concurrently conserving its scenic, historic and natural environment and the remaining open land.
- The County facilities in the Borough contribute significantly to the local economy but local and county officials must work together to accommodate County facilities in the context of the Borough's historic character.
- Groundwater is the sole source for potable water and groundwater conservation and quality protection are critical to the future of the Planning Area. This is particularly important to the Borough and parts of the Township served by the Milford Water Authority system which relies on Milford Springs as the supply.
- No central sewage and disposal system currently serves any part of the Milford Planning Area. New development is limited to areas with suitable soils. This has not seriously hampered residential and commercial development in the Township, but the small lots in the Borough have limited the intensity of development.
- Any central sewage disposal plans must be considered carefully in terms of the need for correcting sewage problems, supporting commercial uses, managing future residential density, and conserving open land.



Milford from The Knobb - circa 1900



The Santos Farm and the *Three-Lane* in Milford Township

- Two key land use issues in the Planning Area are:
 - The use of the Santos Farm, the last working farm in the Planning Area which is now for sale.
 - Managing development in the watershed of Milford Springs, the water supply for the Borough and part of the Township.

Growth and Development Overview

A community's growth and development is affected by a broad range of interrelating factors including such things as regional location, the transportation system, natural resources, land suitability for agriculture and development, available community facilities such as sewage disposal, condition of the general economy, local land values and real estate taxes. A change in one factor will in all likelihood result in a change in another factor, and the overall character of the community. In short, how a community's character has developed and how it will change into the future, are the result of a complex interaction of sometimes opposing forces ranging from no growth, exclusionary land use controls to unbridled commercial and residential development. Land use patterns in a community are the result of this complex interaction played out over the community's history.

Importance of Regional Location

The environmental quality and scenic beauty of Milford Township and the historic, small town charm of Milford Borough are key factors affecting growth and development. This, coupled with its proximity to the New York and New Jersey metropolitan area and the recreation opportunities associated with thousands of acres of federal and state forest land, have resulted in the tremendous growth occurring in the Milford Planning Area and all of Pike County. In any case, it is clear that if this trend continues the two municipalities could, quite literally, have become suburbs of the nearby urban areas and employment centers. As noted earlier, the Planning Area has essentially evolved into a *gateway* community subject to the threats of rapid growth, yet harboring the potential to capitalize on the economic opportunity associated with growth.

The challenge in developing a land use plan for the two municipalities is to strike a balance for sustainable development. That is, to provide for the essential economic growth and development of the area as a whole, while concurrently conserving its scenic and natural environment, particularly open land and natural resources, and its small town character, the very elements which have largely been the impetus for the area's past development.

Without continued careful planning and control of growth, the landscape and community character of the two municipalities will be forever altered by haphazard development. Such development results from uncoordinated individual decisions made by separate property owners. This *Comprehensive Plan* will serve to guide this set of independent decisions in a direction aimed at coordinated growth and development.

Need for Area Wide Planning

The future land use, environmental quality and character of the communities of the Township and Borough will evolve in response to the actions of community leaders and active citizens combined with the forces of the local and regional economy, and the demand for land and community facilities and services. The area's growth and development will be tempered by the land's physical limitations (e.g., steep slopes, poor soils, and wetlands) and must be guided by the application of traditional and innovative land use controls, open land preservation techniques and environmental regulations as part of the planning and development process.

Many of these issues extend beyond municipal boundaries and can best be addressed through the cooperation of the municipalities in the planning area and region. The Commonwealth is a strong advocate of area wide planning conducted cooperatively by local municipalities. This is evidenced by the high priority projects, conducted cooperatively, are given at the state level. The idea is that the Borough and Township can avoid the impact of uncoordinated land use control decisions made independently and by other agencies involved in the growth and development management process. The Pennsylvania Municipalities Planning Code provides specific authorization for cooperative municipal planning and goes on to authorize cooperative municipal zoning, establishing specific requirements for the adoption and administration of cooperative municipal zoning ordinances via intermunicipal agreements. This enables communities to locate particular land uses in the most appropriate locations in the area rather than providing for every type of use in each participating municipality.

Land Use Overview

As reported by the U.S. Census, the Milford Planning Area includes 13.0 square miles of land area, 0.5 square miles in the Borough and 12.5 square miles in

the Township. At 640 acres per square mile, this translates to 320 and 8,000 acres, respectively, for a total of some 8,320 acres. This represents 2.4 percent of Pike County's 547-square mile area. The thirteen local municipalities in Pike County range in size from the one-half square mile of Milford Borough to the seventy-nine square miles of Lackawaxen Township.

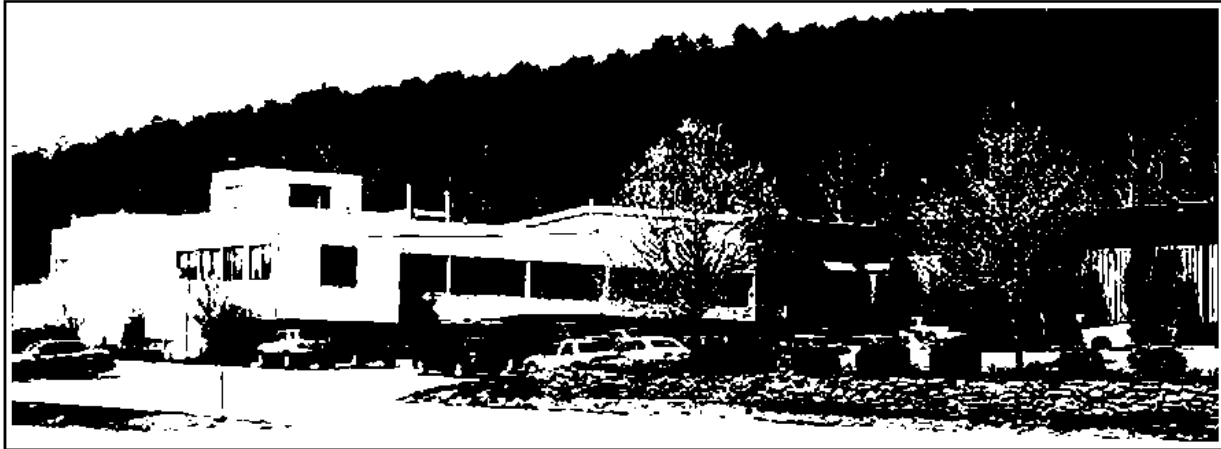
Residential Land

Residential development is the primary type of development in the Planning Area. Historically, residential development was concentrated in the Borough, the 2000 Census reporting that eighty-five percent of dwellings, 476 of 560 units, were constructed prior to 1970. In the Township, only 194 of 594 units, some thirty-three percent, were built before 1970. The period of greatest residential development in the Township occurred between 1970 and 1990 when almost 270 dwellings were constructed. This twenty years was a time of second home construction throughout Pike County. Many of the homes in the Township are found in planned subdivisions developed during this time. Although some of the lots remain undeveloped in these residential subdivisions, future subdivisions should be expected, either in the form of planned developments or lot-by-lot subdivision from larger parcels. In the Borough, residential development is largely found in what is designated the residential Zoning District, with relatively few vacant lots and minimal commercial intrusions.

The primary type of dwelling in the two municipalities is single-family residential, eighty-three percent in the Township and sixty-five percent in the Borough according to the 2000 Census. Two-family and multi-family dwellings made up most of the balance, with less than one percent mobile homes in the Township. The mix of dwelling types has changed very little over the past few years, and given the recent demand for single-family dwellings, that proportion will likely increase.

Commercial/Industrial

Most commercial development is found along Route 6 and Route 209. The largest scale commercial in the Planning Area is located in the Township along Route 6/209 east of the Borough. Commonly called *The 3-Lane*, this route historically served to carry residents and visitors to and from Port Jervis, New York, including vacationers on horse-drawn carriages from the New York City railroad connection. Today, Route



Altec Lansing

6/209 continues to serve as the connector to Port Jervis, along with carrying thousands of vehicles between points south to New York, Connecticut and New England. The Route 6 corridor from the Borough line, west to the Interstate 84 Interchange includes most other commercial development in the Township. In fact, the commercial development along Harford Street is continuous from the Borough into the Township. Retail and service establishments comprise most of the commercial development in the Township.

The most prominent exception is the Altec Lansing facility along *The 3-Lane*. The company focused primarily on car stereo speakers. Today, it manufactures multimedia products and provides computer speakers for IBM, Compaq, Dell and Gateway. The facility in Milford Township, which employs some 120 people, includes engineering offices and a finished goods warehouse. Another facility classified as industrial is the Columbia Gas Company pipeline pumping station on twenty-three acres along Fire Tower Road.

The C-Commercial and LC-Light Commercial Zoning Districts along Harford Street and Broad Street include



Belle Reve



Columbia Gas Pumping Station

most of the commercial development in the Borough. Similar to the Township, most commercial uses are retail and service establishments, many related to the tourist and home construction sectors. One of the largest commercial establishments in the Borough is a health facility – the Belle Reve facility on East Harford Street for assisted living, Alzheimer's care and skilled nursing care.

Home occupations are also operating in the two municipalities, but given the nature of many such businesses which rely on electronic communications and personal computers, the number of such enterprises cannot be precisely determined. However, seventeen of 116 employed survey respondents in the Borough and sixteen of 147 in the Township reported operating home based businesses.

Public and Semi-Public Land

Public land ownership in the Milford Planning Area is significant. The Commonwealth of Pennsylvania is one of the largest land owners, holding 2,830 acres of State Forest Land,

including a twenty-six acre lake, in the northern section of the Township. The federal government also owns land in the Township, the U.S. Forest Service holding 101 acres with eighteen buildings which is part of the Pinchot Institute, and the National Park Service with three parcels totaling almost twenty-four acres as part of the Delaware Water Gap National recreation Area. While this land is not on the tax roles, it will remain forever undeveloped, doing much to maintain environmental quality and adding no new demands for facilities and services associated with residential subdivisions. Residential development and the school children accompanying it typically cost more in services than the tax revenue generated.

Other public lands in the Township include the Milford Springs owned by the Milford Water Authority, a County owned communications tower site, the PennDOT maintenance depot at the Route 6/I-84 interchange, and the Township building along Route 6/209.



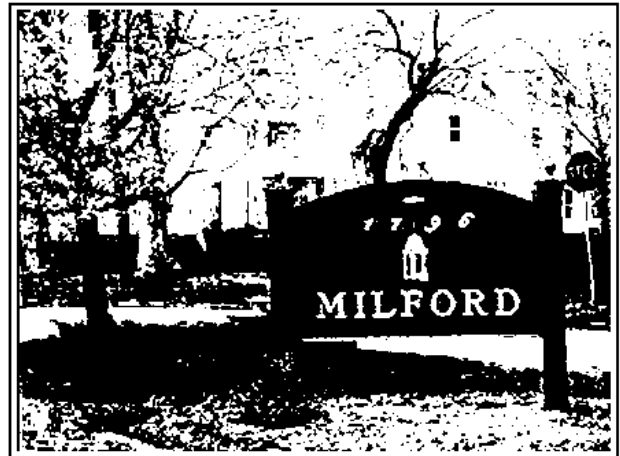
Pike County Courthouse

While public ownership in the Borough is not large in terms of total land area, the number and types of buildings are important in terms of community facilities and services. The Borough serves as the Pike County Seat and the County is now one of the most significant landowners with nine parcels along the north side of the Broad Street and High Street intersection. The County is currently evaluating the acquisition of additional land for additional parking space and potential expansion of its facilities. (See the discussion of County facilities in the *Community Facilities Section* for more detail.)



Pike County Administration Building

In addition to the municipal building, fire house and garage, the Borough owns two large parks - Memorial Park (1.8 acres) and the Milford Ballfield (3.4 acres), two smaller parks - Barekley Park and Remembrance Park, two small parcels which serve as entry points to the Borough - Kennedy Triangle and Kiger Park, and a small River-front parcel below the Borough ballfield, the Biddis and the Veterans Monuments on Old Center Square ballfield. Two other publically-owned parcels are the PennDOT maintenance facility and parking lot on Bennett Avenue.



Kiger Park

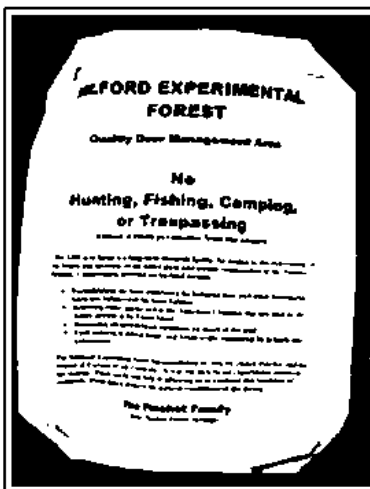
Land owned by nonprofit and other community organizations adds to the quality of life. Such semi-public land owners in the Planning Area are concentrated in the Borough and include fifteen church properties, the Columns owned by the Pike County Historical Society, the Community House which houses the Pike County Public Library, and the Newton Memorial Hospital Health and Wellness Center on East Catharine Street. The Library recently acquired a parcel on East harford for a new building.



Pike County Public Library

Woodland and Agricultural Land

Woodland continues as the primary land use type in Milford Township, which includes the State Forest Land discussed earlier. In addition to the state land, hundreds of acres of private woodland are found throughout the Township. One such parcel, the Milford Experimental Forest, is associated with the Pinchot Institute and includes some 1,160 acres of Pinchot family lands. *The Milford Experimental Forest program goal is to carry on forest research to improve the environment and quality of life within the Pocono plateau and the Delaware Highlands region. Another goal is to stimulate conservation of forest lands and active stewardship of forests and water resources on private and public lands in the region.*



This program is in cooperation with the Pinchot family and the US Forest Service with the primary focus being long-term studies in forest ecology and sustainable forest management.¹

Agricultural land in the Planning Area is very limited and is found only in the Township. The Santos Farm, the only remaining farm in the Township with some 120 acres, lies along Route 6/209, with most of the land situated between Route 6/209 and the Delaware River. The land is currently for sale which sets the stage for the loss of one of Pike County's few remaining working farms, and one of the most significant and visible features of the Milford Township landscape. (See the later Santos Farm discussion.)



The Santos Farm



¹<http://www.pinchot.org/milford.html>

Potential for Development

The Milford Planning Area holds great potential for further development. Although most lots in the Borough are developed, hundreds of acres are available in the Township. Some parcels cannot be developed because of natural limitations such as poor soils, wetlands and steep slopes. Nevertheless, the suitable land in the Planning Area could be developed into many more residential lots. In any event, the rate of development of new residential subdivisions and the improvement of existing lots in the Milford Planning Area will be governed more by the demand for lots than by the paucity of land. Both municipalities must be prepared to manage whatever development is proposed by adopting, administering and updating the necessary land use control regulations.

Existing Land Use and Environmental Controls

As authorized by the Pennsylvania Municipalities Planning Code, the subdivision and land development ordinance and the zoning ordinance are the principal land use management tools which are available to local municipalities in Pennsylvania. The subdivision and land development ordinance provides standards for dividing land and for residential and non-residential development projects to ensure the provision of adequate community facilities such as roads, water supply and sewage disposal, utilities, proper highway access, and storm water control. The zoning ordinance regulates the use of land by dividing a community into districts to separate land use activities (residential, commercial, industrial, etc.); sets standards for lot size, setbacks and building height; includes specific standards for a broad range of land uses including for example: parking, signs, junkyards, mineral extraction, cell towers, and multi-family dwellings, and other general community development and environmental performance standards.

Milford Borough and Milford Township have each adopted a subdivision and land development ordinance and a zoning ordinance, and have amended each as needed over the years. In fact, as part of the current planning process, each municipality is reviewing and updating their subdivision and zoning ordinances to meet current development management needs.

Future Land Use

The Milford Planning Area's proximate location to regional metropolitan areas, coupled with the area's position between thousands of acres of public land, attractive environment, and quality of life, is expected

to continue to stimulate residential development similar to the past along with increased demand for retail and service establishments generated by the increasing population.

This *Comprehensive Plan* calls for the Planning Area to recognize this *gateway community* status and continue to protect the community characteristics essential to the quality of life which is attracting new residents while fostering a compatible local economy. In other words, it is the intent of Borough and Township officials to conserve the community's small town and historic character, and concurrently encourage smaller scale retail and service establishments, while looking to the region for major shopping and service needs.

The basic land use planning approach of this *Plan* is outlined as follows:

- providing incentives for good design and open space preservation as property is developed
- protecting residential neighborhoods and subdivisions from incompatible development
- ensuring that the character of the Borough's historic downtown and other Planning Area historic properties are preserved
- providing well-situated and appropriate development areas to accommodate projected growth
- relying on the larger region for major retail and service needs
- carefully controlling the expansion of public water and sewer service areas

Current Zoning Districts Affirmed

Based on this philosophy and on this *Comprehensive Plan*, Borough and Township elected officials and planning commissioners recognize that the continued enforcement of the zoning ordinances and the subdivision and land development ordinances, continued planning by consulting, reviewing and updating this *Comprehensive Plan*, and periodically updating the ordinance to address changing conditions are the most critical actions required to manage the growth and development which is inevitable for the Borough and Township.

The existing zoning districts in the Borough and Township as delineated by the current zoning maps are affirmed as the future land use plan for the planning area. The zoning districts in the Borough and Township are listed below.

MILFORD BOROUGH ZONING DISTRICTS

R - Residential
LC - Limited Commercial
C - Commercial

MILFORD TOWNSHIP ZONING DISTRICTS

RD - Residential District
DD - Development District
LG - Low Growth District

Traditional Zoning and Performance Zoning

Traditionally, zoning has been used to divide communities into various districts to segregate various land use types such as agricultural, residential, commercial and industrial. The intent is to prevent the *externalities*, or the negative spillover effects, of one use on an adjoining use. More recently, municipalities have begun to use *performance zoning* or flexible zoning. In its purest form, *performance zoning* would allow any type of land use on any parcel of land and would control the negative spillovers with development standards. Ordinance criteria would govern such issues as building height, noise, setbacks, lighting, and buffers aimed at protecting the rights of adjoining landowners and community at large, and all new development would be subject to the performance standards. The Borough and Township zoning ordinances use a combined approach including districts and the performance standards necessary to address *externalities*.

Zoning Coordination

The Borough and Township will explore coordinating the administration of their zoning ordinances as a means of improving land use management and directing land uses to appropriate areas of the Milford Planning Area. Two or more municipalities working together can coordinate land use from a regional perspective. Each participating municipality can adopt and administer its own ordinance or can adopt and administer a joint ordinance. This *Comprehensive Plan* calls for the Borough and Township to maintain separate ordinances but to coordinate efforts to meet the goals and objectives of this *Plan*.

Fiscal Benefits of Open Land Preservation

The Penn State College of Agricultural Sciences Cooperative Extension, in *Extension Circular 410 -*

Fiscal Impacts of Different Land Uses, The Pennsylvania Experience, reports on a study conducted in three rural townships in Adams County, Lebanon County, and Perry County. The study found that:

- *Land uses affect the size of the local government, the types of services it offers, the types of equipment it must purchase, and the taxes it must levy.*
- *Land use also affects the number of students in the local school district, the sizes and number of school buildings, the number of teachers, and the taxes and tax rates the school levies.*
- *The overall fiscal impact of a land use depends on both its (tax) revenue and its (municipal) expenditure impacts.*
- *Residential land, on average contributed less to the local municipality and school district than it required back in expenditures.*
- *Commercial, industrial, and farm- and open land contributed more to the local municipality and school district than they took, thus helping to subsidize the (service) needs of residential land.*
- *If growth must occur, commercial and industrial development has a potentially beneficial impact on the tax base as long as it does not dramatically raise the demand for services.*
- *When farmland is converted for residential purposes . . . the land will be converted from a net contributor to the municipality and school district into a net drain.*
- *Even with preferential assessments, farmland ends up subsidizing the educational costs of residential land and plays a positive economic role in the community.*

The Penn State data reported in the following Table represents a cross section of communities in terms of level of development, from very rural townships in north central Potter County to highly developed townships in the Philadelphia area. The conclusion in all reported townships was consistent, the cost of services to residential development exceeds the amount of tax revenue generated.

Cost of Community Services Ratios by Land Use				
Township In:	\$ revenue collected : \$ spent on services			
	Resid	Comm	Indus	Open
South Central Townships				
Bethel Lebanon Co.	1 : 1.08	1 : 0.07	1 : 0.27	1 : 0.06
Carroll Perry Co.	1 : 1.03	1 : 0.06	—	1 : 0.02
Maiden Creek Berks Co.	1 : 1.28	1 : 0.11	1 : 0.06	1 : 0.04
Richmond Berks Co.	1 : 1.24	1 : 0.11	1 : 0.06	1 : 0.04
Straban Adams Co.	1 : 1.10	1 : 0.17	1 : 0.05	1 : 0.06
Philadelphia Area Townships				
Bedminster Bucks Co.	1 : 1.12	1 : 0.006	1 : 0.04	1 : 0.04
Buckingham Berks Co.	1 : 1.04	1 : 0.16	1 : 0.12	1 : 0.08
North Central Townships				
Bingham Potter Co.	1 : 1.56	1 : 0.26	1 : 0.15	1 : 0.15
Stewardson Potter Co.	1 : 2.11	1 : 0.37	--	1 : 0.15
Sweden Potter Co.	1 : 1.38	1 : 0.07	--	1 : 0.08
Western Township				
Allegheny Westmoreland Co.	1 : 1.06	1 : 0.15	1 : 0.14	1 : 0.13
Source: <i>Calculating a Cost of Community Services Ratio for Your Pennsylvania Community</i> , The Pennsylvania State University, 1998				

Nevertheless, residential develop has always been, and will continue to be, and integral part of the character of the Milford Planning Area. The important point of the Penn State studies is not that residential develop must be discourage but that there must be a balance between open land, residential development, and commercial development. Commercial development provides the tax base necessary to support the services required for residential development.

Conservation Subdivision Design

Milford Township has included conservation design development into the zoning and subdivision ordinances as a method for conserving open space. Given the limited number of larger parcels available for development, this technique has not been included in the Borough zoning ordinance. Based on the density set in the ordinance, conservation design permits the same number of units on a parcel as a typical subdivision, but with a reduction in minimum lot size. The balance of land needed to maintain the density established by the ordinance is set aside as permanent open space. (See the figures on the following page from *Designing Open Space Subdivisions, A Practical Step-by-Step Approach*, published by the Natural Lands Trust. Open land and natural areas are protected by shifting development to more appropriate areas of the site. In short, the development is designed around the natural features of the project parcel. In addition to maintaining open land, conservation design reduces development costs (and commitment of resources) given shortened road and water and sewer line length, minimizes long term maintenance costs of such improvements, and limits environmental affects such as soil disturbance and storm water. The same design process can be applied to multi-family and commercial development.

Conservation Design and Ridge Lines

The protection of ridge lines has become an important issue in preserving the *gateway* character of the Milford Planning Area and conservation design is one option. While it may not be practical for all development parcels it is certainly an option that should be considered.

Goals for Conservation Design Development

- To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
- To focus on the preservation of prime and other active agricultural land as a means of preserving agriculture.
- To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for

Preservation/conservation techniques . . .

Comprehensive Planning - enables counties, boroughs, and townships to create a vision for the future which can focus on open land preservation.

Conservation Subdivision Design - clustering lots results in large blocks of open space.

Maximum Lot Size Standards - limits the amount of land devoted to a use as a means to preserve agriculture.

Lot Averaging Standards - overall density is maintained while the individual lot size varies.

Flexible Lot Size - sets lot size based on the availability of public water supply and/or sewage disposal.

Transferable Development Rights - the right to develop is sold from areas to be preserved to areas where development is encouraged; the overall area density development remains the same. Units which would be constructed on the *sending* property are developed on the *receiving* property, and the *sending* property is preserved.

Overlay Zoning - applies special standards in addition to the underlying zoning district for areas of special concern (e.g., floodplains, prime farmland, steep slopes).

Agricultural Protection Zoning - designate areas where farming is the primary land use and discourage other land uses in that area.

Open Space / Natural Area Acquisition -conservation easements or fee simple title acquired by public bodies or conservation organizations. Permanently limits uses of the land in order to protect its conservation value.

Greenways - corridors of public and private lands preserved as open space, often along streams.

Riparian Buffers - areas of vegetation left undisturbed along streams and lakes.

Wellhead and Aquifer Protection - special standards wells and groundwater sources to protect water quality.

Sewage Facilities Planning - conducted in accord with DEP regulations and aimed at assuring adequate sewage disposal and water quality protection.

Floodplain Management - local regulations based on National Flood Insurance Program standards to minimize flood related damages to structures.

Stormwater Management - local regulations based on area wide plans to minimize stormwater runoff.

Erosion and Sedimentation Control - coordination with County Conservation District to minimize soil loss and protect water quality.

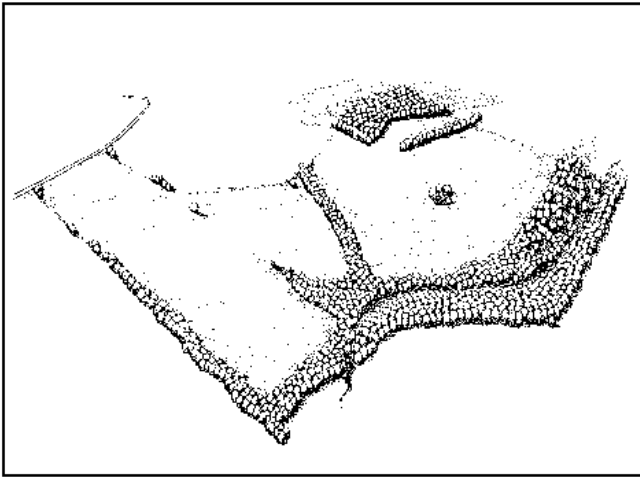
Differential Assessment - agricultural and forest land is assessed at its value for agriculture/forestry instead of the fair market value; example, Clean and Green (Act 319).

minimization of development on steep slopes.

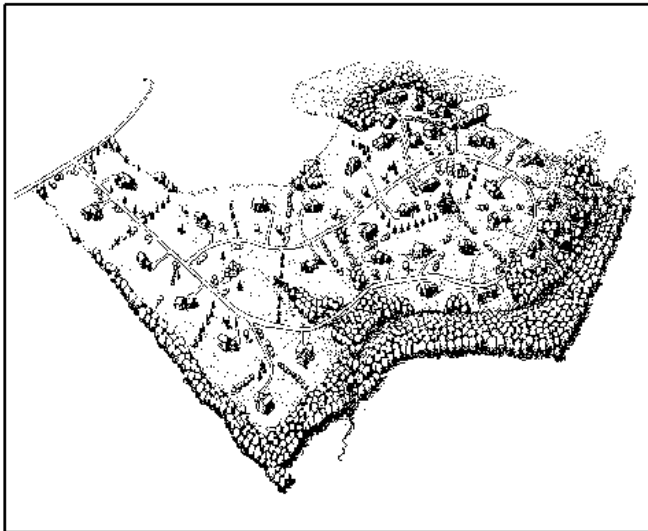
- To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
- To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, including provisions for reasonable incentives to create a greenway and trail system for the benefit of present and future residents.
- To implement adopted community policies, as identified in the this *Comprehensive Plan*. To protect areas of the Borough and Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
- To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.
- To provide for the conservation and maintenance of open land to achieve the above-mentioned goals and for active or passive recreational use by residents.
- To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
- To provide standards reflecting the varying circumstances and interests of individual property owners, and individual property characteristics .
- To conserve scenic views and elements of the community's character, and to minimize perceived density, by minimizing views of new development from existing roads.

residential development.

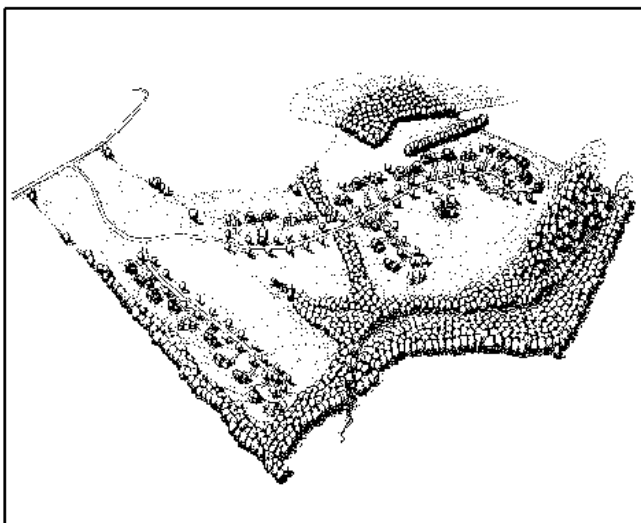
- To reduce erosion and sedimentation by the retention of existing vegetation, and the



Before Development



With Conventional Development



With Conservation Design

Conservation Easements – private and public actions to preserve open land and water quality. . .

A conservation easement is a legal agreement that is voluntarily entered into between a landowner and a land trust or government agency. The easement may be sold or donated by the property owner and places permanent restrictions on the use or development of land in order to protect its conservation values. In the case of the Milford Planning Area, conservation easements could be used to provide protection for the most critical areas of the Milford Springs Watershed. In addition to government agencies community based non-profit organizations are also acting to preserve land and rural character by accepting donation or acquiring conservation easements. Such organizations range in size from the Nature Conservancy, a nationwide organization, to small organizations with Board members from the local community. One such local organization, the Delaware Highlands Conservancy, based in Hawley, PA, operates in Pike and Wayne Counties in Pennsylvania, and Delaware and Sullivan Counties in New York. The Conservancy holds conservation easements on 3,500 acres and participated in the conservation of another 1,500 acres.

Advantages Offered by Conservation Easements

Private Ownership: The property remains in private ownership and continues to contribute to the local tax base. The landowner may choose to live on the land, sell it, or pass it on to heirs.

Owners Satisfaction: Gives the landowner the satisfaction that the land will remain unchanged.

Flexibility: Easements are flexible and can be written to meet a particular land-owner's needs while protecting the property's resources.

Permanency: Most easements are permanent, remaining in force when the land changes hands. The easement holder ensures that the restrictions are maintained.

Tax Reduction: There are significant tax advantages if easements are donated rather than sold.

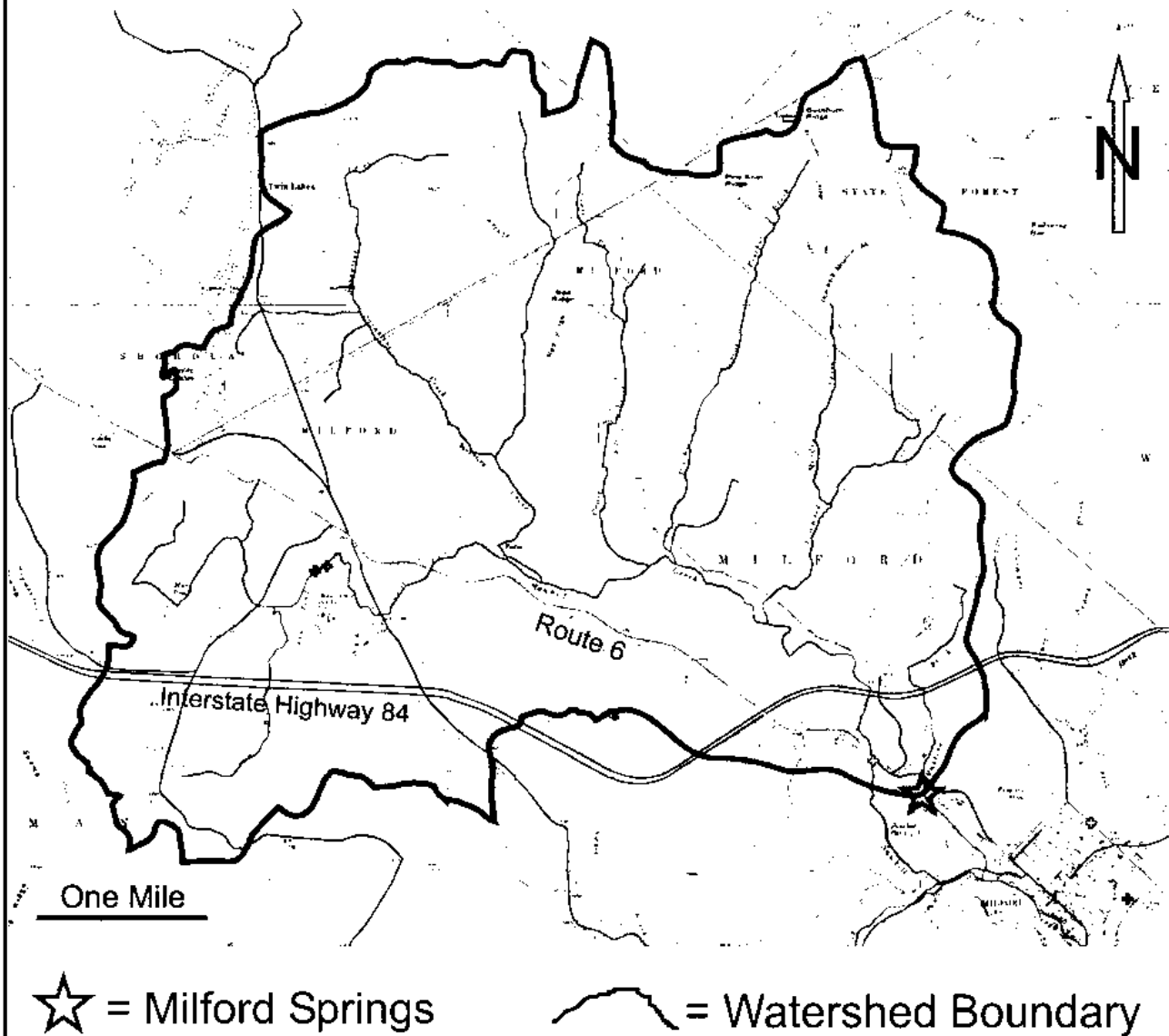
Charitable Taxes: The donation of a conservation easement to a land trust is treated as a charitable gift of the development rights. The donation creates a charitable tax deduction, equal to the value of the conservation easement, on the landowner's Federal and State income tax returns.

Estate Taxes: Estate taxes are significantly lower, sometimes making the difference between heirs holding onto the family land or selling it to pay inheritance taxes.

Property Taxes: Conservation easements will sometimes lower property taxes, a result of reduced valuation on property subject to the conservation easement.

Minimizes Effect of Development: Minimizes other impacts of residential development such as increased population, traffic, and demand for community facilities and services.

Source Water Area of the Milford Springs



The blue line outlines the watersheds of Sawkill Creek and Vantine Brook upgradient of the Milford Springs. This is the Zone 3 area of the springs.

SOURCE WATER PROTECTION PLAN FOR THE MILFORD SPRINGS

Milford Township, Pike County
Pennsylvania

Milford Springs Watershed

The protection of the public water supply serving the Borough and parts of the Township is a critical land use issue. The Milford Water Authority has prepared a *Source Water Protection Plan* for Milford Springs which details the steps necessary to ensure future water quality. (See *Water Supply and Sewage Disposal Section* for details.) The Water Authority is proceeding with plan implementation. *The Sawkill Creek & Vandermark Creek Watershed: A Rivers Conservation Plan* recently completed by the Pike County Department of Planning makes some of the same recommendations for maintaining stream water quality. (See *Sawkill & Vandermark Watershed Sidebar*.)

The combination of Milford Township's zoning standards and state environmental standards have served to protect water quality, but given the development pressure anticipated, continued effective land use management is the key to the success of the effort to protect water quality. The Township and Borough will consider the recommendations in the *Source Water Protection Plan* and the *Rivers Conservation Plan*. While much of the watersheds lies in the Milford Planning Area, they extend into Dingman, Shohola and Westfall Townships, and water quality protection efforts should be undertaken by these municipalities.

In addition to the normal standards identified in the *Environmental Protection Section* which follows the standards below should be considered for managing development in the watersheds.

- **Conditional Use** - Require conditional use approval for all commercial developments in order to apply site design guidelines and best management practices for environmental controls, and to attach such reasonable conditions to any approval as are necessary to mitigate any identified water quality impacts.
- **Soil Erosion and Sedimentation** - In cases where a Conservation District/PA DEP erosion and sedimentation control permit is not required, require the applicant to prepare and follow a soil erosion and sedimentation control plan using accepted best management practices.
- **Stormwater** - Require treatment of stormwater in addition to detention. Require the improvement of

The Sawkill Creek & Vandermark Creek Watershed: A Rivers Conservation Plan

- Completed by Pike County Department of Planning in 2005 with Princeton Hydro, LLC.
- Intended to provide recommendations to protect the two watersheds.
- Plan goals:
 - Protect and enhance the exceptionally high water quality of the watershed.
 - Protect the watershed's natural, cultural and scenic resources.
 - *Reconnect* Milford to the Sawkill Creek, Vandermark Creek and the Delaware River.
 - Enhance outdoor recreation and create conservation education environmentally.
 - Provide riparian buffer education/interpretive opportunities along the trail network.
- The Sawkill Creek and Vandermark Creek watershed encompasses thirty square miles across five municipalities.
- A significant portion of the watershed contains undisturbed groundwater recharge areas.
- Most of the streams are classified as *Exceptional Value* by the Pennsylvania Department of Environmental Protection and the balance are *High Quality*, which affords special water quality protection to the streams.
- Detailed recommendations for:
 - Water quality protection and enhancement.
 - Stormwater management.
 - Open space management.
 - Recreation and trails.
 - Environmental education and public involvement.
 - Economic development.
 - Historical and cultural conservation.
 - Visual resources.

a residential lot not previously included in a subdivision stormwater management plan to provide for management of stormwater.

Milford Township Design Guidelines . . .**Zoning Ordinance §417**

Commercial/Industrial Site Design Guidelines - The Township Planning Commission and Board of Supervisors, in reviewing the site plan for any proposed commercial or industrial conditional use application, shall consider its conformity to the Milford Township Comprehensive Plan and the various other plans, regulations and ordinances of the Township. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Township shall be part of the review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Board of Supervisors shall further consider the following specific factors:

- *Building design and location.*
- *Maximum retail commercial building size.*
- *Large commercial building facades.*
- *Lighting and signage.*
- *Parking and accessory buildings.*
- *Drainage systems.*
- *Landscape preservation*
- *Driveway and road construction*
- *Construction on slopes.*
- *Tree borders.*
- *Development at intersections.*
- *Streets and sidewalks.*
- *Setbacks.*
- *Utilities.*

Environmental Protection

The Borough and Township zoning ordinances include a broad range of environmental standards. The intent is to ensure *environmentally friendly* or *green* development within the context of the existing zoning districts. The Milford Township Zoning Ordinance includes in §417 specific commercial and industrial design guidelines which require the consideration of existing site features to minimize environmental effects and maximize compatibility with the natural landscape and surrounding uses. (See *Milford Township Design Guidelines Sidebar*.) The Borough should consider the adoption of similar guidelines to supplement the architectural review guidelines already

in place in the commercial zoning districts.

The Borough and Township will periodically review and update local environmental standards to ensure the most effective protection. The range includes:

- Environmental impact analysis requirements for large scale and environmentally problematic uses.
- Soil stabilization and landscaping.
- Stream, lake and wetland buffers.
- Stormwater best management practices including quality treatment and infiltration.
- Floodplain management.
- Hydrogeological studies for proposed uses with large groundwater consumption.
- On-site sewage disposal system management.
- Limitations and special standards for development on steep slopes.

Santos Farm

As noted earlier, the 120-acre Santos Farm in Milford Township, which is now for sale, is a key component of the Planning Area's landscape. Based on the community interest in preserving as much of the parcel as possible, this *Comprehensive Plan* calls for Township and Borough officials to work with the landowners and interested groups and agencies to:

- Acquire the land for a public use and preserve as much of the farm as possible as open land.
- Find a productive use for the farm house and outbuildings as a means to preserve the buildings.
- Provide substantial open land buffers along the Delaware River and incorporate public access into any development plans.

Ridge Lines and Scenic Vistas

An integral part of the *gateway* community character of the Milford Planning Area are the wooded ridge lines and scenic vistas visible from the major highways passing through the area. Preserving these resources requires a balance between private property rights and the public good. Simply stated, the most direct means

of preserving ridge lines and scenic vistas is via fee-simple public ownership of the land. However, given the cost of land this is really not an option. Conservation easements, which are far less costly, can afford the same protection as public ownership. Planning Area local officials and concerned citizens should identify key properties and work with land owners and local land trusts to protect these properties with conservation easements.

Protecting ridge lines and scenic vistas through zoning is somewhat problematic given that regulating purely for aesthetics has long been found suspect by Pennsylvania courts unless directly related to the public health, safety and welfare. The Borough's historic district zoning is a good example of aesthetic regulation upheld by the Commonwealth's courts. The Milford Planning Area's reliance on the natural environment and open space for much of its economic well being and maintenance of property values may provide the foundation for some reasonable development standards for preservation of ridge lines and scenic views.

Ridge lines and scenic vistas are often associated with steep slopes. However, a community should not attempt to enact aesthetic criteria that would artificially limit density in the guise of steep slope protection, especially if density is already limited on this basis under other ordinance provisions. Regulations that allow for the same density but require design that addresses aesthetic issues on a secondary level are far more likely to be supportable in court.

Ridge line development can be regulated at two levels - when existing lots are developed and when new building lots are created. The first is a matter of zoning and the second is typically addressed in subdivision regulations. Addressing ridge line protection in new subdivisions is a relatively easy matter with conservation subdivision design. Areas of concern can be mapped and protected with easements and the lots can then be clustered in other areas. Building and clearing restrictions can also be imposed (e.g., by designating building envelopes) as part of the subdivision approval. All this can be accomplished without necessarily affecting density.

Dealing with existing lots, however, is far more difficult. The lots may have been purchased or platted to maximize views. Any restriction on such views may be perceived as an infringement, not only on

property rights, but also on the value of the land. It may not be possible on a given lot to achieve a design that will maximize the value of the views for all parties because it is too small, too steep or otherwise limited. In any case, ridge line and scenic vista protection standards for existing lots must be considered carefully in terms of balancing private property rights with a clearly stated public purpose. In doing so some communities have considered:

- Requiring conditional use approval for development site clearing in designated ridge line and scenic vista protection areas.
- Setting standards for the location of structures to allow for views from the structure but minimize exposure.
- Limiting lighting to minimize visual effects.
- Establishing structure screening standards and tree cutting and pruning limitations.

Residential Neighborhoods

In addition to the residential core in the Borough and surrounding areas of the Township, residences are found in a number of planned or historically evolved developments and on individual lots throughout the planning area. Local officials recognize that the future land use plan must allow for all types of commercial and manufacturing uses. However, this *Plan* must also afford to existing residences and new residential development protection from incompatible uses and the *externalities*, that is, negative effects, of unrestrained commercial and industrial development. This is best accomplished by continuing to maintain separate residential areas, applying environmental, development and operational performance standards to commercial and industrial uses, and establishing increased lot sizes, setbacks, and buffers where such uses adjoin residential development.

This should, however, not preclude the use of mixed use development techniques such as planned residential development and traditional neighborhood development. Allowing a mix of dwelling types and retail and service establishments internal to the development is a good means of providing needed commercial uses close to residences and reducing traffic on public roads.

Specific Actions for Residential Development

- Continue to provide protection for residential areas by maintaining separate residential and nonresidential zoning districts, applying environmental, development and operational performance standards to commercial and industrial uses, and establishing increased lot sizes, setbacks, and buffers where such uses adjoin residential development.
- Encourage the use of zoning and subdivision and land development ordinance provisions to effect conservation design development to conserve open land, conserve sensitive natural areas, preserve historic resources and maintain community character.
- Consider requiring conservation design in certain districts and/or areas as a means of conserving open space.
- Encourage the use of planned residential development and traditional neighborhood development.

Nonresidential Development

The Borough and Township zoning ordinances include a broad range of commercial performance standards which must be continually reviewed and updated to address changing development patterns. In addition, the Borough applies architectural standards in the commercial zoning districts based on its historic district listed on the National Register of Historic Places.

Specific Actions for Nonresidential Development

- C Monitor the effectiveness of zoning ordinance performance standards to ensure community and environmental protection and update to meet changing needs
- C Carefully evaluate the range of commercial uses in the Borough's downtown area in terms of historic district compatibility.
- C Coordinate commercial zoning standards between the Township and Borough.
- C Maintain up to date design guidelines for commercial, industrial, and institutional

development to encourage the most efficient use of commercial land and development consistent with community character.

- C Encourage conservation design for nonresidential development.

Forestry

This *Comprehensive Plan* encourages forestry activities throughout the Planning Area provided such operations are conducted in accord with sound forest management practices and environmental regulations. The Borough and Township zoning ordinances are consistent with the MPC by classifying forestry as a principal permitted use in all zoning districts. The Pennsylvania Municipalities Planning Code (MPC), at §603(c)(7), states that *zoning ordinances may not unreasonably restrict forestry activities* and goes on to require that in the Commonwealth, *forestry activities . . . shall be a permitted use by right in all zoning districts in every municipality*. The Code defines *forestry as the management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development* (buildings such as sawmills and wood products manufacturing are treated as separate uses).

Mineral Extraction

The primary minerals of importance extant in the Planning Area are sand and gravel, and quarry stone. The Pennsylvania Municipalities Planning Code clearly recognizes mineral extraction as a lawful use. Along with other community effects, such uses can have impacts on water supply sources and are governed by state statutes that specify replacement and restoration of affected water supplies. In addition, the Planning Code now severely limits the range of development and operational standards which can be applied to mineral extraction by local municipalities, with location standards the primary tool available to the Township. Planning Code §603(l) states that *zoning ordinances shall provide for the reasonable development of minerals in each municipality*. The Code definition of minerals is: *Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas*. The Code, at §603(b) allows zoning

ordinances to regulate mineral extraction, but only to the extent that such uses are not regulated by the state Surface Mining Conservation and Reclamation Act, the Noncoal Surface Mining Conservation and Reclamation Act, and the Oil and Gas Act. These Acts regulate such things as setbacks, dust, noise, blasting, water supply effects, and reclamation.

This *Comprehensive Plan* recognizes the need to provide for *the reasonable development of minerals* and encourages such operations in appropriate locations. Concurrently, local officials must confirm that mineral extraction operations comply with state regulations and are located in suitable areas where impacts will be minimized. The Township and Borough zoning ordinances include standards for mineral extraction and the standards should be reviewed and updated to ensure that mineral extraction is controlled to the greatest extent possible within the limitations of the MPC. In addition, the Borough and Township should consider limiting mineral extraction to suitable areas of the Township via cooperative zoning and intermunicipal agreement.

Other Specific Land Use Control and Environmental Protection Actions

The future land use plan will be implemented via the continued enforcement of the subdivision and land development ordinance, zoning ordinance and zoning map, and other special purpose ordinances. In addition to the specific actions noted previously the Township will . . .

- C Periodically review and update the zoning ordinance and subdivision and land development ordinance to reflect the findings and goals and objectives of this *Comprehensive Plan*.
- C Monitor the effectiveness of land use control ordinances and environmental standards and update as necessary.
- C Work with organizations such as the Delaware Highlands Conservancy to privately accomplish land protection in the Milford Planning Area and the region.
- C Consider the use of local municipal funds for the purchase of conservation easements to preserve open land of special value.
- Continue the use of adopted methods and consider other methods of preserving open land as described in the *Preservation/Conservation Techniques Sidebar*.
- C Provide for the economic use of available natural resources with good conservation and management practices while complying with Pennsylvania Municipalities Planning Code which limits local restriction of forestry, and mineral extraction.
- C Recognizing that continued area wide strong growth and development will have significant effects on the Borough and Township, strengthen coordination and cooperation with other municipalities

COMMUNITY FACILITIES AND SERVICES

Overview

Community facilities and services, as provided by local, county and state government, and by quasi-public institutions such as volunteer fire departments, hospitals and libraries, are most often considered in terms of government or institutional response to meet the needs and demands of the community's residents. As the individual municipal and regional population continues to change the demand for facilities and services will also change. For example, an increasing population may require more classroom space, increased or new police protection, expanded social services, and additional recreation facilities. On the other hand, a stable or declining population, while not requiring additional services, may present a difficulty of paying for existing facilities and services with shrinking tax revenues. This is particularly pertinent to roads which require maintenance regardless of the municipal population. In addition, a change in the composition of the population could require different facilities and services. For example, if the population is aging as a whole, less recreation facilities and more social services may be required.

Growth and Development

Community facilities and services can also serve as a tool, or as an unexpected trigger, to guide or stimulate community growth and development. Provision of a public water supply or sewage disposal system can be used to foster business development, but unexpected (and perhaps undesired) associated commercial and residential development can result in the area where such facilities are provided. The construction or improvement of highways, often to solve traffic congestion, can have similar effect resulting in even more traffic and a change in community character.

Planning and Cooperation

The planning and provision of community facilities and services must be undertaken in the overall context of the *Comprehensive Plan* and the community's long-term growth and development goals and objectives. More importantly, the Borough and Township should not act as an island when considering facilities or services, but should cooperate with each other and other local municipal jurisdictions, the school district, and the County to provide and improve facilities and services which are best provided regionally.

Plan Focus

This section of the *Comprehensive Plan* focuses on those facilities and services which are provided by the two municipalities and the quasi-public institutions, such as fire and ambulance companies, serving the area. Given population increases, the demand for services and facilities provided directly by local municipalities has been continually increasing. For many years in the early history of townships, the main responsibility of the elected officials was maintaining roads, hence the moniker *Road Supervisor*. Boroughs often served as centers for commerce and community activities. In more recent years, state and federal mandates such as sewage disposal regulations, floodplain development requirements, and stormwater management planning, along with the desire to manage development, local municipalities have undertaken land use planning and environmental protection programs.

Facility and Service Providers

Public community facilities and services in the Milford Planning Area are provided on several levels, and the provision of these facilities and services is dependent on tax dollars, whether in the form of federal and state aid, county supported programs, or locally funded facilities and services. Both public and private funds support institutional facilities and services. Certainly, the facilities and services provided by the Commonwealth of Pennsylvania and Pike County are vital to Borough and Township residents, but are somewhat beyond the scope of this *Plan*. Nevertheless, County-owned and operated facilities in the Planning Area are discussed in terms of the effect on the community. Should community residents find that state or county facilities or services are inadequate, local municipal officials can serve as a conduit for communication with responsible state and county officials to effect facility and service improvements. In order to provide an overview of the range of facilities and services available in a community, *Facilities and Services Providers Table*, includes a matrix of typical facilities and services which can be provided by various jurisdictions.

Intermunicipal Cooperation

In recent years, more and more municipalities in the Commonwealth have begun working together on a number of issues and programs. This *Comprehensive*

TYPICAL FACILITIES AND SERVICES PROVIDERS (not specific to Milford / Milford or Pike County)					
Service	Local	School	County	State	Quasi-Public
Aging Services			D	S, D	
Domestic Relations			D	S, D	
Children & Youth			D	S, D	
Welfare, etc.				D	
Education		D		S	
Parks & Recreation	S, D	D	S, D	S, D	D
Judicial			D	S, D	
Criminal Justice			D	S, D	
Police Protection	D		D	D	
Emergency Mngt	D		S, D	S, D	D
Roads/Highways	D		S, D	S, D	
Tax Assessment			D		
Elections	D		D	S, D	
Land records			D		
Libraries, museums	S, D	D	S, D	S	D
Fire & Rescue	S, D		S	S	D
Health Care			D	S, D	D
Utilities	D		D		D
Land Use Control	D		D	S, D	
Environ Protection	D		D	S, D	
Solid Waste Disposal	D		S, D		

S - provides financial support to other jurisdiction or quasi-public entity

D - provides directly to public

Plan is a good example of what can be accomplished via cooperation. The provision of community facilities and services offers myriad other opportunities for continued cooperation. Cooperation can result in efficiency of program operation and service delivery, and economies of scale in purchasing of supplies and materials. A council of governments (COG) is the most common type of local municipal organization in the Commonwealth and can, by formal municipal agreement, be used to provide virtually any service or

facility normally provided by an individual municipality. Two examples of COGs in the region are the Lackawanna County GOG and the Abington GOG. The county-wide Lackawanna County COG has been most effective in terms of realizing savings on purchases of materials such as road salt. The Abington COG, with some fourteen member municipalities, meets regularly and has coordinated cable television franchises and the administration of the statewide building code. Township and Borough officials should

fully explore and take advantage of any opportunities to improve facilities and services offered by intermunicipal cooperation.

Schools

Although local municipalities have no direct control over school district facilities and activities, the Pennsylvania Municipalities Planning Code (MPC) recognizes the importance of school buildings and land to the community. Public schools account for the largest expenditure of local tax dollars. The public school system not only provides education for a community's children, but also provides adult and community education, library facilities, cultural and social activities, and recreational and sport facilities for the surrounding communities. The MPC requires school districts to submit certain proposed actions related to land and buildings to the municipality for review if a comprehensive plan has been adopted. (See following sidebar.) Most school districts are not aware of this provision and local municipalities must monitor school district activities and notify school administrators about the requirement.

School Districts and the Pennsylvania Municipalities Planning Code

Section 305. The Legal Status of Comprehensive Plans Within School Districts. Following the adoption of a comprehensive plan . . . , any proposed action of the governing body of any public school district located within the municipality or county relating to the location, demolition, removal, sale or lease of any school district structure or land shall be submitted to the municipal and county planning agencies for their recommendations at least 45 days prior to the execution of such proposed action by the governing body of the school district.

The Milford Planning Area, along with Matamoras Borough, Delaware Township, Dingman Township, Shohola Township and Westfall Township, is served by the Delaware Valley School District. The District enrolls almost 5,600 students and the Pennsylvania Department of Education projects the enrollment to increase to almost 6,100 by 2010 and to 6,600 by 2014. Because the Department of education does not account for immigration in its projections, these numbers may be low. The District maintains seven school buildings including the elementary, middle and high school along

Route 6/209 in Westfall Township, the primary, elementary, and middle school along Route 739 in Delaware Township, and the elementary school along Twin Lakes Road in Shohola Township. The enrollment projections clearly indicate that there will be a need for more classrooms and staff in the next ten to fifteen years, and additional tax revenues will be required to support the construction of the facilities.

Township Government

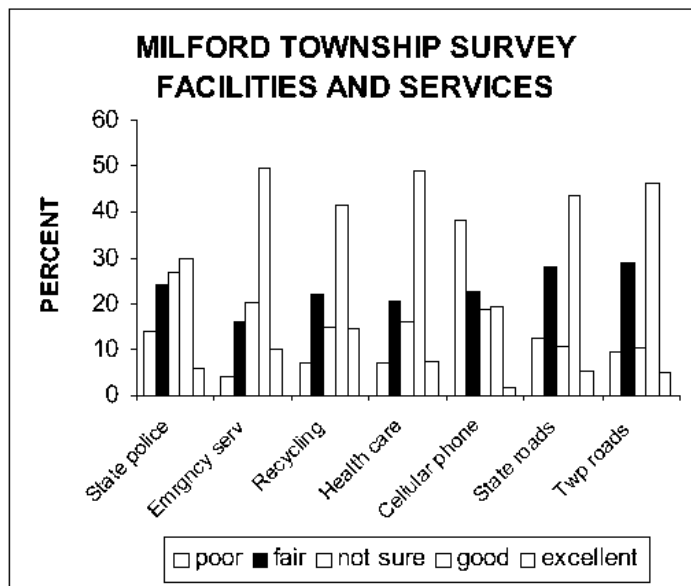
Milford Township is incorporated under state law as a *Township of the Second Class* (a far better moniker than *second class township*). Based on a population density of 300 persons per square mile, township voters can opt for reclassification to a *Township of the First Class*. However, none of the Townships in Pike County have reached this population density. Milford Township is governed by a three-member board of supervisors. State statute provides the option of a five-member board under the home rule system following a ballot referendum supported by a majority of voters. However, relatively few townships have opted for this system, and Westfall Township is the only one in Pike County. The Board of Supervisors appoints township residents to the township planning commission which serves an advisory role to the supervisors. Other volunteer boards may include the zoning hearing board, the parks and recreation commission and the shade tree commission.

Borough Government

Milford Borough, although incorporated under the Borough Code, operates the same types of programs and provide similar types of facilities as townships. Where boroughs are not divided into wards, seven councillors are elected at large, and this is the case in Milford. Boroughs with a population under 3,000 may reduce the size of council to five or three members by court action, and the Borough Code contains detailed provisions for transition to a different size council. Although the role of the office of mayor has changed considerably over time, with functions formerly performed by borough mayors now assigned to others in borough government under the Borough Code, the office continues to be very important in local government. Even though modern mayors possess less legislative, administrative and judicial powers, they exercise important powers and duties under the Code and are also in a unique position to exercise leadership in the community because of the prestige of the office and its elected status.

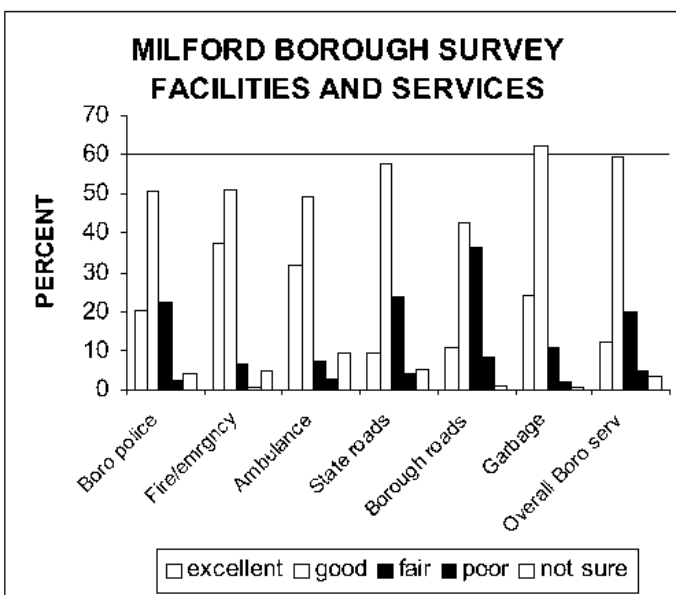
Facilities and Services

Boroughs and townships in Pennsylvania are responsible for a variety of public facilities and services. Historically, one of the primary functions is the construction, improvement and maintenance of roads. However, local governments have evolved over the years to the point of managing a large variety of facilities and services. Boroughs and townships, via the elected Council and Supervisors, are also responsible for, and in some cases are mandated by state and federal regulations, a variety of other facilities, services and programs. These include, among others, land use controls; environmental protection; police protection; water, sewer and storm water facilities; parks and recreation, and solid waste disposal. The level of service is typically dictated by the density and demographic character of the municipal population, and its tax base. Road maintenance and emergency services are typically the most important services as viewed by residents of small communities, followed by youth recreation programs and facilities.



Community Surveys

The Borough community survey and the Township community survey conducted as part of the planning process each asked a question about community facilities and services. In the case of the Township (see the *Township Facilities and Services Figure*) respondents were generally satisfied with the queried facilities and services, with State Police service and cellular telephone service showing the greatest dissatisfaction.



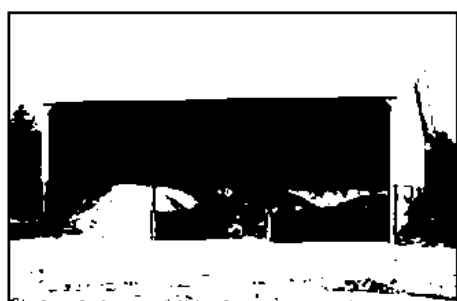
Survey respondents in the Borough were also largely satisfied with the queried facilities and services, with 60% of respondents rating *overall Borough services* as good and 13% as excellent.. State and Borough street maintenance, and Borough police protection registered the greatest room for improvement.

Township and Borough Facilities

The following *Facilities and Staff Tables* detail the buildings, land, equipment and staff of the Township and Borough. Staffing at the Township appears adequate as does office and meeting space, with the replacement of a dump truck in the next several years as the primary capital expenditure. Borough office space is tight and the renovation of the Borough Hall and Office Building is planned. Borough operations and programs have become more complex in recent years and additional staff may be warranted. One option would be the hiring of a Borough Manager to coordinate all staff and volunteer council member efforts. A shared manager with Milford Township or another municipality may be an option and funding for initiating such a program may be available from a state grant.

Local Road Maintenance

Milford Borough and Milford Township each employ road crews who provide all normal winter and summer maintenance. Each municipality contracts for larger scale road maintenance and improvement projects, primarily major improvement projects such as paving and shoulder reconstruction. This approach has served well and in terms of cost efficiency is the most prudent



MILFORD TOWNSHIP FACILITIES AND STAFF	
Township Building	<ul style="list-style-type: none"> - 1.93 acres on Route 6/209 - constructed in 1987; excellent condition - offices and meeting room
Maintenance Buildings	<ul style="list-style-type: none"> - located on Township Building parcel - 3-bay equipment garage attached to Township Building, excellent condition - 2-bay equipment garage, excellent condition - salt storage shed, excellent condition
Other Property	- none
Meetings	- Township Building
Employees	<ul style="list-style-type: none"> - part-time secretary/treasurer - 1 full-time road laborer/equipment operator - part-time road laborer/equipment operators as needed - part-time code enforcement officer - part-time SEO (contracted with firm)
Vehicles & Equipment	<ul style="list-style-type: none"> - 1989 Ford dump, 4x4, plow & spreader - 1996 Chevy dump, plow & spreader - 2000 Ford dump, 4x4, plow & spreader - 2004 Ford pick-up, 4x4, plow - 2002 Cat loader/backhoe
Recreation Facilities	-none
Comments and Needs	<ul style="list-style-type: none"> - replace older dump truck, 2-3 years, approx. \$50,000 - no other building or capital equipment plans



MILFORD BOROUGH FACILITIES AND STAFF		
Borough Buildings	<ul style="list-style-type: none"> - Borough Hall located on 0.7 acres with garage and firehouse - Borough Hall used for meeting room with zoning office and storage upstairs - Police and Borough Office building located next door 	
Maintenance Building	<ul style="list-style-type: none"> - 4-bay equipment garage, located on Borough Building parcel, excellent condition 	
Other Property	<ul style="list-style-type: none"> - see recreation facilities below 	
Meetings	<ul style="list-style-type: none"> - Township Building 	
Employees	<ul style="list-style-type: none"> - full-time secretary/treasurer - full-time code enfrc/zoning officer/bldg insp - 2 full-time road crew - part-time road crew as needed 	<ul style="list-style-type: none"> - part-time SEO - full-time police chief - full-time police corporal
Vehicles & Equipment	<ul style="list-style-type: none"> - 1975 Int'l dump, plow, spreader - 1985 Ford dump, plow, spreader - 1996 GMC dump, plow, spreader - older Massey Ferg tractor - 2003 John Deere tractor/loader 	<ul style="list-style-type: none"> - 1995 Chev police car - 1995 Chev police car - 1996 Chev police car - 1999 Ford police car
Recreation Facilities	<ul style="list-style-type: none"> - 1.76-acre memorial Park with playground, basketball court and play field - 3.42-acre ball field and tennis courts - River access area, undeveloped - several small parks/open lots 	
Comments and Needs	<ul style="list-style-type: none"> - renovate Borough Hall - renovate Police/Office building 	<ul style="list-style-type: none"> - park improvements



given the expense of owning and maintaining road construction equipment. Each municipality has relatively new road maintenance vehicles and equipment. The Borough has no plans for replacing vehicles or other equipment in the next five years, while the Township intends to purchase a one ton dump truck in the next two to three years. (See *Comments and Needs* on the *Borough and Township Facilities and Staff Table*.)

Road Maintenance Cooperation

The Borough/Township cooperation on planning provides an opportunity for more coordination of road maintenance efforts, and such efforts should also be coordinated with other nearby municipalities via the Pike County Council of Governments (COG). Taken as a whole, the individual participants in the COG employ a considerable labor force, and own and maintain a variety of vehicles and equipment. As a means of using local municipal funds and resources most efficiently, the COG could:

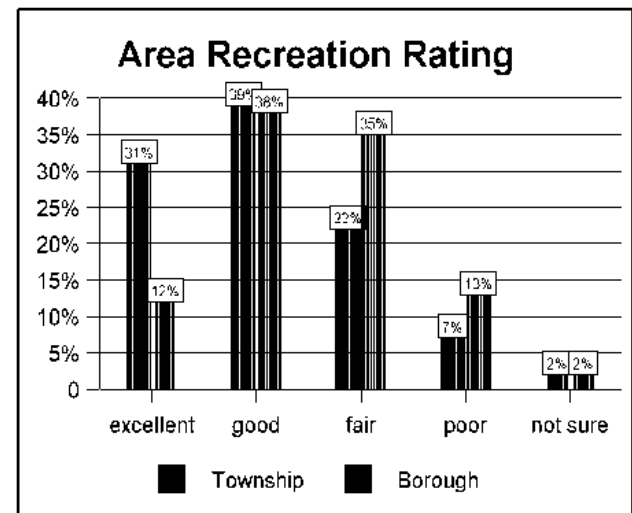
- Update and keep current the list of vehicles and equipment owned by all COG municipalities.
- Serve as a clearinghouse and notify all COG participants when a municipality is selling or purchasing equipment which may meet the needs of another municipality.
- Investigate the possibilities for increased sharing labor and equipment.
- Investigate the possibilities for increased contracting with or swapping with adjoining municipalities for winter road maintenance where travel savings may be realized.
- Coordinate joint purchasing of supplies and materials whenever possible to reduce unit costs.

Other vehicle and equipment actions:

- Maintain an accurate inventory of all vehicles and equipment.
- Liquidate obsolete vehicles and equipment.
- Include planned purchases of vehicles and equipment on a capital budget to plan for large expenditures.

Recreation Opportunities

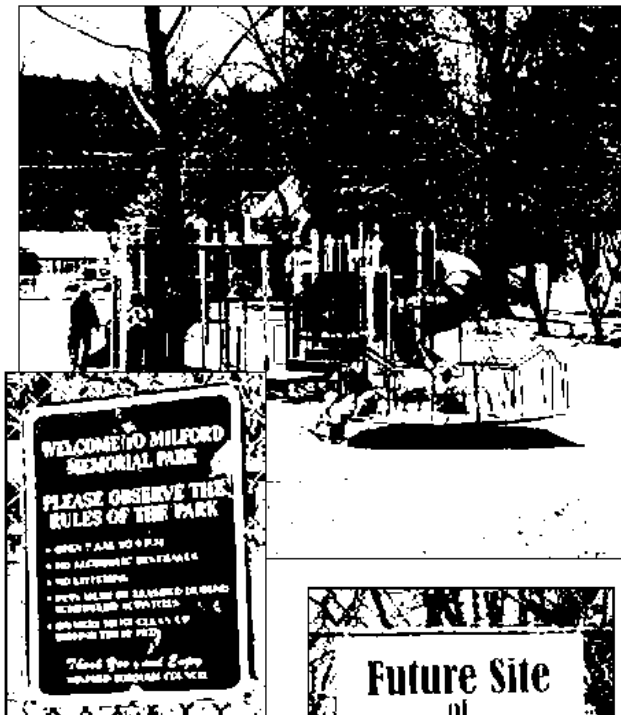
As shown in the *Area Recreation Rating Table*, Milford Township survey respondents rated area recreation opportunities considerably higher than Borough survey respondents. The reason for this is not clear, but it is obviously related to differing expectations. In terms of the importance to residents, of the availability of recreation opportunities ranked



lower than overall quality of life, environmental quality and cost of living. Although important, recreation opportunities are not as important as other aspects of the local community.

Recreation Facilities

Milford Borough owns and maintains two large parks, Memorial Park and the Borough Ballpark and several other small parks and public places located throughout the Borough. The Borough has a Recreation and Parks Commission which is active in recreation planning which recently planned a skate park at the ballpark in conjunction with a renovated tennis court.. The Milford Garden Club has also long been active and important in improving and maintaining the parks in the Borough. Having historically relied on the facilities in neighboring municipalities to meet the demand, Milford Township does not currently provide any recreation facilities. In addition to those available in the Borough, school facilities and the Matamoras Airport Park are available to all area residents, as are National Park Service lands in the Delaware Water Gap National Recreation Area and Commonwealth lands in the Delaware State Forest and Game Lands.



Fortunately, providing recreation facilities and programs is another opportunity for the two municipalities, and all of the area, to work cooperatively. In addition, local sports and civic organizations have historically played a key role in recreation and this must be encouraged. Recreation planning and facility construction are eligible for funding under the Keystone Recreation Grant Program which should be considered for any future recreation improvements.

Recreation and the Planning Code

Under the authority granted by the Pennsylvania Municipalities Planning Code, Section 503(1.1), local municipalities can require the dedication of land for public use, and upon agreement of the developer, the construction of recreation facilities or the payment of fees in lieu thereof by developers for the construction and maintenance of recreation facilities accessible to the residents of the proposed residential development. Inclusion of this requirement in the subdivision and land development ordinance should be considered by each municipality. Fees can be assessed on a per lot basis for subdivisions, on a per unit basis for any mobile home park or multi-family dwelling, and for commercial land developments.

This *Comprehensive Plan* constitutes the Borough and Township plan for recreation. Any recreation fees collected by the Borough and Township will be used to improve the existing Borough park and recreation facilities and to establish a shared Milford Township and Milford Borough facility in the Township near the Borough or with a park on the recently acquired 28-acre Water Authority parcel.

Milford Borough Parks and Recreation Plan

- Maintain and preserve the Borough's existing Parks and Recreational areas, while considering safety, aesthetics, and handicapped access features.
- Ensure that the parks remain accessible, available, and free to the general public.
- Encourage and cooperate with numerous groups and organizations, which utilize the Borough's Parks, to conduct various events, memorials, sporting activities, festivals, etc. as approved by the Council.
- The Recreation and Parks Committee shall utilize an annual budget as apportioned by the Borough Council and additional monies as provided by Dingman Township or any other public/private donations or grants, in a productive and wise manner.
- Explore future park facilities for the Borough's "Riverside" property along the Delaware River.
- Pursue public and private grants to fund improvements, equipment purchases, and maintenance of the Borough's Parks.
- Conduct activities, events, and clinics that will encourage the use of the parks by the community's youth.
- Renovate and restore the former dilapidated tennis court to provide for a multipurpose skate park arena.
- Provide cultural activities for all age groups such as organized field trips, music festivals, and art shows.
- Encourage volunteerism by numerous groups and individuals to assist with various programs and clinics.

Resident Expectations

The community survey conducted by the Township and the Borough asked about the types of recreation facilities needed in the Planning Area. The full details are included in the *Community Survey Results Report*,

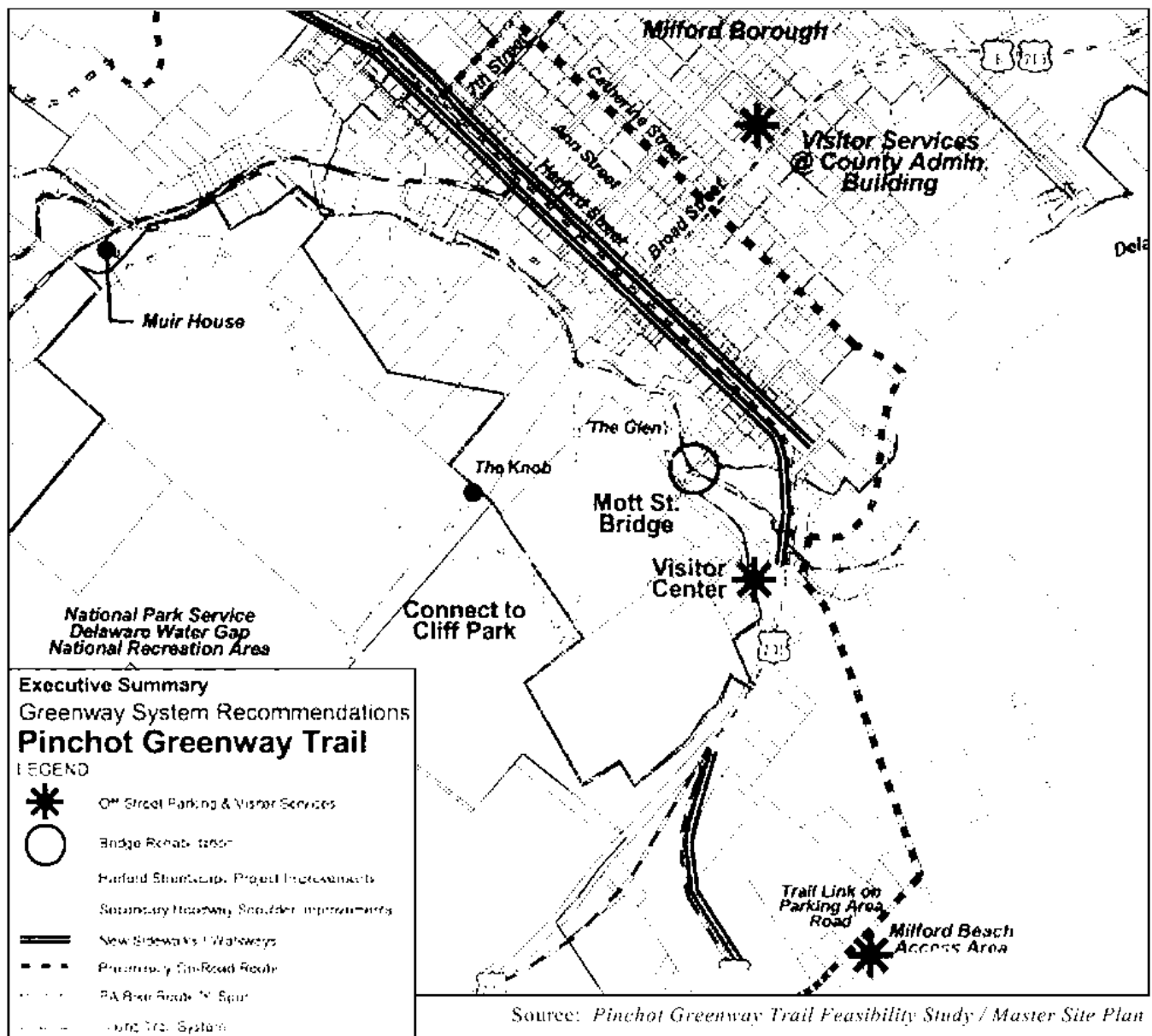
but the salient point is that hiking/walking trails, youth recreation programs, and bicycle routes ranked near the top with respondents in each municipality. In the Borough a community pool was cited most as needed for the area, and in the Township a community center was on par with the other top-ranked recreation needs.

Pinchot Greenway Trail
Feasibility Study / Master Plan

Completed by Pike County Department of Planning in 2004 with Simone Jaffe Colins, Inc., the *Pinchot Greenway Trail Feasibility Study / Master Site Plan* addressed many issues related to hiking/walking and bicycle routes. The Township and Borough, and other planning partners, should use the *Plan* as a base for continued planning and include the possibility of linking the system to the Santos Farm lands via a connection along the River.

The *Plan* is summarized below.

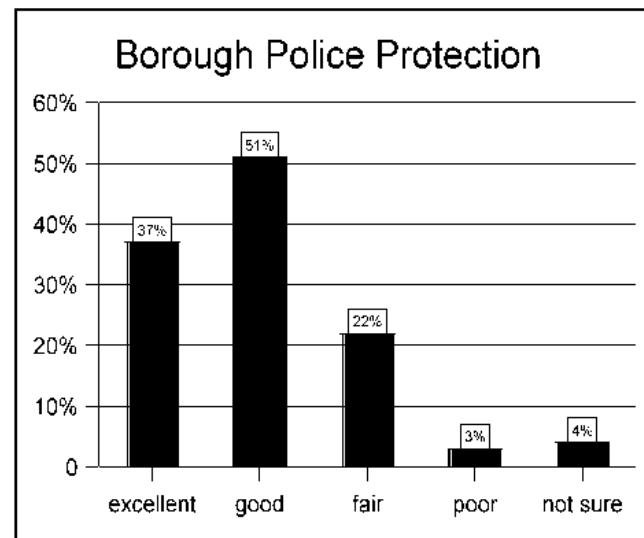
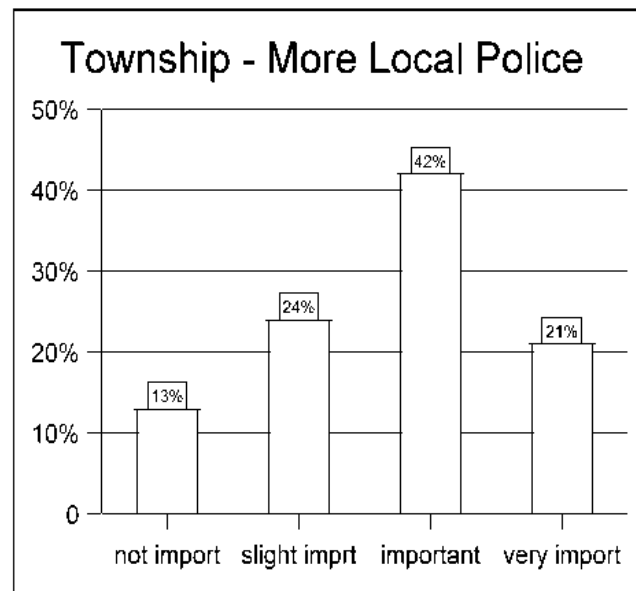
- Plan Goals aimed at identifying pedestrian and bicycle routes:
 - Feasibility of connecting McDade trail at Milford Beach in the Delaware Water Gap National recreation Area to Grey Towers in Milford Township.
 - Economic and community enhancement in the Borough and surrounding areas.
 - Protect significant natural and cultural resources.
- Planning partners included Milford Enhancement Committee, Pinchot Greenway Steering Committee, Dingman Township, Milford Borough and Milford Township.
- The Plan recommends a *system* of several facility types that meet the intent of the original project goals and will help to make Milford a safer and more bicycle and pedestrian-friendly community.
 - Harford Streetscape Improvements.
 - Walkway to Grey Towers (along Owego Turnpike).
 - Milford Beach Road Shoulder Improvements.



- Shoulder Improvements / Walkway on Route 209 (Milford Beach Access Road to Route 206 Bridge).
- Route 209 Crosswalk (at Callahan House).
- Coordinated Wayfinder Signage System.
- Hiking Trail Network (within DWGNRA and The Glen).
- Mott Street Bridge Rehabilitation.
- General Pedestrian / Bicycle Improvements (within Milford).
- Callahan House Visitor Amenities.
- Off-Street Parking (within Milford).
- Grey Towers Coordination.
- PA Bike Route Y (spur route through Milford

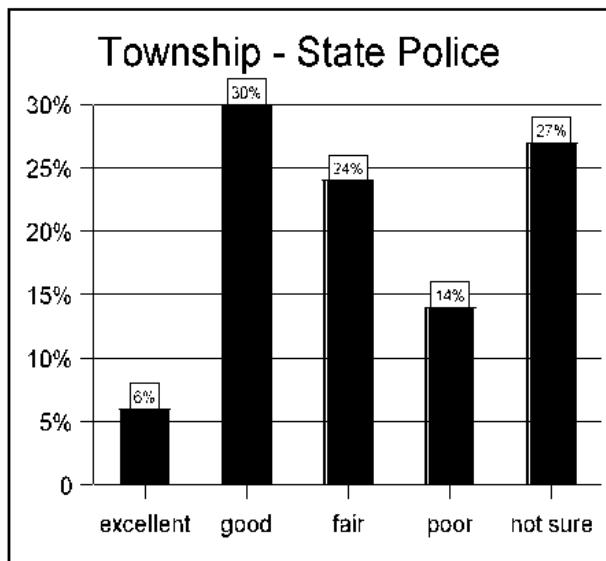
Other Specific Actions Related to Recreation

- Work cooperatively to provide recreation facilities and services and focus on locating and developing a facility in the Township near the Borough and providing the types of facilities deemed important by residents.
- Fully pursue the public acquisition of the Santos Farm and incorporate its use, full or partial, in ongoing recreation planning.
- Focus on maintaining and improving existing local municipal recreation facilities.
- Continue to work cooperatively to . . .
 - plan for recreation and open space from an area wide perspective.
 - coordinate individual municipal efforts.
 - maximize use of resources.
 - improve standing for state grants.
- Ensure improvements at existing facilities are made in accord with this overall plan and all facilities are maintained.
- Identify potential sites for additional recreation facilities and amend the comprehensive plan to include these sites.
- Develop a funding plan to include:
 - use of fees assessed for residential development under the subdivision and land development ordinance.
 - solicitation of private contributions.
 - grants.
 - direct municipal contributions.
 - a special fund for land acquisition and capital improvements
- Obtain technical assistance from County and State agencies.
- Show planned recreation facilities on Municipal Official Maps to ensure that the land can be acquired. (See later *Official Map* section.)
- Cooperate with area wide community recreation organizations to improve recreation facilities and programs.



Police Protection

The Borough community survey found that more than seventy percent of respondents rated Borough police protection good to excellent, with another twenty-two percent rating it fair, and only three percent rated it poor. (See the *Borough Police Protection Figure*.) Forty-two percent of Township survey respondents believe more local police protection is important and twenty-one percent believe it is very important. (See the *Township - More Local Police Figure*.) Concurrently, Township survey respondents, as shown in the *Township - State Police Figure*, are mixed in their satisfaction with that service.



Milford Township currently provides no local police service, although the Township has in the past contracted with Milford Borough or Westfall Township for police service. While the Township has found service to be too costly, the Board of Supervisors must continue to monitor the need for increased local police services as the population grows.

Milford Borough operates its own police department comprised of a full-time Chief, a full-time Corporal and nine part-time Patrolmen. Coverage is provided twenty-four hours per day, seven days each week with back-up on-call as needed. The Department is housed with the Borough office in a converted dwelling next to the Borough Hall. The Department responds to some more than 200 calls each month, with area checks and burglar alarms topping the list, and also issues almost 100 traffic citations each month. The Department operates four police cruisers -- a 1999 Ford Crown Victoria, a 1996 Chevrolet Caprice, a 1995 Chevrolet Caprice and a 1995 unmarked Chevrolet Caprice.

Police protection can be one of the most costly services provided by local government, not only in terms of the number of employees and equipment requirements, but also continuing benefits and pensions, as well as liability insurance. The regionalization of police protection can be a means of providing service at reduced cost to each participating municipality. Savings in manpower, administration, space and equipment costs can be realized by intermunicipal cooperative efforts. The two regional police forces in Monroe County, Pocono Mountain and Stroud, are

good examples.

In April 2004, the Governor's Center of Local Government Services, an arm of the Pennsylvania Department of Community and Economic Development, completed *A Regional Police Feasibility Study for the Northeastern Pike County Regional Police Department*. The Study evaluated the formation of a consolidated police department for the four municipalities and concluded *the consolidation of the existing three police departments into one regional police department serving the needs of Matamoras and Milford boroughs and Milford and Westfall townships is considered to be both highly feasible and workable*.

It is therefore highly recommended that these four municipalities give strong consideration towards participating in the new regional department. The Study goes on to call for the creation of a regional police study committee to complete the additional work necessary to establish a regional police agency. Comprised of elected representatives from the involved communities, the study committee should convene workshops on a regular basis to work out the aforementioned details. With the concurrence of their parent municipalities, members of the study committee are free to alter, revise or disregard any or all such (study) recommendations.

Although this next step beyond the initial study has not been initiated, a regional police force may become a viable option for the Borough and Township and surrounding municipalities as the area population increases. Such an approach would be a natural progression of this comprehensive planning process. As noted in the 2004 *Feasibility Study*, state grants are available to support the creation of a regional police force and the Township and Borough should revisit the idea of a regional police force as demands dictate. Another equally viable approach is to explore the potential for sharing of police services between communities, including purchase of services and contracting.

Fire Protection and Ambulance Service

As noted earlier, emergency response is typically one of the most important services to residents of small communities. In the case of the Milford Planning

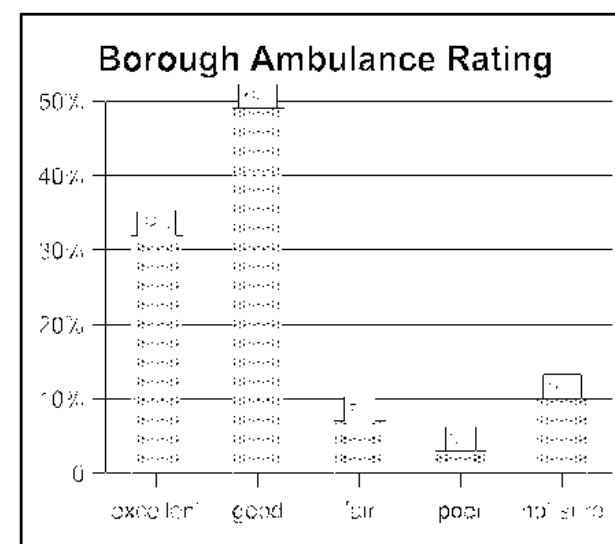
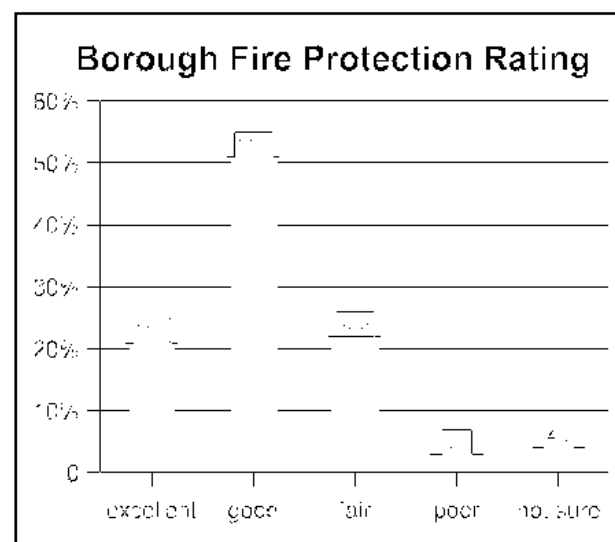
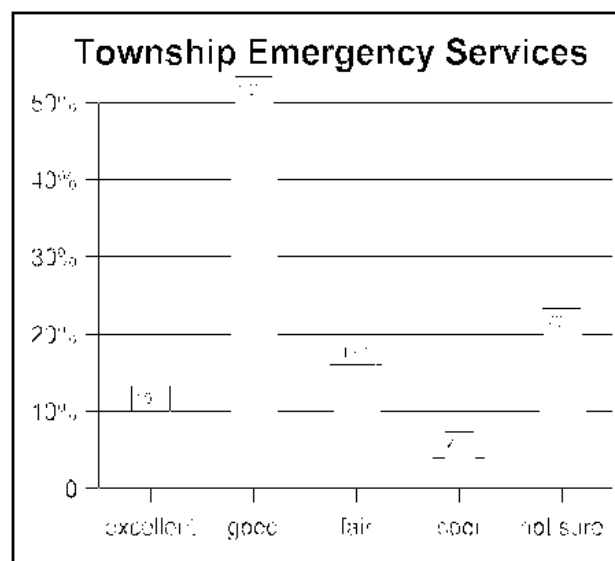
Area, fire protection and basic life support services are provided entirely by volunteers, and most survey respondents in each municipality rated emergency services as good to excellent. (See the *Twp - Emergency Services Rating Figure*, the *Borough Fire Protection Rating Figure*, and the *Borough Ambulance Rating Figure*.) All services are dispatched via the 911 System and the companies are organized in a regional mutual aid system. Mutual aid agreements are good examples of how intermunicipal collaboration can improve both the efficiency and quality of service.

The Milford Fire Department provides fire protection, rescue, and ambulance service in the Borough and Township and the northern forty percent of Dingman Township. The Company's equipment, two engines, a rescue truck, a tanker and two ambulances, is housed in the Fire Station located on West Catharine Street aside of the Borough Hall. One ambulance was just replaced in a three-year cycle and the Department plans to replace a fire engine in about three years at a cost approaching \$500,000. A major renovation of the Fire Station was recently completed with a state grant and discussions about the development of a Dingman Township substation have been initiated.

The Department is served by some forty-five active volunteers including twenty EMT's. The number of volunteers is cyclical but has been adequate in recent years, and a number of the new residents who participate enter the Department with extensive training and experience gained from serving in their prior hometown. The Department responds to about 375 fire and rescue calls and 850 ambulance calls each year. The high number of calls is at least in part a result of serving Interstate 84. Advanced life support is provided by ALS Pike County, a nonprofit organization operating out of Dingman Township.

Borough and Township officials and the Fire Department have historically maintained a good working relationship and the each municipality annually provides funding to the Fire Department, with the municipal contributions accounting for about forty-five percent of the Department's budget with fund raising making up the balance. However, as service demands and costs rise, it will become more difficult for the Fire department and municipalities to provide any greatly expanded service.

The Borough and Township will continue to support



the existing volunteer services. Adequate emergency service will continue to be an important element of maintaining the existing quality of life in the Milford Planning Area. The issues must be addressed as a long term goal of the Borough and Township and area wide municipalities. Many volunteer organizations are finding it more difficult to find volunteers given the increased demands for training, and this situation must be monitored along with the need for paid staff. Issues of concern include:

- Volunteers - The volunteer organizations are finding it more and more difficult to recruit and retain volunteers.
- Large time commitment required not only for answering calls but for training.
- Individual liability does not appear to be an issue; the *Good Samaritan Law* applies.
- Husband and wife both work in most families which limits volunteer time.
 - More and more residents work at jobs out of the area which limits availability for day time response.
 - Many young recruits go away to college and do not return.
 - Fewer and fewer residents have a direct feeling of connection to the community.
 - Generally changing attitudes about volunteering -- more people expect to be paid.
- What to do about volunteers and staffing?
 - Paid staff for emergency services.
 - Regionalize services with a number of paid staff supplemented by volunteers.
 - An adequate pay scale would be critical.
 - Volunteer marketing plan linked to service organizations, schools, Boy Scouts, Girl Scouts, 4-H, etc.
 - Offering EMT and paramedic training in high school.

Emergency Management

Emergency management planning at the local level is coordinated by the Pike County Emergency Management Agency (EMA). County emergency management agencies throughout the Commonwealth receive direction from the Pennsylvania Emergency Management Agency and the Federal Emergency Management Agency. The Borough and the Township work with the County EMA, and have appointed Emergency Management Coordinators. The Borough and Township emergency management plans are incorporated into this Comprehensive Plan by reference.

Solid Waste Disposal and Recycling

Planning for solid waste disposal is a county responsibility as mandated by state statute, and local municipalities are authorized to regulate solid waste disposal by ordinance. In Milford Township, homeowners and business owners contract with private haulers for the collection and disposal of solid

waste,



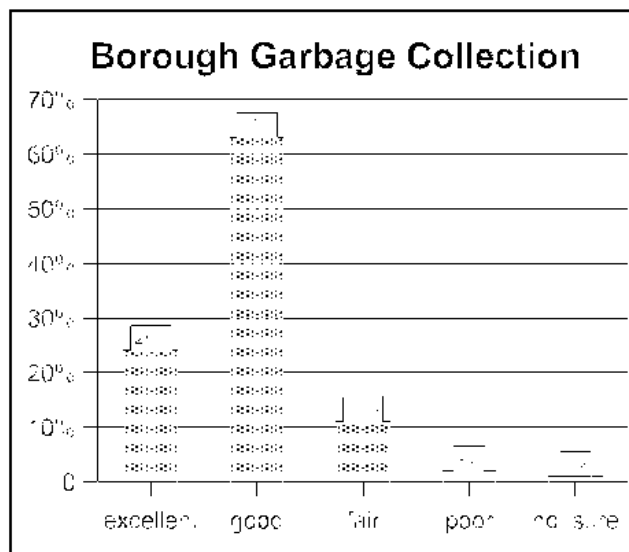
and this

has been adequate to meet current needs. The Township will monitor the adequacy of the private hauler solid waste collection and disposal and recycling system, and should any deficiencies be identified, take corrective measures via municipal ordinance. The Pike County General Authority operates a recycling drop-off facility at the Milford Township Building. The Borough Council annually awards, via a competitive bid process, a contract to one hauler for the collection of all solid waste and recyclables in the Borough. As shown in the *borough Garbage Collection Figure* a large majority of respondents to the Borough survey rated garbage collection service as good to excellent, suggesting overall satisfaction with the program.

Shade Trees

Shade trees along streets in residential neighborhood are an important part of any community. The Borough Shade Tree Commission addresses shade tree issues which include tree maintenance, removal and planting responsibilities within the street right-of-way. The Commission has been very active and the Borough is part of the *Tree City USA Program*. Respondents to the community survey showed strong support for the street tree management program and the Borough will continue to support the efforts of the Shade tree Commission. The circumstances in the Township are somewhat different given that most residential subdivisions have been developed in forested parcels.

Nevertheless, the preservation of trees and vegetation and the planting of shade trees in new subdivisions where necessary is also important in terms of maintaining the quality of life in the planning area. The Borough and Township should include such standards in the zoning ordinance and subdivision and land development ordinance.



Sidewalks and Streetscapes in the Borough

Walking is the most basic form of transportation. In a small community such as Dalton Borough and in new residential developments with smaller lot sizes walking is a very viable means of transportation for many community residents. Walking can also increase quality of life. Trips made by walking decrease total automobile emissions, thus improving air quality.

What then are the impediments to walking? Safety and lack of adequate facilities top the list. Increased traffic volume and speeds on our roadways underscore the importance and necessity of separate pedestrian accommodations, such as sidewalks. Sidewalks are an important safety issue for any community. In the Borough, the recent improvement of the sidewalks and *streetscapes* along Board Street and Harford Street have added significantly to the small town character and quality of life for all who live in or visit the Borough..



The Borough is part of the <i>Tree City USA Program</i> and the Shade Tree Commission has been working to improve street trees for many years.	# of resspo
Street tree management has been positive for the Borough.	120
Additional steps should be taken to manage street trees.	46
Should not be involved in a street tree management program.	16
Street tree management has done little to benefit the Borough.	15
I need more information before deciding.	11
I did not realize there was a street tree management program.	2

Before *Streetscape* ImprovementsAfter *Streetscape* Improvements

With planning initiated in 1997, the Milford Enhancement Committee, with the support of the Borough and many other community groups, has spearheaded the installation of the *streetscape* improvements which include bluestone sidewalks, period pedestrian lighting, and trees. Hundreds of thousands of dollars in grants have been obtained with local cash and in-kind matches, the latest in 2005 when the Borough awarded \$350,000 from the PennDOT Hometown Streets and Safe Routes to School Program.

Before *Streetscape* Improvements
After *Streetscape* Improvements

Side Street Sidewalks

The Borough has clearly made significant sidewalk improvements, but much remains to be accomplished on side streets. In many areas the sidewalks are in poor condition or missing altogether, or have been damaged or removed when residents park in front yards, and a variety of surface treatments are used. There are several key steps to determining the sidewalk improvements needed in the Borough.



Borough Sidewalks

To begin, community leaders need to identify and prioritize specific problems and areas of needed improvement. One method for identifying and prioritizing the various tasks is to complete a walking audit or *walkability checklist*, a concept developed a partnership of the U.S. Department of Transportation, the Pedestrian and Bicycle Information Center, and the Partnership for a Walkable America. A *walkability checklist* is a subjective method to help communities identify problems and deterrents to safe walking in their communities.

A sidewalk inventory should also be developed. This inventory would map the sidewalk network, identify strengths and deficiencies, and prioritize needs. Some items to take note of in the sidewalk inventory include the material or composition of the sidewalks, profiles, dimension, overall condition, curbs, ADA accessibility, breaks or gaps in the sidewalk network, and street crossings and intersection design.

Some areas of the Borough have sidewalks and some do not, and the type and condition of the sidewalks vary. The Borough should:	# of respon
Focus on improving and maintaining sidewalks on Broad and Harford.	81
Sidewalks outside of the commercial area are not important.	72
Plan on improving all existing sidewalks in the Borough.	62
Plan on installing sidewalks throughout the Borough.	46
Require property owners to maintain sidewalks.	36
Other	26

It is important to point out that the community survey found that respondents had mixed feelings about sidewalk improvements in the Borough. (See the following *Table*.) There was more support for improvements on Broad and Harford Streets than for the installation of sidewalks throughout the Borough. This mixed opinion should be considered as Borough officials evaluate sidewalk improvements in the prioritization of community facility needs.

The Borough will . . .

- Take steps to prohibit parking in residential front yards to eliminate sidewalk encroachment.
- Inventory existing sidewalks in terms of location and condition using a walking audit or *walkability checklist*
- Develop a plan, including funding, for pedestrian circulation to include sidewalk locations and crosswalks.
- Update the Borough ordinance for sidewalk ownership and maintenance responsibilities.

Parking in the Borough

One of the major issues facing many downtown business districts is parking, and Milford Borough is no exception. Completed in January 2002 by the Milford Borough Parking Committee with Viscome and Associates, the conclusions of the *Study of Parking in Downtown Milford* remain valid and the Borough will continue to work on implementing its recommendations. The key points of the *Study* follow:

- Collected information on the number of commercial district street and off-street parking spaces.
- Interviews of fifteen key individuals found:
 - Need for better enforcement of two-hour limit.
 - Opportunities to share lots and allow public use of certain lots during non-peak hours.
 - More off-street parking is needed, particularly in certain areas.
 - Business employees should not park in two-hour zones.
 - Need for improved pedestrian safety.
- A citizens survey was conducted to assess perceived problems and potential solutions. Survey respondents reported:
 - Insufficient street parking particularly on weekends and during the summer.
 - When street parking is unavailable, often park in commercial lots not associated with destination.
 - Assess trouble spots for immediate and *easy* solutions.
 - Need for better enforcement of two-hour limit.
 - Possibility of public use of underutilized commercial lots.
 - Possibility of Borough acquisition of land for lots in key locations.
 - Encourage or require business employees to park in areas other than prime street parking spaces.
- Identified the following for potential cooperative agreements/coordinated parking:
 - Forest Hall and Wayne Bank
 - Citizens Bank and Grand Union
 - Pizza House and East Harford Street
 - Newton Wellness Center
 - Fire Company
- Clear, identifiable public parking signs, both directional and on-lot, would be required for such lots.
- Other initiatives for immediate action:
 - Voluntary compliance by downtown workers to park in spaces away from Broad Street and Harford Street.
 - Lengthen parking time limit on side streets.
 - Enforce two-hour time limit.
 - Prohibit street parking of vehicles waiting for repair.
 - Address County administration related parking problem.
- Long range solutions:
 - Purchase of Pizza House parking lot.
 - Monitor need for additional parking for the area between Catharine Street and High Street.
 - Purchase of Earlin property across from the Columns.



Pike County Administration Building



Pike County Courthouse

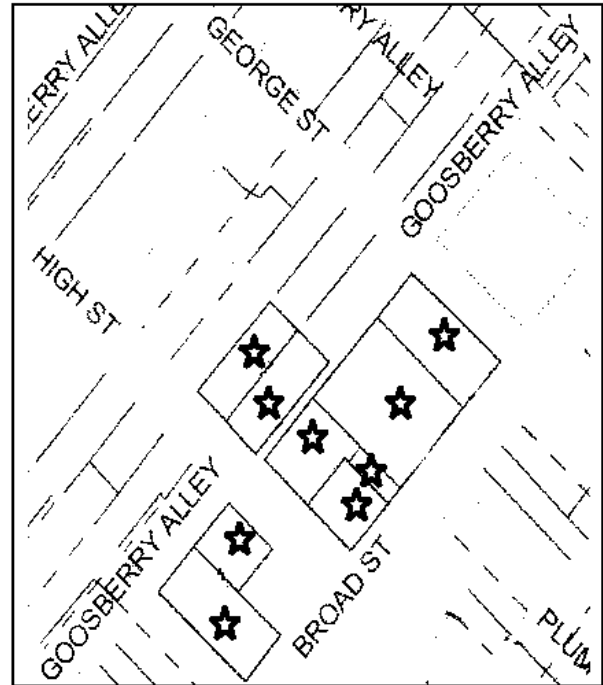


Pike County Sheriff's Office

County Facilities

Milford Borough serves as the County Seat of Pike County and is therefore home to a number of County facilities including the Courthouse, Administration Building, Sheriff's Office, and several other offices located in converted dwellings, all found at the intersections of High and George Streets with Broad Street. (See the *County Facility Location Figure*.) The County facilities have long been an integral and important part of the fabric of the Borough, adding to the local economy from the spending of the public using the facilities and supporting businesses such as

attorney and real estate offices and restaurants. The County is currently considering the expansion of facilities and the Borough is participating in the discussions. This cooperation is critical to ensure that any new County facilities are developed in consideration of the effects on parking, and if developed within the Historic District, maintaining its integrity.



County-Owned Parcels ☆

Pike County Public Library

Libraries play an important role in the community by making information available to all residents. Libraries supplement school libraries for students, provide life-long learning opportunities for adults, and offer special services such as interlibrary loan, books by mail and children's reading programs, and in more recent years, Internet access. The Pike County Public Library operates from three branches – Dingman, Lackawaxen and Milford – with its administrative offices in the Milford Branch. This *Plan* recognizes the importance of the Library to the quality of life in the Township and Borough, and all of the County, and supports the construction of the new Milford Branch and administrative office on Harford Street in the Borough as essential to continue providing quality library services to the community.



Borough River Park Property



Looking Upriver - Borough River Park Property



Sawkill Creek

Delaware River, Sawkill Creek, and Vandermark Creek as Part of the Community

The Milford Planning Area has long been associated with the Delaware River in terms of its recreation potential and adding to the quality of life. In addition, the Sawkill Creek and the Vandermark Creek hold recreation potential. The National Park Service does provide public access to the Delaware River at Milford Beach but this area is somewhat remote for pedestrian access from the Borough and Township. Improved access to the River and Creeks should be incorporated into any open space, trail and recreation planning undertaken by the Township and Borough. The possibilities include:

- Improving the River Park area owned by the Borough and connect it to the Ballfield via a stairway.
- Including the River Park area in any identified walking or trail routes.
- Incorporating Delaware River access in any public acquisition plans for the Santos Farm.
- Working with willing landowners to allow public access to the Sawkill and Vandermark Creeks similar to *The Glen* Trail.
- Securing the Mott Street Bridge as an integral part of Sawkill Creek access.

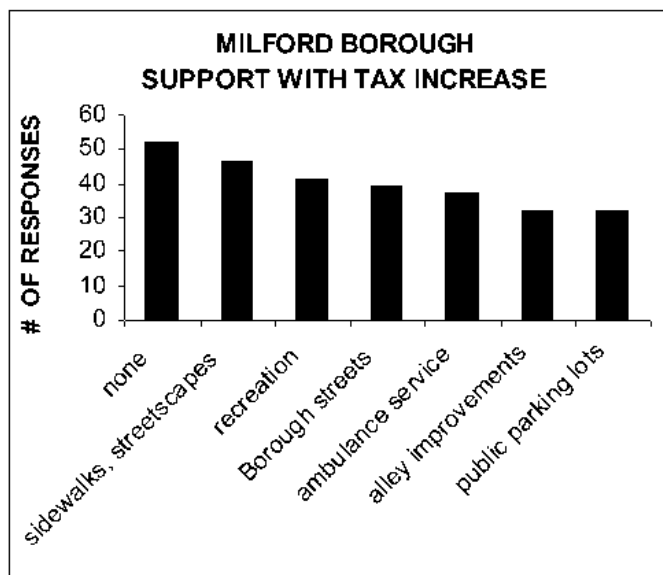
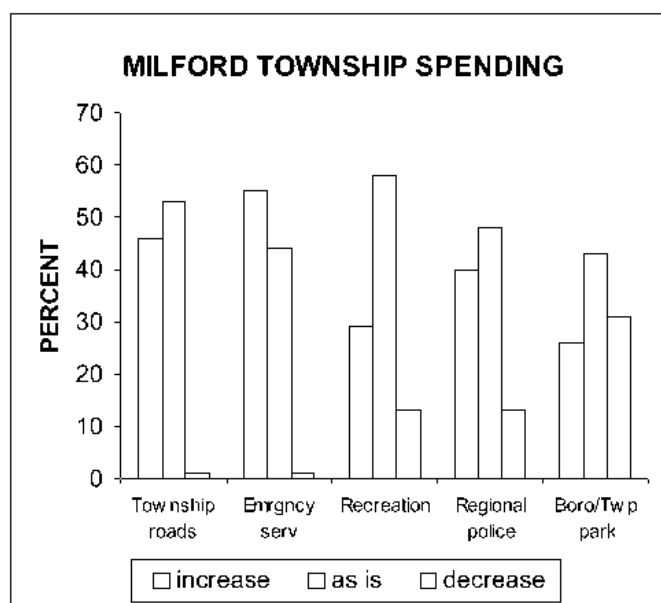
Community Facilities for New Development

*The Glen*

A critical concern for any community is the provision of adequate facilities for new development. The Pennsylvania Municipalities Planning Code establishes the authority for local governments to require developers to provide adequate community facilities for their particular project. Via the Subdivision and Land Development Ordinance, roads, central water supply, central sewage disposal, storm water control and other facilities, must either be installed or be financially guaranteed prior to the sale of any lots in the development. It is critical that the Borough and Township carefully enforce the Subdivision and Land Development Ordinance, and continue to update it to ensure that roads, drainage and other community facilities are installed to standards which will result in quality, durable facilities.

need for local municipalities to set priorities for the use of resources in meeting community needs and resident expectations. Concurrently, immediate community needs and resident expectations must be balanced with local officials' long term view of the future of the community and the costs of action or non-action in providing or postponing facilities and services. Based on this tenet and the results of the community surveys, the Borough and Township will focus local municipal resources on those facilities and services traditionally provided by small municipalities and those important to residents. (See accompanying *Figures.*)

Road maintenance now accounts for much of the municipal budgets and this will continue to be a primary role of the two municipalities. The Borough and Township will also work with the volunteer organizations to maintain and improve emergency services, and will explore regional solutions for police service and recreation as demand dictates. In the Borough, continued improvement to sidewalks and *streetscapes* are important to many residents. In any case, Milford Borough and Milford Township will continue to work together to manage growth and development in the area as the best means for minimizing community impacts, planning for the use of municipal resources, and maintaining a quality lifestyle.



Community Facility and Service Priorities

A common theme in this *Comprehensive Plan* is the

WATER SUPPLY AND SEWAGE DISPOSAL

Water Supply

Groundwater is the source for all potable water in the Milford Planning Area and its protection is one of the paramount issues facing the community. The Planning Area and all of Pike County have been blessed with a clean and plentiful supply of this priceless resource. Without clean water, and the healthy environment from which it derives, the quality of life would suffer dramatically. In addition, a clean and plentiful water supply is an immeasurable asset in terms of supporting the local economy. Recent studies have shown reason for concern about groundwater water quality in the Planning Area, and residents and local officials must take all necessary actions to protect this vital component of the Milford community.

All of Milford Borough and adjoining areas of Milford Township are served by the Borough of Milford Municipal Authority system which relies on springs for its source. Several residential developments in the Township, Moon Valley Falls, Milford Town Green and Wheatfield Village for example, are served by private community systems with wells. The balance of the Township is served by private individual wells.

The amount of groundwater use will increase in concert with the amount of development. Given the Planning Area's regional location, the long term development pattern is expected to follow much the same path as the last twenty years. The primary type of development will be residential with a higher proportion of full-time residences and more retail and service businesses. Few industrial or manufacturing facilities using high volumes of water are anticipated in the Milford Planning Area given the paucity of sites for such development, the high cost of land, the continuing emergence of Pike County as a bedroom community, and the availability of sites in improved business parks in the greater region.

Groundwater Quantity

Based on available studies (see the *Groundwater Recharge Rates Sidebar*), with long term consumption primarily residential, and large areas of undeveloped land for recharge, it appears that the overall supply of groundwater in the Planning Area and all of Pike County will be adequate for quite some time. Based on a total land area of some 13.5 square miles, average groundwater recharge in the Planning Area is estimated

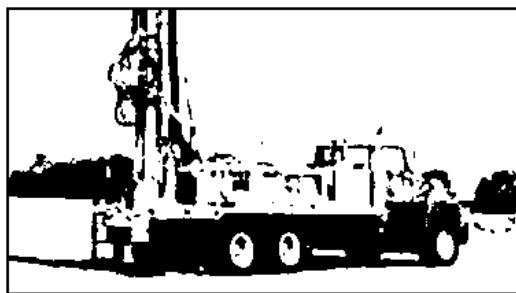
How much groundwater do we have?

Most people are surprised to learn that almost all of the world unfrozen fresh water exists under the ground. Pennsylvania, having a humid climate, has a lot of water in streams, lakes, and wetlands. But Pennsylvania has much more fresh groundwater than surface water – more than thirty times as much. Pumping all of Pennsylvania's groundwater onto the surface would cover the entire state with more than eight feet of water!

to range from 10,000,000 to 13,500,000 gallons per day.

Engineers typically use an estimate of 250 gallons per day per dwelling unit when designing water systems and, applying this factor to the number of dwelling units in the Planning Area yield an estimated 300,000 gallons per day in residential water use. Commercial water use would add additional amounts, but the total is well below the estimated recharge rate.

However, this is not to suggest that residents and local officials should ignore the important issues of localized groundwater supplies and groundwater conservation. This is particularly important as development occurs. Wells near large water uses can be drawn down resulting in inadequate supply. Increases in impervious areas such as buildings, driveways and roads inevitably leads to more stormwater runoff and less groundwater recharge. In addition, given the characteristics of aquifers, development in the region can also effect local groundwater availability. Simply stated, groundwater availability is a regional issue and adequate supply is not a valid reason for postponing or avoiding action to ensure continued adequate supply.



Well Drilling Rig

Groundwater Overview

- Three often misunderstood facts -
 - Groundwater is part of the hydrologic cycle and is directly linked to lakes and streams.
 - During periods of low flow, much of the water in streams is groundwater.
 - As the amount of stormwater runoff increases, less recharge occurs and stream flow can be affected.
- Groundwater occurs in joints, bedding planes, faults and other fractures in the bedrock.
- In glacial deposits, water is stored and moves through the intergranular openings.
- Rocks that are capable of yielding usable supplies of water to wells or springs are called aquifers.
- Most of the annual groundwater recharge is transmitted through local flow paths and is discharged to nearby streams and lakes.
- In the case of Milford Springs, water from Sawkill Creek and Vantine Brook flows into the aquifer.
- Although most groundwater is relatively shallow, there is some deeper flow, and the deeper wells may reach the deeper flow systems.
- Precipitation, evapotranspiration, groundwater discharge to streams, and water withdrawals affect groundwater levels.

Water Quality

No less important is the issue of water quality. The potential for groundwater contamination is always present. Bacterial contamination can occur from malfunctioning on-lot sewage systems or poor livestock husbandry, hydrocarbons can eventually reach groundwater from oil spills or leaking storage tanks, nitrates and chloride can infiltrate as run-off from roads and parking lots, sewage systems, and farm fields. Similar to supply conservation, quality protection must be addressed. In the case of Milford Springs, turbid water entered the sand and gravel aquifer directly through the highly permeable floor of a quarry during a heavy rain and flowed underground through the unconsolidated aquifer to the Springs. The Sawkill Creek loses water to the aquifer just upgradient of the Springs potentially facilitating the rapid transfer of turbidity or contaminants to the water supply.

Groundwater Recharge Rates

In 1989, the Pennsylvania Topographic and Geologic Survey estimates in *Water Resources Report 65, Groundwater Resources of Pike County, Pennsylvania*, that in Pike County the average groundwater discharge is estimated to be about 635 (gal/min)/mi², twice the amount estimated for most areas of Pennsylvania. Based on this, groundwater recharge in is about 900,000 gallons per day per square mile of land area.¹

In 1964, the U.S. Geological Survey reported that a conservative estimate for recharge in the Highlands of the Delaware River Basin was 750,000 gpd/sq mi.²

In 1982, a Delaware River Basin study of the Upper Delaware Basin reported:

- a recharge rate of about 1,000,000 gpd/sq mi for the Upper Pocono Plateau.³
- normal year recharge rates in the Upper and Lower Pocono Plateaus range from 900,000 to 1,000,000 gpd/sq mi.⁴
- during a normal year, recharge to the Catskill formation, which underlies Pike County, is about 930,000 gpd/sq mi.⁵

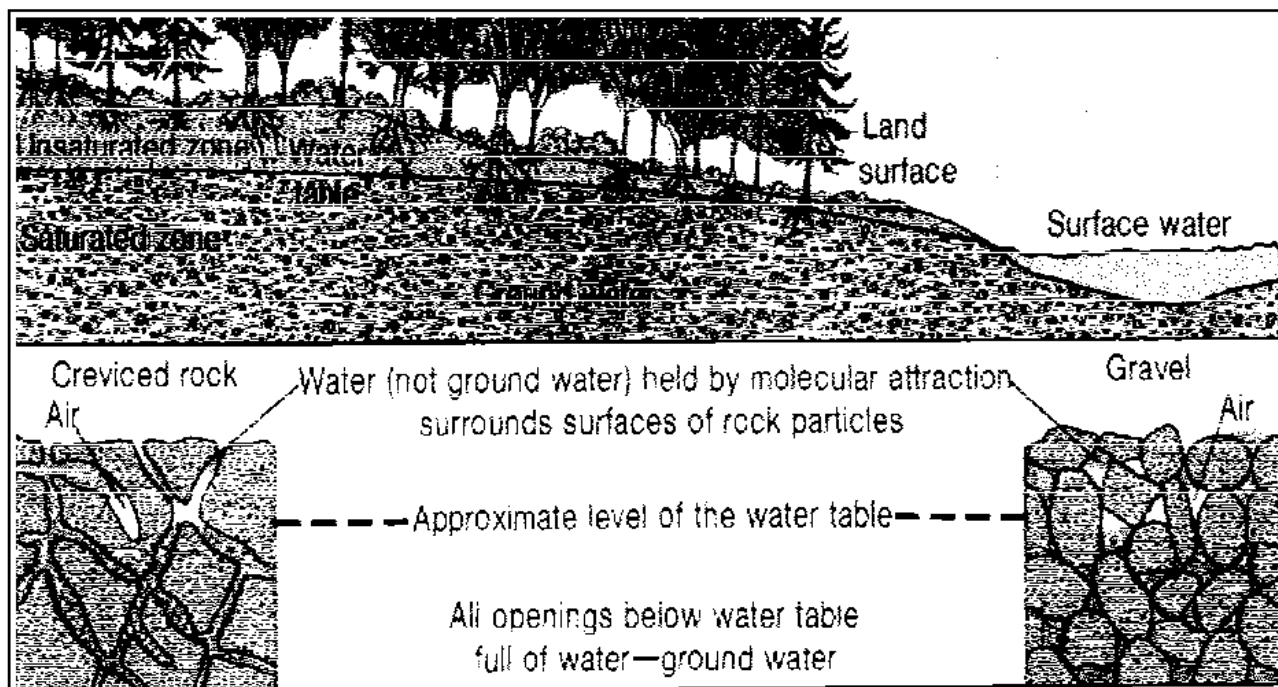
¹ *Water Resources Report 65, Groundwater Resources of Pike County, Pennsylvania*. Pennsylvania Topographic and Geologic Survey, D. K. Davis, 1989, p. 11.

² *Water Resources of the Delaware River Basin*, Geological Survey Professional Paper 381, U.S. Department of the Interior, Parker, Garald G, et. al., 1964, p. 91.

³ *Special Groundwater Study of the Upper Delaware River Basin Study Area III, Volume I*, Delaware River Basin Commission, Wright Associates, R.E., 1982, p. 3-10.

⁴ *Special Groundwater Study of the Upper Delaware River Basin Study Area III, Volume II*, Delaware River Basin Commission, Wright Associates, R.E., 1982, p. 8-3.

⁵ Ibid.



Water Bearing Geology

The Hydrologic Cycle in Pennsylvania

Each year on an average, 41 inches of precipitation falls in Pennsylvania. Six inches of that enters streams and lakes directly either as surface runoff or as flow that enters streams from the unsaturated zone under the land surface. Twenty inches returns to the atmosphere through evaporation and transpiration. The remaining fifteen inches infiltrates the soil and moves downward to the zone of saturation to recharge groundwater, a recharge rate of about thirty-seven percent. (See *Hydrologic Cycle Figure*.)

How Groundwater Moves

Groundwater, like surface water, is constantly on the move. However, groundwater moves much slower—at rates ranging from feet per day to inches per year depending on the type of soil or rock through which it is moving. The natural movement of groundwater is from upland recharge areas to lowland discharge areas -- points where the water table meets the land surface, such as springs, lakes, streams, and wetlands. Most water seeping into the soil moves only a few miles to the point where it is discharged; in most instances it stays within the same watershed. Groundwater discharging into streams provides the water that keeps streams flowing year round. Except for a short time during and after rain storms and snow melt, all the water in a stream is provided by groundwater seeping through stream banks and stream beds. This is called base flow. From points of recharge to points of discharge, groundwater moves slowly through small openings in rocks and soil and usually in parallel paths (i.e., layers). Generally there is little mixing of the water in these layers because the slow movement of groundwater does not create sufficient turbulence for mixing to occur.

Source: *Groundwater: A Primer for Pennsylvania, Pennsylvania Groundwater Policy Education Project*, undated.

Current regulations typically address water issues independently even though surface water and groundwater are one integrated resource. For example, stormwater runoff and the silt it carries affects stream water quality and reduces groundwater recharge. Uncontrolled in terms of quality and without requiring infiltration, stormwater runoff can lead to reduced stream flow when groundwater recharge and discharges to streams are inadequate. Left unaddressed, reduced groundwater recharge, given that groundwater accounts for more than two-thirds of annual stream flow, will result in a reduction in stream flow and water quality degradation.

Conservation and Protection

Methods available for local municipalities to conserve the groundwater supply and protect groundwater quality are well documented, and these methods have been successful in many areas of the Commonwealth. Details of available methods, the authority for action, and sources of assistance are detailed in *Groundwater Protection and Management in Pennsylvania*.⁶ The Report recommends the following five-step process to develop and put into place an effective groundwater protection program:

1. Involve the community by organizing a committee of interested individuals from the community, and neighboring communities, if appropriate.
2. Determine sources and uses of the community's water supply and define the proposed groundwater protection areas.
3. Identify possible contamination sources-past, present, and future-in the groundwater protection areas.
4. Establish goals and priorities based on an evaluation of the groundwater threats.
5. Implement appropriate management measures,

⁶*Groundwater Protection and Management in Pennsylvania, An Introductory Guide for Citizens and Local Officials*, League of Women Voters of Pennsylvania Citizen Education Fund and Water Resources Education Network Project, R. Merideth, J. R. Drohan, C. W. Abdalla, J. R. Jessen, E. D. Stevens, 2001, Third Edition.

including plans for future needs.⁷

In addition to evaluating the applicability of the five-step formal planning process, other local municipal actions include:

- Zoning
 - Linking dwelling unit densities to the quality of the land by identifying environmentally sensitive areas as part of the development process.
 - Including standards for identification and protection of environmentally sensitive areas – recharge areas, floodplain, steep slopes, wetlands, riparian buffers, etc. – and update as necessary.
 - Providing incentives for conservation subdivision design where full development density is permitted, individual lot sizes are reduced, a certain percentage of open space is set aside, and sensitive natural areas are preserved.
 - Allowing planned residential development and transfer of development rights as a way to shift development away from sensitive environmental areas.
 - Requiring a hydrogeologic study for any proposed use which will withdraw large quantities of groundwater.
 - Requiring detailed water quality protection plans for any commercial or manufacturing use which have the potential for groundwater contamination.
- Sewage Enforcement
 - Continuing the strict enforcement of the on-lot sewage disposal program.
 - Evaluating the benefit of an on-lot sewage system management program.
- Stormwater Management
 - Requiring stormwater infiltration as the option of choice to maximize groundwater recharge.

⁷*Groundwater Protection and Management in Pennsylvania*, p. 13.

- Addressing stormwater quality (nutrient and pollutant removal) along with quantity.
- Well Construction and Protection
 - Evaluating the need for a well siting and construction ordinances.
 - As a means of building a data base, requiring well drillers to submit copies of the state Water Well Completion Report which includes details about new wells – depth, depth to water bearing zones, static level, yield, and type of aquifer.
 - Requiring bacterial testing for all new wells with a report submitted to the municipality.
 - Sponsoring an annual well water testing program and compile and map the results.
 - Adopting well head protection standards that limit potential contaminating activities in zones around community wells.
- Agriculture
 - Encourage the use of best management practices to minimize contamination.

Milford Municipal Authority

The Borough of Milford and adjoining areas of Milford Township have relied on two springs for water for more than 100 years. Located along the Old Milford & Owego turnpike west of the Borough in Milford Township at the base of a steep slope, Milford Springs produces over 1,000,000 million gallons of water each day. From its early beginnings the Milford water supply has evolved from a central community cistern fed by a wooden pipe into a complex water treatment and distribution system including *approximately 48,000 feet of water lines ranging from 4 to 12 inches in diameter, two pressure reducing valves, a 548,000-gallon storage tank, and a 300,000 gallons per day water treatment plant.*⁸

Ownership of the water system was assumed by the Milford Borough Municipal Authority in 1968 from the privately held Milford Water Company. The



Milford Water Treatment Plant and Storage Tank

Authority's longstanding, proactive approach to managing and upgrading the system, and protecting the source of the Springs, clearly demonstrates a profound commitment to the quality of life in the Planning area.

The system currently serves a total of some 660 customers, primarily dwellings, but including about 100 commercial and institutional buildings. The total population served is about 1,500 and the average daily water demand ranges seasonally from 185,000 to 195,000 gallons. In recent years the Authority has invested more than \$1,250,000 (including a \$450,000 state grant) to upgrade the system for continued compliance with state drinking water regulations and to add filtration to address turbidity problems resulting from infiltration of Sawkill Creek water into the Springs via the glacial outwash deposit aquifer. Improvements included:

- A 350,000 gpd diatomaceous earth filtration system resulting in reduced chlorine use and improved taste and odor.
- A continuous chlorine disinfection system to eliminate bacteria and reduce corrosion in the water lines.
- A 540,000 gallon steel storage tank for filtered water.
- Emergency power generators.

The Authority also replaced 14,673 feet of aging, undersized water lines with 6-inch mains to improve flow and pressure, installed 89 isolation valves to

⁸Water Distribution System Analysis, Municipal Authority of the Borough of Milford and Camp Dresser & McKee, Inc., 2003, p. 1-1.

Sawkill-Vantine Connection

Sawkill Creek and Vantine Brook loose water into the glacial outwash aquifer in the immediate vicinity of the springs. The springs were observed to discharge turbid water immediately following some flood flows in these streams.

In 1966, when Interstate Highway 84 was being constructed in the glacial outwash aquifer within 3,000 feet of the springs, small rainstorms caused high turbidity in the springs. Following some PennDOT investigations, the highway grading design was modified and mitigation measures were implemented by PennDOT to protect the water quality of the springs. When a mall was proposed to be constructed on the glacial outwash aquifer within 3,000 feet of the springs, the Milford Water Authority commissioned a chemical tracer study to evaluate the hydraulic interconnection between Sawkill Creek, the proposed mall site, and the springs. The chemical tracer study documented that some water from Sawkill Creek seeped through the stream bed and discharged from the springs. The mall proposal was withdrawn after completion of the chemical tracer study.

Following another series of turbidity episodes, the Milford Water Authority commissioned an investigation of a gravel pit operating in the outwash aquifer only 2,800 feet from the springs. The gravel mining operation was causing its own very turbid storm water to infiltrate directly into the outwash aquifer more than 50 feet below original ground level. Within 8 hours following an intense rainstorm (where a large volume of very turbid gravel pit water was observed entering the aquifer in the gravel pit), the springs discharged very turbid water. The Authority and its consultant documented these events and the gravel pit operator eventually withdrew his permit and restored and revegetated the pit area. Storm-related turbidity in the springs decreased very significantly following the gravel pit closure and restoration.

The chemical tracer study demonstrated that water from Sawkill Creek was infiltrating into the glacial outwash aquifer through the creek's bed and flowing to and discharging from the springs. Therefore, this chemical tracer study demonstrated that a) Sawkill Creek loses water through stream-bed infiltration in the vicinity of the springs, b) the glacial outwash aquifer receives recharge directly from surface-water infiltration, and c) the springs are vulnerable to impacts from contaminants in the surface water flowing in Sawkill Creek in the vicinity of the springs."

facilitate repairs, upgraded 23 fire hydrants, and replaced 275 service connections and shutoff valves.

Water Source Protection

In addition to its progressive capital improvements program, the Authority is aggressively addressing water quality protection in the watershed that supplies Milford Springs. The vulnerability of contamination of the Springs is well documented in the *Source Water Protection Plan* recently completed by the Authority. (See *Sawkill-Vantine Connection Sidebar*.) The siltation in the Springs suffered in the past could just as easily be oil or other pollutants from an overturned tanker truck.

Authority water quality protection efforts are twofold: public education and source water protection.

The public education effort involves:

- A series of six educational articles published in the Pike County Dispatch.
- Working groundwater flow model presentations to school children, local organizations and local governments.
- An educational brochure used in local schools and for the public.
- Development of a fifth grade curriculum focusing on groundwater protection.
- Ongoing contact with students and the public.

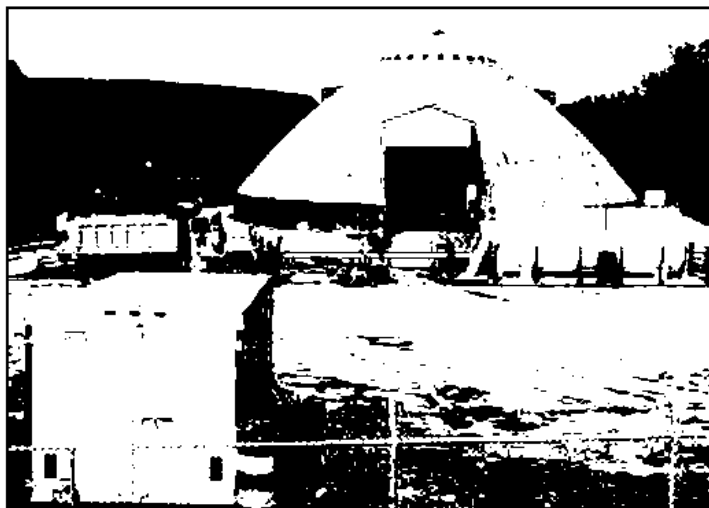
Realizing the vulnerability of contamination of the Springs from sources throughout the aquifer area, the Authority worked with Consulting Hydrogeologist Todd Giddings and developed the *Source Water*

⁹*Source Water Protection Plan for the Milford Springs*, The Municipal Authority of the Borough of Milford and T. Giddings, 2004, p. 2.

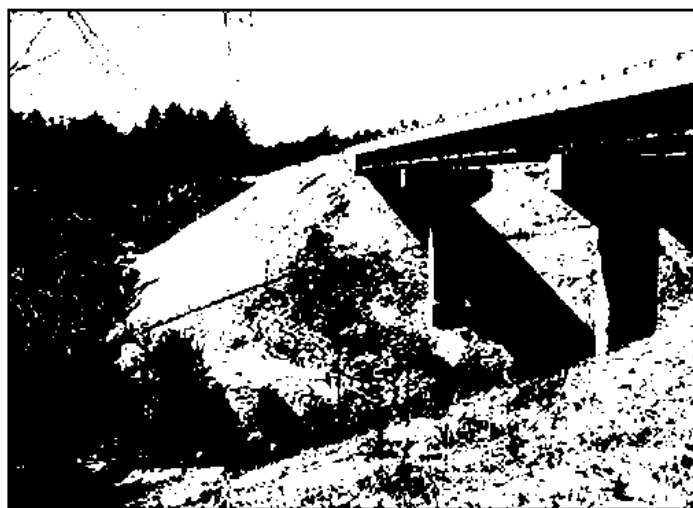
Protection Plan the Milford Springs as a reference and educational document that describes the sources and vulnerability of the Milford Springs and summarizes the actions taken by the Milford Water Authority to develop a comprehensive program to protect the quality of the springs. Its future use is to support and guide educational and protection activities.¹⁰

The Authority is moving forward on implementing the *Source Water Protection Plan* which . . .

- Identifies the source of Milford Springs as the sand and gravel deposited in the valley bottom by the Wisconsin glacier some 20,000 years ago – termed an *outwash aquifer*.
- Reports the four sources of spring water:
 - rainfall and snow melt directly infiltrating the outwash aquifer
 - upland tributary streams infiltrating the outwash aquifer
 - groundwater from the underlying bedrock moving into the outwash aquifer under artesian pressure
 - Sawkill Creek and Vantine Brook water seeping into the outwash aquifer
- Identifies three source protection zones (see accompanying figures):



PennDOT Depot Route 6 / I-84

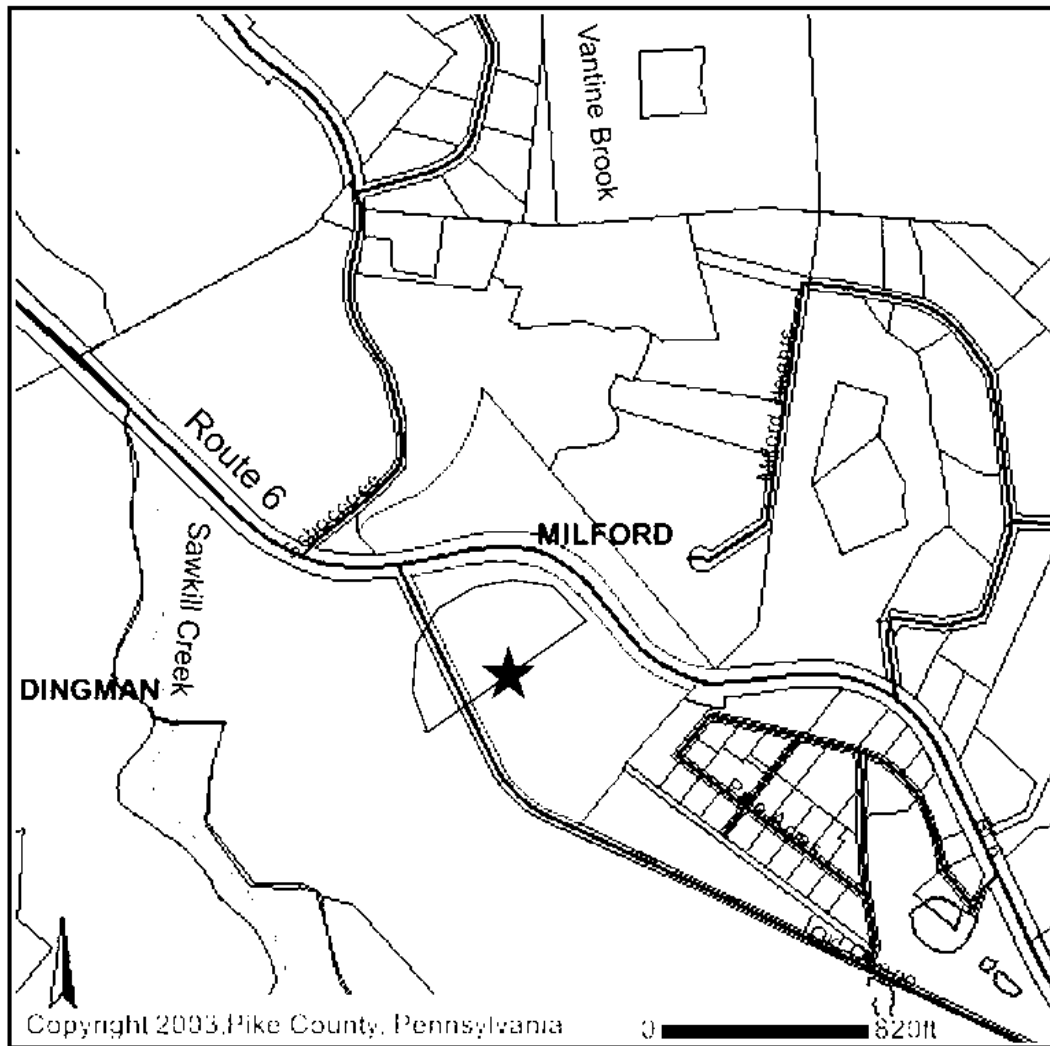





Interstate 84 Crossing the Sawkill Creek

- Zone 1 - 400-foot semi-circle upgradient from the Springs. Contained largely within the Authority owned property. Balance is part of Grey Towers federal ownership.
- Zone 2 - upgradient sand and gravel deposits from which the Springs discharge.
- Zone 3 - the upgradient watershed of the Sawkill Creek and Vantine Brook which recharges the Zone 2 sand and gravel aquifer; approximately 25 square miles.
- Identifies existing contaminant sources:
 - Zone 1 - no contaminant materials
 - Zone 2 - 50 dwellings and several seasonal cottages with on-lot sewage; convenience store with fuel sales; PennDOT maintenance facility with salt, liquid deicers, and diesel fuel; other limited commercial.
 - Zone 3 - approximately 1,300 dwellings with on-lot sewage; convenience store with fuel sales; stone quarry with fuel, oils and runoff.
- Identifies potential contaminant threats:
 - Sand and gravel aquifer is highly permeable.
 - Subject to large volume liquid petroleum and chemical spills
 - Dry chemical spills during rain storm.
 - Route 6 and I-84 truck traffic.
 - Stormwater runoff from new development - silt from erosion and commercial parking lot pollutants.

¹⁰Ibid., p. 7.

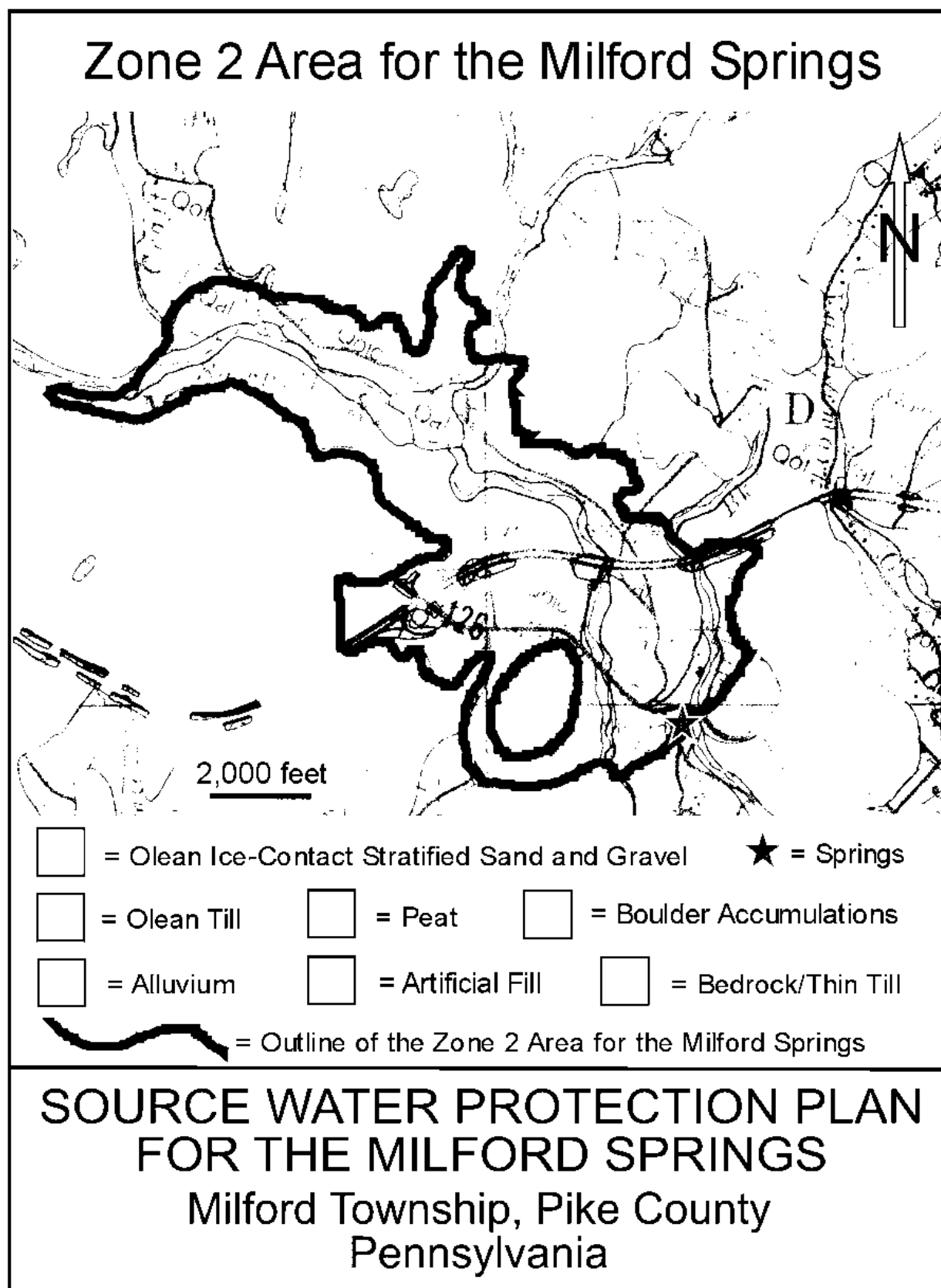
Milford Water Authority Property



 = Property
  = Zone 1
  = Milford Springs

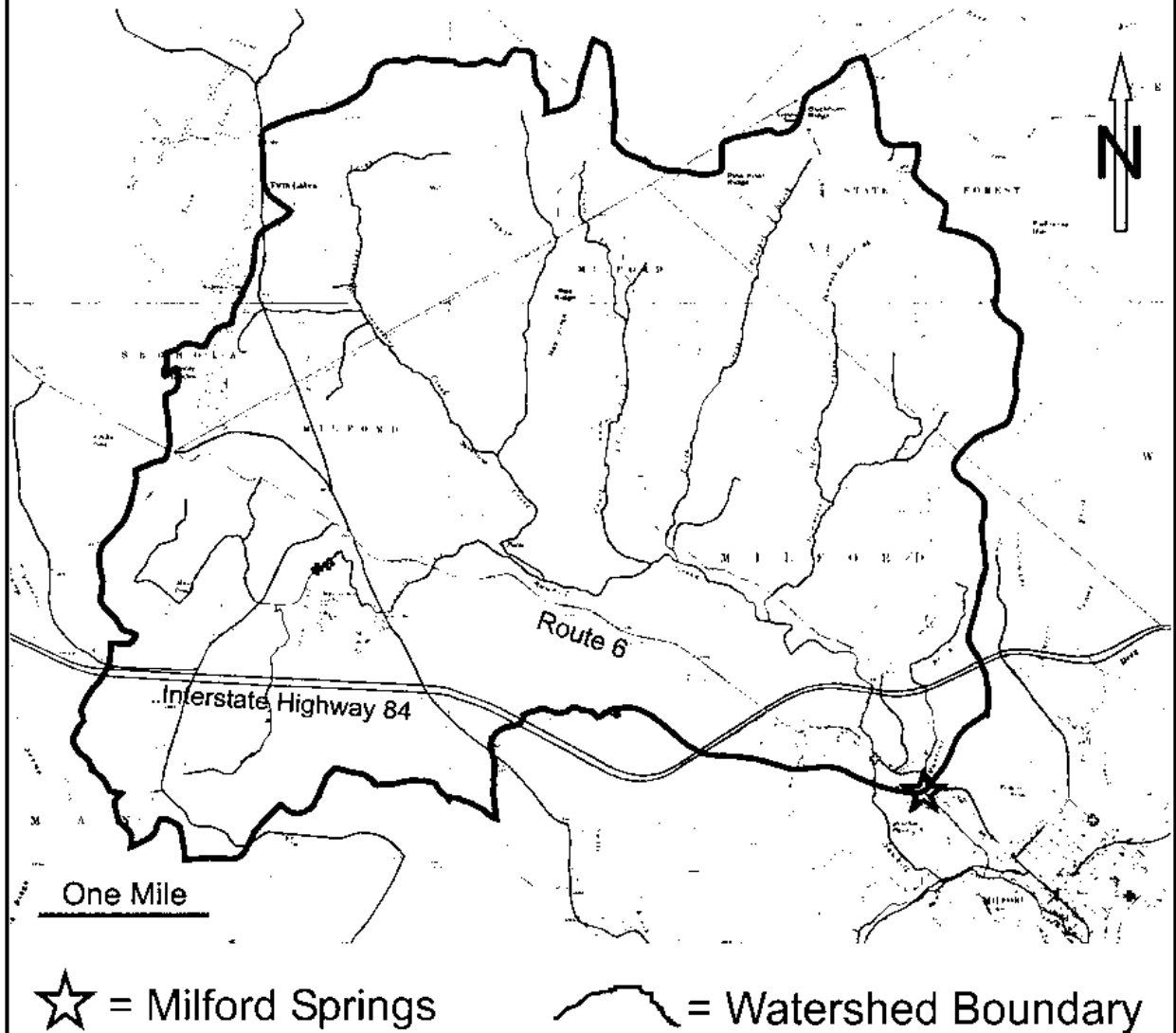
SOURCE WATER PROTECTION PLAN FOR THE MILFORD SPRINGS Milford Township, Pike County Pennsylvania

Zone 1 - 400-Foot Semi-Circle Upgradient



Zone 2 - Upgradient Sand and Gravel Deposits

Source Water Area of the Milford Springs



The blue line outlines the watersheds of Sawkill Creek and Vantine Brook upgradient of the Milford Springs. This is the Zone 3 area of the springs.

SOURCE WATER PROTECTION PLAN FOR THE MILFORD SPRINGS

Milford Township, Pike County
Pennsylvania

Zone 3 - Upgradient Watershed

Protective Easement for Springs

With the help of a generous donation, the Milford Water Authority has taken the next step in preserving the quality of the springs that feed the town's water supply. The Trustees of the Schneider Family Limited Partnership - John "Duke Schneider of Milford and his sister, Jill Davis of Newville - gifted a 60-acre Conservation Easement on the Schneider Farm to the Municipal Authority of the Borough of Milford.

AN INSPIRATION

The Conservation Easement is a legal document filed in the Pike County Recorder's Office containing restrictions and covenants and well head easements that will be binding on the property, located at the northwest corner of the Route 6 and Interstate 84 Interchange above Milford Borough, in perpetuity. These restrictions and easements were welcomed by the Authority as a major step toward meeting the goals of the recently finalized "Source Water Protection Plan for Milford Springs." Tom Hoff, vice chairman of the Authority, welcomed the gift, which in addition to preserving valuable watershed lands, gives the Authority the right to drill two wells, if necessary, as a back up for its water system. "I hope this gift serves as an inspiration for others in the watershed to be proactive to protect our irreplaceable resource, the Milford Springs that produce over one million gallons of pure water daily," Hoff stated. The remainder of the 230 acre Schneider Farm is being developed into 55 homesites by Milford Realty Building Associates LP, a Westminster Communities company. The development will be large lots with on-site well and septic. The frontage of the farm of more than a quarter mile on Route 6 will be part of the easement and accordingly, enhances the preservation of the Route 6 corridor, which has recently been designated as a "Pennsylvania Heritage Corridor."

PRESERVE PROJECT

Sam Gershwin, vice president of development of Milford Realty Building Associates said, "In creating the conservation subdivision called 'The Preserve at Milford Hills' on the remainder of the Schneider Farm, we will be stewards of the land and water sources. "We recognize the valuable resource of the Milford Springs and look forward to the relationship with the Municipal Authority to assure protection of the environment." John "Duke" Schneider, a local attorney who has done numerous conservation easements for clients, said, "My sister and I are pleased that with the cooperation of Westminster Communities, Kuchner Companies and the Authority, we have created a win/win/win scenario. "Eliminating the pressure of commercial development on the value Interchange property with a conservation easement and conservation subdivision allows us to keep a Pike County way of life we all appreciate." The Milford Water Authority received a \$100,000 grant to study the water supply that feeds the seat of one of the fastest growing counties in the state. The study pinpointed the just how water enters they drinking water supply and residential wells along the Sawkill Creek as well marking sensitive land for preservation.

COMMUNITY SUPPORT

In a recent survey of Milford Borough residents for a new join Comprehensive Plan more than 82 percent of the respondents in the survey agreed or strongly agreed that the Milford Water Authority should use its financial resources to acquire watershed land or conservation easements to protect the water supply. The community support echoes the scientific data from the study, Hoff said when Milford Borough Council met to discuss the survey results, comprehensive study of the watershed feeding the Milford Springs. "The best way to protect the land is to purchase it," he explained. MWA has applied for a grant to acquire land in the watershed to compliment the Schneider conservation easement. "It's cheaper to acquire the land than to treat the water," Hoff said in December. "Just ask New York City: they bought up-state New York." The Sawkill Creek encompasses a watershed area of between 22 and 23 square miles, and it includes not only the Milford Springs that supply the municipal water system but also feeds numerous wells and produces the Exception Value stream that cuts through it.

Source: The News Eagle, 04/12/05, M. Uzupes.

- Discusses the Authority's *Underground Heating Oil Tank Survey*:

- The Authority surveyed 1,350 homeowners in source area.
 - Generated a 38.5% response rate.
 - Respondents reported 38 buried heating oil tanks and 29 above ground tanks.
 - Authority providing education about care and replacement of tanks.
- Recommends specific source water protection actions:
 - Acquisition of key land parcels in fee or via conservation easement.
 - Working with existing commercial operations and the two sewage treatment plants in the watershed to minimize contamination threats and develop contamination notification check.
 - Working with Dingman Township and Milford Township to ensure development in the watershed is managed with appropriate protective measures.
 - Continuing the annual fifth grade source water protection program.
 - Contingency planning:
 - Three monitoring wells have been installed to check water quality upgradient of the Springs.
 - An emergency response plan for contaminant spills has been prepared.
 - *Public Water Supply Area - Spill Response* signs will be erected along Rte 6 and I-84
 - An interagency spill response agreement has been executed among the Authority, PennDOT, the County Emergency Management Agency, and the Milford Fire Department.

Nitrogen and Chloride Aquifer Study¹¹

The U.S. Geological Survey, in 1994, published a study that assessed the effect of septic systems and road and parking lot runoff on groundwater quality in the glacial outwash and kame-terrace aquifer underlying the Route 6/209 corridor between Milford

and Matamoras (See *Nitrogen and Chloride Study Area Figure*.). Nitrates and chlorides from these sources can move through the soil into the groundwater and elevated concentrations above the safe drinking water limits - 10 mg/l for nitrates and 250 mg/l for chloride. While no critical levels of nitrates were identified and chlorides were largely relatively low, the study does show the vulnerability of the sand and gravel aquifer, the study noted that *groundwater quality in the glacial aquifer is threatened by salts and nutrients*.¹² Chlorides in wells near an old tanning business in Westfall Township registered chloride concentrations up to 680 mg/l from contamination via discharge to a septic system.

- Nitrate concentrations ranged from 0.05 to 5.1 mg/l, with a median of 1.1 mg/l.
- More nitrogen originated from septic tanks than road runoff.
- Chloride concentrations in the non-contaminated areas ranged from 2.1 to 32 mg/l, with a median of 17.5 mg/l.
- Concentrations were related to septic system density and proximity to major roads.
- *Elevated nitrate concentrations in groundwater are possible in the boroughs of Milford and Matamoras¹³* given the density of septic systems.

The Pike County Planning Commission and the Pike County Conservation District continued a limited sampling program from 1991 through 1998 to assess changes in nitrate and chloride concentrations. The raw data appeared to show no significant increases; however, no scientific analysis of the data was ever conducted.

Pike County Water Resources Plan¹⁴

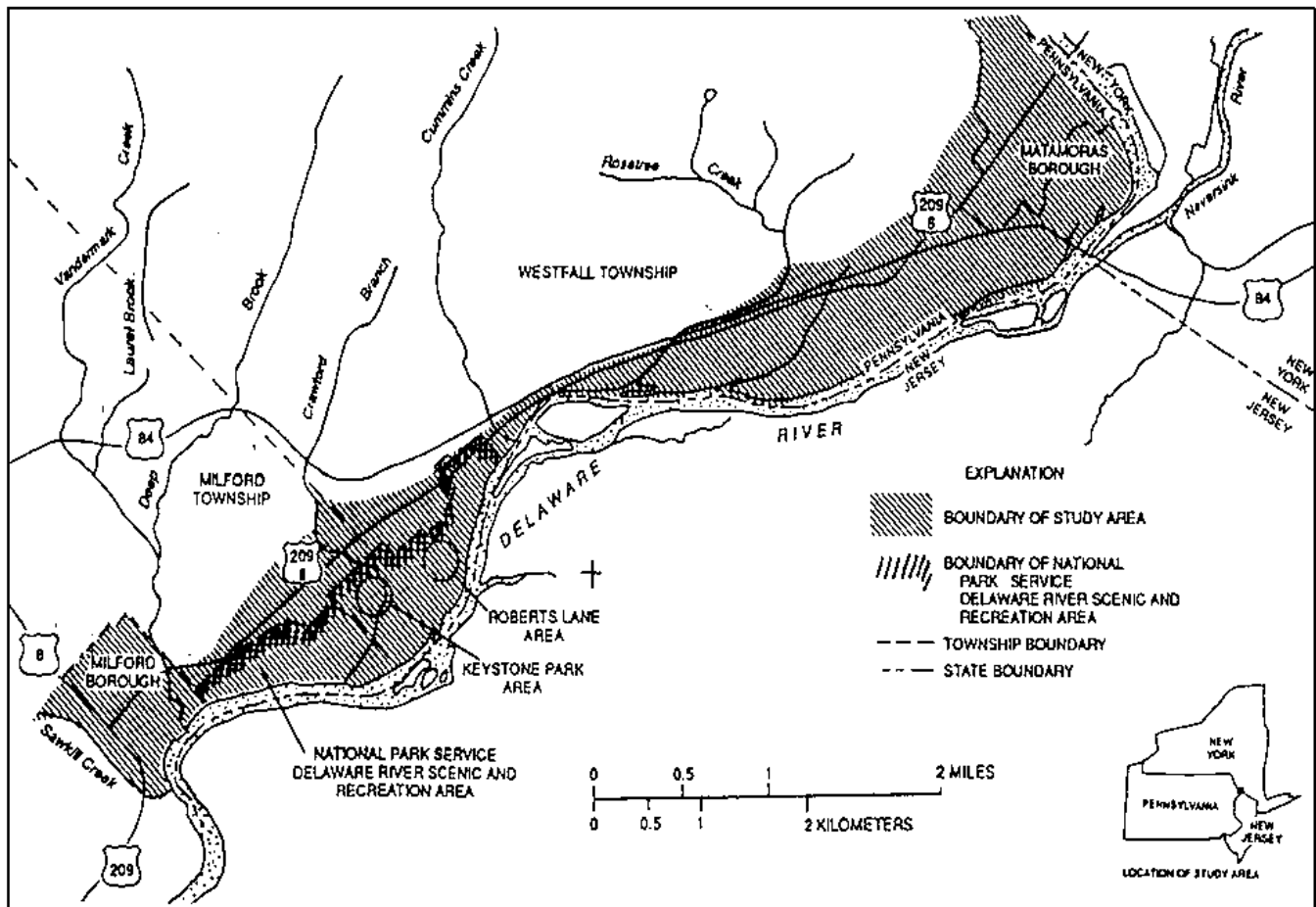
The 1998 *Pike County Water Resources Plan* provided an overview of the water supply and water companies serving the County. In addition, it made recommendations for water conservation and water quality protection, and anticipated improvements required for water companies to maintain service. A

¹²Ibid., p. 31.

¹³Ibid., p.28.

¹¹*Geohydrology of, and Nitrogen and Chloride in, the Glacial Aquifer, Milford-Matamoras Area, Pike County, Pennsylvania*, Water Resources Investigations Report 93-4109, U.S. Geological Survey and Pike County Planning Commission, L.A. Senior, Lemoyne, PA, 1994.

¹⁴*Pike County Water Resources Plan, Water Supply Plan and Wellhead Protection Program*, Pike County Community Planning & Human Development with SAIC, Inc., and Gehring-Roth Associates, 1998



Nitrogen and Chloride Study Area

wellhead protection plan was prepared for the Milford Town Green community water system and this serves as a good example for other such systems in the Milford Planning Area.

Water Supply Actions

It is obvious that a clean and dependable water supply is critical to the long term quality of life in the Milford Planning Area. In order to protect water quality and conserve water quantity the Township and Borough will:

- Work with the Milford Authority to improve the public water system and protect water quality considering the *Source Water Protection Plan* in meeting Township and Borough goals.
- Consider the inclusion of groundwater protection standards in each zoning ordinance.
- Incorporate the most current and effective water

conservation devices in building code requirements.

The Township will consider the development of a five-step action plan suggested in *Groundwater Protection and Management in Pennsylvania*. (See preceding Conservation and Protection Section.) This could include a wellhead protection for community water supplies similar to the plan prepared for Milford Town Green as part of the *Pike County Water Resources Plan*. (See preceding section.) The Milford Authority could provide technical assistance.

Land Use and Water Quality and Quantity

Surface water and groundwater quality and quantity can be affected by land use in the following ways:

1. Large amounts of sediment can enter streams from farms and construction sites, and pollutants can wash off lawns, parking lots, and industrial properties.
2. Removing vegetation adjacent to streams (riparian buffers) can increase stream bank erosion, raise water temperature, and allow non-point source pollutants to enter the stream.
3. Channelizing streams during development can result in stream bank erosion and increase flooding and siltation problems downstream.
4. Solvents and other liquids associated with non-residential development can leak or be spilled onto the ground, and eventually reach the groundwater.
5. Homeowners who dispose of toxic household cleaners, pesticides, oil and other similar products can cause surface water and groundwater contamination as well.
6. Failing on-lot sewage disposal systems can allow partially treated sewage to reach surface or ground water.
7. Groundwater recharge can be hindered as impervious surfaces increase with development.
8. Stormwater systems that remove stormwater quickly from a site and direct it into nearby streams reduce the amount of precipitation that infiltrates the ground (and eventually the underlying aquifers) and increases stream bank erosion and downstream flooding.

Source: *Upper Hanover Township Comprehensive Plan*, 1994, Montgomery County Planning Commission

Sewage Disposal

Adequate sewage disposal is vital to the environmental health of a community, as well as to long-term growth potential. Development in communities without central sewage collection and disposal is limited by the suitability of the existing soils for on-site sewage disposal. Central sewage and collection broadens the possibilities for development, yet can also stimulate unanticipated and unwanted development. In other words, central sewage collection and treatment not only serves to address environmental concerns, it can also stimulate development. In short, a community must consider carefully the balance between the environmental need for central sewage and its relationship to increased development.

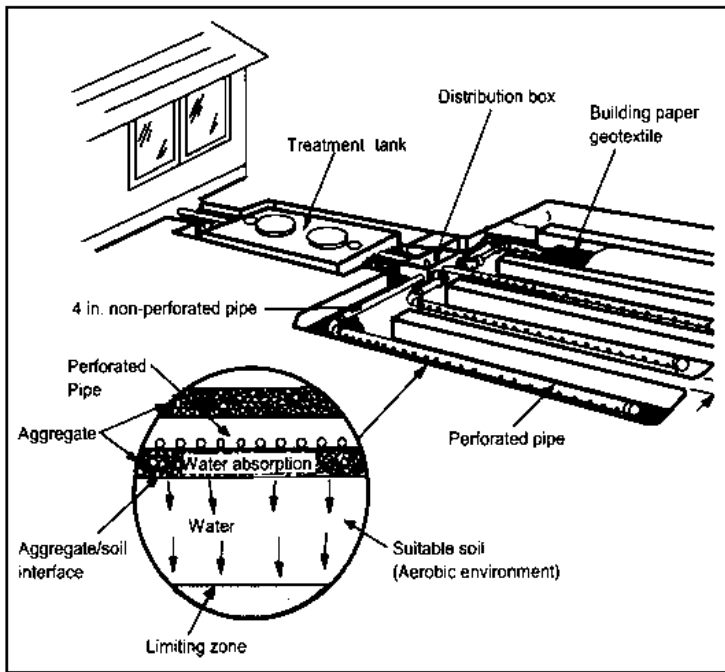
On-Site Sewage Systems

The entire Milford Planning Area relies on soil-based sewage disposal systems, most of which are individual on-lot disposal systems using a septic tank and subsurface soil disposal of the effluent, which includes both in-ground seepage beds and elevated sand mounds. A number of residential developments are served by community on-lot systems; the townhouses at Milford Town Green, Raspberry Ridge, Sawkill and Wheatfield Village, for example. State environmental regulations governing sewage disposal systems were initiated in 1969 following the passage of the Sewage Facilities Act. All of the on-lot disposal systems installed since that time should be in compliance with state requirements.

**PRE-SEWAGE REGULATION
HOUSING UNITS
U.S. CENSUS 2000**

	Milford Borough		Milford Township	
Total units	560		594	
	#	%	#	%
total pre-1970	476	85.0%	194	32.7%
1960-1969	29	5.2%	59	9.9%
1940-1959	93	16.6%	76	12.8%
1939 or earlier	354	63.2%	59	9.9%

As shown in the *Pre-Sewage Regulation Housing Units Table*, the 2000 Census reported that some 670 housing units in the Planning Area were constructed prior to 1970, with the highest proportion in the Borough. Given that state sewage system construction regulations went into effect in 1969, many homes in the Borough and Township are served by systems that predate state regulations. While this does not necessarily mean that widespread disposal problems will be an issue, it suggests the need for careful monitoring of the older systems.



On-Lot Sewage System

In the case of the Borough, and adjoining parts of the Township, the soils are generally deep and highly permeable, having been formed in glacial till material (sand and gravel). This results in little problem with malfunctioning systems discharging to the ground surface. However, the effects on groundwater quality have not been documented.

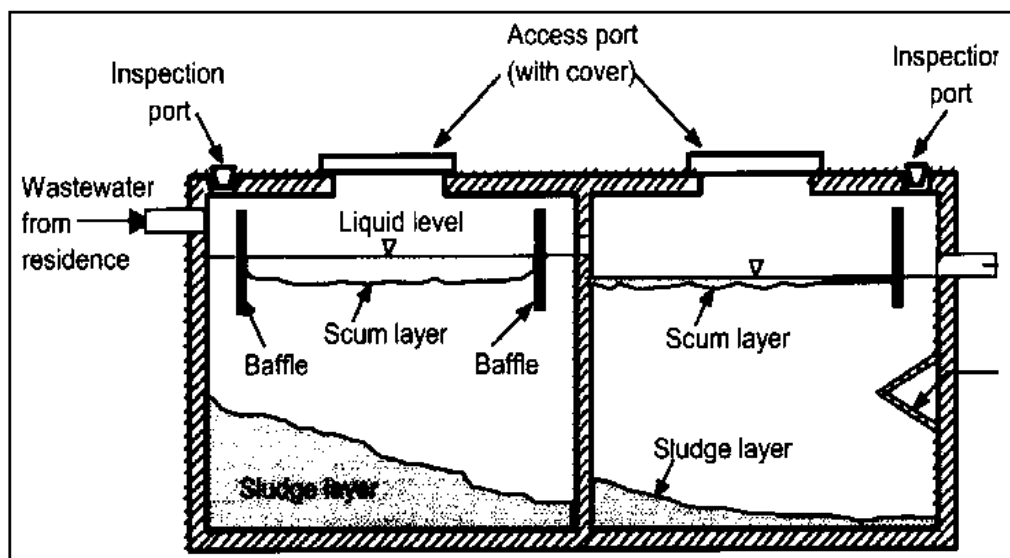
In any case, careful on-site sewage planning and system construction and maintenance are critical to

protecting surface and groundwater quality. All new systems in the Planning Area are installed to current Pennsylvania Department of Environmental Protection (DEP) standards and are permitted and inspected by the locally employed sewage enforcement officer (SEO). The standards require a minimum of twenty inches of suitable soil for sand mounds and seventy-two inches for in-ground systems.

No widespread sewage disposal problems have been reported in either the Borough or Township, and reported malfunctions are corrected in accord with DEP requirements. In cases where small lot size or soil limitations prevent full compliance, malfunctions are corrected using DEP's *best available guidance* as applied by the SEO. While sewage disposal in the residential areas of the Borough has not been a problem, the commercial areas in the Borough have historically suffered sewage disposal problems given the small lot sizes and the higher volume of water use for certain types of establishments, restaurants for example. This has resulted in repairs using *best technical guidance* and has limited the types of commercial uses.

Actions Related to On-Lot Sewage Disposal

- Monitor the functioning of existing on-lot sewage disposal systems and order corrections when malfunctions occur.
- Ensure that all new systems meet DEP regulations.



Typical 2-Compartment Septic Tank

- Update sewage facilities plans as needed.
- Consider on-lot sewage systems and pumping program, particularly in areas where malfunctions are occurring or are likely (e.g., poor soils, concentrated numbers of small residential lots).

Central Sewage Collection and Treatment

None of the Milford Planning Area is served by a central sewage collection and treatment system. Based on the sewage disposal needs of the commercial zoning districts in the Borough and along Route 6/209 in Milford Township, the Milford Borough Municipal Authority has been coordinating the discussion of providing central sewage disposal. The defined goal for this type of service requires a balance between the importance of preserving the natural wooded character of the area surrounding the Route 6/209 corridor and the limitations on effluent discharge into the Delaware River against the economic needs for healthy business activity to support the Planning Area population. The method being considered is the extension of the Westfall Township Sewer Authority system along Route 6/209 through Milford Township into the Borough.

Any service area in the Township must be strictly defined so that the central sewage would not be available outside the Route 6/209 corridor. This point is critical. The extent of the Milford Township service area must be absolutely legally binding so that there would be no danger that service is provided outside the corridor. This would stimulate residential development and defeat the purpose of this *Comprehensive Plan*. In the Borough, service could

be limited to the commercial zoning districts or could be extended throughout the community. The service area delineation would depend on the documentation of residential and commercial disposal problems, the capacity required for servicing commercial development, and cost. Costs of the system would be borne by the users of the system and not paid from general municipal funds.

The Westfall Authority is in the process of replacing its 90,000 gallons per day (gpd) treatment plant, located at Hunt's Landing, with a 300,000 gpd plant with an initial capacity of 300,000 gpd and expandable to 900,000 gpd. The process has been complicated by litigation relating to the connection of a 1,500-unit residential development with the potential of 450,000 gallons in daily sewage flows. Discussions among the Westfall Authority, Milford Township, Milford Borough, and the Milford Borough Authority are continuing.

MILFORD TOWNSHIP CENTRAL SEWAGE COMMUNITY SURVEY		
Public sewer extension from Westfall Township to Milford.	#	%
needed	102	42.3%
not needed	139	57.7%
# of responses	241	

MILFORD BOROUGH CENTRAL SEWAGE – COMMUNITY SURVEY	
The Borough is not served by a public sewage collection and treatment system. All of the homes and businesses in the Borough use on-lot sewage disposal systems. Central sewage would reduce the possibility of groundwater contamination and could stimulate additional development. The Borough should:	# of responses
Plan to provide central sewage collection and treatment for the entire Borough.	80
I need more information before deciding.	54
Continue to rely on on-lot systems.	47
Focus on providing central sewage to meet the needs of the commercial districts	35
Other	18

If determined to be necessary, the process would require a detailed study including an update of the Township and Borough sewage facilities plans in accord with Pennsylvania Department of Environmental Protection requirements, and detailed evaluations of cost. The cost of planning and design, purchasing treatment capacity from Westfall, and the construction of the collection and conveyance system could be partially offset by some \$3,800,000 federal funds available to the Borough/Township and the Authority for water and sewer infrastructure.

The community surveys conducted as part of the planning process revealed more support for central sewage in the Borough than in the Township. (See the *Central Sewage – Community Survey Tables*.) A majority of survey respondents in the Township believe that a sewer extension is not needed, perhaps because of a misunderstanding of the service area limitation and anticipated user costs. In the Borough, more respondents favored serving the entire Borough, with many more indicating more information is needed. The cost of such a system could change public opinion.

In any case, if the central sewage disposal system moves forward, Milford Planning Area officials will:

- Carefully identify the service area based on disposal needs aimed at correcting problems and meeting commercial development potential in existing commercial zones in the Planning Area.
- Acquire disposal capacity only in the amount necessary to handle the identified service area.
- Strictly limit connections to only the service area to avoid stimulating residential development in adjoining areas. This is particularly important in Milford Township where hundreds of acres are available for subdivision.

General Sewage Disposal Actions

- Encourage DEP to actively investigate the use of alternative sewage disposal methods to meet the needs of municipalities in high quality and exceptional value watersheds.

HISTORIC PRESERVATION

Historic Resources

The many historic resources in the Milford planning area are key components of the traditional small town character so critical to the local lifestyle and tourism based economy. The preservation of these resources in this time of rapid growth and development is one of the basic tenets of this *Comprehensive Plan*.

According to the Pennsylvania Historical and Museum Commission, six individual structures in the Milford planning area and three historic districts are listed on the National Register of Historic Places, and two are eligible for listing. (See *National Register of Historic Places Sidebar*.) The structures are listed in the *National Register Listing Table*.

NATIONAL REGISTER LISTINGS	
Description	Date Listed
Milford Township	
Gifford Pinchot House (National Historic Landmark)	1963
Milford Borough	
Hotel Fauchere and Annex	1980
Forester's Hall and Milford Post Office	1983
Jervis Gordon Grist Mill Historic District	1985
Milford Historic District - commercial area	1998
Milford Historic District - residential area	2002

Milford Township

The limited number of designated or eligible structures in Milford Township does not mean that it does not have a rich history. Many of the older homes and buildings in the Township, along with the agricultural landscape itself, add to the historic fabric of the entire Milford planning area. In fact, the Township encompassed the entire planning area until 1874 when the Borough was incorporated as a separate municipality. The history and current historic fabric of the Milford community simply cannot be divided between the Township and Borough. The two municipalities evolved from a common source and will continue to change as one community.

National Register of Historic Places

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior.

The Pennsylvania Historical and Museum Commission manages the National Register of Historic Places for Pennsylvania. National Register properties are distinguished by having been documented and evaluated according to uniform standards. These criteria recognize the accomplishments of all peoples who have contributed to the history and heritage of the United States and are designed to help state and local governments, federal agencies, and others identify significant historic and archeological properties worthy of preservation and of consideration in planning and development decisions.

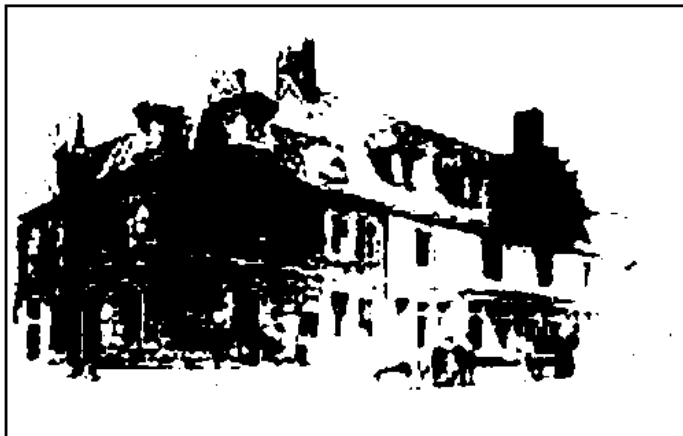
Listing in the National Register, however, does not interfere with a private property owner's right to alter, manage or dispose of property. It often changes the way communities perceive their historic resources and gives credibility to efforts to preserve these resources as irreplaceable parts of our communities. Listed historic districts enable municipalities to control the exterior appearance of structures.

Listing in the National Register contributes to preserving historic properties in a number of ways:

- Recognition that a property is of significance to the nation, the state, or the community.
- Consideration in the planning for federal or federally assisted projects.
- Eligibility for federal tax benefits for income producing properties.
- Qualification for federal assistance for historic preservation, when funds are available.



Grey Towers (Source: www.pinshot.org.)



Forester's Hall (Source: www.fs.fed.us.)



Hotel Fauchere (Source: www.fauchere.com.)

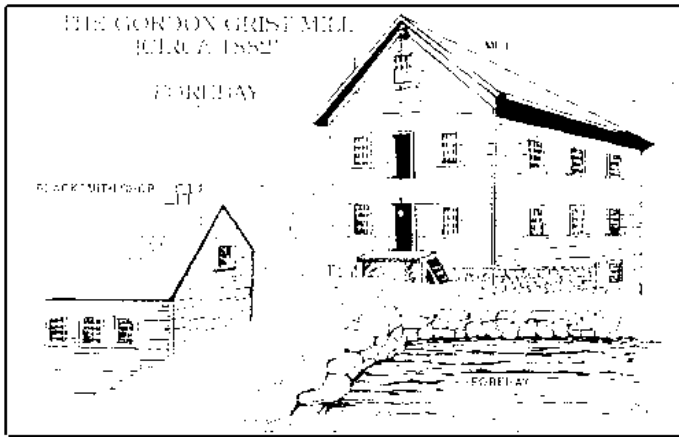
Milford Borough Historic Districts

The three historic districts in Milford Borough listed on the National Register include:

- The Jervis Gordon Grist Mill Historic District at the intersection of Water Street and SR 2001 including some six acres.
- The Borough's traditional central business district encompassing some twenty-two acres along a section of Broad Street and parts of intersecting Harford, Ann, Catharine, and High Streets, as well as a small section of Fourth Street which intersects Harford Street.
- A 240-acre area which incorporates virtually all of the historic architecture of the community as well as small areas of Dingman Township and Milford Township northwest of the Borough and a parcel containing a former resort hotel immediately northeast of the Borough in Milford Township.

The traditional central business district was listed on the National Register in 1998 following a detailed study and application to the National Park Service prepared by Taylor and Taylor Associates of Brookville, PA under contract to the Historic Preservation Trust of Pike County, Inc.. The application states: *No particular architectural style, date, or method of construction predominates in any single part of the district. The district's overall character is that of an architecturally-cohesive business district of a mid-to-late-nineteenth century resort community-county seat, containing a mixture of commercial architecture – including hotels – interspersed with residences and governmental and religious institutional buildings. The overall cohesion of the district is created by its dense development and by a general lack of significant concentrations of intrusions.* The District includes some fifty-five contributing historic resources, five buildings previously listed on the National Register, and fourteen non-contributing buildings.

In 2002, again based on a detailed study and application by the Historic Trust and Taylor and Taylor, the 240-acre historic district was listed on the National Register. As noted in the application the district's *overall character is that of an architecturally-cohesive, mid-to-late-nineteenth century resort community/ county seat. The district*



Jervis Gordon Grist Mill

(Source: dvasdweb.dvasd.k12.pa.us/pppike/MillsofMilford.htm.)

contains a substantial and architecturally-distinctive residential area interspersed with a small number of commercial, and institutional buildings whose overall cohesion is created by its dense development and by a general lack of significant concentrations of non-contributing elements. The district contains 347 contributing historic resources including three contributing structures (the 1867 Broad Street Bridge over Vandermark Creek, the 1902 Mott Street Bridge over Sawkill Creek, and a substantial cast iron fence surrounding the site of the Milford Inn.

Borough Preservation Process

The National Register listing of the two historic district was the culmination of the preservation effort supported by the Historic Preservation Trust of Pike County, Inc., a community based, nonprofit corporation. Other participants included:

- Milford Community House Board
- Milford Borough Council
- Milford Business Council
- Milford Garden Club
- Milford Shade Tree Commission
- Milford Square Enhancement Committee
- Pike County Historical Society
- Pinchot Institute

Preservation efforts included a Borough-wide survey conducted in 1999 which found that 91% of respondents supported the preservation of historic public buildings, 86% supported preservation of historically significant commercial buildings, and 82% supported preservation of architecturally important residencies.

Benefits of Historic Preservation

Since the 1970s, mounting evidence has shown that historic preservation can be a powerful community and economic development strategy. Evidence includes statistics compiled from annual surveys conducted by the National Trust for Historic Preservation and statewide Main Street programs, state-level tourism and economic impact studies, and studies that have analyzed the impact of specific actions such as historic designation, tax credits, and revolving loan funds. Among the findings:

- Creation of local historic districts stabilizes, and often increases residential and commercial property values.
- Increases in property values in historic districts are typically greater than increases in the community at large.
- Historic building rehabilitation, which is more labor intensive and requires greater specialization and higher skill levels, creates more jobs and results in more local business than does new construction.
- Heritage tourism provides substantial economic benefits. Tourists drawn by a community's (or region's) historic character typically stay longer and spend more during their visit than other tourists.
- Historic rehabilitation encourages additional neighborhood investment and produces a high return for municipal dollars spent.
- Use of a city or town's existing, historic building stock can support growth management policies by increasing the supply of centrally located housing.

Source: *Planning Commissioners Journal*, No. 52, Fall 2003. p. 4.

Borough Historic District Ordinance

The Pennsylvania Historic District Act enables local municipalities in the Commonwealth to govern, by locally adopted ordinance, the architectural integrity of structures and appurtenances in an historic district certified by the Pennsylvania Historical and Museum Commission. In the case of Milford Borough, the commercial historic district is a vital component of the community's small town character and appeal, and therefore, its economic viability and quality of life. Recognizing the importance of maintaining this

historic character, and supported by the positive results of the community survey, the Borough Council adopted a Historic District Ordinance on December 6, 1999. The Historic District Ordinance applies to the entire Commercial Zoning District and the entire Limited Commercial Zoning District.

Recent Community Survey

The results of the community survey conducted as part of this *Comprehensive Plan* suggests continued public support for historic preservation. The survey asked if the commercial historic district and ordinance have benefitted the Borough. Most respondents view the preservation effort as positive and a number believe additional eligible areas should be included. The detailed results are reported below.

RESPONSE	# of responses
The commercial historic district has been positive for the Borough.	112
The Borough should not be involved in historic preservation.	38
The commercial historic district has done little to benefit the Borough.	35
Additional eligible areas should be included in the regulated historic district.	25
I need more information before deciding.	19
I did not realize there was a locally regulated historic district.	3

Historical Architectural Review Board

The Historic District Ordinance establishes the seven-member Architectural Review Board (ARB) to advise the Borough Council on the appropriateness of any proposed construction, alteration, repair, restoration or demolition of any buildings in the designated historic district. The Ordinance is not intended to memorialize historic structures or prohibit any changes. Instead, the goal is to ensure that any changes are in keeping with the style of the structure and the fabric of the historic district. In addition, the ARB reviews the appropriateness of all signs, awnings, mountings and brackets, and illumination on the exterior of buildings, and all window signs visible from a public way. The ARB recommendation is based on guidelines intended to preserve the historic integrity of the buildings in the

Historic District. A Certificate of Appropriateness must be issued by the Borough Council before a building permit can be issued for any such work.

ARB Design Guide

The Architectural Review Board, with the assistance of Richard Sutter and Associates of Holidaysburg, PA, recently updated the design guidelines in a very detailed format. The new *Milford Design Guide* provides property owners an invaluable resource for planning and completing building renovation and construction. It includes:

- A brief Borough history and a description of all of the architectural styles in the Historic District.
- A building maintenance checklist.
- Details about the various parts of buildings – walls, roofs, windows, doors, etc.
- A description of the ARB and how the review and approval process works.
- An extensive appendix with a glossary of technical terms and information sources.

The *Milford Design Guide* notes:

ARB assesses the architectural and historical significance of the property and considers the effect of the proposal on the overall district, street, individual building, and the building's component features. To help make its decision, ARB applies the Secretary of the Interior's Standards for Rehabilitation, . . . These guidelines were developed by the United States Department of the Interior following several decades of preservation activity. They are accepted as the national standard for rehabilitating historic buildings,

In determining the compatibility of the proposed project, ARB also considers a number of issues specifically identified in Milford's Historic District Ordinance, such as proportions, window placement, and materials. This design guide clarifies these matters, and provides information in greater detail than is given in the Ordinance. Consequently, this design guide is an important tool that ARB can use in its decision making process.

After ARB has considered all of these materials and issues, it votes on the proposal and sends its

recommendation to the Milford Borough Council. Milford Borough Council makes the final decision on the application by using the same information as ARB in its determination.

Sign Design Assistance

As part of a continuing commitment to the historic character of the Borough, the Historic Preservation Trust of Pike County, Inc., is committed to assisting business owners in the Commercial and Limited Commercial Zoning Districts (the areas governed by the Historic District Ordinance) with signs that are consistent with the heritage of the building and/or business. This is a community based effort that has been invaluable to the preservation effort.

Borough Actions

The Borough should continue and strengthen the historic preservation program by:

- Making additional public investments in the Borough to enhance its historic character. (e.g., streetscape improvements.)
- Improving the public information efforts of the ARB about the benefits of historic preservation and how the Borough ordinance works. A web site would be a good approach.
- Integrating the historic district ordinance with the zoning ordinance – each is aimed at protecting overall community property values while balancing individual property rights with the public benefit.
- Carefully evaluating the range of commercial uses in the Commercial and Limited Commercial Zoning Districts to ensure historic district compatibility.
- Continuing to allow *no impact* home occupations in all zoning districts as a means of encouraging productive use of historic structures which tend to be larger and more difficult to maintain.
- Requiring that parking areas for new commercial and institutional buildings be to the side and rear of the building.
- Prohibiting parking in the front yards of residential properties and that garages be accessed from alleys

Historic Preservation Planning

A well-conceived preservation planning process serves to:

- *Establish a basis of public policy about historic resources;*
- *Educate and inform residents and others about their community's heritage and its value;*
- *Identify opportunities for economic growth based on the community's historic and architectural character.*
- *Ensure consistency among various local government policies that affect the community's historic resources;*
- *Lay the groundwork for adopting a local historic preservation ordinance or strengthening an existing one;*
- *Eliminate uncertainty or confusion about the purpose, meaning, and content of a community's preservation ordinance;*
- *Inform existing and potential property owners, investors, and developers about what historic resources the community wants to protect as it grows;*
- *Create an agenda for future preservation activities; and*
- *Facilitate compliance with federal and state historic preservation and environmental quality laws.*

Preservation plans serve several purposes:

- *educating elected and appointed officials, municipal staff, property owners, investors, and others about the status of historic resources within the community and the economic benefits of preservation;*
- *formally documenting existing conditions, issues, opportunities, and challenges;*
- *providing information on tax and other incentives for preservation;*
- *offering discussion and analysis regarding preservation of historic resources, and establishing a roadmap for future efforts;*
- *setting out the roles and responsibilities of the public, private, and nonprofit sectors with regard to the preservation of historic resources.*

Source: *Planning Commissioners Journal*, No. 52, Fall 2003, p. 6.

whenever possible.

- Developing a sidewalk improvement program that extends beyond Broad and Hartford Streets to preserve existing sidewalks and extend the sidewalk network.

Township Actions

- Conduct an inventory of historic resources in the entire Township to include Indian sites, buildings, old roads, etc.
 - Consider the development of a local historic register program.
 - Incorporate the preservation of historic resources in conservation design for residential development.
 - Continue to allow home occupations in all zoning districts as a means of encouraging productive use of historic structures which tend to be larger and more difficult to maintain.
- C Prepare and adopt design guidelines for commercial, industrial, and institutional development to encourage the most efficient use of commercial land and development consistent with the Township's character.

TRANSPORTATION

Summary of Planning Issues

- Given its evolution into a *gateway community*, the Milford Planning area suffers much of the traffic entering and leaving Pike County.
- The Planning Area also serves as the retail/service and community activity center for many area residents and the Borough serves as the County Seat, adding to the daily traffic flow.
- Route 209, although now owned by the National Park Service and with a partial truck ban, continues to serve as a north - south route for many travelers.
- Many drivers who are passing through the Borough use side streets to avoid congestion at the Harford Street and Broad Street intersection which disrupts residential neighborhoods.
- Heavy traffic in the Borough makes pedestrian circulation difficult and detracts from historic character.
- Parking in the Borough is extremely limited.
- Increased residential development is placing more demand for the maintenance and improvement of Township roads.

The Transportation System

A sound transportation system includes adequate and well-maintained roads, available public transportation, safe and convenient pedestrian access, and bicycle routes. However, few communities are able to achieve this ideal level of service. This is particularly true in small, less populated communities with limited budgets. In other words, local municipalities must evaluate transportation needs, set priorities, and garner all available resources to make improvements. It is also important to remember that there is a direct correlation between land use and transportation needs. As residential and commercial land is developed, more and more people use the roads, and the roads become congested for longer periods of time. This is particularly true for rush hours. In response, roads are improved to address the traffic congestion, the adjoining land becomes easier and more lucrative to develop, and more traffic is generated.

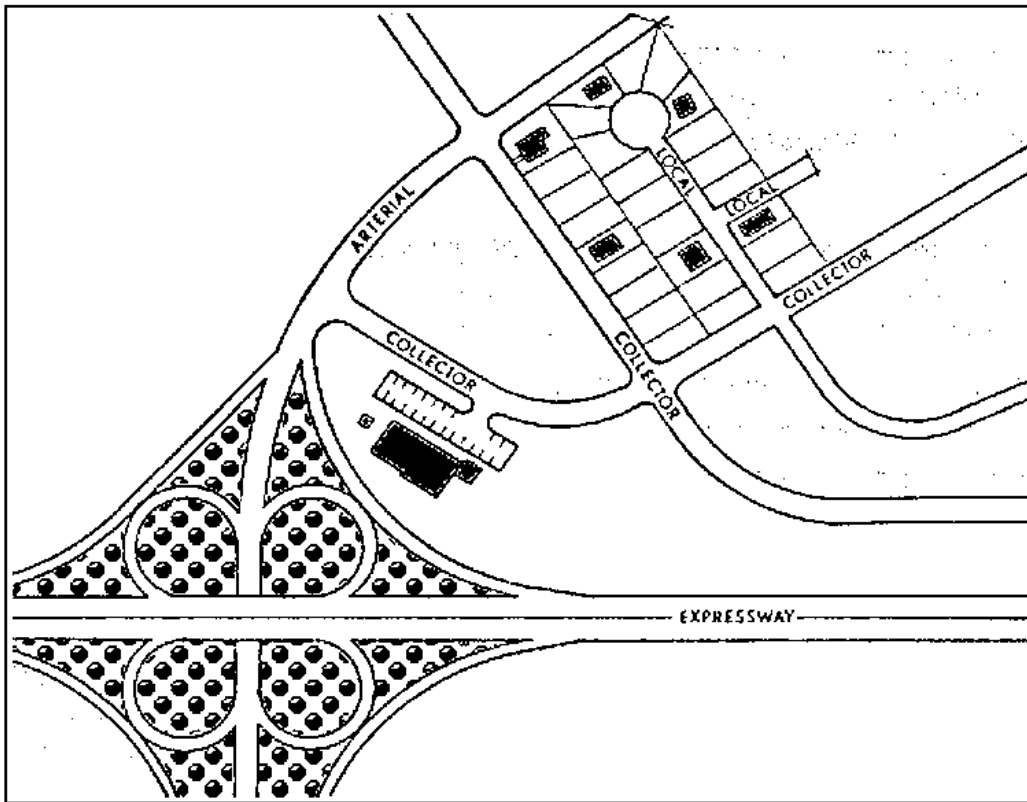
Access - Mobility

Each highway, road or street in a community plays a specific role for the movement of traffic and it is useful for planning purposes to classify roads according to the particular function each serves. In general terms, the functional classification of a road is based largely on two factors -- access and mobility -- and typically, as access declines mobility increases. For example, Interstate Route 84 clearly serves a different function than does a street in a residential subdivision. Although the I-84 and private street example compares streets at the opposite ends of the road classification hierarchy, it clearly depicts the relationship between access and mobility. Traffic on Interstate 84, a limited access highway, travels over long distances at high rates of speed. On the other hand, traffic using a residential street with unlimited access from individual properties moves at minimum speeds to reach roads that connect the residential community with other areas in both municipalities and the region at large.

Highway Classification Factors

As previously noted, access, how traffic enters the traffic stream, and mobility, the physical capability of the road to carry traffic, are the key determinants of a road's functional classification. However, several other road and network characteristics also affect the functional classification of a road. Traffic volume in relationship to the physical design of the road, including lane and shoulder width, right-of-way alignment and surface treatment, is important to its classification. Generally, as a community develops, roads are improved to meet the increased traffic demands, with specific routes moving higher in the functional classification as they are improved.

However, in areas of rapid growth and associated traffic increases, the amount of traffic carried by specific roads may increase to the point of exceeding the road's capacity. The road, in terms of traffic, may be serving as an arterial route, but may not have been physically upgraded from a minor collector or local road. In urban areas, mass transit and non-capital approaches such as ride sharing and staggered work hours are promoted as a means of reducing traffic congestion as an alternative to upgrading roads. In a



Highway Functional Classification

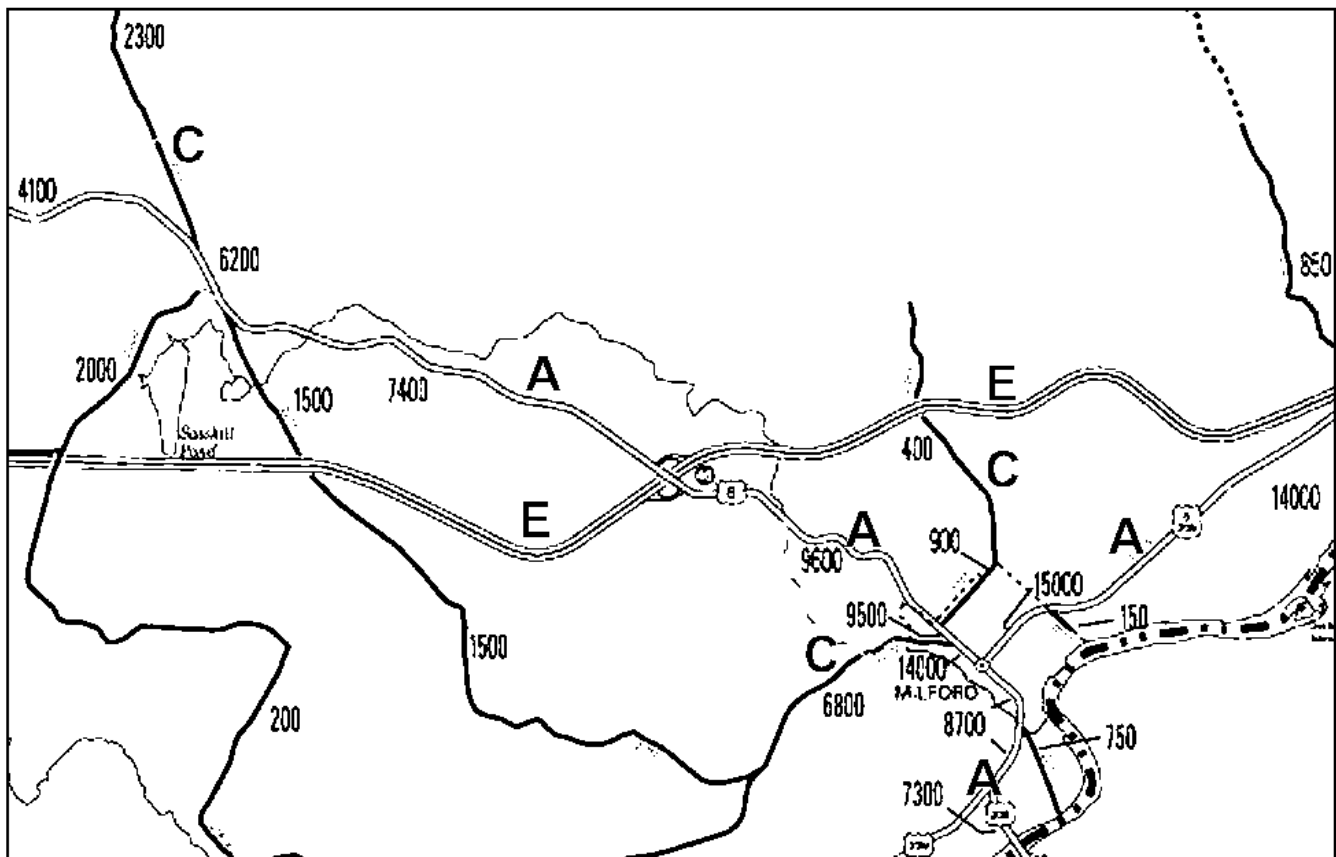
gateway community, where much of the traffic is not related to travel to work, such solutions are likely impractical.

A road's location and relationship to other roads in the intra-community and inter-regional highway network may also help define the road's classification. Those roads which provide direct and convenient connection to arterial routes and expressways typically develop into roads which carry increasing amounts of traffic. Conversely, interchanges for expressways are normally located to provide connection with those roads in a community which historically have developed into arterials and collectors. Traffic flow problems and declines in level-of-service on routes connecting areas of the municipalities and routes providing access to the region are directly related to the capacity of collector and arterial roads. As traffic increases on the collectors and arterials, where access to abutting properties has historically not been limited to any significant degree, increasing traffic congestion can be expected. Also resulting from such access by adjoining residential and commercial properties and intersecting streets are the safety problems associated with increased congestion.

Highway Functional Classification

The nomenclature used for a *Highway Functional Classification* also differs from jurisdiction to jurisdiction throughout the Commonwealth and the United States. Road classification in metropolitan and suburban areas is often very complex, with the various categories of roads being divided into subcategories based on land use type served and the designation of specific traffic volumes.

The nomenclature for classification being used for the Milford Planning Area is based on the type and density of the land uses served by the road and the volume of traffic on the road. The relatively small-scale commercial development interwoven with the residential development pattern within the small town setting warrants a more simplified highway classification system for the two-municipality area. While simplified, this classification will meet the needs for identification of problem areas and needed improvements, and for long-range planning. The designation of the Highway Functional Classification for roads serving the Planning Area includes *expressway*, *arterial highway*, *collector road* and *local road*. A description of each classification follows and,



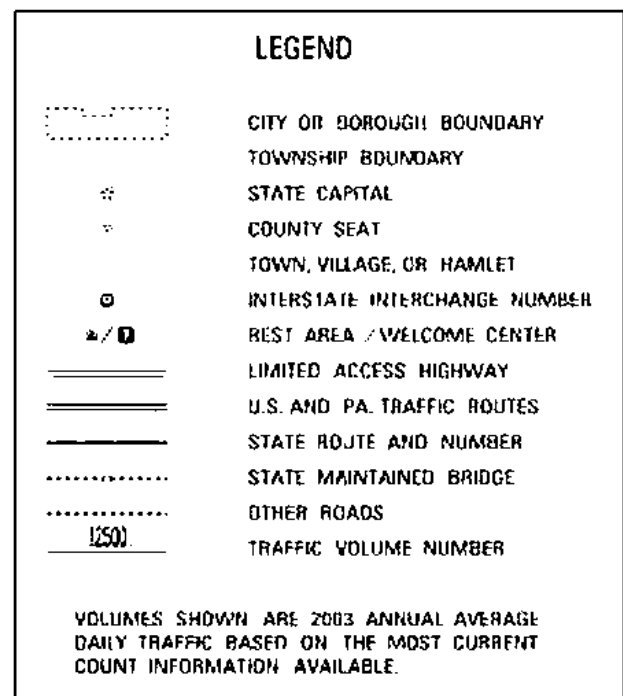
Highway Classification and Annual Average Daily Traffic Volume (E=expressway, A=arterial, C=collector)

the *Highway Functional Classification Figure*, provides an illustration, and the *Highway Classification and Annual Average Daily Traffic Figures* provide an overview of the road system in the two municipalities.

Expressway

- Provides interregional and interstate connections
- Designed for unrestricted, high speed (55+ mph) mobility of traffic
- Limited access only – no direct access from private property
- Provides highest level of mobility
- Intersects with selected arterial or collector routes by means of interchanges
- Carries highest volumes of automobile and truck traffic with longer trip lengths

Interstate 84, running east and west through Milford Township and Pike County, is the only expressway in Pike County. Planning Area access is at the Milford Interchange off Route 6 in Dingman and Milford Townships and to the east at the Matamoras/Westfall Interchange. Since its completion in the late 1970's,



I-84 has played a central role in shaping the growth and development of all of Pike County. The ease of access provided for visitors and new residents has certainly contributed to the level of residential development and will continue to facilitate travel of to nearby urban centers.

Arterial Highway

- Provides connection between commercial and population centers in the region
- Provides connection between the municipalities and adjoining communities, counties and states
- Carries larger volumes of traffic at relatively high speeds (45-55 mph)
- Serves a mix of local and through traffic
- Carries low volumes of through truck traffic
- Provides moderate to high levels of mobility
- Access limited only by PennDOT highway occupancy permits and local zoning and subdivision ordinances

Arterial highways in the planning area include the following state highways:

Route 6 - a major east/west corridor in the Commonwealth continuing from the Borough and Township westward through Pennsylvania to the border with Ohio and eastward to New York. Passing through the Borough along East Broad Street and West Harford Street, the Route connects the Planning Area to Matamoras and Port Jervis to the east and to western Pike County.

Route 209 - a north/south route carrying traffic through the Delaware Water Gap National Recreation Area and from the New Jersey Route 206 connection at the Milford/Montague Toll Bridge. The Route joins Route 6 at the Broad and Harford intersection and follows the same corridor to New York.

Collector Road

- Collects traffic from local streets for connection of residential areas to commercial and activity centers and arterials
- Serves moderate levels of traffic at reduced speeds (35-45 mph)
- Serves more locally oriented traffic and few through trips
- Carries primarily only "local delivery" truck traffic
- Access from smaller and more numerous properties
- Access limited only by local municipal and PennDOT highway occupancy permits and local

zoning and subdivision ordinances

- Provides reduced levels of mobility

Collector roads in the planning area include:

SR 2001: carries residential traffic from Dingman Township and Delaware Township to the Milford Planning Area..

SR 2017 - Seventh Street and Foster Hill Road: provides a connection for traffic from residential development in Milford Township and Westfall Township through the Borough to Route 6.

SR 1005 - Twin Lakes Road: carries traffic from Shohola Township through a small section of Milford Township to Route 6.

Fire Tower Road: carries primarily residential traffic from the Township to Route 6.

Moon Valley Road and Sarah Street: carry primarily residential traffic to Route 6/209.

Local Road

All other public roads in the two municipalities not classified as expressways, arterials or collectors are considered local roads.

- Provides connection of residential properties and communities and less populated areas to collectors
- Serves lowest levels of traffic at slowest speeds (less than 35 mph)
- Provides high level of access from smaller residential parcels or areas with little development
- Carries local trips only with no through trips
- Carries minimal truck traffic for local deliveries

PUBLIC ROAD MILEAGE MILFORD PLANNING AREA			
	Township	Borough	Total
	miles		
Local	9.56	6.74	16.30
State	9.08	2.16	11.24
Total	18.64	8.90	27.54

Roads in the Milford Planning Area

The total length of public roads in the Township and borough is 27.5 miles, with 16.3 miles of municipal roads and 11.2 miles of state-owned routes. Local municipal road mileage in Pike County ranges from a

low of six miles in Porter Township to a high of forty-three miles in Lackawaxen Township. All roads owned by the municipalities are part of the State Liquid Fuels Programs which provides state payments to the municipalities for road maintenance and reconstruction based on population and miles of roads meeting PennDOT specifications. However, the Liquid fuels Funds comprise only a small part of the Township and Borough road maintenance budgets and do not nearly cover the cost of long term maintenance and replacement.

Traffic Volume

It is obvious that traffic on the roads in the Borough and the Township have been increasing significantly in association with the rapid development in the area. In fact, traffic congestion in the Township and Borough on Route 6 and Route 209 has reached the point of disrupting the character of the community and quality of life.

Annual average daily traffic (AADT) volumes provide an overview of the traffic flow in the Township and Borough for planning purposes. PennDOT conducts traffic counts on state roads, and the counts do provide an means of assessing the overall traffic conditions. Traffic counts for 2003 for all state roads in the municipalities, reported as annual average daily traffic (AADT), are shown on the *Highway Classification and Annual Average Daily Traffic Figure*.

As would be expected, Route 6/209 east of the traffic signal in the Borough carries the greatest volume of traffic through Planning Area. The Broad Street and Harford Street intersection is the confluence of Route 6 from the west, Route 209 and New Jersey Route 206 from the south, and Route 6/209 from the east. The 2003 PennDOT data show that AADT in the Borough on Route 6/209 is 15,000 vehicles. An important point to remember is that AADT does not reflect daily and seasonal traffic volumes which can far exceed AADT. The proportionate increase in daily and seasonal counts can be significant, exacerbating congestion far beyond what is found on the average day.

Road Network Level-of-Service

The traffic carrying capacity of a community's road network, and the intersections associated with the network, to handle the existing and future traffic volumes generated by development is the key element for providing safe and efficient traffic flow. Those

land uses which generate larger volumes of traffic should logically be located in the areas of a community served by roads with greater carrying capacity. For example, commercial establishments generate more traffic than a single family residence and should be located on routes which have sufficient capacity to serve the use. The capacity of a highway or road typically decreases as the service area of the route declines. For example, the capacity of I-84 is obviously significantly greater than any arterial highway, which in turn have a greater capacity than collector roads, with the lowest capacity associated with local roads. The capacity of a rural, two lane highway is dependent on a number of design variables such as lane and shoulder widths and terrain.

Local roads, because of the limited service and low traffic volumes, are not considered in terms of capacity. The quality of traffic service is discussed in terms of level-of-service (LOS). There are six levels of service ranging from LOS A through LOS F, with LOS A representing free flowing traffic and LOS F representing a total breakdown in the traffic flow or *bumper to bumper* traffic.

Congested Corridor Improvement Program

In December 2004 PennDOT issued the *Congested Corridor Improvement Program Report* for the U.S. 6/U.S. 209 corridor in Pike County. (See following *Congested Corridor Improvement Program Sidebar*.) The study included the Broad Street and Harford Street intersection and found it operates at acceptable levels of service even during peak hours. However, the Report goes on to note that level of service will decline significantly over ten years if no improvements are made to the corridor. (See the following *Level-of-Service Table*.)

The Report summarizes the conditions leading to the traffic congestion as follows:

The US 6 / US 209 corridor was nominated for the CCIP due to traffic congestion resulting from overwhelming population and retail growth over the last 20 years. Weekend travel is particularly bad, causing residents to schedule simple travel and chore trips around peak congestion times. In addition to heavy congestion, safety has been cited as a serious issue along the corridor. The corridor study limits are a heavily traveled link connecting the Borough of Milford and the Borough of Matamoras in Pike County.

CONGESTED CORRIDOR IMPROVEMENT PROGRAM - US 6 / US 209 CORRIDOR IN PIKE COUNTY

The Pennsylvania Department of Transportation (PENNDOT) initiated the Congested Corridor Improvement Program (CCIP) in 2001 to identify several congested corridors in the Commonwealth and, in conjunction with its partners, define and implement the needed improvements. The goal of the CCIP is a 20 percent reduction in peak hour travel time or system delay on the improved transportation corridor. A Standard Study Methodology (SSM) was developed as part of the CCIP to provide a uniform approach to identify improvements and assess their effectiveness in accordance with the goals of the program. The SSM identifies the steps involved in an engineering study of improvement alternatives, and focuses on the use of simulation models as analysis tools to evaluate operational impacts of improvement alternatives. Since its initiation in 2001, there have been 25 corridors studied and planned for improvement as part of CCIP.

The US 6 / US 209 corridor in Pike County was selected for the CCIP, along with seven other corridors in the Commonwealth of Pennsylvania for 2004, based on nominations by the local planning organizations. The Northeastern Pennsylvania Alliance (NEPA) Rural Planning Organization nominated the US 6 / US 209 corridor in Pike County, which is located in PENNDOT Engineering District 4-0.

The US 6 / US 209 corridor is located in Milford Borough, Milford Township, Westfall Township, and Matamoras Borough in Pike County. The corridor study limits extend 6.79 miles from Harford Street in Milford Borough to the New York State line in Matamoras Borough. The corridor limits include six (6) signalized intersections as follows:

- Broad Street (S.R. 0006) & Harford Street (S.R. 0006 / S.R. 0209);
- Constitution Avenue (S.R. 0006) & Wal-Mart Driveway;
- Constitution Avenue (S.R. 0006) & Westfall Town Center Driveway;
- Constitution Avenue (S.R. 0006) & Reuben Bell Road / Interstate 84 Eastbound Ramps Pennsylvania Avenue (S.R. 0006) & Mountain Avenue (S.R. 1015); and
- Pennsylvania Avenue (S.R. 0006) & Stella Street (T-442) / Interstate 84 Westbound Ramps.

The following adverse conditions were noted through the project meetings, data collection procedures, and traffic analyses:

Population Growth - Over the past 20 years, Pike County's population has increased 153%, qualifying it as the fastest growing county in the Commonwealth. The population is expected to increase another 94% by 2020, leading to further residential growth. With the population growth, the corridor continues to experience increasing traffic volumes from residential and related commercial development.

Development Pressure - Future residential and commercial development is anticipated for the Lake Wallenpaupack area in Pike and Wayne Counties, which will result in increased traffic volumes along this corridor. In addition to the development in Pennsylvania, the neighboring Counties of Orange and Sullivan in New York, and Sussex in New Jersey are some of the fastest growing Counties in their states, further straining the roadway networks. At this time, several large retailers are looking to develop along this corridor due to the proximity of the County's only Department of Environmental Protection (DEP) designated sewage disposal facility, the move of businesses from Port Jervis, NY, and the

expansion and upgrade of the Port Jervis, NY rail line to New York City.

Recreational Traffic - Nearby major recreational facilities and tourist destinations include Lake Wallenpaupack and direct access to the Delaware Water Gap National Recreational Area. This corridor also serves as the main arterial connecting the Boroughs of Milford and Matamoras.

Safety - High crash rates have been reported throughout the corridor. Of particular concern are the pedestrian crashes along Broad Street within Milford Borough. However, these pedestrian safety concerns are addressed by the planned Milford Borough Streetscaping project.

Broad Street & Harford Street Intersection in Milford Borough - The peak hour travel time study indicated heavy delays and poor operational performance at the intersection, particularly on the westbound US 6 / US 209 approach in Milford Borough, which operates at LOS D during the AM peak period and LOS F during the Mid-Day, PM, and Saturday peak periods. Lack of capacity, intersection geometry, truck traffic, and outdated traffic signal timings and equipment contribute to these delays.

BROAD AND HARFORD LEVEL OF SERVICE (LOS)					
Existing Conditions		Without Improvements		With Improvements	
peak hour	LOS / delay*	peak hour	LOS/delay*	peak hour	LOS/delay*
AM	B / 19	AM	C / 31	AM	C / 25
Mid-Day	C / 24	Mid-Day	D / 41	Mid-Day	C / 32
PM	C / 27	PM	D / 51	PM	D / 42
Saturday	C / 28	Saturday	D / 48	Saturday	D / 42
*delay is in seconds per vehicle					

Corridor Improvement Alternatives

The Report evaluated a number of short term improvement alternatives for the Broad and Harford intersection including:

- Installation of a state-of-the-art traffic signal and optimizing signal timing.
- Banning trucks on Broad Street which was dismissed as an alternative for lack of an alternate route.
- Extending turning bays which was dismissed as an alternative due to concern about the loss of parking spaces.
- Corridor preservation techniques to minimize development in areas needed for future road improvements.
- Adopting official maps to identify and preserve future rights-of-way.
- Establishing site design guidelines to minimize development impacts on the corridor.
- Access management planning to limit curb cuts, require shared driveways and parking, provide service roads, and accommodate pedestrians and public transit.
- Adopting a transportation impact fee ordinance to require developers to pay their fair share of road improvements.

The Report found that with the traffic signal upgrade the level of service would be improved somewhat over the ten-year evaluation period. Nevertheless, the level of service will continue to decline. (See the preceding

Level-of-Service Table.) This points to the importance of continued overall traffic planning beyond capital improvements to address the long term problem.

Other Problem Areas

Other road segments and intersections in the Planning Area are equally affected by increased traffic:

- Entering Route 6/Route 209 from businesses and side roads in Milford Township and Milford Borough is becoming progressively more difficult.
- Water Street (SR 2001) carries increasing amounts of traffic through the Township into the Borough to the intersection of Route 6.
- More and more drivers are cutting through residential areas of the Borough to avoid the delay at the Broad and Harford traffic signal.

Milford-Montague Toll Bridge

The traffic crossing the Milford-Montague bridge is a major contributor to the congestion in the Planning Area. The Delaware River Joint Toll Bridge Commission is currently completing the *Northerly Crossings Corridor Congestion Mitigation Study* to determine deficiencies and propose solutions, and the Milford-Montague Bridge is one of four included in the Study. The study area extends just north of the Route 206/Route 209 Interchange in Pennsylvania, which is adjacent to the bridge. To the south, the study area extends just south of the adjacent River Road interchange in New Jersey. The study predicts a declining level-of service with the weekend peak hour turn north on Route 209 falling to LOS D by 2010 and LOS F by 2030. As improvements are made consideration should be given to the effect on Planning Area traffic.

Need for Regional Transportation Planning

Situated between the Delaware Water Gap National Recreation Area and the Upper Delaware Scenic and Recreational River, and with thousands of acres of state land to the west, the Milford Planning Area serves as the *gateway* to much of Pike County. Concurrently, the Borough serving as the County Seat draws many residents from throughout the County. This unique position, coupled with the tremendous population growth anticipated for Pike County, demands attention to traffic planning, one of the most critical issues facing the entire region.

Given that traffic is an issue that transcends municipal boundaries and effects all the municipalities surrounding the Planning Area, the County Planning Office should take the lead role in coordinating and promoting the idea of regional traffic planning. This should include the affected municipalities (in Pennsylvania and New Jersey), the County Planning Commission, the Pike County Road Task Force, PennDOT, NJ DOT and the Joint Toll Bridge Commission. This will require a long term commitment of significant staff time and effort. However, without such commitment the problem will simply intensify with no real plan or solution. The County is currently completing its comprehensive plan and the County lead in traffic planning for the Milford area is a logical next step in the process.

Milford Borough Traffic Planning

The Borough is in the process of conducting a traffic analysis study to identify alternatives for reducing impacts of traffic on the Borough. The study should be completed in the context of the area wide planning recommended above and evaluate nonstructural solutions such as one-way streets and traffic calming devices in addition to capital improvements.

Municipal Roads -- Condition and Future Plans

Township and Borough roads are generally in good condition, with the primary concerns being routine maintenance and drainage improvements. The Borough Council and Township Board of Supervisors will focus on the maintenance and improvement of existing local municipal roads, and monitor the need and ability to correct specific width and alignment problems which would require reconstruction as traffic volumes dictate and available funds allow.

In terms of new road construction, the municipalities are not likely to undertake any new road construction.

Roads serving new residential developments will be constructed by developers in accord with the applicable county or municipal standards. These roads can be accepted for public dedication by the municipality, and provided such roads meet PennDOT standards, the municipality's State Liquid Fuels Fund allocation would increase. However, the long term cost of the maintenance of public roads falls far short of the funds received from Commonwealth for liquid fuel funds. Local officials must carefully weigh the long term maintenance costs against the local tax revenues generated by development and increased state funding before accepting private roads for dedication. The annual payment from the state is based on the municipal population and the amount of road miles maintained.

Condition of State Roads

The condition of the state roads in the Planning Area is also generally good, with continued maintenance and a few dangerous intersections the primary concerns. The state roads in the planning area also include segments with sharp curves and steep grades. Again however, given the modest traffic volumes and limited funding available, the upgrading of these roads by the state is obviously not a priority and is unlikely to occur in the near term. Although the municipalities have no direct control over state roads (the roads that carry the most traffic at higher speeds and present the most critical safety concerns) this *Plan* identifies a number of concerns which must be monitored:

- C Correction of dangerous intersections
- C Increasing volumes of traffic
- C Horizontal and vertical alignment
- C Speed limit enforcement
- C Adequate maintenance
- C Improved signs for hazards and traffic control

Should the condition of these routes deteriorate due to lack of maintenance, or if PennDOT does not make improvements in anticipation of traffic volume increases over the long term, the capacity and level-of-service could degenerate. The municipalities should work with PennDOT and the Pike County Planning Commission to identify the most critical state route improvement needs in the municipalities and work to have the improvements programmed by PennDOT on their Twelve-Year Transportation Program (TYP).

Bridges

Neither municipality owns bridges in the planning area

which is fortunate in terms of finances given the expense of bridge maintenance and replacement. All other bridges in the municipalities are the responsibility of Pike County or PennDOT.

Subdivision Roads

New road construction in the planning area is associated with residential development. The subdivision and land development ordinance sets standards for road layout, design, and construction. Roads may be owned and maintained by private communities, or if a road is constructed to the required standards of the road dedication ordinance it may be accepted by the municipality for general public use. Dedicated roads are then added to Pennsylvania Liquid Fuels Program reimbursement list and are owned and maintained by the municipality.

Specific actions for new subdivision roads include:

- Maintain an up-to-date road ordinance setting standards for construction of public roads and establishing procedures for dedication to the public.
- Maintain an up-to-date road occupancy ordinance setting standards for driveway access to Borough and Township roads and for stormwater and utility improvements within the road right-of-way.
- Review road construction standards to ensure adequacy for public safety and eliminate excessive requirements to minimize the consumption of resources for construction and long term maintenance.

Bicycle Routes

Bicycle PA is the name for a network of cross-state bicycle routes that guide the bicycle tourist across the Commonwealth. The routes generally use existing highways that have been identified as desirable roads for bicycling. In some cases, the route uses improved rail trails to bypass difficult sections. *Bicycle PA Route Y1* runs along the Route 6/Route 209 corridor and any transportation planning should consider the establishment of additional bicycle routes in the Planning Area.

Airports, Railroads and Public Transportation

Given the regional nature of airport and railroad development and support, this *Comprehensive Plan* calls for no specific action to be taken by the Borough or Township with regard to air and rail service. Direct

local municipal provision of public transportation is not feasible and no action is anticipated other than participation in regional transportation planning efforts. Area residents rely on regional airports in Pennsylvania, New York and New Jersey for major commercial carrier service. Railroad freight service is available in nearby Port Jervis, New York as well as passenger service to New York City. The Shortline Bus Company provides limited serve in Pike County.

Public transportation in rural communities is generally limited by low population density, the cost of providing the service, and uncertainty of public acceptance and use. In short, the cost is too high in relation to the potential revenue from the users of the system, and without public subsidy, it is simply not feasible. In addition, even in areas where the public subsidy has been provided, use of public transport is low given long trips and limited schedules, and the historic reliance on automobiles in rural areas.

Other Road and Intersection Actions:

- Participate in the PennDOT Customer Advisory Board to communicate concerns to PennDOT.
- Continue to work with the Pike County Road Task Force and PennDOT officials to discuss highway improvement needs and prioritize and promote specific improvement projects.
- Work with local legislators, the County and PennDOT to schedule studies to identify improvements to correct identified road and intersection deficiencies
- Complete and update annually a detailed Township/Borough road inventory and evaluation to identify needs and develop an improvements schedule within normal budgetary process, and to identify potential capital projects.
- Maintain an up-to-date inventory of road maintenance equipment as a means of planning for replacement and inclusion the capital improvements program.
- Require the issuance of a highway occupancy permit by the Township for any access or drainage work along Township roads.

HOUSING PLAN

Municipalities Planning Code Requirements

The Pennsylvania Municipalities Planning Code (MPC) addresses housing from the perspective of ensuring affordable housing for families of all income levels. In terms of planning, MPC §301 requires comprehensive plans to include an element *to meet the housing needs of present residents and of those individuals and families anticipated to reside in the municipality, which may include conservation of presently sound housing, rehabilitation of housing in declining neighborhoods and the accommodation of expected new housing in different dwelling types and at appropriate densities for households of all income levels.*

In terms of land use management as effected by zoning, MPC §604 requires zoning ordinances to *provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that no zoning ordinance shall be deemed invalid for the failure to provide for any other specific dwelling type.*

Court decisions have upheld this zoning provision of the MPC establishing a *fair share* rule which considers the percentages of land available for a given type of housing, current population growth and pressures within the municipality and surrounding region, and the amount of undeveloped land in a community. The Pennsylvania Department of Economic Development publication titled, *Reducing land Use Barriers to Affordable Housing, Fourth Edition, August 2001*, lists a number of barriers to affordable housing associated with land use regulations, including among others:

1. insufficient amount of land zoned for medium and high density residential development
2. excessive lot frontage and setback requirements which dictate greater lot sizes
3. excessive street widths and construction standards unrelated to expected traffic volumes
4. lack of provisions for cluster design and planned residential development

5. limitations on the use of mobile homes and manufactured homes

6. plan review and administrative delays

Affordability in a Growing Community

Real estate values in the Milford Planning Area, and all of Pike County, have been increasing rapidly given the appeal of the quality lifestyle so close to metropolitan areas. The Township's natural setting and the Borough's historic and small town appeal are two key factors. As the Planning Area continues to improve its quality of life, the demand for and cost of real estate will obviously continue to increase. Balancing this demand driven housing cost increase with the need for affordable housing is difficult, particularly when coupled with the problem of providing adequate sewage disposal for higher density housing. In any case, when compared to the other local municipalities in Pike County, the Township and Borough clearly contain a *fair share* of two-family and multi-family housing which are important to the affordability issue.

Housing Affordability Considerations

Municipalities throughout the country have been addressing housing issues for many years. *Pennsylvania Housing*, a 1988 study conducted by the Pennsylvania Housing Financing Agency, defined *affordable* as requiring less than thirty percent of gross monthly income for rent or less than twenty-eight percent for a mortgage and other related housing costs. U.S. Department of Housing and Urban Development (HUD) guidelines continue to define *affordable housing* as costing no more than thirty percent of a household's gross monthly income. (See also the *Affordable Housing Study Sidebar*.)

Age and Condition of Housing

The data presented in the *Age of Housing Units Table* provides a good measure of the relative age of housing. County-wide, only about 16% of the housing units existing in 2000 were constructed prior to 1940. The proportion in Milford Township is somewhat higher at some 22%. Given that the higher density development of Milford Borough started somewhat earlier than the Township and the County, the proportion of pre-1940 homes is significantly higher,

Affordable Housing Study

The Summer 2000 *Affordable Housing Study* for Jacksonville, Florida provides a good description of how affordable housing is assessed. *The American Dream* has long been associated with the possibility of owning one's home. National housing-market surveys report that the home ownership rate reached a peak in the late 1990s—almost sixty-seven percent in 1999—due mainly to a robust economy with record levels of low unemployment and low interest rates. However, while this unprecedented economic expansion enabled many Americans to purchase their own homes, it has pushed housing prices and rental rates higher, preventing many other households, with insufficient incomes, from either becoming homeowners or finding affordable, safe, and decent rental housing. Housing affordability is a relative concept—both rich and poor can experience difficulty in affording housing, depending on how much they spend toward housing costs. Housing in one community with a relatively high median income can be quite expensive but affordable compared to housing in another community with a relatively low median income.

Federal governmental guidelines, primarily those established by the U.S. Department of Housing and Urban Development (HUD), define affordable housing as costing no more than thirty percent of a household's gross monthly income—referred to here as the 30 percent rule. The income counted is derived from all wages earned by people fifteen and older in the household. For homeowners, affordability is generally defined as owning a house with a value equal to slightly more than twice the household's annual income. The homeowner costs counted typically include a mortgage payment (principal, interest, taxes, and insurance) and utilities. For renters, the costs usually include contract rent and utilities. The 30 percent rule leaves seventy percent for food, clothing, health care, child care, transportation to work, and other basic expenses. Because of increasing housing costs, many lower income Americans are forced to make tradeoffs and go without necessities. Tenants experiencing unexpected emergencies typically fall behind in their rent and face eviction. If not assisted, they may become homeless.

HOUSING UNITS U.S. CENSUS

	Milford Borough	Milford Township	Pike County
# Units 2000	560	594	34,681
# Units 1990	564	563	30,852
# Units 1980	521	370	17,727

UNITS BUILT BETWEEN YEARS:

	#	%	#	%	#	%
1999-3/2000	6	1.1%	5	0.8%	656	1.9%
1995-1998	5	0.9%	55	9.3%	2,943	8.5%
1990-1994	12	2.1%	71	12.0%	5,025	14.5%
1980-1989	42	7.5%	165	27.8%	9,618	27.7%
1970-1979	19	3.4%	104	17.5%	7,341	21.2%
1960-1969	29	5.2%	59	9.9%	3,454	10.0%
1940-1959	93	16.6%	76	12.8%	2,997	8.6%
1939 or earlier	354	63.2%	59	9.9%	2,647	7.6%

HOME OWNERSHIP U.S. CENSUS

Occupied Units (does not include second homes)	Milford Boro	Milford Twp	Pike County	PA
Home Ownership Rate (Owner-Occupied), 1990	57.5%	81.1%	83.3%	70.6%
Home Ownership Rate (Owner-Occupied), 2000	57.1%	81.4%	84.8%	71.3%
Renters (Rented-Occupied Units), 1990	42.5%	18.9%	16.7%	29.4%
Renters (Rented-Occupied Units), 2000	42.9%	18.6%	15.2%	28.7%

earlier than the Township and the County, the proportion of pre-1940 homes is significantly higher, almost 80%. Although many homes are more than fifty years old, there are very few homes in either the Township or Borough which are not in good condition. Housing deterioration and blight are not issues in the planning area. This is also reflected in housing value data which shows that the planning area, and particularly the Borough, have relatively high housing costs despite a large proportion of older homes.

Census home ownership rates reported for Milford Township and Pike County were substantially higher than for Milford Borough. In fact the Borough home ownership rate was considerably lower than the statewide rate, showing that the Borough has more rental housing available than other municipalities in the County. With many urban inhabitants, the data for Commonwealth also reflects the higher proportion of multi-family dwellings. There was an insignificant change in home ownership in the Borough and Township between 1990 and 2000, with the County and Commonwealth also showing little change.

Home Ownership

As shown in the *Home Ownership Table*, the 2000

OWNER OCCUPIED HOUSING VALUE U.S. CENSUS 2000

	Milford Boro		Milford Twp		Pike County		PA
	#	%	#	%	#	%	%
total	282	100.0%	386	100.0%	13,091	100.0%	100.0%
less than \$50,000	3	1.1%	--	--	232	1.8%	15.1%
\$50,000 to \$99,999	55	19.5%	53	13.7%	4,414	33.7%	37.4%
\$100,000 to \$149,999	70	24.8%	86	22.3%	4,812	36.8%	24.3%
\$150,000 to \$199,999	86	30.5%	130	33.7%	2,133	16.3%	11.9%
\$200,000 to \$299,999	54	19.1%	83	21.5%	1,157	8.8%	7.4%
\$300,000 to \$499,999	12	4.3%	32	8.3%	278	2.1%	2.9%
\$500,000 to \$999,999	--	0.0%	2	0.5%	51	0.4%	0.8%
\$1,000,000 or more	2	0.7%	--	--	14	0.1%	0.2%
median value	\$156,400	--	\$166,300	--	\$118,300	--	\$97,000



Hickory Hills, Milford Township



Moon Valley Falls, Milford Township

Housing Value

The Year 2000 values of owner occupied housing units for the planning area, Pike County and Pennsylvania are shown in the *Owner Occupied Housing Value Table*. Simply stated, homes in the Milford Planning Area command a higher price than comparable homes in other parts of the County. The Borough and Township have a higher proportion of homes of greater value than either the County or State, and this is reflected in the median value data. Nevertheless, home values and styles vary widely as shown in the accompanying photographs.

The *Housing Values Table* compares the median value of owner-occupied housing units in 1990 and 2000 as reported by the Census. As noted previously, housing value in the Borough and Township are significantly higher than in the County and Commonwealth, reflecting the strength of the market in Pike County in

general, and the Borough and Township, in particular. While high values are positive in terms of housing condition and real estate tax revenue, it may indicate the need to evaluate the affordability of housing for younger couples and older residents. Equally important is the change in median value between 1990 and 2000 which provides a measure of demand for housing compared to the regional market. After adjustment for inflation, which between 1990 and 2000 is a factor of 1.318, median housing value in the planning area actually decreased significantly in the ten years between the Censuses. This suggests that the housing values are not keeping pace with the cost of living, or that more recent housing construction has been of more modest values. The data is perplexing when considered in terms of the value of real estate in Pike County and the recent dramatic increases in real estate values since 2000.



Seventh Street, Milford Borough



West Ann Street, Milford Borough

HOUSING VALUES – U.S. CENSUS

Housing Data	Boro	Twp	County	PA
Median Value Owner-Occupied, 2000	\$156,400	\$166,300	\$118,300	\$97,000
Median Value Owner-Occupied, 1990	\$150,000	\$165,400	\$117,700	\$69,700
Median Value Owner-Occupied, 1990, inflation adjusted to 2000	\$197,700	\$217,997	\$155,129	\$91,865
% Change 1990 - 2000 inflation adjusted	-20.9%	-23.7%	-23.7%	5.6%

Recent Real Estate Demand

The effect of the recent dramatic increases in the demand for real estate and the associated cost of housing in the Milford Planning Area and all of Pike County must also be noted. While demand in Pike County has long been strong when compared to other areas of Pennsylvania, it has literally skyrocketed in the years since the 2000 Census. Owing largely to the 9/11 terrorist attack on the Twin Towers and increased urbanite desire for a better quality of life, real estate values in the County have been reported by area real estate brokers to have increased some 25% since 2000. This increase, without a compensating increase in locally rooted incomes, will only add to the housing affordability issue.

Housing Affordability in the Planning Area

Housing affordability is a complex issue typically related to the mix of housing types, real estate demand, housing values, and household incomes in the community. In the Milford Planning Area and Pike County, the number of residents commuting to work in nearby metropolitan areas also adds to the housing affordability mix. These commuters, who have often recently moved to the County, are employed in more lucrative jobs than residents who are employed locally. This higher income, coupled with the high value of homes sold in the metropolitan, add to the cost of real estate in Pike County. These *equity exiles* can afford to

pay more for housing and the demand they drive increases housing values beyond the level of affordability for many Milford Planning Area residents relying on the local job market. Comparing the information in the *Owner Occupied Housing Value Table* and the *Household Income in 1999 Table* to the *Bergen County Comparison Figure* puts the local versus metropolitan differences into perspective.

The proportion of multi-family dwelling units and mobile homes, housing which is generally more affordable, in the Planning Area is shown on the *Housing Affordability Data Table*. The proportion of multi-family dwellings in the Borough is significantly higher than in the Township and County, providing a basis for more affordable housing in the Planning Area. Similar to the single-family units in the Planning Area, multi-family units are of a range of styles and values, from rented apartments in older converted homes to newer townhouses owned in fee. (See the accompanying photographs.)

The *Housing Affordability Data Table* also includes additional information to provide an indication of the affordability of housing. Median housing costs are higher in the Borough and Township than in the County and State; however, median household income in the Township is also higher, thus potentially offsetting some housing affordability issues.



Apartments, East High Street, Milford Borough

HOUSING MARKET CONTRAST	Bergen County	Pike County
Median Household Income	\$65,241	\$44,818
Median Home Value	\$250,000	\$118,000
Median Property Taxes / % of Income	\$5,499 8%	\$1,913 4%

Bergen County Comparison (Year 2000)

HOUSING AFFORDABILITY DATA U. S. CENSUS 2000

	% Single- family	% Duplex	% Mobile Homes RV's	% Multi- family	Median Housing Value	Median Gross Rent	Median Hsehold Income	% Owner Hseholds home exp >30% of Income	% Hseholds with rent >30% of Income
Milford Boro	65.2%	4.5%	--	30.4%	\$156,400	\$556	\$33,571	35.8%	47.0%
Milford Twp	82.5%	7.1%	0.8%	9.7%	\$166,300	\$682	\$48,264	31.1%	31.4%
Pike Co	80.7%	2.0%	14.8%	3.5%	\$118,300	\$701	\$44,608	29.2%	39.6%
PA	55.9%	17.9%	5.0%	21.1%	\$97,000	\$531	\$40,106	22.8%	35.5%

HOUSEHOLD INCOME IN 1999 – U.S. CENSUS 2000

	Milford Boro		Milford Twp		Pike County		PA
	#	%	#	%	#	%	%
total households	520	100.0%	525	100.0%	17,447	100.0%	100.0%
less than \$10,000	74	14.2%	31	5.9%	1,016	5.8%	9.7%
\$10,000 to \$14,900	50	9.6%	23	4.4%	1,123	6.4%	7.0%
\$15,000 to \$24,999	70	13.5%	45	8.6%	2,134	12.2%	13.8%
\$25,000 to \$34,999	74	14.2%	81	15.4%	2,221	12.7%	13.3%
\$35,000 to \$49,999	86	16.5%	95	18.1%	3,288	18.8%	16.9%
\$50,000 to \$74,999	77	14.8%	102	19.4%	4,106	23.5%	19.5%
\$75,000 to \$99,999	51	9.8%	84	16.0%	1,957	11.2%	9.6%
\$100,000 to \$149,999	18	3.5%	45	8.6%	1,154	6.6%	6.6%
\$150,000 to \$199,999	14	2.7%	9	1.7%	263	1.5%	1.8%
\$200,000 or more	6	1.2%	10	1.9%	185	1.1%	1.9%
median household income	\$33,571	--	\$48,264	--	\$44,608	--	\$40,106



Townhouses, Milford Town Green, Milford Township

In the Borough, median household income is substantially lower, thus likely exacerbating housing affordability problems. In both the Borough and Township a significant proportion of home owning households and renting households have housing costs which exceed the *thirty percent rule* for household income and housing expense. It is also important to remember that the data does not account for the recent dramatic increases in real estate values which likely have added to the affordability problem. In addition, the recent enactment of the State Uniform Construction Code has, while aimed at ensuring the safety and durability of construction, added to the overall cost of home construction.



Apartments, Broad Street, Milford Borough



Apartments, East Ann Street, Milford Borough



Townhouses, Wheatfield Village, Milford Township

Specific Housing Actions

Local municipalities must recognize that housing needs cannot be addressed entirely at the local level. In fact, with the exception of ensuring that land use and building regulations are reasonable in terms of affecting costs, small municipalities can do little to manage housing affordability which is so dependent on regional economic real estate market factors. This is clearly the case in the Milford Planning Area. In terms of meeting the specific housing needs of lower income residents, the Borough and Township must look to the Wayne County Housing Authority and their contacts with private affordable housing organizations for assistance and to ensure resident access to publically funded housing development, rent assistance and housing rehabilitation programs. (Note: Pike County currently contracts with the Wayne County Housing Authority for federal housing services. The Pike County Comprehensive Plan suggests that the County *determine whether a separate Pike County housing agency, such as a Housing Authority or Community Housing Development Organization (CHDO), should be created to identify housing needs and issues, identify and/or institute programs to meet the housing needs of Pike County residents, and facilitate resident use of those programs.*

Specific actions related to affordable housing include:

- Assess any proposed land use controls in terms of barriers to affordable housing and make necessary adjustments to moderate costs. Adopt standards to ensure that higher density development is directed to identified growth areas served by an adequate water supply, sewage disposal system, and other improvements. (See the following *High Density Housing Sidebar*.)
- Promote the use of *conservation design*, traditional neighborhood, and planned residential development, and development incentives such as density bonuses as a means of providing more affordable housing.
- Review land use controls in terms of standards not directly linked to public health and safety which increase housing costs.
- Support the housing recommendations of the Wayne County Housing Authority (which currently serves Pike County) relative to subsidized housing programs for low and moderate income families and



Townhouses at Sawkill Creek, Milford Borough

ensure area residents receive fair consideration for available programs.

- Encourage Pike County to assess the need and benefit of a County authority or agency (as opposed to contracting with the Wayne County Housing Authority) to address housing needs.
 - Cooperate with area municipalities and the County to plan for housing needs regionally.
- C As housing needs are identified consider the development of joint housing plans with neighboring municipalities.
- C Consider providing some incentives (density or design) for developers who provide age restricted and/or affordable housing.



Townhouses, Raspberry Ridge, Township and Borough

Higher Density Housing in the Planning Area

Providing for higher density housing, a typical housing affordability remedy, is somewhat problematic in the Milford Planning area. The Borough is largely developed with few vacant lots, and already has a substantial proportion, almost 50%, of multi-family dwellings. The Township's proportion of multi-family dwellings is higher than all other townships in the County. It is not so much the lack of multi-family units that drives housing costs up, but the overall demand for single-family housing, on larger lots which is so pressing in all other local municipalities in Pike County as well as Milford Borough and Milford Township. It can reasonably be said that the Borough and Township, taken together as the Milford Planning Area, have provided their fair share of higher density housing given the proportion of multi-family units. In addition, higher density housing must have access to a central water supply and a central sewage disposal system. While the Borough and part of the Township is served by a public central water supply, sewage disposal is provided by on-lot systems, and this is a limiting factor for higher density development.

Density Bonuses for Affordable Housing

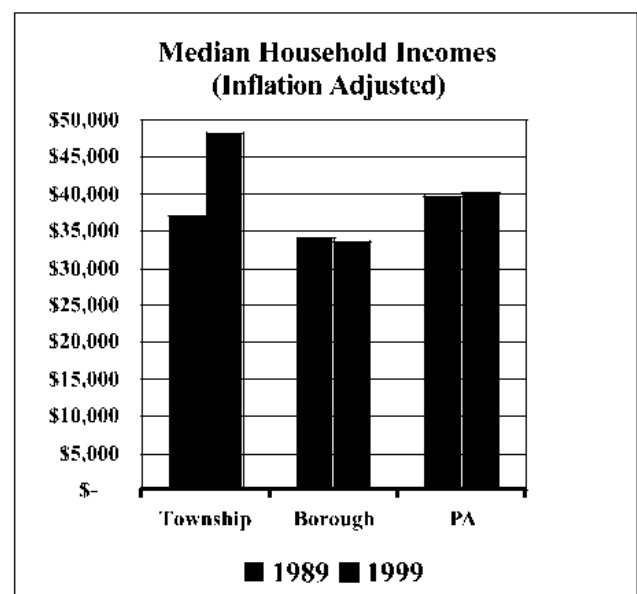
Another technique used by some municipalities to stimulate the construction of affordable housing is to allow a higher density for units of somewhat lower value to meet the needs of low to moderate income residents. Given the level of demand for higher end housing, the willingness of developers to construct affordable units at a reasonable density bonus is uncertain. In addition, the same water supply and sewage disposal limitations would apply.

ECONOMIC DEVELOPMENT PLAN

Background

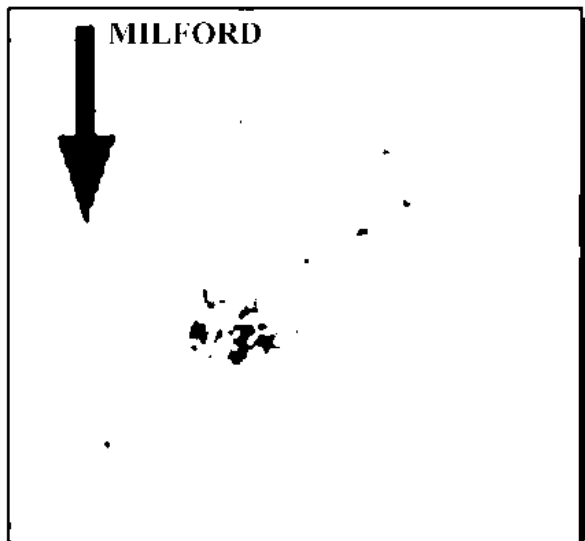
The *Demographics and Economic Base* section of this Comprehensive Plan includes a great deal of background information on the local and regional economy. Some of the most salient factors include the following:

- While Pike County as a whole has grown rapidly, the Milford Area (Borough and Township) gained 319 residents between 1990 and 2000, a 15.4% expansion that only slightly exceeded the national growth rate. This indicates the planning area's commercial expansion and economic development will continue to come from growth in surrounding jurisdictions.
- The proportion of the population over age 65 years within the Milford Area was 18.8% in 2000, much higher than the County (15.2%), Commonwealth (15.6%) or the nation (12.4%). Many seniors have chosen to move into or stay within the Milford Area, creating certain market opportunities for restaurants and service businesses catering to their specific needs.
- Combined housing units within the Milford Area declined slightly between 1990 and 2000, dropping from 1,127 to 1,121. The Township gained 31 homes, but the Borough lost 37 as units were converted to other uses. This is not unusual but illustrates the role of the Township in absorbing Borough expansion which, altogether, is rather limited. Although recently approved subdivisions within the Township can be expected to change that situation somewhat, the Milford Area, by itself, is not a major market. It is, rather, a service center for surrounding development.
- Median housing values within the area (\$156,400 in the Borough and \$166,300 in the Township) indicate substantial wealth within the community. These were the highest numbers by far in Pike County in 2000, dwarfing the countywide median of \$118,300 and the Pennsylvania value of only \$97,000. While recent real estate activity has taken these numbers far higher today, the relative position of the Milford Area indicates excellent potential for certain types of businesses catering to higher-end needs.
- Only 5.3% of the Milford Area's housing consisted of second homes in 2000, slightly above the 2.8% State average, but well below the 44.2% Pike County average (which is actually declining). Although second home tourism will continue to be important economically, this is a clear indication the local economy will gradually shift more toward meeting the needs of a burgeoning permanent population.
- As second homes have converted to first homes, the average travel time to work has increased to 34 minutes within the Township, a 56% jump. This reflects the in-migration of households with jobs in the metro area. This pattern has caused Pike County to be officially classified part of the New York - Northern New Jersey Metropolitan Area by the Census Bureau. Indeed, some 19.2% of Milford Area residents over the age of 5 years in 2000 resided in another state five years earlier, illustrating how significant this trend is. Persons moving in from New York and New Jersey accounted for all or virtually all growth. The economic future of the Milford Area is, therefore, inextricably linked to the metro area.
- Area residents are employed at high rates in management and professional occupations, government and self-employed endeavors compared to Pennsylvania as a whole. The first is explained by the movement of wealthier metro area households into the Milford area as one of the areas of Pike County closest to New York City and train service in Port Jervis. The government jobs are undoubtedly attributable to the Borough's role as County Seat. High self-employment reflects the rural nature of the area and new opportunities for such employment in the arts, niche businesses and tele-commute positions.
- In-migration has brought increased wealth to the area. Incomes, when adjusted for inflation, grew by 30.0% within the Township between 1989 and 1999, as the following chart illustrates:



The Role of the New York City Metro Area

The Milford Area is greatly affected by trends emanating out of New York City. Milford is located only 70 miles or 1:35 hours from Manhattan. The City can also be reached by bus using Shortline's service through Milford or by train from Port Jervis, using New Jersey Transit. Milford is on the leading edge of the metro area expansion. Trends taking place locally are replicated throughout the Mid-Hudson Valley, Connecticut and North-Central New Jersey where similar circumstances prevail.



Metro Area Overview by Regional Plan Association

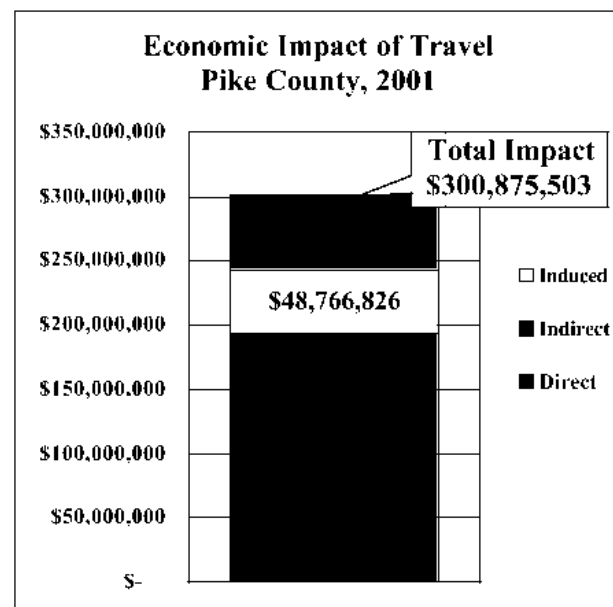
An astounding 9.1% of Pike County workers commuted to New York City to work in 2000. Moreover, the top five counties from whom Pike County's in-migrating households came between 1995 and 2000 were Orange (NY), Queens (NY), Bergen (NJ), Kings (NY) and Sussex (NJ). The reasons for moving to Pike County are fairly obvious. Housing is a major value compared to metro locations and taxes are far lower. Recent market studies by the consultants indicate it is not unusual for homes in Pike County to sell for \$200,000 less than comparable homes in Bergen County. Meanwhile, Pike County property taxes as a percentage of median household income are, at 4% average, only half what they are in Bergen County. This differential permits the amortization of larger mortgage payments and further enhances relative housing values, creating power incentives for further growth in the areas surrounding Milford.

It is important also to realize many Milford Area residents are able to find work on the periphery of the City in revitalized areas such as Jersey City and Hoboken, as well scores of business parks in locations such as Morris County. The metro area has enveloped these communities, making them attractive locations for businesses engaged, post 9-11, in decentralizing their New York City operations, creating new job opportunities for Milford Area residents.

The Tourism Sector

Milford Borough is the principal center within the Eastern Poconos tourist region. Its tree-lined streets and extensive network of alleys, shops, restaurants, historic sites, inns create a distinctive environment reminiscent of early New England villages. A portion of its business district has received National Historic Landmark status. This combination of culture and design, together with surrounding parks, forests and recreational attractions draw thousands of tourists annually to Milford. Specific attractions include Grey Towers, the "Lincoln Flag" at the Pike County Historical Society & Museum, and the Delaware Water Gap National Recreation Area. This blend of history with local shopping and recreation is captured in the term "Heritage Tourism," which is being extensively promoted by the Commonwealth as it markets Pennsylvania tourism assets.

Tourism is Pennsylvania's second largest industry. In 2000, this sector supported over 560,000 jobs and contributed over \$26 billion to the state's economy. Pike County enjoyed an economic impact of over \$300 million from travel in 2001, according to the Pennsylvania Department of Community and Economic Development. This included direct, indirect (multiplier effects) and induced new spending. It also generated 6,243 jobs countywide and \$105 million of compensation. A significant portion of the impacts in Pike County's case can be attributed to heritage travel and associated recreational attractions. Indeed, a 1999 report for the Pennsylvania Center for Travel, Tourism and Film indicated 75% of all travel was leisure travel, and 25% of all leisure trip expenditures in Pennsylvania were attributable to heritage tourism. The Milford Area has much potential to build further on this base and establish itself as a tourism gateway to the Poconos.



Tourism Assets

The local economy is already heavily geared toward the service, hospitality/tourism and trade sectors. Therefore, building up heritage tourism and taking advantage of gateway development opportunities is largely a matter of identifying tourism assets and marketing them. Some perspective in this regard can be gained from examining local heritage and the history of tourism in the Milford Area.

Pike County has attracted tourists for over two centuries now, some of them extremely well known. American presidents who have visited include Jackson, Fillmore, Buchanan, Cleveland, Theodore Roosevelt, Taft, Franklin Roosevelt, and Kennedy. Various resort hotels were built in the late nineteenth century and Milford became an destination for many other rich and famous individuals. The Pike County Historic Site Survey and Scenic Area Survey notes the following:

The influx of visitors and the activities they promoted made Summer in Milford a special time of special excitement. Many of the visitors were talented thespians and artists. By association, they added to the culture and prestige of the area.

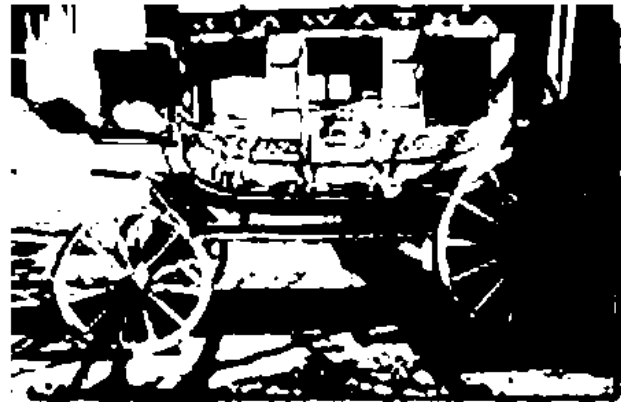
After World War II, improved transportation brought visitors in increasing numbers during all seasons. Tourism grew to a new peak, and became the county's leading industry. With over a million visitors each year, resorts, from campgrounds to hotels, are busy all year round. The very name Poconos is almost synonymous with resort industry: Wallenpaupack and Delaware mean water sports and fishing, and Pike County woods has come to mean deer hunting to thousands.

Many who came to visit Pike County decided to stay. Many times vacationers decided to purchase a vacation home; frequently this led to a permanent move to the area - often in retirement. By the 1980's, it was discovered that it was possible to live in Pike County and commute to work in New York or New Jersey.

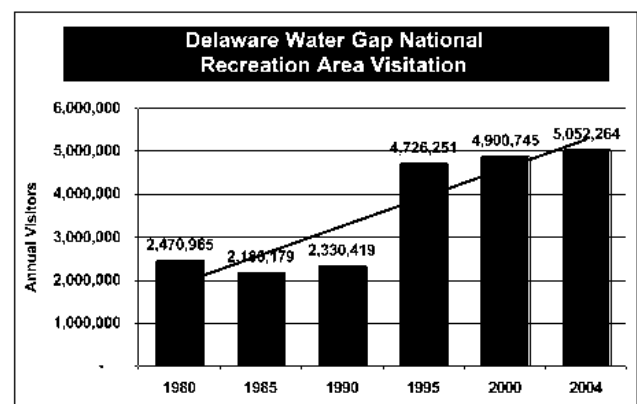
The following are just a few of the specific tourism assets available within the Milford Area:

- **Pike County Park** - Pike County has acquired, through long-term lease, 325 acres, formerly known as the Milford Reservation, located in Milford Township. Designated as the Pike County Park, this facility was established through a partnership with the Pennsylvania Department of Conservation and Natural Resources. It is used for recreation and conservation education. Fishing and hunting are permitted.
- **Pike County Historical Society & Museum** - The Pike County Historical Society was founded in 1930. It operates the excellent Columns Museum in Milford.

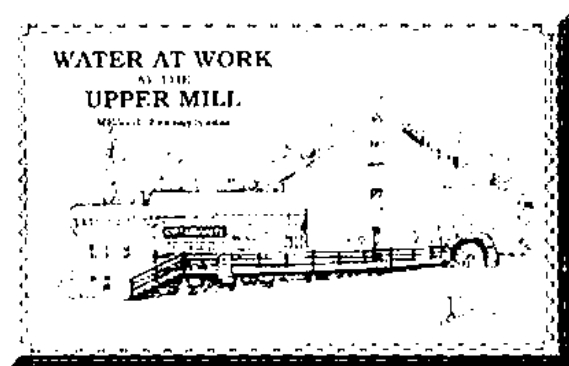
It offers over 500 books and pamphlets dealing with items of local historical interest, over 100 maps of the region and numerous other items including a vintage clothing collection, historical exhibits and artifacts. Among its possessions is the "Lincoln Flag," which was partially placed under President Lincoln's head after he was fatally shot by John Wilkes Booth. The Society maintains a large collection of genealogical resources. It also displays the "Hiawatha" stagecoach, built during the late 1840's or early 1850's. The Hiawatha was a familiar sight in the Milford Area in the 19th Century, running along the banks of the Delaware carrying passengers, mail and Wells Fargo Express shipments.



- **Delaware Water Gap National Recreation Area** - The 40 miles of the Delaware River running south from Milford Beach to the Delaware Water Gap, is under National Park Service management as a designated national recreation area. It encompasses 70,000 acres of ridges, forests, lakes and rivers on both sides of the Delaware River in the states of New Jersey and Pennsylvania. The Delaware River, the only remaining undammed river in the eastern United States, is also part of the National Wild and Scenic River system. It is extremely popular for canoeing, rafting, fishing, picnicking and camping, attracting over 5 million visitors annually as the following chart illustrates:



- **Milford Beach** - Robert Blood, whose parents had rented and farmed his land along the Delaware River for years, developed a facility known as Bob's Beach in 1945. This popular site offered swimming, boating, canoeing, and picnicking. A complex of structures dotted the river bank, including a ticket booth, snack bar, patio, and pavilion. The National Park Service built modern beach facilities here in the 1970s. The only original structure remaining is the large house at the parking lot, built in 1910. Milford Beach also offers boat access.
- **Film History** - The Milford Area was very important in the history of film in the United States. The famous early moviemaker, D.W. Griffith, produced silent films on locations in and around Milford, including "The Informer" starring Mary Pickford and Lionel Barrymore, among other famous actors. Film continues to be important within the area. The very successful Black Bear Film Festival, for example, is held every October to promote innovative, independent films. The historic Milford Theatre is also home to Sunflower Hill Productions which presents professional productions of musicals, plays, new play readings and children's events in addition to arts courses, chamber music, and films. It has, since its inception in 1993, conducted a performing arts festival every summer. Additional performances throughout the year are also very popular.
- **The Upper Mill** - Milford was a milling center. During the 1800s, Milford had nine working water powered mills. Six, including the Jervis Gordon Grist Mill, were located on the Sawkill Creek. They ground flour and feed, sawed and planed wood, turned wagon spokes, tanned skins, finished cloth, produced apple cider and shaved poplar wood into packing material known as excelsior. The Water Wheel Group bought the Gordon Grist Mill in 1984, restored the milling system for educational purposes and turned parts of the building into a restaurant and shops. Other adjacent buildings have been put to similar uses. The neighborhood is known as the Jervis Gordon Grist Mill Historic District or "Upper Mill" and is listed on the National Registry of Historic Places.



- **Grey Towers** - Grey Towers was the home of Gifford Pinchot, founder of the USDA Forest Service and twice Governor of Pennsylvania (elected in 1922 and again in 1930). Historically important, Grey Towers also offers numerous programs, ranging from a guided house and garden tour, to classical music concerts, to conservation education programs. Improvements underway will allow Grey Towers to accommodate increased use by visitors and more conference activity. Plans are to improve pedestrian access, include a Visitor Reception pavillion and add interpretative/educational exhibits. Several aesthetic upgrades are also involved. Grey Towers receives between 16,000 and 20,000 visitors annually. Upon completion of the new Visitor Services Project, it is expected that visitation will increase to 20,000 - 30,000 annually.



- **Schocopee Schoolhouse** - This "little red schoolhouse" is owned by the Historical Society and located in Apple Valley Village on Route 6. This historic structure was originally constructed in the late 1850's just "out of town" on Schocopee Road. It served as a one-room school until 1907, when it was replaced by the new, "modern" school in Milford. The structure later served as a meeting and voting place for the community. Governor Pinchot cast his vote there in many elections. The schoolhouse was disassembled, then reconstructed on its present site, during the mid-1970's. It still houses the original wood stove, the original teacher's desk, some antique textbooks and a 36 star American flag which was used after 1865 when Nevada became a state. The Schocopee Schoolhouse is open to the public on weekends during the summer season, staffed primarily by community volunteers.

These different tourism assets are complemented by several other historic attractions now used commercially, including but limited to the Dimmick Inn, the Tom Quick Inn, the Hotel Fauchere and the Historic Milford Schoolhouse. These and other sites offer great opportunities for packaging and joint marketing.

Strengths, Weaknesses, Opportunities and Threats

A business and economic development forum was conducted as part of the public participation program related to this Plan. The purpose of this forum was to identify some of the business and economic development opportunities within the Milford Area by analyzing the strengths and weaknesses of the two municipalities. Specific opportunities were identified through these discussions, along with some of threats to their realization. This technique is quite common to economic development studies and was useful in this instance in laying out an appropriate strategy for the Borough and Township.

Strengths

Among the specific strengths local officials and members of the business community identified were the following:

- The Milford Area serves as a gateway community to the County, the Pocono region and the Delaware Water Gap National Recreation Area. Its high visibility puts the community in a very strong position to capture business from visitors to each of these.



- Milford offers an upscale small town perspective capturing the attention of nearby metro area residents. It offers excellent shops, choices in medical services, good schools and access to professionals attracted by the Borough being the County Seat.
- The Milford Area includes a large number of valuable historical sites that are commercially and otherwise integrated into the community in ways that make them very accessible. These include several restaurants and premier public facilities such as Grey Towers.
- The Milford Area offers a high overall quality of life, having low crime, plentiful recreation and a relatively low cost of living. It is also characterized by a clean environment, excellent scenery, easy access to Route I-84 and close proximity to New York City, making commuting a reasonable option.
- The Milford Area includes land available to develop commercially, a relatively high-skilled workforce of commuters looking for jobs closer to home with over 3,000 workers per year being added in the Poconos. Water supply, nearby train service and river accessibility are also marketable advantages.

Weaknesses

There are also inherent weaknesses in the Milford Area economy that must be recognized. These include:

- There is inadequate industry and few local job opportunities for young workers starting careers. Existing jobs tend to be lower-wage, service-oriented positions with little opportunity for advancement.
- Milford Borough is experiencing increased traffic as visitors are funneled through the community via Routes 6, 206 and 209. Moreover, much of this traffic is destination oriented (e.g. Lake Wallenpaupack) and difficult to capture for business purposes.
- Rapid growth in the region is straining the ability to maintain infrastructure and provide services. The Borough lacks public sewage treatment and has little room to build a larger commercial tax base within its borders. Yet, it faces heavy and increasing demands on its law enforcement, recreation and emergency services. Moreover, school taxes are rising rapidly.
- In-migrating households tend to be managers and professionals with jobs elsewhere who are unable to make significant volunteer commitments to support emergency services and community organizations.
- The lack of adequate parking and the seasonality of tourism to the Milford Area (less an issue today than a decade ago) are serious obstacles to building year-round businesses.

Opportunities

The Milford Area's assets, combined with a realistic assessment of its liabilities, suggests the following opportunities for economic development:

- The area offers a workforce and living environment that can attract additional clean industries on the order of Altec Lansing (a high-quality local sound speaker manufacturer) as well as back office operations, professional services and similar enterprises depending upon skilled and semi-skilled labor.

ALTEC LANSING

- The Milford Area will naturally continue to evolve as a service center for Pike County's rapidly expanding suburban population and the tourism industry. Several recently constructed office buildings on Route 6/209 are evidence of this demand.
- The Milford Area, as the gateway to Pennsylvania and the Poconos, can continue to build restaurant trade and offer real estate and other hospitality-related services.

- There is a major continuing opportunity to package and market the Milford Area as an historic dining and shopping village at the doorstep of major recreation areas, with easy access to the Delaware River, McDade Trail and other attractions.
- The Milford Area's many existing dining and lodging opportunities create additional potential to market the community for conferences and meetings at Grey Towers and some of the commercial lodging facilities serving the area. Indeed, business travel may present tremendous unexploited potential.
- There is also additional potential to serve the passive tourism of Scenic Route 6 travelers, historic walking tour participants and other visitors seeking to take in the area's National Historic District, National Recreation Area and other cultural and natural features.

Threats

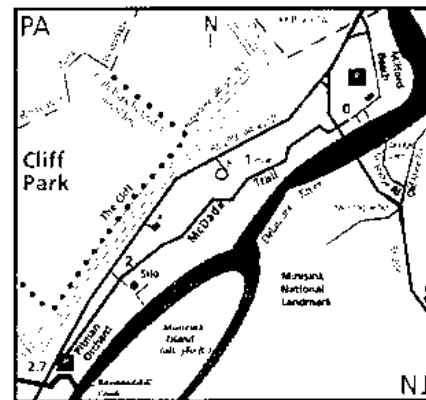
There are several specific threats to the development of these opportunities. These include:

- The rapid growth of the area and the in-migration of households moving away from urban problems often generates strong "Not In My Back Yard" resistance to all development.
- Rapid growth also genuinely impacts the ability of the Milford Area's limited resources to provide community facilities and services. Additionally, it threatens to change that character of the area which attracted growth in the first place.
- Commercial growth in Westfall Township can make it more difficult for smaller businesses lacking specific niches to compete. Big box stores change the character of the area and often offer less appealing job opportunities, but they create valuable consumer choices and increase overall traffic from which other stores can benefit. Constant adaptation by existing merchants is required.
- In-migration of higher-income households to the area is producing some gentrification, with some existing residents becoming priced out of the housing market. Notwithstanding these affects, the raising of income levels also generates many new business and employment opportunities for existing residents.
- There is a danger of over-promoting tourism and introducing change at so rapid a rate it cannot be effectively managed without also changing the entire character of the area and destroying its appeal for future long-term growth. Moreover, tourism is a fragile base on which to base the entire economy. Balance is needed.
- As County administrative and judicial needs grow, the lack of space to expand in Milford will drive many of those functions and the associated spending and jobs to other parts of the County.

Recommendation Economic Development Actions

Given the above analysis, the following recommendations are offered for economic development of the Milford Area:

- The Milford Area is experiencing substantial economic development absent any governmental action to promote it, demonstrating the best policy is often simply to "do no harm." Avoiding needless intervention when the market is already delivering a fairly balanced tax base and high quality of life within the Milford Area is critical. The quality of development within the Borough and along Route 6/209 is high and getting even better as the market demands it. Accordingly, the Borough and Township need to exercise extreme caution in changing land use policies or taking any measures that unnecessarily interfere with private property rights. Those property rights likewise depend on a set of common rules ensuring quality forms of development that don't detract from adjoining land values. Therefore, there must be some regulation, but it should be limited to the minimum necessary. The best methods of regulating land development are form-based and performance related "smart growth" techniques that build upon the private market to guide land use.

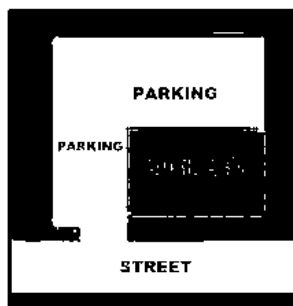


- Walking and driving tours of the Milford Area offer one of the best methods of cross-promoting and packaging tourist attractions. The Borough and Township should work with the Chamber of Commerce and Pocono Mountains Vacation Bureau to further develop such tours around historical and recreational assets with links to the McDade Trail and similar attractions. It is important in this regard to include a mix of commercial and public facilities such that visitors are encouraged to spend money in the Milford Area while visiting.

- The Borough and Township should work with the Pike County Industrial Development Corporation to market the Milford Area for small industries not requiring extensive infrastructure. The Milford Area is very suitable for small specialty manufacturers on the order of Altec Lansing, metal and wood fabrication shops, health services and other small enterprises with few infrastructure demands. Small businesses add jobs at relatively rapid rates. They are also attracted to communities on the urban fringe because owners can find good labor, appealing living conditions and close access to the metropolitan areas. Given the Milford Area's lack of sewage treatment capacity and its proven ability to accommodate small industry not dependent on such infrastructure, a marketing program targeted to these sectors is both feasible and desirable.

- The Borough and the Township should encourage the development of home-based businesses by allowing them broadly throughout the community, relying upon site plan review procedures under the Zoning and Subdivision and Land Development Ordinances to ensure that impacts on neighborhoods and adjoining properties are properly addressed. Home-based businesses are growing in number, encouraged by technology that permits telecommuting as well as the changing nature of the labor market. They demand flexible regulatory approaches that can be adjusted to the circumstances. It is important in this regard that the Borough, in particular, allow for live and work units in the upper stories of commercial buildings and permit apartments within the commercial district. Milford is attractive to the arts community for several reasons having to do with history, location and environment. Accommodating further development of the arts is good business. Live and work units and flexible home occupation regulations can help accomplish this.

- The Borough and Township should continue applying commercial design guidelines that ensure new development complements existing character. Guidelines should be improved by adding practical



illustrations and examples. Lighting, parking, landscaping and sign standards are among the specific guidelines that can be applied similarly in the case of both municipalities. Notwithstanding this potential, it is important to recognize the Borough and Township also have some distinctly different needs. The architectural review standards applied to building construction

within the Borough would not work particularly well in the Township where larger lots and structures are typically involved. Therefore, separate Borough and Township standards recognizing these differences are appropriate in many instances.

- While sewage treatment infrastructure has not been an obstacle to development in the Milford Area, water supply has been an occasional issue. The Milford Water Authority has capacity and has taken a very pro-active stance in protecting its sources and carefully planning for expansions of the distribution system. Employing this asset to encourage economic development makes much more sense at this point than developing major sewage treatment capacity or

extending the Westfall system to Milford. Sewage treatment could easily stimulate more

residential than commercial growth, which would be counter-productive in a region where rapid residential growth is already stressing other services and infrastructure. Water supply does not create any particular incentive for additional housing (because density is seldom reduced for water supply alone) but it can be quite effective in promoting commercial enterprises that need public water for fire protection or commercial/industrial processes. It is recommended the Water Authority and Township cooperate in extending water supply to additional areas on Route 6/209 that could benefit by it.

- The Delaware River has been at the center of Milford's history since its founding, but is, today, not highly visible from most of the Borough and Township. Reconnection of the Borough and Township to the Delaware River for purposes of marketing and promotion should be an economic development priority. This was the recommendation of a recent planning charrette sponsored by the Milford Water Authority. Visually connections to the River at selected view points should be established using greenway concepts. Connections from the business district and Grey Towers to Milford Beach, and the McDade Trail connection discussed above are both good examples. Developing additional accesses from the Santos property and the Township Building could also be valuable, particularly if accomplished in the context of a public park and trail system. The mouths of the Vandermark and Sawkill Creek should be more accessible and better linkages made between other River trails and Milford to encourage River users to visit and spend money in the community.
- Embellishing Milford's role as a gateway community should also be an economic development priority. The Milford Area is the effective beginning of the Delaware water Gap National Recreation Area and the

Poconos. Additional wayfinding signage built around the gateway theme could be a tremendous advantage in marketing businesses within the Milford Area. It should be instituted through a wayfinding signage committee of merchants and local officials under the auspices of the Chamber of Commerce. Pennsylvania Department of Transportation wayfinding sign program guidelines should be the foundation for this effort (but not necessarily the only or most important criteria). It is important that such an effort have broad grass-roots support to be successful. An imposed program will not work, it must also be a simple program that does not restrict the ability of businesses to meet their individual sign advertising needs. The following is an example of typical wayfinding signage from another community.



district in additional ways. Pennsylvania enabling legislation for BID's is comprehensive and very flexible, providing an excellent source of dedicated funding for economic development and marketing of the Milford Area. It should be considered as a long-term option.

- Marketing of the Milford Area commercial district is also needed. There is an active revitalization program already in place. It needs to be complemented by a website focused solely on promoting Milford Area businesses. The best websites are those offering media packages for writers and reporters and direct links to local businesses, providing a portal for access to businesses. See www.downtownwestchester.com for a good example. Linking of businesses in this fashion would allow for employment of a common theme, cross-advertising and promotion of the Milford Area as a place to dine and shop. More importantly, it is what makes the website specifically valuable to consumers. A generic website that only promotes the area offers very little of value to tourists, particularly those already generally familiar with it. Tourists want access to names of businesses, locations, menus, prices, hours of operation and other details. They also want to see what a bed and breakfast looks like, for example. A simple listing is inadequate. A successful website could also serve as the base for a business improvement district (BID) that would provide other services to businesses and promote the commercial

CAPITAL IMPROVEMENTS PROGRAM

CIP - Budgeting Device

Along with land use control ordinances, a formal capital improvements program (CIP) is a primary tool for the implementation of a comprehensive plan. Although not legally binding, the CIP includes and establishes a time frame for the long-term capital expenditures planned by a municipality. A capital expenditure may be defined as an outlay of municipal funds to purchase, improve or construct a piece of equipment or a facility that is expected to provide service over a long period of time. Typically, a capital expenditure is relatively large when compared to normal operating expenditures included in the budget. Examples include, the construction of or major improvements to buildings, land acquisition, recreation facilities, highway improvements, and vehicle purchases. In short, the CIP is a budgeting device to guide the allocation of non-operating funds, and to avoid the unexpected mid-year expenditure of large sums.

Informal v. Formal

Many local officials think in terms of a capital improvements program in the more informal terms of simply setting aside funds for anticipated large expenditures. Council members and supervisors know what they need, how much it costs, and if the municipality can afford it. While this is certainly one technique in planning for community facilities and services, a more formal approach with an adopted, written CIP has certain advantages. *The Practice of Local Government Planning*, published by the International City Management Association, identifies the following benefits of an effective CIP:

1. Ensures that plans for community facilities are accomplished.
2. Provides an adopted plan that continues even if local officials change.

<u>SAMPLE FUND PROJECTION AND CAPITAL BUDGET</u>						
GENERAL FUND PROJECTION	YEAR					
	2006	2007	2008	2009	2010	2011
Projected general fund revenue	\$200,000	\$210,000	\$225,000	\$250,000	\$260,000	\$275,000
Projected general fund expenditures	\$160,000	\$168,000	\$175,000	\$205,000	\$215,000	\$250,000
Projected Net Funds Available	\$40,000	\$42,000	\$50,000	\$45,000	\$45,000	\$25,000
CAPITAL BUDGET						
Township Park - land acquisition, engineering, construction, and debt service. \$300,000 over 20 years beginning in 2006	\$0	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Road Improvement - right-of-way acquisition, engineering, construction, and debt service. \$200,000 over 10 years beginning in 2008.	\$0	\$0	\$0	\$20,000	\$20,000	\$20,000
Total New Capital Expenditures	\$0	\$15,000	\$15,000	\$35,000	\$35,000	\$35,000
Net New Financing Required* <u>Equals</u> Total New Capital Expenditures <u>Minus</u> Projected Net Funds Available	(\$40,000)	(\$27,000)	(\$35,000)	(\$10,000)	(\$10,000)	\$10,000
* Parentheses indicate available funds exceed new capital expenditures.						

3. Allows improvement proposals to be evaluated against established policies and the comprehensive plan.
4. Enables the scheduling of improvements requiring more than one year to construct.
5. Provides the opportunity for the purchase of needed land before costs increase.
6. Encourages long range financial planning and management.
7. Provides for sensible scheduling of improvements.
8. Offers the opportunity for public participation in decision making.
9. Leads to improved overall municipal management.

Prioritization of Municipal Needs

In developing a CIP a municipality must prioritize its capital needs based on the planning process findings, and the CIP establishes commitment for public investment in accord with the specific goals and objectives included in the comprehensive plan. *The Practice of Local Government Planning* suggests one method is for a community to divide its needs into

four categories: essential, desirable, acceptable, and deferrable. In prioritizing needs, municipal officials must also consider the revenue side of the equation. Needed capital expenditure can only be made by identifying anticipated revenues in terms of other operating expenditures. In other words, the costs of scheduled capital expenditures must be evaluated in terms of acquiring the necessary revenue to fund the improvements. In any case, the CIP is, by necessity, an on-going process which must be reevaluated annually, with a planning period of six years being typical.

A variety of CIP techniques are available and the process can be very complex in larger municipalities. A more simplified approach is certainly more appropriate for the Borough and Township where capital needs are more manageable. A sample is provided in the *Sample Fund Projection and Capital Budget* on the previous page. In any case, the costs of operation and maintenance of new facilities and equipment must also be considered for inclusion in annual budgets. The principal anticipated direct capital expenditures for Milford Township and Milford Borough identified by this *Plan* are outlined below in terms of essential, desirable, and deferrable to provide the foundation for formal capital improvements programming.

MILFORD TOWNSHIP NEEDS -- EQUIPMENT, ROADS, BRIDGES, BUILDINGS AND OTHER FACILITIES

Essential

- replace older dump truck, 2-3 years, approx. \$50,000

Desirable

- construct park in cooperation with Borough, 3-4 years

Deferrable

-

MILFORD BOROUGH NEEDS -- EQUIPMENT, ROADS, BRIDGES, BUILDINGS AND OTHER FACILITIES

Essential

-

Desirable

- renovate Borough Hall
- renovate Police/Office Building
- Borough park improvements
- construct park in cooperation with Township, 3-4 years

Deferrable

-

OFFICIAL MAP

Pennsylvania Municipalities Planning Code

Article IV of the Pennsylvania Municipalities Planning Code grants the authority to municipalities to adopt an *Official Map*. The *Official Map* shows the location of areas which the municipality has identified as necessary for future public streets, recreation areas, and other public grounds. By showing the area on the *Official Map*, the municipality puts the property owner on notice that the property has been reserved for future taking for a public facility or purpose. The municipality may refuse to issue a permit for any building or development on the designated parcel; however, the municipality has one year to purchase the property upon notice by the owner of intended development. This little used land use control tool can be invaluable for minimizing the cost of public improvements, and the two Milford Planning Area municipalities should carefully consider its use as public improvement projects are identified.

Milford Planning Area

Milford Borough recently considered the adoption of an *Official Map* to show existing public facilities and focuses on the potential location of public parking lots. The Borough should continue, and Milford Township should consider, the adoption of an *Official Map* to show existing public lands and facilities and anticipated needs. An example would be the area chosen for a joint Township/Borough park. Another example is open land preservation. Zoning has historically been the primary land use management tool used by Pennsylvania municipalities to regulate density and provide for open space. However, in addition to this land use management tool, an *Official Map*, can be used to identify open space for acquisition, in fee or by easement, by the municipality.

What Is an Official Map?¹

- A land use management tool adopted by municipal ordinance as provided by the Pennsylvania Municipalities Planning Code.
- Furthers the execution of the comprehensive plan, open space and recreation plan, road improvement

plan, and other identified planning goals.

- Identifies both private and public lands for which the public has a current or future need.
- Legally establishes the location of existing and proposed streets, open space, parks, other public lands and facilities, waterways and floodplain.
- Informs property owners and developers of planned public improvements and land and easement acquisitions.
- Identifies and protects future improvements and extensions of the municipal road network.
- Provides notification of the location of public improvements and acquisitions, thus preventing construction within future rights-of-way and other future public areas and conservation easements.
- Gives the municipality one year to purchase the property or obtain an easement when the owner proposes to develop or subdivide the designated land.

What Misconceptions Surround The Official Map?

- *The Official Map is not a zoning map* - The *Official Map* is often mistaken for the zoning map or the future land use map in the comprehensive plan. In fact, the official map is a separate, legal document adopted in accord with the requirements of the Pennsylvania Municipalities Planning Code.
- *The Official Map does not have to be surveyed* - Other methods can be used provided the location of the *Official Map* components are sufficiently described. The metes and bounds survey is not required until an actual purchase of land or easement is proposed.
- *The Official Map does not imply municipal responsibility for opening, maintaining or improving mapped roads* - The inclusion of proposed streets or land/easement acquisitions on the *Official Map* does not constitute the opening or establishment of the street, the taking or acceptance of land. Nor does it obligate the municipality to

¹Much of the following sections were adapted from information contained in *Planning Bulletin #48, Official Map*, Chester County Planning Commission, 1994.

improve or maintain such streets or land until the time of dedication or purchase.

- *The Official Map is not a taking of land* - Although a property owner cannot build within mapped areas, the owner is free to use any unmapped portions of the land in whatever way the municipality ordinances allow. If a property owner intends to subdivide or develop land reserved on the *Official Map*, he must submit written notice to the municipality of these intentions. Following notification, the municipality has one year to purchase the land or obtain an easement. If necessary, the municipality may use condemnation proceedings to acquire the land.

What Are the Benefits of the Official Map?

- *Provides for the coordination of public and private goals* - Property owners are informed, up front, of long range municipal goals for roads, parks, other public facilities and conservation easements. This allows development plans to be adjusted before detailed and costly plans are prepared.
- *Provides an effective method for implementing the Comprehensive Plan, the Open Space Plan and other planning goals* - Most municipalities rely primarily on their zoning and subdivision ordinances to advance their future land use goals. The *Official Map* provides an additional and highly effective tool to ensure that a municipality is developed in accord with its land use policies. It is particularly effective for achieving transportation and community facility goals. The implementation of an open space or park and recreation plan can benefit from the designation of existing and proposed parks, related facilities and conservation easements on the *Official Map*.
- *The municipality can plan ahead to provide community facilities, parks and open space important to the community* - By setting aside funds for the eventual purchase or easement of the identified areas the municipality can use limited resources to the best long term advantage. Priorities can be established instead of reacting to unanticipated needs undertaking uncoordinated acquisitions.
- *Provides support for grant applications* - When the municipality applies for grants or other funding, the

Official Map can provide an advantage. Including specific features on the *Official Map* indicates a commitment to purchase the land or easement and/or make improvements. For example, mapping future parks or recreation facilities demonstrates that the municipality has planned ahead for these improvements, and could be considered when grant applications are reviewed.

What Can Be Included on the Official Map?

A wide variety of elements can be shown on the official map as long as they are consistent with the requirements of the Municipalities Planning Code. The following list includes both features specifically identified in the Planning Code and additional features that are often important to the quality of life in a community.

- Existing and proposed public streets, watercourses, and public grounds, including widenings, extensions, openings or closings.
- Bikeway routes (both separate trails and those proposed along existing roads).
- Existing and proposed public parks, playgrounds, and open space reservations.
- Pedestrian ways and easements.
- Railroad and transit rights-of-way and easements (including those that may be vacated or abandoned and have potential use as trails).
- Stream valley corridors and other environmentally critical areas such as unique and scenic areas, or habitats of endangered species.
- Flood control basins, floodways, and floodplain, stormwater management areas, and drainage easements.
- Potential public well sites or groundwater resources areas.
- Historical and archaeologically significant areas.
- Sites planned for public facilities such as municipal buildings, police and fire stations, libraries, community centers, and schools.

REGIONAL PLANNING AND INTERMUNICIPAL COOPERATION

A recurring point in this *Comprehensive Plan* is the need for regional planning and intermunicipal cooperation. Given the potential population and housing growth and associated commercial development anticipated in the Milford Planning Area and all of Pike County, and the potential negative effects on the area's small town and *gateway* character, the necessity of intermunicipal cooperation for regional planning is clear. The findings of this *Comprehensive Plan* clearly demonstrate that most issues facing Milford Township and Milford Borough are area wide issues. Each municipality alone cannot adequately address the multitude of issues facing the area. Highway network planning, water supply, sewage disposal, police protection, emergency services, housing, recreation and most other community issues transcend municipal boundaries and can best be addressed from a regional perspective. In order to improve and expand cooperation, it is vital that the two municipalities take a role in promoting regional cooperation.

For example, such cooperation has resulted in the formation of the preparation of this *NCWC Comprehensive Plan*. Continued cooperation with additional municipalities could lead to the formation of a formal planning organization to facilitate area wide planning and land use management. Another good example of intermunicipal cooperation is the Pike County Road Task Force which involves the thirteen local municipalities in the County and PennDOT and has improved state road maintenance.

Benefits of continued cooperation include . . .

- joint materials purchasing
- equipment sharing
- joint code enforcement
- sharing recreation facilities
- winter road maintenance agreements with adjoining townships to reduce travel time
- cooperative zoning

PLANNING PROCESS AND INTERRELATIONSHIP AMONG PLAN ELEMENTS AND IMPLEMENTATION STRATEGIES

Framework for the Future

This *Comprehensive Plan* provides a framework for the future growth and development of the Milford Planning Area -- Milford Township and Milford Borough. Although the *Plan* is comprised of a number of separate elements, each element, and, in fact, each planning and development action taken by a public body or private individual, is inextricably interrelated with other plan elements and planning and development actions. For example, the development of housing implementation strategies cannot be accomplished without taking into account land use controls and economic development trends. Economic development strategies cannot be formulated without considering land use controls and transportation needs. Community facilities and services planning requires an assessment of future development, transportation needs, and housing affordability. In most cases, these types of interrelationships and implementation strategies are discussed in the various comprehensive plan elements.

Planning Process

A theme consistent throughout all elements of this *Comprehensive Plan* is the concept of *process*. The published comprehensive plan document represents only the first step of what should evolve into an on-going planning process. If this *process* frame of mind is not firmly established, local officials, businessmen, land developers, and citizens, all players in the community growth and development arena, will have little chance of achieving the sustainable growth vital to the social, economic and environmental future of the Milford Planning Area. This process will also allow the recognition of the shifting interrelationships of community growth and development decisions vital to the success of long-term planning efforts.

Conservation of Community Character

Another key theme of this *Plan* is the conservation of the Planning Area's small town and *gateway community* character. All public and private actions must be assessed in terms of its effect on the community's character. For example, residential development standards in the normal pattern of large lots will fragment remaining open land. The alternative, conservation design or planned residential development provides the opportunity to conserve

open land. In the Borough, continued enforcement of historic district architectural standards is critical to community character. The conundrum of central sewage disposal provides another good example of planning interrelationships. This community facility is often the only means of correcting sewage disposal problems yet can stimulate development of more land at higher population densities. Increases in population would trigger the need for improved or new community facilities and services such as schools and police protection. In short, without careful analysis, one *implementation action* taken by a municipality can have unexpected and often undesirable effects.

To achieve growth and development goals and to establish the community's planning process for the future, this *Plan* makes the following overall recommendations:

- Evaluate all public and private actions with the goal of preserving agricultural and open land as a viable part of community character.
- Direct development away from environmentally sensitive areas and conserve large blocks of open land.
- Identify areas for growth within and adjacent to existing developed areas.
- Require adequate community facilities for new development.
- Carefully consider any sewer extensions to assess effects on stimulating development.
- Promote the idea of growth management - an effort to manage the location, type, and timing of future growth.
- Encourage increased local, intermunicipal, and regional cooperation for comprehensive planning and land use control implementation; and overall local municipal administration and management.
- Encourage a mix of business and commercial development in appropriate locations in the planning area.

- Encourage a variety of housing types.

Community Vision

This *Comprehensive Plan* outlines a vision for the future of the Township and Borough and recommends a course of action to achieve growth and development goals. However, the effective implementation of the *Plan* is necessary to make the planning program a success. Many of the resources, programs and techniques available for implementing the comprehensive plan are not within the direct control of local government. For example, although zoning and subdivision ordinances, the chief tools for land use control and land use plan implementation, are the purview of local governments, the funding, construction and maintenance of major roads and improvements have historically been the responsibility of the state and federal governments. Demand for housing in the planning area is generated in large part by external market forces, that is, residents of the larger region who choose to relocate to the Milford Planning Area. The implementation of the *Plan* and the creation of an on-going planning process, must be a community-wide effort fostered by local municipal officials.

Community Involvement

It is obvious that the implementation of the *Comprehensive* will require broad-based community involvement and coordination and cooperation among various federal, state, and local agencies. Plan implementation will require both a commitment of financial resources and human resources. The human resources can include both volunteer and paid staff and professional assistance. Many of the recommendations identified in the *Plan* could require increased staff support and demand for volunteer services.

Implementation Strategies

A variety of implementation strategies have been recommended in this *Plan* and are oriented to developing long-term policies for growth management, strengthening land use management programs, anticipating capital improvement needs and facilitating inter-governmental cooperation to accomplish local and regional goals. The key implementation strategies included in this *Plan* include:

- Annual review of this *Plan* by the Township Planning Commission and borough Planning Commission to evaluate new development and regional issues which warrant plan changes, with a

written and oral report to the Board of Supervisors.

- Development of short-term and long-term capital improvements program to prioritize needed improvements and allocate funds to those improvements; with annual progress evaluations and adjustments in capital project timing and capital equipment purchases.
- Continuing education for local officials via seminars and workshops.
- Diligent updating of land use management ordinances to effect the land use plan, provide environmental protection, preserve open land, maintain rural and historic character, and achieve community facilities and services and housing objectives.
- Focusing limited municipal resources on those community facilities and services which are most critical to meet resident needs.
- Monitor community facilities and services provided by the county, state, and federal government to ensure such services are adequate and the planning area is obtaining its *fair share*.
- Participate in all county, state and federal entitlement and grant funding programs, not solely for the sake of participation, but only if such programs can be sensibly used to achieve valid community development objectives.
- Make a specific finding as to relationship to this *Plan* for all subdivisions and land development proposals and all zoning actions and changes.

By focusing the available resources on implementation of the this *Plan*, and the continuance of the *planning process* with an eye to preserving agriculture and rural character, the two Townships can achieve sustainable growth and development into the future and maintain the quality of life in the Planning Area.

DEMOGRAPHICS and ECONOMIC BASE

Demographics

Why is the understanding of population demographics important to planning for the growth and development of a community? The demographic composition of a community's population is affected by the geographic, physical and economic character of the community. At the same time, the demographic composition is largely responsible for the manner in which a community develops and grows (or declines) in terms of demand for community facilities and services to meet the specific needs of the changing population, thereby altering the very character of the community.

Take for example the suburbs of New York City and Newark, New Jersey. These two cities, given their location with access to the Atlantic Seaboard and inland areas, historically functioned as the focus for trade and industry for much of the Northeast United States. As the population became more mobile with increased automobile ownership and improved highways, more and more urbanites moved from the city to nearby residential areas and commuted daily to their jobs in the city. As once rural areas developed into suburbs, the demands placed on local governments changed as the population changed. More highways, public water supplies, and public sewage disposal systems were needed. Along with the increasing population came the demand for commercial facilities to meet the retail and service needs of the changing population. In more recent years, the growing suburban areas have witnessed the development of industry and business, which followed the population shift from the cities.

This scenario is, of course, a simple explanation of a complex urban development process that has occurred over the past century. Nevertheless, it does demonstrate that differing and changing populations demand different public and private facilities and services, and the change itself can be initiated and amplified by the specific character of the community undergoing the population change. The example is especially appropriate for Milford Township and Milford Borough and the other small communities near the ever-expanding metropolitan areas of Pennsylvania, New Jersey and New York where population characteristics and land development have been so closely linked to residents leaving metropolitan areas for recreation and relaxation,

construction of vacation homes, and in many cases, permanent residency, in less populated nearby municipalities.

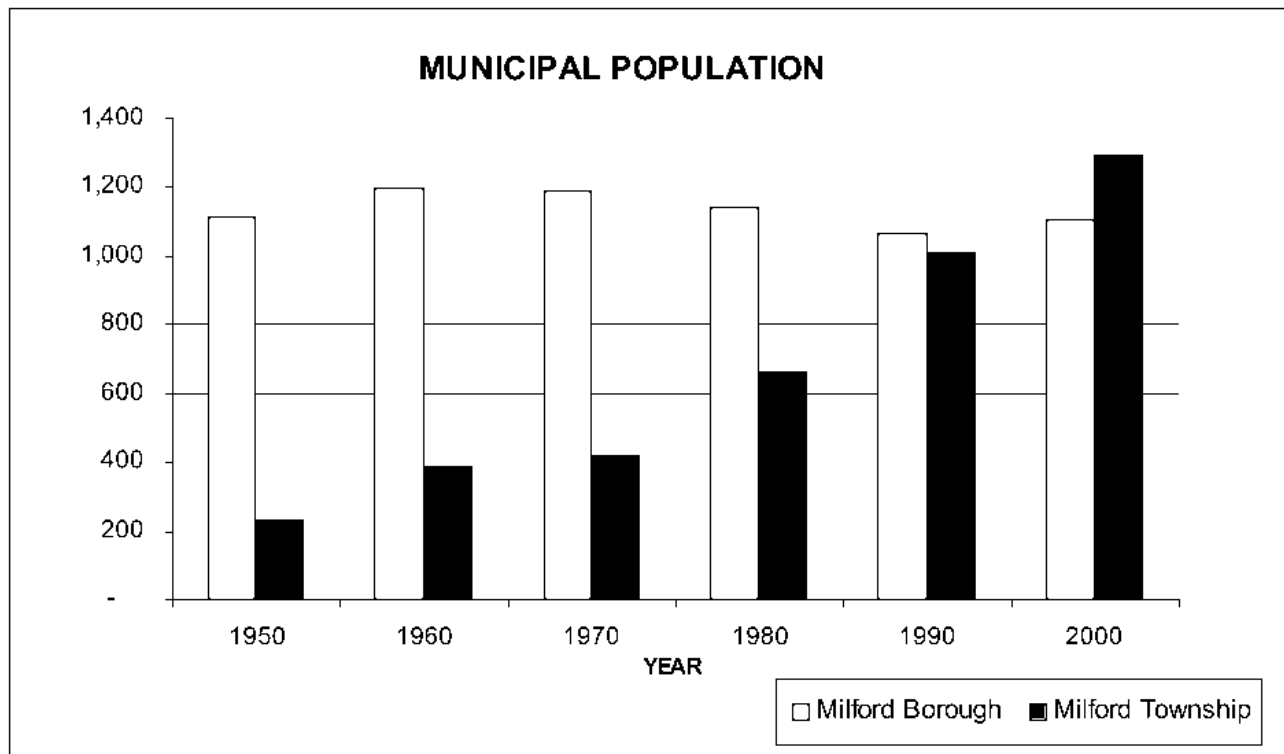
In short, by gaining an understanding of the demographic character of a community and forecasting how the population is likely to change, both in number and composition, local officials can assess the need for additional or different types of public and private facilities and services required to meet the demands of the changing population.

Historic Population and Recent Trends

Milford Township and Milford Borough are situated in the northeast section of Pike County and are bordered by the Delaware River and the State of New Jersey to the east. From the beginning of their early settlement, the planning area's demographic composition and community character have been closely linked to the greater New Jersey and New York metropolitan area. Hundreds of hotels and boarding houses throughout the County took visitors during the nineteenth century and, with easy access from New York City by rail, tourism became a major industry, attracting not only the working classes but many of the rich and famous. In more recent times, tourism still remains as a major industry, however, the Township and Borough are developing into a bedroom community of residents who are employed in nearby New Jersey and New York. Transportation routes through adjoining areas and Pike County's close proximity to the greater metropolitan allow many Pike County residents to commute to those areas for employment.

The population in Pike County has historically been concentrated in the two boroughs in the County (Matamoras and Milford) situated along the Delaware River. However, in more recent times, the higher density population and the population growth has shifted to the Townships in the County, most dramatically to Lehman, Dingman and Delaware Townships, located south of Milford, which are all bordered to the east by the Delaware River and the State of New Jersey. While all of the township populations have increased significantly since 1950, the population of the Boroughs have increased only slightly and have maintained a steady population historically.

HISTORICAL POPULATION AND GROWTH RATES U.S. CENSUS										
Municipality	1950	1960	1970	1980	%70-80	1990	%80-90	2000	%90-00	%50-00
Blooming Grv	358	424	548	1,176	114.6%	2,022	71.9%	3,621	79.1%	911%
Delaware	511	549	671	1,492	122.4%	3,527	136.4%	6,319	79.2%	1137%
Dingman	361	382	518	1,855	258.1%	4,591	147.5%	8,788	91.4%	2334%
Greene	829	793	1,028	1,462	42.2%	2,097	43.4%	3,149	50.2%	280%
Lackawaxen	1,072	1,068	1,363	2,111	54.9%	2,832	34.2%	4,154	46.7%	288%
Lehman	459	318	624	1,448	132.1%	3,055	111.0%	7,515	146.0%	1537%
Matamoras	1,761	2,087	2,244	2,111	-5.9%	1,934	-8.4%	2,312	19.5%	31%
Millford Boro	1,111	1,198	1,190	1,143	-3.9%	1,064	-6.9%	1,104	3.8%	-1%
Millford Twp	233	386	418	663	58.6%	1,013	52.8%	1,292	27.5%	455%
Palmyra	582	651	1,204	1,722	43.0%	1,976	14.8%	3,145	59.2%	440%
Porter	94	51	88	277	214.8%	163	-41.2%	385	136.2%	310%
Shohola	455	413	574	986	71.8%	1,586	60.9%	2,088	31.7%	359%
Westfall	599	838	1,348	1,825	35.4%	2,106	15.4%	2,430	15.4%	306%
Pike County	8,425	9,158	11,818	18,271	54.6%	27,966	53.1%	46,302	65.6%	450%
PA (1,000's)	10,498	11,319	11,794	11,864	0.6%	11,882	0.1%	12,281	3.4%	17%



The *Historical Population and Growth Table* provides U. S. Census data from 1950 to 2000 for Milford Township and Milford Borough along with that of Pike County, and its other local municipalities, and the Commonwealth. The *Municipal Population Figure* presents a graphic representation of the Township and Borough population growth since 1950. While the Borough population has maintained a steady population with slight increases and decreases over the years, the Township has seen only growth since 1950. The Township exceeded the Borough population in 2000 when the Township was counted at 1,292 persons and the Borough at 1,104 persons. With a Year 2000 population of 1,292, the fifty-year growth rate for the Township was almost 455 percent, ranking as the fifth fastest growing municipality in the County during the fifty-year growth rate and exceeding the County growth by five percent. Milford Borough, on the other hand, experienced the smallest fifty-year growth rate among it's neighboring municipalities with a decrease of one percent. Given the relatively small base population, it is obvious that most of the population increase in both municipalities resulted from people moving into the community rather than from natural increase, that is more births than deaths.

The *Historical Population and Growth Table* reveals varied growth pattern for the other municipalities in

Pike County as well as the County and State. While all exhibited growth since 1950, a number have increased significantly since 1990. Taken as a whole, the Township, County and surrounding communities have been dramatically increasing in population while the two Boroughs and Porter Township have maintained a steady population. This population shift has contributed to many of the growth and development issues now facing the planning area and other municipalities in Pike County – loss of open land, traffic, increased numbers of school children, and demand for recreation, police protection and other public facilities and services.

Certainly, national and regional economic conditions can also be expected to either stimulate or inhibit the short term development patterns of the region. In short, the population dynamics of a community are dependent on a number of interrelated factors including location, relationship to the region, the economy, community character, the availability of community facilities such as sewage disposal and the transportation network. Given the planning area's (and Pike County's) geographic location in close proximity to the greater metropolitan economic trading area, its quality natural environment and small town character, and the regional highway network, continued growth is certain.

RECENT POPULATION GROWTH IN NORTHEAST PENNSYLVANIA 2010 PROJECTIONS - CENTER FOR RURAL PENNSYLVANIA							
	1980	80-90	1990	90-00	2000	00-10	2010
Milford Township	663	52.8%	1,013	27.5%	1,292	--	--
Milford Borough	1,143	-6.9%	1,064	3.8%	1,104	--	--
Carbon Co.	53,285	6.7%	56,846	3.4%	58,802	9.4%	64,310
Lackawanna Co.	227,908	-3.9%	219,039	-2.6%	213,295	-0.9%	211,360
Luzerne Co.	343,079	-4.4%	328,149	-2.7%	319,250	1.7%	324,520
Monroe Co.	69,409	37.9%	95,709	44.9%	138,687	24.1%	172,170
Pike Co.	18,271	53.1%	27,966	65.6%	46,302	29.7%	60,060
Wayne Co.	35,237	13.4%	39,944	19.5%	47,722	4.3%	49,750
Northeast PA	697,467	10.1%	767,653	7.3%	824,058	7.3%	884,180
PA (1,000's)	11,865	0.2%	11,883	3.3%	12,281	1.0%	12,408

The *Recent Population Growth in Northeast Pennsylvania Table* provides details on the recent population growth of the Township and Borough compared to Pike County, surrounding counties and the Commonwealth. The more rural counties increased dramatically in population between 1990 and 2000 and are expected to increase through the next decade. In fact, because of the attraction of the Poconos to nearby metropolitan areas in Pennsylvania, New Jersey and New York, Pike, Monroe and Wayne Counties had the highest rates of growth in the Commonwealth. By contrast, the population of the more densely populated counties, Lackawanna and Luzerne, has declined with the same trend expected for Lackawanna County through 2010. By comparison, the Commonwealth as a whole has been increasing slightly in population since 1980, and a one percent increase is expected over the next ten years. These trends suggest continued population growth for the Northeast Pennsylvania Region as individuals and families leave urbanized areas seeking suburban and small town lifestyles.

Population Density

Based on a 0.5-square mile land area and the Census 2000 population of 1,104, the Borough's population density in 2000 was 2,300 persons per square mile. The Township's population density in 2000 was 104 persons per square mile with a 12.5 square mile land area and a 2000 Census population of 1,292. Population density for neighboring municipalities ranged from a high of 3,303 persons per square mile in Matamoras Borough to a low of about seven persons per square mile in Porter Township. Land area in the County ranges from Milford Borough's compact area of one-half square mile to Lackawanna Township's seventy-eight square miles. Population density for Milford Township, Milford Borough, Pike County, the Commonwealth and neighboring municipalities is presented in the *Population and Density Table*. As the population of the area continues to increase, the density will, obviously, also continue to increase. One way of addressing increased population while maintaining community character is to promote land conservation programs and adopt zoning and subdivision regulations which require open land as part of residential development.

Population Projections

The *Population Projections Table* provides a forecast of population based on several growth rates. The Township's growth rate in the past fifty years was the highest between 1950 and 1960, 65.7%, and declined

POPULATION AND DENSITY U.S. CENSUS			
MUNICIPALITY	2000 Population	Land Area (sq mi)	Population Density (persons per sq mi)
Blooming Grove	3,621	75.28	48
Delaware	6,319	44.02	144
Dingman	8,788	58.17	151
Greene	3,149	60.17	52
Lackawanna	4,154	78.56	53
Lehman	7,515	48.88	154
Matamoras	2,312	0.70	3,303
Milford Boro	1,104	0.48	2,300
Milford Twp	1,292	12.48	104
Palmyra	3,145	34.42	91
Porter	385	58.58	7
Shohola	2,088	44.64	47
Westfall	2,430	30.43	80
Pike County	46,302	546.80	85

to its lowest growth rate at 8.3% percent between 1960 and 1970. After increasing again between 1970 and 1980 to 58.6%, the growth rate decreased slightly to 52.8% between 1980 and 1990, and 27.5% between 1990 and 2000. The Borough's growth rate in the past fifty years was also the highest between 1950 and 1960, 7.8 percent, and declined gradually from 1960 to 1990. At 3.8%, the growth rate moved to the positive side between 1990 to 2000; however, the Borough was also the slowest growing municipality in the County during this time period, obviously due to the lack of available space.

Given this recent history of population growth rates, near term growth rates approaching the 1950-1960 65.7 percent rate in the Township and the 1950-1960 7.8 percent rate in the Borough are not expected. Based on a conservative 15% growth rate, the Township population would reach almost 1,600 by 2010 and over 1,700 by 2020. Based on a 5% growth rate, perhaps somewhat optimistic, the Borough population in 2010 would reach some 1,160 persons

POPULATION PROJECTIONS MILFORD TOWNSHIP				
2000 Census Population			1,292	
10-Year Projected Growth Rate	Projected Population			
	Year 2005	Year 2010	Year 2020	
	5%	1,324	1,357	1,391
	10%	1,357	1,424	1,492
	20%	1,421	1,563	1,705
POPULATION PROJECTIONS MILFORD BOROUGH				
2000 Census Population			1,104	
10-Year Projected Growth Rate	Projected Population			
	Year 2005	Year 2010	Year 2020	
	5%	1,132	1,160	1,188
	10%	1,159	1,217	1,275
	15%	1,187	1,276	1,365

and increase to almost 1,200 in 2020, essentially the same number of residents as in 1960 and 1970. In 2010, the population density would increase from 2,300 to 2,415 persons per square mile in the Borough. Historic data show that the Borough population has been counted at this level and the small town character would not change based on resident population. Any change would be more likely to occur due to increased traffic from area residents and visitors. In the case of the Township, population density would increase from 104 to 125 persons per square mile. Clearly, the Township would continue to be rural by Census definition, although many new lots and housing units will be required to meet the demands of the population.

For comparison, the Pennsylvania Department of Education projects for the Delaware Valley School District, which includes both Milford Borough and Milford Township, a 17% increase in enrollment from 5,405 students in the 2004-2005 school year to 6,545 students in 2012-2013. The projections are based on routine progression of students and resident live birth

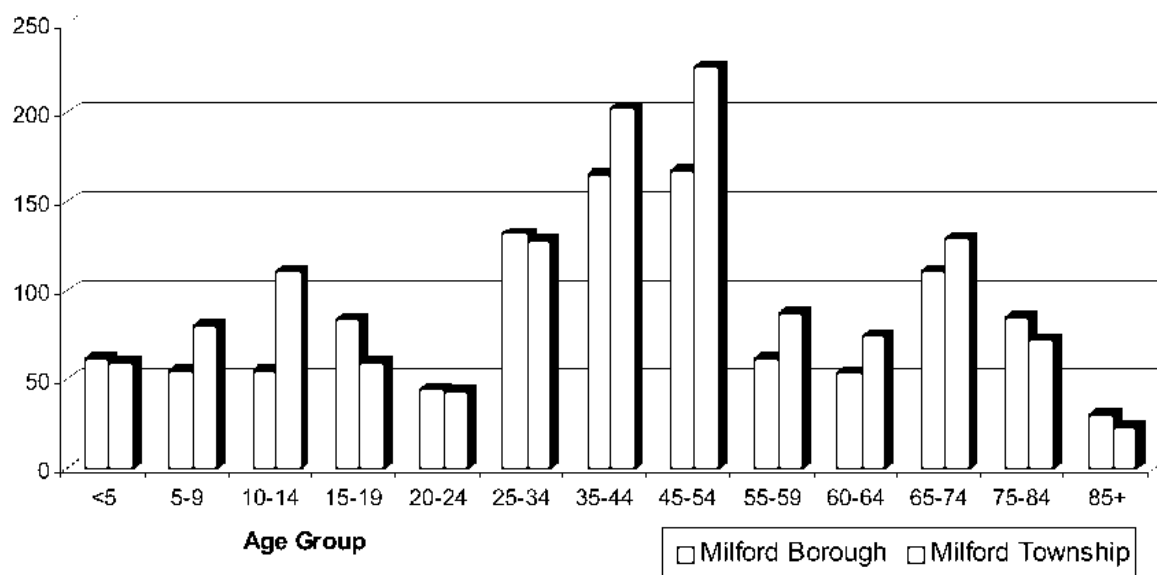
rates, but do not consider migration patterns and new home construction.

As the Township and Borough population continues to increase, the rate of housing construction will also continue to increase, as shown on the *Rate of Housing Development Table*, indicating a *sprawling* population with more demand for housing and the associated decrease in open space. In terms of future planning at the local municipal level, the two municipalities, more so the Township than the Borough, can expect the platting of new lots. Although the development potential in the Borough is very limited compared to the Township and other parts of the County, both municipalities can expect to see a continued demand for housing. Conservation design subdivision standards and conservation easement acquisition are two examples of land use management tools which can be used to preserve open land.

Age of Population

The age of a community's population is important in terms of the types of community facilities and services which must be provided. Many of the services which are age dependant are provided by public entities other than the Township or Borough. For example, the number of children determines the size and type of educational facilities and services provided by the school district, while an aging population will require more social services from county and state agencies. The *Year 2000 Age Distribution Table* includes age data for the Township and Borough for the and *Age Distribution - 2000 Figure* provides an illustration. The *Age Cohorts Comparison Table* provides a comparison with Pike County and the State, and reports the changes between 1990 and 2000. (See also the *Age Comparison - 2000 Figure*. As shown on *Age Comparison Table*, the number of children, that is, persons under eighteen years old, increased by fifty-three persons in the Township and decreased by one in the Borough between 1990 and 2000, while the overall population increased by 279 persons in the Township and forty in the Borough. During the same period, the proportion of working age residents and senior citizens also increased. The proportion of working age adults in the Township and Borough closely mirrors that of the County, with a higher proportion of children and a lower proportion of senior citizens. The proportion of young adults, the 20-24 year old group, in the Township are less than that in the Borough, County and the Commonwealth, perhaps reflecting an exodus to college or first jobs.

YEAR 2000 AGE DISTRIBUTION U.S. CENSUS						
Age	Milford Boro		Milford Twp		%	
	#	%	#	%	Pike Co	PA
< 5	61	5.5%	59	4.6%	5.9%	5.9%
5-9	55	5.0%	80	6.2%	7.9%	6.7%
10-14	55	5.0%	110	8.5%	8.6%	7.0%
15-19	84	7.6%	59	4.6%	6.3%	6.9%
20-24	44	4.0%	43	3.3%	3.4%	6.1%
25-34	132	12.0%	128	9.9%	10.0%	12.7%
35-44	165	14.9%	202	15.6%	17.7%	15.9%
45-54	168	15.2%	226	17.5%	14.2%	13.9%
55-59	61	5.5%	87	6.7%	5.8%	5.0%
60-64	53	4.8%	74	5.7%	5.2%	4.2%
65-74	111	10.1%	129	10.0%	9.6%	7.9%
75-84	85	7.7%	72	5.6%	4.4%	5.8%
85+	30	2.7%	23	1.8%	1.2%	1.9%
Total	1,104	100.0%	1,292	100.0%	100.0%	100.0%
Male	524	47.5%	652	50.5%	49.8%	48.3%
Female	580	52.5%	640	49.5%	50.2%	51.7%
Median age	42.3	--	43.5	--	--	--
18 and over	876	79.3%	994	76.9%	73.3%	76.2%
Male	411	37.2%	492	38.1%	36.2%	36.1%
Female	465	42.1%	502	38.9%	37.2%	40.1%
21 and over	836	75.7%	976	75.5%	70.6%	72.0%
62 and over	252	22.8%	271	21.0%	18.2%	18.1%
65 and over	226	20.5%	224	17.3%	15.2%	15.6%
Male	90	8.2%	102	7.9%	7.3%	6.2%
Female	136	12.3%	122	9.4%	7.8%	9.4%

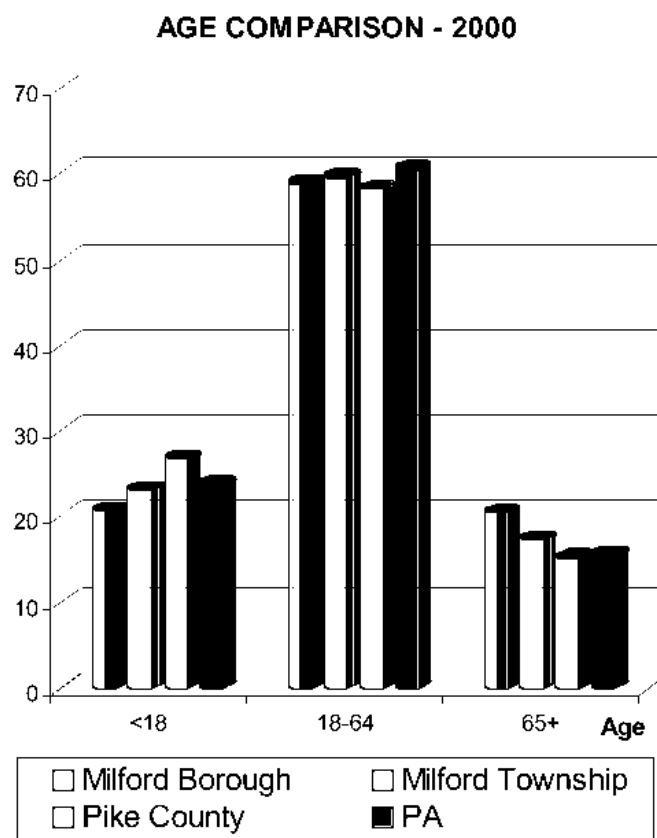
AGE DISTRIBUTION- 2000

AGE COHORTS COMPARISON U.S. CENSUS and PA STATE DATA CENTER				
2000				
Age Group	Milford Township	Milford Borough	Pike Co	PA
<18	23.1% - 298	20.7% - 228	26.7%	23.8%
18-64	59.6% - 770	58.9% - 650	58.2%	60.6%
65+	17.3% - 224	20.5% - 226	15.2%	15.6%
1990				
Age Group	Milford Township	Milford Borough	Pike Co	PA
<18	24.2% - 245	21.5% - 229	25.3%	23.5%
18-64	61.2% - 620	57.5% - 612	59.2%	61.1%
65+	14.6% - 148	21.0% - 223	15.6%	15.4%

The population age distribution of Pike County and the Commonwealth changed little between 1990 and 2000. In addition to the demand for more dwelling units and building lots, the increase in the number of younger families and children in the population results in more demand on the school system and for such community facilities as recreation parks and playgrounds. The Board of Supervisors and Borough Council must continue to assess the range of community facilities and services required to meet the needs of its changing population.

Age of Housing

In 2000, Milford Borough and Township contained 527 and 594 housing units, respectively, with almost 16% and 67%, or 84 and 400, of the existing housing units, having been constructed since 1970, the approximate date when state on-site sewage regulations were instituted. This is important in terms of the age of on-lot disposal systems, compliance with DEP standards, and effect on water quality. Almost one-third of the homes in the Township and over three-quarters of the homes in the Borough were constructed prior to 1940, providing the base for the unique small town and historic character of the planning area. The *Rate of Housing Development Table*, compares the Township and Borough rate of housing construction to Pike County to show the trend of increased development. The Borough and Township both exceeded the proportion of housing



units constructed before 1940 compared to the County, however, the Township's proportion was only slightly higher than the County.

The data in the *Rate of Housing Development Table* provides a good measure of the age and condition of housing, and most dwellings in the Township are relatively new and in good condition. Although the many of the homes in the Borough are much older, almost all are in good condition. In short, dilapidated housing in the Township and Borough is not an issue. (More discussion on housing conditions and needs is found in the *Housing Plan* section.)

Housing Units

The *Housing Units Table* includes data for the County, its local municipalities and the State. In 1990, Milford Township contained 563 housing units, an increase of 52.2% or 193 units from 1980. By 2000, the number increased by another thirty one units in the Township, reaching 594, a ten-year growth rate of almost 5.5%. Between 1980 and 1990 the number of housing units in the Borough increased by 43, an increase of 8.3% to total of 564 units. Over the next ten years, a decrease of four units was reported by the Census, which at first

RATE OF HOUSING DEVELOPMENT U.S. CENSUS						
Milford			Milford		Pike Co	
# Units2000	594		527		34,681	
# Units1990	563		564		30,852	
# Units1980	370		521		17,727	
YEAR STRUCTURE BUILT						
	#	%	#	%	#	%
1999-3/2000	5	0.8%	6	1.1%	656	1.9%
1990-1998	126	21.3%	17	3.0%	7,968	23.0%
1980-1989	165	27.8%	42	7.5%	9,618	27.7%
1970-1979	104	17.5%	19	3.4%	7,341	21.2%
1960-1969	59	9.9%	29	5.2%	3,454	10.0%
1940-1959	76	12.8%	93	16.6%	2,997	8.6%
1939 or earlier	59	9.9%	35	63.2%	2,647	7.6%

HOUSING UNITS - U.S. CENSUS								
MUNICIPALITY	1980 Total Units	Number 80-90	Percent 80-90	1990 Total Units	Number 90-00	Percent 90-00	2000 Total Units	Percent 80-00
Blooming Grove Twp	2,037	1,067	52.4%	3,104	169	5.4%	3,273	60.7%
Delaware Township	2,290	705	30.8%	2,995	458	15.3%	3,453	50.8%
Dingman Township	1,387	2,794	201.4%	4,181	1,508	36.1%	5,689	310.2%
Greene Township	1,564	999	63.9%	2,563	217	8.5%	2,780	77.7%
Lackawaxen Township	1,526	1,722	112.8%	3,248	502	15.5%	3,750	145.7%
Lehman Township	1,546	2,429	157.1%	3,975	680	17.1%	4,655	201.1%
Matamoras Borough	855	66	7.7%	921	56	6.1%	977	14.3%
Milford Borough	521	43	8.3%	564	(4)	-0.7%	560	7.5%
Milford Township	370	193	52.2%	563	31	5.5%	594	60.5%
Palmyra Township	3,146	765	24.3%	3,911	(73)	-1.9%	3,838	22.0%
Porter Township	848	24	2.8%	872	54	6.2%	926	9.2%
Shohola Township	867	2,049	236.3%	2,916	173	5.9%	3,089	256.3%
Westfall Township	833	206	24.7%	1,039	58	5.6%	1,097	31.7%
Pike County	17,727	13,125	74.0%	30,852	3,829	12.4%	34,681	95.6%
PA (1,000's)	4,596	342	7.4%	4,938	312	6.3%	5,250	14.2%

glance appears counterintuitive given that a number of new homes were constructed during this decade. The decrease may have resulted from the elimination or conversion of multi-family units, or simply be a counting error in the 1990 or 2000 Census.

Although Milford planning area did not exceed the housing development rates of the County, four other townships in the County (two of which border Milford), showed housing development rates higher than Pike County, indicating the less densely populated areas of the County are growing more rapidly. Almost all of the municipalities in the County showed housing development rates higher than the State. In terms of both rate of increase and absolute numbers for neighboring municipalities, Dingman Township has shown the greatest growth since 1980, increasing from 1,387 units to 5,689 units, this increase having been perhaps stimulated by the availability of residential communities, such as Sunrise Lake, Conashaugh Lakes, and Gold Key Lake, and Dingman's rural atmosphere and affordable housing costs (*Dingman Township Comprehensive Plan - 1997 Planning Survey, Shepstone Management Company*).

Housing Demand

The demand for housing in the planning area will certainly continue at a high level at least for the near term, and most likely for the long term. Although the Borough has relatively little room for additional development, ample undeveloped land is available in the Township, and all of Pike County. Both the Borough and Township will feel the result of this development in terms of increased community activity and associated traffic and demand for retail and service establishments. In addition as noted earlier, the housing demands can be expected to have a direct impact on the amount of open space in the Township. Each new house requires a minimum of up to two acres depending on the zoning district and type of sewage disposal and water supply. Given the relatively small number of existing undeveloped lots in the Township, these new lots must be taken from existing open land.

Housing Value

Median value of owner-occupied homes in the Township and Borough, at \$166,300 and \$156,400 respectively in 2000, was far higher than that of the County and its other municipalities, and the Commonwealth. (See the *Median Housing Value*

Table.) The 2000 Census clearly shows that the Milford planning area has emerged as the center of higher value housing in Pike County. Milford Borough and Milford Township, with the quality community character and high household incomes, will certainly maintain higher median housing values than most other municipalities in the County. While high values are positive in terms of housing condition and real estate tax revenue, it may indicate the need to evaluate the affordability of housing for younger couples and older residents.

MEDIAN HOUSING VALUE U.S. CENSUS	
2000 Value	
Blooming Grove Township	\$137,300
Delaware Township	\$97,000
Dingman Township	\$133,500
Greene Township	\$106,500
Lackawaxen Township	\$108,300
Lehman Township	\$105,100
Matamoras Borough	\$104,800
Milford Borough	\$156,400
Milford Township	\$166,300
Palmyra Township	\$125,700
Porter Township	\$130,600
Shohola Township	\$117,700
Westfall Township	\$129,300
Pike County	\$118,300
Pennsylvania	\$97,000

Types of Housing Units

The *Housing Structural and Vacancy Characteristics Table* shows that in 2000 almost 90% of the dwellings in the Township and 95% in the Borough were detached single-family homes compared to about and 93% in the County and 65% in the State. The 2000 Census found only forty-one one-unit attached and seventeen multi-family dwellings in the two municipalities; and, in the County as a whole, only 1.8 percent of all units were two-family and just under one percent were multi-family dwellings. In the State

HOUSING STRUCTURAL AND VACANCY CHARACTERISTICS U. S. CENSUS								
	Milford Township		Milford Borough		Pike County		PA (1,000's)	
1990 total housing units	563		564		30,852		4,938	
1990 occupied housing units	397		449		10,551		4,496	
2000 total housing units	594		560		34,681		5,250	
2000 occupied housing units	527		522		17,433		4,777	
2000 Housing units in structure	#	%	#	%	#	%	#	%
1 unit detached	387	89.8%	285	94.7%	13,728	92.8%	2,935	55.9%
1 unit attached	33	7.7%	8	2.7%	268	1.8%	940	17.9%
multi-family	9	2.1%	8	2.7%	126	0.9%	1,111	21.2%
mobile homes, trailer, other	2	0.5%	0	0.0%	665	4.5%	263	5.0%
Average household size (persons)								
1990	2.55		2.27		2.62		2.57	
2000	2.45		2.11		2.63		2.48	
Average family size (persons)								
1990	2.99		2.93		3.03		3.10	
2000	2.91		2.87		3.06		3.04	
2000 occupied housing units	#	%	#	%	#	%	#	%
total occupied units	527	100.0%	522	100.0%	17,433	100.0%	4,777	100.0%
owner occupied units	429	81.4%	298	57.1%	14,775	84.8%	3,406	71.3%
renter occupied units	98	18.6%	224	42.9%	2,658	15.2%	1,371	28.7%
2000 vacant housing units	#	%	#	%	#	%	#	%
total vacant units	67	11.3%	38	6.8%	17,248	49.7%	473	9.0%
seasonal/recreation use	41	6.9%	18	3.2%	15,350	44.2%	148	2.8%
other vacant units	26	4.2%	20	3.6%	1,898	5.5%	325	7.8%

the proportions were 18% and 21%, respectively. Additionally, no mobile homes trailers or other dwelling types were reported in the Borough, and only two in the Township, or 0.5%, compared to about 4.5% in the County and 5% in the State.

These figures show that the two municipalities have evolved into a community of residents living in single-family dwellings, and as noted, these dwellings have

the highest values in Pike County. Given the high value of these existing dwellings and the high cost of land, the current dearth of two-family and multi-family dwellings is not expected to change.

Household Size

Household size in the Township and Borough, 2.45 and 2.11 persons per household, respectively, is somewhat lower than that in the County, 2.63, and the

State, 2.48. Average household size in both municipalities fell slightly since 1990, whereas the County increased somewhat. In 2000 and 1990, the average family size in the Township and Borough were less than the County and State.

Vacancy Rate

The 2000 vacancy rate, sixty-seven units or 11.3 % of the housing unit total in the Township and thirty-eight units or 6.8% of the housing unit total in the Borough, is much lower than the County, largely a reflection the relatively low number of second home in the Milford planning area. The proportion of *other vacant units* in the Township and Borough, which includes primarily units for sale, is also lower than countywide and statewide, perhaps a function of the demand for housing in the planning area.

Seasonal Housing

In 2000, the U. S. Census counted forty-one housing units in the Township and eighteen units in the Borough which were used seasonally or for recreational use, accounting for some 5% of the total units in the Milford planning area. (See the *Second Homes and Commuter Patterns Table*.) Although this proportion is higher than the Commonwealth, the Township and Borough rank eleventh and twelfth out of the thirteen municipalities in the County for the percentage of total units used for seasonal or recreation use. In terms of future planning, direct seasonal population effects on these two municipalities are not as significant compared to other areas in the County that report a higher proportion of seasonal/second homes. In other words, many of the other municipalities have greater potential for the conversion of a greater number of homes from seasonal use to full-time residency, and the associated increase in permanent population. However, as noted previously, the Milford planning area, which serves as the economic trading and community activity center for much of the population of surrounding townships, will suffer much of the traffic and congestion associated with the development of outlying areas.

The proportion of seasonal/recreation units in 2000 were highest in Porter Township (78%), Shohola Township (67%), and Palmyra Township (61%), with 44% countywide. In terms of actual numbers of second homes, Dingman Township (2,435) and Palmyra Township (2,337) ranked highest at stood at and percent of total units, respectively. It is important to note that the U.S. Census counts as dwelling units

the cabins on State Forest Land and recreational vehicles situated on individually-owned lots in developments such as Shohola Falls Trails End in Shohola Township and Lake Adventure in Dingman Township. These recreational vehicles and the hundreds of cabins on state land in Blooming Grove, Palmyra and Porter Townships temper somewhat the total number of second homes available for conversion.

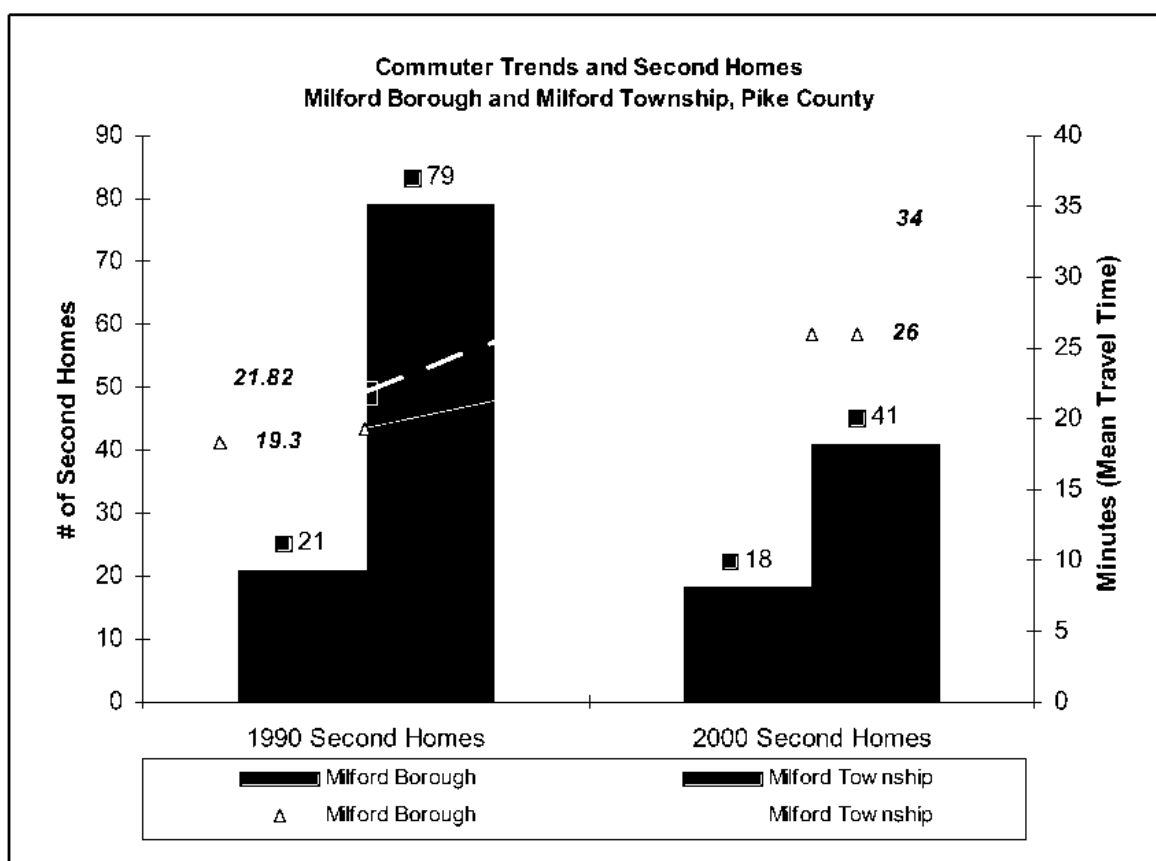
The proportion of seasonal homes in the County remain extremely high compared to the State, and in fact, are some of the highest proportions in the Commonwealth. Nevertheless, Census data reveals a sharp decrease in the percentage of seasonal units between 1990 and 2000, documenting common knowledge that many second home owners are settling full-time in Pike County. All of the municipalities, with the exception of Dingman Township, witnessed a decrease in the percentage of seasonal homes during this time period. Milford Township saw the greatest proportionate decrease of all of the townships in the County.

Travel Time to Work

The *Second Homes and Commuter Patterns Table* also illustrates the mean travel time to work, which increased substantially in all of the municipalities in the County, far exceeding the statewide increase. In fact, the County's mean travel time of forty-six minutes is reported by the Census as the highest in the State; and, Lehigh Township's sixty minutes is the highest in the Country. The decrease in the proportion of seasonal homes and the increase in mean travel time to work suggests that seasonal homes are being converted to permanent residences with working members of the household commuting to nearby New Jersey and New York.

This correlation is of particular significance to the Milford planning area, especially the Township, which experienced fifth highest increase in mean travel time in the County (along with the highest proportionate decrease of second homes for townships). These trends for the planning area are illustrated in the *Second Homes and Commuter Trends Figure*. This trend, which will continue, is significant to the municipalities as these homes and associated services, such as roads, were originally designed for seasonal use and now have a permanent population utilizing the same facilities and demanding more services. The conversion of these homes to permanent residences

Second Homes and Commuter Patterns U.S. Census							
Municipality	Second Homes				Mean Travel Time to Work		
	1990	2000	2000 % of Total	% change (90 - '00)	1990	2000	% Change (90 - '00)
Blooming Grove Twp.	2,227	1,677	51.2%	-25%	28.4	47.2	66%
Delaware Township	1,698	993	28.8%	-42%	37.3	51.4	38%
Dingman Township	2,368	2,435	42.8%	3%	35.5	52.5	48%
Greene Township	1,368	1,349	48.5%	-1%	23.2	38.4	65%
Lackawaxen Township	1,986	1,862	49.7%	-6%	27.5	38.7	41%
Lehman Township	2,647	1,762	37.9%	-33%	33.3	60.4	81%
Matamoras Borough	14	6	0.6%	-57%	19.7	29.2	48%
Milford Borough	21	18	3.2%	-14%	19.3	26.0	35%
Milford Township	79	41	6.9%	-48%	21.8	34.0	56%
Palmyra Township	2,841	2,337	60.9%	-18%	22.9	31.7	38%
Porter Township	796	724	78.3%	-9%	33.7	43.2	28%
Shohola Township	2,180	2,054	66.5%	-6%	32.1	45.2	41%
Westfall Township	144	87	7.9%	-40%	25.0	30.1	21%
Pike County	18,351	15,350	44.2%	-16%	29.3	46.0	57%
PA (1,000's)	144,700	148,443	2.8%	3%	23.1	25.2	9%



SEASONAL, PERMANENT AND PEAK POPULATION U.S. CENSUS 2000						
Municipality	2000 Total Units	% 2nd homes	# 2nd homes	Permanent population	Estimated peak 2nd home population	Estimated peak population. (2nd+perm)
Blooming Grove	3,273	51.2%	1,677	3,621	5,031	8,652
Delaware Township	3,453	28.8%	993	6,319	2,979	9,298
Dingman Township	5,689	42.8%	2,435	8,788	7,305	16,093
Greene Township	2,780	48.5%	1,349	3,149	4,047	7,196
Lackawaxen	3,750	49.7%	1,862	4,154	5,586	9,740
Lehman Township	4,655	37.9%	1,762	7,515	5,286	12,801
Matamoras Borough	977	0.6%	6	2,312	18	2,330
Milford Borough	560	3.2%	18	1,104	54	1,158
Milford Township	594	6.9%	41	1,292	123	1,415
Palmyra Township	3,838	60.9%	2,337	3,145	7,011	10,156
Porter Township	926	78.3%	724	385	2,172	2,557
Shohola Township	3,089	66.5%	2,054	2,088	6,162	8,250
Westfall Township	1,097	7.9%	87	2,430	261	2,691
Pike County	34,681	44.2%	15,350	46,302	46,050	92,352

will, among other effects, lead to traffic congestion, increased road maintenance, increase in school children, and problems with on-lot sewage systems that were designed for seasonal use. In order for the municipalities and school district to meet these demands on more services, residents will most likely also see an increase in taxes.

Seasonal Population

The results of a survey of second home owners conducted in 1990 as part of the *Pike County Comprehensive Plan* by Community Planning and Management, LLC, found that the average visitation rate to second homes was 3.3 persons. A similar study conducted by Shepstone Management Company in 1994 as part of the *Wayne County Comprehensive Plan* yielded a similar result, with the average size of a second home household reported at 3.34 persons. Although these studies are somewhat dated, the results can provide a measure of the peak second home population. Applying a conservative household size of three persons to the number of second homes in the County and its municipalities yields a total peak population of more than 92,000 in the County. Given the relatively low number of second homes in the

Milford planning area, the direct effect of the less than 200 peak second home population is not really significant. However, as pointed out earlier, the real effect is the increased traffic and demand for facilities and services in the planning area.

The Pike County survey of second home owners revealed another interesting trend for second home owners. At the time of the survey in 1990, more than 70% of the respondents planned on settling permanently in Pike County within fifteen years. Those fifteen years have now elapsed, and the conversions predicted in 1990 have certainly added to the explosive population growth of the County. Continued conversions and the construction of new dwellings for full-time residency will continue. The future implications are clear, the County and most municipalities will experience strong population growth along with increased demand for public facilities and services.

Municipal Immigration

As shown in the *Municipal Immigration Table*, the 2000 Census provides insight into the origin of the increase in population in the planning area by

identifying where Township and Borough residents resided in 1995. Only five years before 2000, about 42% of the residents in the Township and 39% of residents in the Borough five years of age or older did not reside in the same house in the Township or Borough. Most of these residents moved to the Township or Borough from within Pike County and other areas of the state, with about 18% in the Township and 21% in the Borough emigrating from outside the Commonwealth. In terms of future land use planning and need for additional facilities and services, it is obvious that the planning area is an attractive place to live and has been attracting new residents not only from within the County and Pennsylvania, but from different states and abroad. The increase in population over the past fifty years suggests that this is a long term trend and, given the planning area's attractive residential lifestyle, the trend will clearly continue.

MUNICIPAL IMMIGRATION 2000 CENSUS				
	Milford Township		Milford Borough	
	#	%	#	%
persons 5 years +	1,233	95.4%	1,045	94.6%
Residence in 1995				
lived in same house	719	58.3%	638	61.1%
lived in different house				
same county	251	20.4%	147	14.1%
different county in PA	250	20.3%	253	24.2%
different state	220	17.8%	218	20.9%
same state	30	2.4%	35	3.3%
out of country	13	1.1%	7	0.7%

Economic Base

This section focuses on defining with the best available information, the municipalities' economic base, how it differs from the regional economy, and what can be expected in the future. Clearly, the economy of the Milford planning area is inextricably linked with the economy of the County and region as evidenced by the data in the *Employment by Sector and Job Type Table* and the *Travel Time to Work Table*. Although the proportion of employment in the various sectors will likely shift somewhat in the next ten years as the regional employment market changes, the continued paucity of large employers within the

Township and Borough, and the County for that matter, suggests that most workers will continue to be employed outside the Township and Borough, and primarily out of the State.

Existing Economic Production Units

The extent of the local economy can be considered in terms of production units; that is, those businesses, industries, service establishments, home occupations and other concerns which generate income and provide employment. Institutional and government employment, although not generating income in terms of production because tax dollars fuel their operation, can also be important to employers in the local economy. The predominate *production units* for workers from the Township and Borough are *education, health and social services; retail; manufacturing; and arts & entertainment*. (See the *Employment by Sector and Job Type Table*). In addition, one must also consider home occupations which, in this era of increasing service business and electronic information transfer, often play a hidden yet significant role in local economics. Although the number of home occupations cannot be determined with any accuracy, in all likelihood many inconspicuous home occupations are being conducted in the area. The 2000 Census reported sixty-nine self-employed workers in the Township and fifty-two in the Borough, and that forty-one and thirty-four work at home in each municipality, respectively. Some of which would involve home occupations. Unfortunately, the specific economic impact of those *hidden* employees in home occupations is difficult to assess, but income generated in the home does contribute significantly to the local economy.

Employment by Sector and Job Type

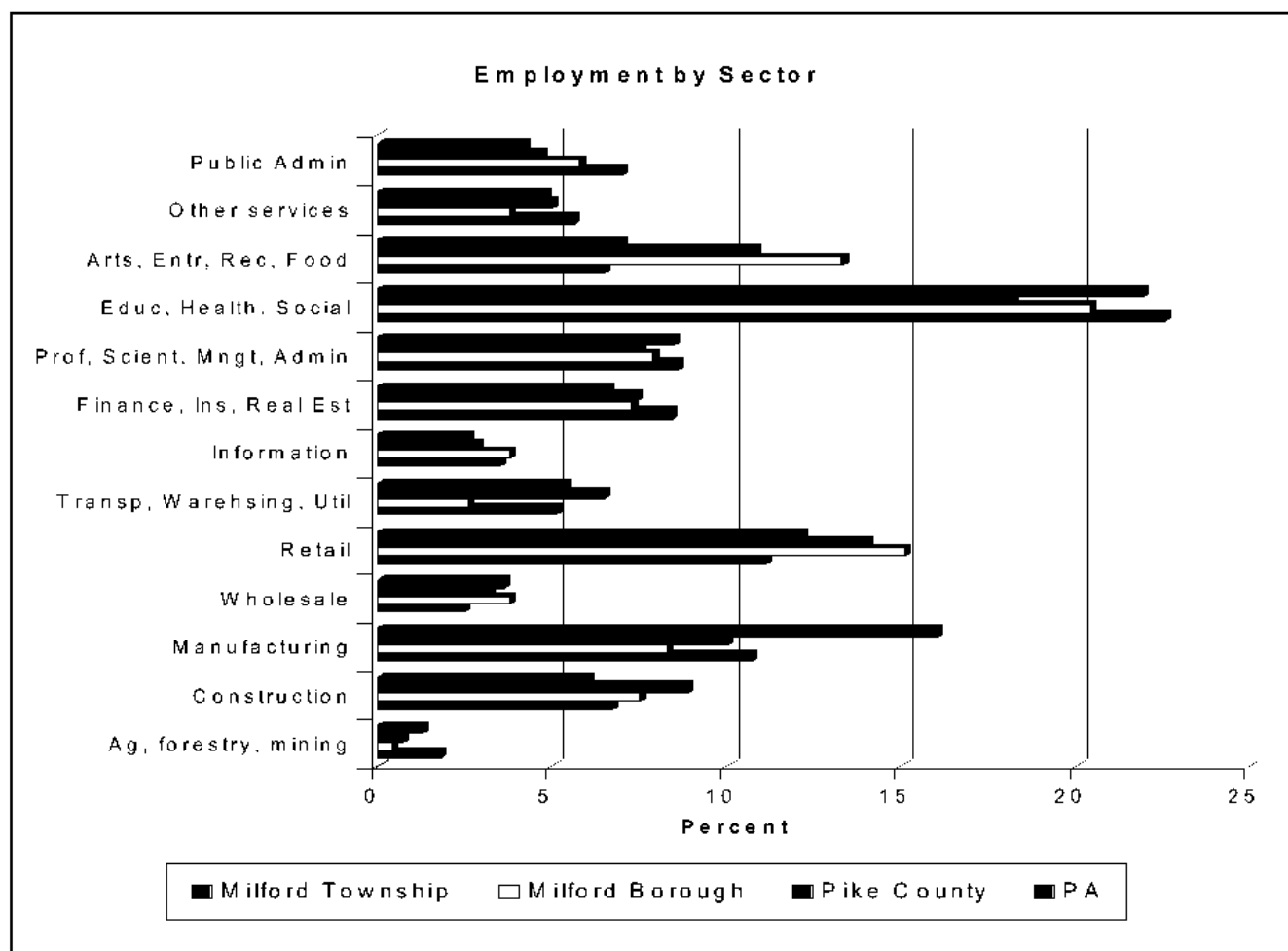
The workforce in the Milford planning area is categorized by sector and type of job and is compared to Pike County and the State in the *Employment by Sector and Job Type Table*. (See also the *Employment by Sector Figure*.) It is important to note the data reflects where the residents work and not the types of jobs available in the planning area. This provides further documentation of the importance of the County and region to the local economy. Working residents of the Township and Borough have the opportunity to be employed in a wide variety of fields, although employment opportunities within the Township and Borough are somewhat limited. The greatest proportion of employed person from the Milford planning area worked in the *education, health and*

EMPLOYMENT BY SECTOR AND JOB TYPE - U. S. CENSUS 2000

		Milford Township		Milford Borough		Pike Co	PA
# employed persons 16 years +		628		504		19,639	5,653,500
SECTOR		#	%	#	%	%	%
Ag, forestry, mining		11	1.8%	2	0.4%	0.7%	1.3%
Construction		42	6.7%	38	7.5%	8.9%	6.0%
Manufacturing		67	10.7%	42	8.3%	10.0%	16.0%
Wholesale		16	2.5%	19	3.8%	3.2%	3.6%
Retail		70	11.1%	76	15.1%	14.0%	12.1%
Transportation, warehousing, utilities		32	5.1%	13	2.6%	6.5%	5.4%
Information		22	3.5%	19	3.8%	2.9%	2.6%
Finance, insurance, real estate, rental, leasing		53	8.4%	37	7.3%	7.4%	6.6%
Professional, scientific, mgmt, admin, waste mgmt		54	8.6%	40	7.9%	7.5%	8.5%
Education, health, social services		141	22.5%	103	20.4%	18.2%	21.9%
Arts, entertainment, recreation, accommodations, food		41	6.5%	67	13.3%	10.8%	7.0%
Other services		35	5.6%	19	3.8%	5.0%	4.8%
Public administration		44	7.0%	29	5.8%	4.7%	4.2%
JOB TYPE							
Management, professional and related		256	40.8%	178	35.3%	28.6%	32.6%
Service		82	13.1%	91	18.1%	17.6%	14.8%
Sales and office		160	25.5%	129	25.6%	26.6%	27.0%
Farming, fishing, forestry		8	1.3%	0	0.0%	0.4%	0.5%
Construction, extraction, maintenance		53	8.4%	58	11.5%	12.6%	8.9%
Production, transportation, material moving		69	11.0%	48	9.5%	14.3%	16.3%
CLASS OF WORKER							
Private wage and salary		411	65.4%	311	61.7%	68.9%	72.1%
Private not-for-profit wage and salary		29	4.6%	44	8.7%	7.6%	10.3%
Government		116	18.4%	95	18.8%	14.6%	11.3%
Self-employed (not incorporated)		69	11.0%	52	10.3%	8.5%	6.0%
Unpaid family workers		3	0.5%	2	0.4%	0.3%	0.3%

social services sector, about twenty percent of the total. At 11.1% and 15.1% respectively, *retail* jobs are less important to Township and Borough residents, as are *manufacturing* jobs at 10.7% and 8.3%. In 1990 only 3.4% Township and 2.3% Borough residents were employed in agriculture, forestry or mining, and

by 2000 the percent was reported at 1.8% and 0.4%, respectively. Although former agricultural land remains an important part of the local landscape, the employment data is stark evidence agriculture is essentially insignificant in planning area.



Income Levels

Income levels reported by the 2000 Census for Milford Township and Milford Borough residents are compared to County and State levels in the *Income Levels Table*. As a whole, Township and Borough residents had a higher per capita income level than the County and the State. Per capita income is derived by dividing total income in the jurisdiction of concern by total population. Median household income followed a similar pattern in the Township, with the median household income reported as higher than both the County and State. The range of household income levels are also reported in the *Income Levels Table* and the *Household Income Figure*.

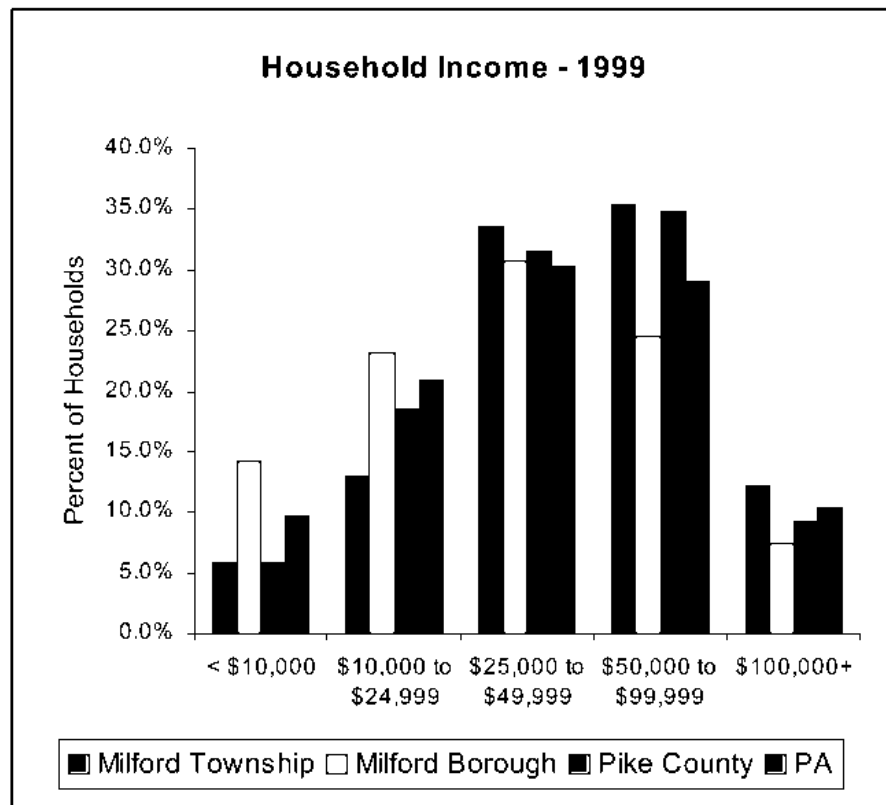
Poverty Status

Poverty status is another good indicator of the viability of an area's economy. The Poverty Status Table provides details on the poverty status of the Township, Borough, County and State. The 2000 Census reported a total of sixty-seven persons in the Township and 100 in the Borough living below the

poverty level, which as a proportion was less than that of the Commonwealth proportions. The Borough's proportion was greater than the County whereas the Township remained below the County's poverty level. This may be a result of the somewhat higher proportion of senior citizens in the Borough, and perhaps more longer term residents.

POVERTY STATUS U. S. CENSUS				
	1989		1999	
	Persons Below Poverty Level		Persons Below Poverty Level	
	#	%	#	%
Milford Twp	66	6.5%	67	5.2%
Milford Boro	85	8.4%	100	9.1%
Pike County	1,964	7.1%	3,178	6.9%
PA (1,000's)	1,284	11.1%	1,304	11.0%

INCOME LEVELS U. S. CENSUS						
Income	Milford Township		Milford Borough		Pike County	PA
Per capita - 1989	\$16,547		\$15,365		\$13,785	\$14,068
Per capita - 1999	\$24,663		\$21,011		\$20,315	\$20,880
Median household - 1989	\$27,167		\$24,861		\$30,314	\$29,069
Median household - 1999	\$48,264		\$33,571		\$44,608	\$40,106
Households with income of	#	%	#	%	%	%
less than \$10,000	31	5.9%	74	14.2%	5.8%	9.7%
\$10,000 to \$14,999	23	4.4%	50	9.6%	6.4%	7.0%
\$15,000 to \$24,999	45	8.6%	70	13.5%	12.2%	13.8%
\$25,000 to \$34,999	81	15.4%	74	14.2%	12.7%	13.3%
\$35,000 to \$49,999	95	18.1%	86	16.5%	18.8%	16.9%
\$50,000 to \$74,999	102	19.4%	77	14.8%	23.5%	19.5%
\$75,000 to \$99,999	84	16.0%	51	9.8%	11.2%	9.6%
\$100,000 to \$149,000	45	8.6%	18	3.5%	6.6%	6.6%
\$150,000 to \$199,999	9	1.7%	14	2.7%	1.5%	1.8%
\$200,000 or more	10	1.9%	6	1.2%	1.1%	1.9%
# reporting households	525		520			



Regional Economy and Tax Consequences

Similar to most other small communities situated within commuting distance of urban centers, residents rely to a great extent on the regional market for employment. A concern raised by this reliance on employment outside the Milford planning area and outside Pike County is the effect on the local tax base. Typically, industry and business pay a significant proportion of local taxes which support local facilities and services required to meet the needs of the entire community. As local land use evolves more and more to residential, without an increase in commercial uses, the tax burden on the individual residential property owner grows because the demand and cost for services increases. An expansion of the commercial base can help relieve the burden on residential properties of the cost of needed facilities and services. In addition, as more commercial facilities are developed in the Township and Borough, residents will purchase more of their consumer goods at local businesses.

Another means of minimizing costs of community services and facilities is to preserve agricultural, forest and other open land. These lands generate little demand for services and make a positive net contribution to tax coffers. Fortunately, in terms of services provided by Pike County and the school districts, the tax burden is spread beyond the boundaries of the Borough and Township across the greater market area where business and industry comprise a larger part of the land use mix.

Future Considerations

A number of questions are key to the future economic base of the Milford planning area. Should Township and Borough officials and residents be content with the level of commercial development in these two municipalities, encourage more residential development in the place of commercial development, and rely more on the regional economy? What are the tax consequences of residential development and associated demand for facilities and services without commercial development to broaden the tax base? Should the Township and Borough encourage economic development to improve the tax base and what are the environmental and community character consequences of economic development? If economic development is important, what type of development is desired -- retail and service establishments, attraction of industry, self-reliant (home occupations, cooperatives), or a combination of strategies? If internal economic development is not the priority,

what can Township and Borough officials and residents do to strengthen the regional economy and reinforce the tax base which supports services provided to planning area residents by the school districts and County?

In recent years the economic development community has posited the idea of *sustainable* economic development. The authors of *Rural Environmental Planning For Sustainable Communities* suggest that:

A sustainable local economy is one that maintains mutually beneficial and equitable relationships internally, that is, within the community, and externally, with the larger society and economy. A healthy rural economy is able to change and renew itself through expansion and through spinoff activities based on existing resources and production. As the economy becomes more sustainable, investment funds increase along with local control of technology.

Because each rural region is unique, development strategies differ. The distinctive attributes and comparative advantages of rural communities provide starting points for people to gain fresh perspective on the kinds of goods and services that could be produced to create unique economic roles for their own communities.

Rural communities have what most people value - a cleaner environment, scenic vistas, distinctive ethnic cultures and lifestyles, folk arts and folkways - and herein lies the opportunity for rural residents to improve their economies. Exploiting the differences between rural and urban communities means applying rural standards to growth, land use, commercial zoning, and conservation. It also means applying rural standards to the selection of economic development strategies. For example, when a community adopts a plan advocating more beds for tourists, the plan may recommend the development of a network bed and breakfasts rather than supporting the recruitment of a national motel chain. If recreational tourism is part of an adopted plan, one strategy could be to implement low-impact recreational development, leaving scenic and wild areas undisturbed rather than encouraging large-scale resorts and condominiums with their accompanying commercial centers.

Creating an economic development strategy with the potential to conserve resources, increase local

productivity, and equitably distribute the benefits is an art as well as a science. The science lies in inventorying basic building materials and designing the appropriate strategy. The art involves creativity incorporating the elements of sustainable economic development in the design. These elements are as follows:

- 1. Emphasizing human development. Development of human skills and talent fosters a competitive economy through the creation of new products, services, and production technologies.*
- 2. Expanding local control of resources. The human community depends on sustainable use of land, water, and natural resources.*
- 3. Increasing internal investment capacity. Residents need capital to underwrite business start-ups and expansions.*
- 4. Changing economic and social structures to increase opportunity and reduce dependency. An economy cannot develop with social and economic structures that prolong poverty and underemployment.*

These four elements are not only key components in a development strategy, they are also an evaluation tool - a way to measure a proposed strategy or to assess an economy moving toward sustainability.

As is the case with most growth and development issues facing Milford Township and Milford Borough, taking a regional approach to economic development will provide the greatest opportunity for sustaining the Township, Borough and regional economic well-being. Local officials should monitor and participate in County economic development efforts and make economic considerations one of the key elements of cooperation for the two municipalities in the Milford planning area.

Demographic Profiles

The following *demographic profiles* are taken from the Year 2000 Census and are intended to provide the full details about the permanent population characteristics of the Township and Borough.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Milford borough, Pennsylvania

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	1,104	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	1,104	100.0
Male.....	524	47.5	Hispanic or Latino (of any race).....	16	1.4
Female.....	580	52.5	Mexican.....	2	0.2
Under 5 years.....	61	5.5	Puerto Rican.....	7	0.6
5 to 9 years.....	55	5.0	Cuban.....	4	0.4
10 to 14 years.....	55	5.0	Other Hispanic or Latino.....	3	0.3
15 to 19 years.....	84	7.6	Not Hispanic or Latino.....	1,088	98.6
20 to 24 years.....	44	4.0	White alone.....	1,047	94.8
25 to 34 years.....	132	12.0	RELATIONSHIP		
35 to 44 years.....	165	14.9	Total population	1,104	100.0
45 to 54 years.....	168	15.2	In households.....	1,104	100.0
55 to 59 years.....	61	5.5	Householder.....	522	47.3
60 to 64 years.....	53	4.8	Spouse.....	214	19.4
65 to 74 years.....	111	10.1	Child.....	283	25.6
75 to 84 years.....	85	7.7	Own child under 18 years.....	217	19.7
85 years and over.....	30	2.7	Other relatives.....	31	2.8
Median age (years).....	42.3	(X)	Under 18 years.....	9	0.8
18 years and over.....	876	79.3	Nonrelatives.....	54	4.9
Male.....	411	37.2	Unmarried partner.....	23	2.1
Female.....	465	42.1	In group quarters.....	-	-
21 years and over.....	836	75.7	Institutionalized population.....	-	-
62 years and over.....	252	22.8	Noninstitutionalized population.....	-	-
65 years and over.....	226	20.5	HOUSEHOLD BY TYPE		
Male.....	90	8.2	Total households	522	100.0
Female.....	136	12.3	Family households (families).....	282	54.0
RACE			With own children under 18 years.....	116	22.2
One race.....	1,094	99.1	Married-couple family.....	214	41.0
White.....	1,062	96.2	With own children under 18 years.....	81	15.5
Black or African American.....	15	1.4	Female householder, no husband present.....	53	10.2
American Indian and Alaska Native.....	5	0.5	With own children under 18 years.....	27	5.2
Asian.....	6	0.5	Nonfamily households.....	240	46.0
Asian Indian.....	3	0.3	Householder living alone.....	212	40.6
Chinese.....	1	0.1	Householder 65 years and over.....	73	14.0
Filipino.....	-	-	Households with individuals under 18 years.....	122	23.4
Japanese.....	-	-	Households with individuals 65 years and over.....	166	31.8
Korean.....	-	-	Average household size.....	2.11	(X)
Vietnamese.....	-	-	Average family size.....	2.87	(X)
Other Asian ¹	2	0.2	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	-	-	Total housing units	560	100.0
Native Hawaiian.....	-	-	Occupied housing units.....	522	93.2
Guamanian or Chamorro.....	-	-	Vacant housing units.....	38	6.8
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander ²	-	-	occasional use.....	18	3.2
Some other race.....	6	0.5	Homeowner vacancy rate (percent).....	1.0	(X)
Two or more races.....	10	0.9	Rental vacancy rate (percent).....	3.4	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units	522	100.0
White.....	1,072	97.1	Owner-occupied housing units.....	298	57.1
Black or African American.....	24	2.2	Renter-occupied housing units.....	224	42.9
American Indian and Alaska Native.....	8	0.7	Average household size of owner-occupied units.....	2.39	(X)
Asian.....	6	0.5	Average household size of renter-occupied units.....	1.75	(X)
Native Hawaiian and Other Pacific Islander.....	-	-			
Some other race.....	7	0.6			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Milford borough, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
SCHOOL ENROLLMENT			NATIVITY AND PLACE OF BIRTH		
Population 3 years and over enrolled in school	226	100.0	Total population	1,104	100.0
Nursery school, preschool	22	9.7	Native	1,011	91.6
Kindergarten	5	2.2	Born in United States	1,000	90.6
Elementary school (grades 1-8)	98	43.4	State of residence	167	15.1
High school (grades 9-12)	76	33.6	Different state	833	75.5
College or graduate school	25	11.1	Born outside United States	11	1.0
EDUCATIONAL ATTAINMENT			Foreign born	93	8.4
Population 25 years and over	809	100.0	Entered 1990 to March 2000	15	1.4
Less than 9th grade	24	3.0	Naturalized citizen	66	6.0
9th to 12th grade, no diploma	86	10.6	Not a citizen	27	2.4
High school graduate (includes equivalency)	275	34.0	REGION OF BIRTH OF FOREIGN BORN		
Some college, no degree	142	17.6	Total (excluding born at sea)	93	100.0
Associate degree	48	5.9	Europe	71	76.3
Bachelor's degree	139	17.2	Asia	22	23.7
Graduate or professional degree	95	11.7	Africa	-	-
Percent high school graduate or higher	86.4	(X)	Oceania	-	-
Percent bachelor's degree or higher	28.9	(X)	Latin America	-	-
MARITAL STATUS			Northern America	-	-
Population 15 years and over	931	100.0	LANGUAGE SPOKEN AT HOME		
Never married	259	27.8	Population 5 years and over	1,045	100.0
Now married, except separated	470	50.5	English only	956	91.5
Separated	10	1.1	Language other than English	89	8.5
Widowed	93	10.0	Speak English less than "very well"	20	1.9
Female	75	8.1	Spanish	15	1.4
Divorced	99	10.6	Speak English less than "very well"	1	0.1
Female	69	7.4	Other Indo-European languages	58	5.6
GRANDPARENTS AS CAREGIVERS			Speak English less than "very well"	13	1.2
Grandparent living in household with one or more own grandchildren under 18 years	7	100.0	Asian and Pacific Island languages	15	1.4
Grandparent responsible for grandchildren	3	42.9	Speak English less than "very well"	6	0.6
VETERAN STATUS			ANCESTRY (single or multiple)		
Civilian population 18 years and over ..	879	100.0	Total population	1,104	100.0
Civilian veterans	134	15.2	Total ancestries reported	1,367	123.8
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION			Arab	5	0.5
Population 5 to 20 years	205	100.0	Czech ¹	13	1.2
With a disability	17	8.3	Danish	-	-
Population 21 to 64 years	606	100.0	Dutch	49	4.4
With a disability	112	18.5	English	168	15.2
Percent employed	55.4	(X)	French (except Basque) ¹	34	3.1
No disability	494	81.5	French Canadian ¹	5	0.5
Percent employed	77.3	(X)	German	279	25.3
Population 65 years and over	234	100.0	Greek	7	0.6
With a disability	86	36.8	Hungarian	4	0.4
RESIDENCE IN 1995			Irish ¹	297	26.9
Population 5 years and over	1,045	100.0	Italian	143	13.0
Same house in 1995	638	61.1	Lithuanian	5	0.5
Different house in the U.S. in 1995	400	38.3	Norwegian	3	0.3
Same county	147	14.1	Polish	45	4.1
Different county	253	24.2	Portuguese	-	-
Same state	35	3.3	Russian	11	1.0
Different state	218	20.9	Scotch-Irish	20	1.8
Elsewhere in 1995	7	0.7	Scottish	23	2.1
			Slovak	-	-
			Subsaharan African	-	-
			Swedish	28	2.5
			Swiss	-	-
			Ukrainian	-	-
			United States or American	93	8.4
			Welsh	14	1.3
			West Indian (excluding Hispanic groups)	4	0.4
			Other ancestries	117	10.6

-Represents zero or rounds to zero. (X) Not applicable.

¹The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Milford borough, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
EMPLOYMENT STATUS			INCOME IN 1999		
Population 16 years and over	920	100.0	Households	520	100.0
In labor force	543	59.0	Less than \$10,000	74	14.2
Civilian labor force	543	59.0	\$10,000 to \$14,999	50	9.6
Employed	504	54.8	\$15,000 to \$24,999	70	13.5
Unemployed	39	4.2	\$25,000 to \$34,999	74	14.2
Percent of civilian labor force	7.2	(X)	\$35,000 to \$49,999	86	16.5
Armed Forces	-	-	\$50,000 to \$74,999	77	14.8
Not in labor force	377	41.0	\$75,000 to \$99,999	51	9.8
Females 16 years and over	486	100.0	\$100,000 to \$149,999	18	3.5
In labor force	242	49.8	\$150,000 to \$199,999	14	2.7
Civilian labor force	242	49.8	\$200,000 or more	6	1.2
Employed	224	46.1	Median household income (dollars)	33,571	(X)
Own children under 6 years	63	100.0	With earnings	366	70.4
All parents in family in labor force	33	52.4	Mean earnings (dollars) ¹	44,083	(X)
COMMUTING TO WORK			With Social Security income	191	36.7
Workers 16 years and over	501	100.0	Mean Social Security income (dollars) ¹	12,320	(X)
Car, truck, or van -- drove alone	338	67.5	With Supplemental Security Income	16	3.1
Car, truck, or van -- carpooled	55	11.0	Mean Supplemental Security Income (dollars) ¹	7,725	(X)
Public transportation (including taxicab)	18	3.6	With public assistance income	12	2.3
Walked	49	9.8	Mean public assistance income (dollars) ¹	400	(X)
Other means	7	1.4	With retirement income	116	22.3
Worked at home	34	6.8	Mean retirement income (dollars) ¹	15,727	(X)
Mean travel time to work (minutes) ¹	26.0	(X)	Families	276	100.0
Employed civilian population			Less than \$10,000	8	2.9
16 years and over	504	100.0	\$10,000 to \$14,999	5	1.8
OCCUPATION			\$15,000 to \$24,999	26	9.4
Management, professional, and related occupations	178	35.3	\$25,000 to \$34,999	46	16.7
Service occupations	91	18.1	\$35,000 to \$49,999	62	22.5
Sales and office occupations	129	25.6	\$50,000 to \$74,999	56	20.3
Farming, fishing, and forestry occupations	-	-	\$75,000 to \$99,999	42	15.2
Construction, extraction, and maintenance occupations	58	11.5	\$100,000 to \$149,999	15	5.4
Production, transportation, and material moving occupations	48	9.5	\$150,000 to \$199,999	14	5.1
INDUSTRY			\$200,000 or more	2	0.7
Agriculture, forestry, fishing and hunting, and mining	2	0.4	Median family income (dollars)	46,136	(X)
Construction	38	7.5	Per capita income (dollars) ¹	21,011	(X)
Manufacturing	42	8.3	Median earnings (dollars):		
Wholesale trade	19	3.8	Male full-time, year-round workers	40,500	(X)
Retail trade	76	15.1	Female full-time, year-round workers	28,333	(X)
Transportation and warehousing, and utilities	13	2.6			
Information	19	3.8			
Finance, insurance, real estate, and rental and leasing	37	7.3			
Professional, scientific, management, administrative, and waste management services	40	7.9			
Educational, health and social services	103	20.4			
Arts, entertainment, recreation, accommodation and food services	67	13.3			
Other services (except public administration)	19	3.8			
Public administration	29	5.8			
CLASS OF WORKER					
Private wage and salary workers	355	70.4			
Government workers	95	18.8			
Self-employed workers in own not incorporated business	52	10.3			
Unpaid family workers	2	0.4			

-Represents zero or rounds to zero. (X) Not applicable.

¹If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator.

See text.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Milford borough, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total housing units	560	100.0	OCCUPANTS PER ROOM		
UNITS IN STRUCTURE			Occupied housing units	522	100.0
1-unit, detached	365	65.2	1.00 or less	513	98.3
1-unit, attached	25	4.5	1.01 to 1.50	9	1.7
2 units	74	13.2	1.51 or more	-	-
3 or 4 units	34	6.1	Specified owner-occupied units	282	100.0
5 to 9 units	38	6.8	VALUE		
10 to 19 units	24	4.3	Less than \$50,000	3	1.1
20 or more units	-	-	\$50,000 to \$99,999	55	19.5
Mobile home	-	-	\$100,000 to \$149,999	70	24.8
Boat, RV, van, etc	-	-	\$150,000 to \$199,999	86	30.5
YEAR STRUCTURE BUILT			\$200,000 to \$299,999	54	19.1
1999 to March 2000	6	1.1	\$300,000 to \$499,999	12	4.3
1995 to 1998	5	0.9	\$500,000 to \$999,999	-	-
1990 to 1994	12	2.1	\$1,000,000 or more	2	0.7
1980 to 1989	42	7.5	Median (dollars)	156,400	(X)
1970 to 1979	19	3.4	MORTGAGE STATUS AND SELECTED		
1960 to 1969	29	5.2	MONTHLY OWNER COSTS		
1940 to 1959	93	16.6	With a mortgage	161	57.1
1939 or earlier	354	63.2	Less than \$300	-	-
ROOMS			\$300 to \$499	-	-
1 room	7	1.3	\$500 to \$699	9	3.2
2 rooms	42	7.5	\$700 to \$999	26	9.2
3 rooms	68	12.1	\$1,000 to \$1,499	90	31.9
4 rooms	65	11.6	\$1,500 to \$1,999	28	9.9
5 rooms	85	15.2	\$2,000 or more	8	2.8
6 rooms	85	15.2	Median (dollars)	1,268	(X)
7 rooms	89	15.9	Not mortgaged	121	42.9
8 rooms	77	13.8	Median (dollars)	456	(X)
9 or more rooms	42	7.5	SELECTED MONTHLY OWNER COSTS		
Median (rooms)	5.7	(X)	AS A PERCENTAGE OF HOUSEHOLD		
Occupied housing units	522	100.0	INCOME IN 1999		
YEAR HOUSEHOLDER MOVED INTO UNIT			Less than 15.0 percent	97	34.4
1999 to March 2000	108	20.7	15.0 to 19.9 percent	34	12.1
1995 to 1998	124	23.8	20.0 to 24.9 percent	27	9.6
1990 to 1994	88	16.9	25.0 to 29.9 percent	20	7.1
1980 to 1989	95	18.2	30.0 to 34.9 percent	17	6.0
1970 to 1979	54	10.3	35.0 percent or more	84	29.8
1969 or earlier	53	10.2	Not computed	3	1.1
VEHICLES AVAILABLE			Specified renter-occupied units	219	100.0
None	59	11.3	GROSS RENT		
1	259	49.6	Less than \$200	6	2.7
2	143	27.4	\$200 to \$299	-	-
3 or more	61	11.7	\$300 to \$499	46	21.0
HOUSE HEATING FUEL			\$500 to \$749	109	49.8
Utility gas	310	59.4	\$750 to \$999	20	9.1
Bottled, tank, or LP gas	17	3.3	\$1,000 to \$1,499	9	4.1
Electricity	79	15.1	\$1,500 or more	3	1.4
Fuel oil, kerosene, etc	116	22.2	No cash rent	26	11.9
Coal or coke	-	-	Median (dollars)	556	(X)
Wood	-	-	GROSS RENT AS A PERCENTAGE OF		
Solar energy	-	-	HOUSEHOLD INCOME IN 1999		
Other fuel	-	-	Less than 15.0 percent	18	8.2
No fuel used	-	-	15.0 to 19.9 percent	21	9.6
SELECTED CHARACTERISTICS			20.0 to 24.9 percent	15	6.8
Lacking complete plumbing facilities	-	-	25.0 to 29.9 percent	31	14.2
Lacking complete kitchen facilities	-	-	30.0 to 34.9 percent	20	9.1
No telephone service	8	1.5	35.0 percent or more	83	37.9
			Not computed	31	14.2

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-1. Profile of General Demographic Characteristics: 2000

Geographic area: Milford township, Pike County, Pennsylvania

[For information on confidentiality protection, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total population	1,292	100.0	HISPANIC OR LATINO AND RACE		
SEX AND AGE			Total population	1,292	100.0
Male.....	652	50.5	Hispanic or Latino (of any race).....	45	3.5
Female.....	640	49.5	Mexican.....	1	0.1
Under 5 years.....	59	4.6	Puerto Rican.....	12	0.9
5 to 9 years.....	80	6.2	Cuban.....	5	0.4
10 to 14 years.....	110	8.5	Other Hispanic or Latino.....	27	2.1
15 to 19 years.....	59	4.6	Not Hispanic or Latino.....	1,247	96.5
20 to 24 years.....	43	3.3	White alone.....	1,213	93.9
25 to 34 years.....	128	9.9	RELATIONSHIP		
35 to 44 years.....	202	15.6	Total population	1,292	100.0
45 to 54 years.....	226	17.5	In households.....	1,292	100.0
55 to 59 years.....	87	6.7	Householder.....	527	40.8
60 to 64 years.....	74	5.7	Spouse.....	323	25.0
65 to 74 years.....	129	10.0	Child.....	344	26.6
75 to 84 years.....	72	5.6	Own child under 18 years.....	285	22.1
85 years and over.....	23	1.8	Other relatives.....	52	4.0
Median age (years).....	43.5	(X)	Under 18 years.....	10	0.8
18 years and over.....	994	76.9	Nonrelatives.....	46	3.6
Male.....	492	38.1	Unmarried partner.....	24	1.9
Female.....	502	38.9	In group quarters.....	-	-
21 years and over.....	976	75.5	Institutionalized population.....	-	-
62 years and over.....	271	21.0	Noninstitutionalized population.....	-	-
65 years and over.....	224	17.3	HOUSEHOLD BY TYPE		
Male.....	102	7.9	Total households	527	100.0
Female.....	122	9.4	Family households (families).....	376	71.3
RACE			With own children under 18 years.....	161	30.6
One race.....	1,281	99.1	Married-couple family.....	323	61.3
White.....	1,252	96.9	With own children under 18 years.....	137	26.0
Black or African American.....	18	1.4	Female householder, no husband present.....	38	7.2
American Indian and Alaska Native.....	1	0.1	With own children under 18 years.....	17	3.2
Asian.....	9	0.7	Nonfamily households.....	151	28.7
Asian Indian.....	-	-	Householder living alone.....	120	22.8
Chinese.....	2	0.2	Householder 65 years and over.....	49	9.3
Filipino.....	-	-	Households with individuals under 18 years.....	167	31.7
Japanese.....	2	0.2	Households with individuals 65 years and over.....	159	30.2
Korean.....	-	-	Average household size.....	2.45	(X)
Vietnamese.....	-	-	Average family size.....	2.91	(X)
Other Asian ¹	5	0.4	HOUSING OCCUPANCY		
Native Hawaiian and Other Pacific Islander.....	-	-	Total housing units	594	100.0
Native Hawaiian.....	-	-	Occupied housing units.....	527	88.7
Guamanian or Chamorro.....	-	-	Vacant housing units.....	67	11.3
Samoan.....	-	-	For seasonal, recreational, or		
Other Pacific Islander ²	-	-	occasional use.....	41	6.9
Some other race.....	1	0.1	Homeowner vacancy rate (percent).....	1.6	(X)
Two or more races.....	11	0.9	Rental vacancy rate (percent).....	10.1	(X)
Race alone or in combination with one			HOUSING TENURE		
or more other races: ³			Occupied housing units	527	100.0
White.....	1,263	97.8	Owner-occupied housing units.....	429	81.4
Black or African American.....	21	1.6	Renter-occupied housing units.....	98	18.6
American Indian and Alaska Native.....	2	0.2	Average household size of owner-occupied units.....	2.52	(X)
Asian.....	13	1.0	Average household size of renter-occupied units.....	2.15	(X)
Native Hawaiian and Other Pacific Islander.....	-	-			
Some other race.....	7	0.5			

- Represents zero or rounds to zero. (X) Not applicable.

¹ Other Asian alone, or two or more Asian categories.² Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.³ In combination with one or more of the other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000.

Table DP-2. Profile of Selected Social Characteristics: 2000

Geographic area: Milford township, Pike County, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
SCHOOL ENROLLMENT			NATIVITY AND PLACE OF BIRTH		
Population 3 years and over enrolled in school	293	100.0	Total population	1,292	100.0
Nursery school, preschool	15	5.1	Native	1,196	92.6
Kindergarten	7	2.4	Born in United States	1,190	92.1
Elementary school (grades 1-8)	145	49.5	State of residence	210	16.3
High school (grades 9-12)	73	24.9	Different state	980	75.9
College or graduate school	53	18.1	Born outside United States	6	0.5
EDUCATIONAL ATTAINMENT			Foreign born	96	7.4
Population 25 years and over	933	100.0	Entered 1990 to March 2000	11	0.9
Less than 9th grade	26	2.8	Naturalized citizen	58	4.5
9th to 12th grade, no diploma	80	8.6	Not a citizen	38	2.9
High school graduate (includes equivalency)	321	34.4	REGION OF BIRTH OF FOREIGN BORN		
Some college, no degree	196	21.0	Total (excluding born at sea)	96	100.0
Associate degree	67	7.2	Europe	60	62.5
Bachelor's degree	150	16.1	Asia	18	18.8
Graduate or professional degree	93	10.0	Africa	-	-
Percent high school graduate or higher	88.6	(X)	Oceania	-	-
Percent bachelor's degree or higher	26.0	(X)	Latin America	18	18.8
MARITAL STATUS			Northern America	-	-
Population 15 years and over	1,047	100.0	LANGUAGE SPOKEN AT HOME		
Never married	195	18.6	Population 5 years and over	1,233	100.0
Now married, except separated	660	63.0	English only	1,107	89.8
Separated	21	2.0	Language other than English	126	10.2
Widowed	84	8.0	Speak English less than "very well"	14	1.1
Female	76	7.3	Spanish	31	2.5
Divorced	87	8.3	Speak English less than "very well"	7	0.6
Female	36	3.4	Other Indo-European languages	82	6.7
GRANDPARENTS AS CAREGIVERS			Speak English less than "very well"	7	0.6
Grandparent living in household with one or more own grandchildren under 18 years	8	100.0	Asian and Pacific Island languages	7	0.6
Grandparent responsible for grandchildren	-	-	Speak English less than "very well"	-	-
VETERAN STATUS			ANCESTRY (single or multiple)		
Civilian population 18 years and over ..	992	100.0	Total population	1,292	100.0
Civilian veterans	181	18.2	Total ancestries reported	1,623	125.6
DISABILITY STATUS OF THE CIVILIAN NONINSTITUTIONALIZED POPULATION			Arab	-	-
Population 5 to 20 years	262	100.0	Czech ¹	13	1.0
With a disability	10	3.8	Danish	-	-
Population 21 to 64 years	754	100.0	Dutch	40	3.1
With a disability	82	10.9	English	122	9.4
Percent employed	52.4	(X)	French (except Basque) ¹	42	3.3
No disability	672	89.1	French Canadian ¹	2	0.2
Percent employed	80.7	(X)	German	323	25.0
Population 65 years and over	217	100.0	Greek	2	0.2
With a disability	73	33.6	Hungarian	20	1.5
RESIDENCE IN 1995			Irish ¹	326	25.2
Population 5 years and over	1,233	100.0	Italian	273	21.1
Same house in 1995	719	58.3	Lithuanian	7	0.5
Different house in the U.S. in 1995	501	40.6	Norwegian	17	1.3
Same county	251	20.4	Polish	90	7.0
Different county	250	20.3	Portuguese	2	0.2
Same state	30	2.4	Russian	32	2.5
Different state	220	17.8	Scotch-Irish	25	1.9
Elsewhere in 1995	13	1.1	Scottish	20	1.5
			Slovak	11	0.9
			Subsaharan African	-	-
			Swedish	15	1.2
			Swiss	6	0.5
			Ukrainian	9	0.7
			United States or American	56	4.3
			Welsh	15	1.2
			West Indian (excluding Hispanic groups)	2	0.2
			Other ancestries	153	11.8

-Represents zero or rounds to zero. (X) Not applicable.

¹The data represent a combination of two ancestries shown separately in Summary File 3. Czech includes Czechoslovakian. French includes Alsatian. French Canadian includes Acadian/Cajun. Irish includes Celtic.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-3. Profile of Selected Economic Characteristics: 2000

Geographic area: Milford township, Pike County, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
EMPLOYMENT STATUS			INCOME IN 1999		
Population 16 years and over	1,034	100.0	Households	525	100.0
In labor force	651	63.0	Less than \$10,000	31	5.9
Civilian labor force	651	63.0	\$10,000 to \$14,999	23	4.4
Employed	628	60.7	\$15,000 to \$24,999	45	8.6
Unemployed	23	2.2	\$25,000 to \$34,999	81	15.4
Percent of civilian labor force	3.5	(X)	\$35,000 to \$49,999	95	18.1
Armed Forces	-	-	\$50,000 to \$74,999	102	19.4
Not in labor force	383	37.0	\$75,000 to \$99,999	84	16.0
Females 16 years and over	532	100.0	\$100,000 to \$149,999	45	8.6
In labor force	297	55.8	\$150,000 to \$199,999	9	1.7
Civilian labor force	297	55.8	\$200,000 or more	10	1.9
Employed	292	54.9	Median household income (dollars)	48,264	(X)
Own children under 6 years	76	100.0	With earnings	406	77.3
All parents in family in labor force	54	71.1	Mean earnings (dollars) ¹	59,126	(X)
COMMUTING TO WORK			With Social Security income	170	32.4
Workers 16 years and over	623	100.0	Mean Social Security income (dollars) ¹	13,616	(X)
Car, truck, or van -- drove alone	467	75.0	With Supplemental Security Income	9	1.7
Car, truck, or van -- carpooled	83	13.3	Mean Supplemental Security Income		
Public transportation (including taxicab)	17	2.7	(dollars) ¹	6,644	(X)
Walked	13	2.1	With public assistance income	3	0.6
Other means	2	0.3	Mean public assistance income (dollars) ¹	633	(X)
Worked at home	41	6.6	With retirement income	116	22.1
Mean travel time to work (minutes) ¹	34.0	(X)	Mean retirement income (dollars) ¹	16,916	(X)
Employed civilian population			Families	370	100.0
16 years and over	628	100.0	Less than \$10,000	13	3.5
OCCUPATION			\$10,000 to \$14,999	4	1.1
Management, professional, and related			\$15,000 to \$24,999	21	5.7
occupations	256	40.8	\$25,000 to \$34,999	69	18.6
Service occupations	82	13.1	\$35,000 to \$49,999	62	16.8
Sales and office occupations	160	25.5	\$50,000 to \$74,999	71	19.2
Farming, fishing, and forestry occupations	8	1.3	\$75,000 to \$99,999	72	19.5
Construction, extraction, and maintenance			\$100,000 to \$149,999	42	11.4
occupations	53	8.4	\$150,000 to \$199,999	9	2.4
Production, transportation, and material moving			\$200,000 or more	7	1.9
occupations	69	11.0	Median family income (dollars)	57,500	(X)
INDUSTRY			Per capita income (dollars) ¹	24,663	(X)
Agriculture, forestry, fishing and hunting,			Median earnings (dollars):		
and mining	11	1.8	Male full-time, year-round workers	41,771	(X)
Construction	42	6.7	Female full-time, year-round workers	31,146	(X)
Manufacturing	67	10.7			
Wholesale trade	16	2.5		Number	Percent
Retail trade	70	11.1		below	below
Transportation and warehousing, and utilities				poverty	poverty
Information	22	3.5		level	level
Finance, insurance, real estate, and rental and					
leasing	53	8.4	POVERTY STATUS IN 1999		
Professional, scientific, management, adminis-			Families	15	4.1
trative, and waste management services	54	8.6	With related children under 18 years	11	6.6
Educational, health and social services	141	22.5	With related children under 5 years	2	4.9
Arts, entertainment, recreation, accommodation			Families with female householder, no		
and food services	41	6.5	husband present	1	3.7
Other services (except public administration)	35	5.6	With related children under 18 years	1	8.3
Public administration	44	7.0	With related children under 5 years	-	-
CLASS OF WORKER			Individuals	67	5.2
Private wage and salary workers	440	70.1	18 years and over	50	5.0
Government workers	116	18.5	65 years and over	16	7.4
Self-employed workers in own not incorporated			Related children under 18 years	17	5.7
business	69	11.0	Related children 5 to 17 years	15	6.3
Unpaid family workers	3	0.5	Unrelated individuals 15 years and over	22	11.5

-Represents zero or rounds to zero. (X) Not applicable.

¹If the denominator of a mean value or per capita value is less than 30, then that value is calculated using a rounded aggregate in the numerator.

See text.

Source: U.S. Bureau of the Census, Census 2000.

Table DP-4. Profile of Selected Housing Characteristics: 2000

Geographic area: Milford township, Pike County, Pennsylvania

[Data based on a sample. For information on confidentiality protection, sampling error, nonsampling error, and definitions, see text]

Subject	Number	Percent	Subject	Number	Percent
Total housing units	594	100.0	OCCUPANTS PER ROOM		
UNITS IN STRUCTURE			Occupied housing units	527	100.0
1-unit, detached	490	82.5	1.00 or less	521	98.9
1-unit, attached	42	7.1	1.01 to 1.50	-	-
2 units	22	3.7	1.51 or more	6	1.1
3 or 4 units	14	2.4			
5 to 9 units	11	1.9	Specified owner-occupied units	386	100.0
10 to 19 units	7	1.2	VALUE		
20 or more units	3	0.5	Less than \$50,000	-	-
Mobile home	5	0.8	\$50,000 to \$99,999	53	13.7
Boat, RV, van, etc	-	-	\$100,000 to \$149,999	86	22.3
			\$150,000 to \$199,999	130	33.7
YEAR STRUCTURE BUILT			\$200,000 to \$299,999	83	21.5
1999 to March 2000	5	0.8	\$300,000 to \$499,999	32	8.3
1995 to 1998	55	9.3	\$500,000 to \$999,999	2	0.5
1990 to 1994	71	12.0	\$1,000,000 or more	-	-
1980 to 1989	165	27.8	Median (dollars)	166,300	(X)
1970 to 1979	104	17.5			
1960 to 1969	59	9.9	MORTGAGE STATUS AND SELECTED		
1940 to 1959	76	12.8	MONTHLY OWNER COSTS		
1939 or earlier	59	9.9	With a mortgage	254	65.8
ROOMS			Less than \$300	-	-
1 room	7	1.2	\$300 to \$499	-	-
2 rooms	5	0.8	\$500 to \$699	15	3.9
3 rooms	40	6.7	\$700 to \$999	47	12.2
4 rooms	61	10.3	\$1,000 to \$1,499	95	24.6
5 rooms	127	21.4	\$1,500 to \$1,999	68	17.6
6 rooms	142	23.9	\$2,000 or more	29	7.5
7 rooms	80	13.5	Median (dollars)	1,313	(X)
8 rooms	65	10.9	Not mortgaged	132	34.2
9 or more rooms	67	11.3	Median (dollars)	438	(X)
Median (rooms)	5.9	(X)			
Occupied housing units	527	100.0	SELECTED MONTHLY OWNER COSTS		
YEAR HOUSEHOLDER MOVED INTO UNIT			AS A PERCENTAGE OF HOUSEHOLD		
1999 to March 2000	61	11.6	INCOME IN 1999		
1995 to 1998	163	30.9	Less than 15.0 percent	116	30.1
1990 to 1994	104	19.7	15.0 to 19.9 percent	51	13.2
1980 to 1989	122	23.1	20.0 to 24.9 percent	53	13.7
1970 to 1979	43	8.2	25.0 to 29.9 percent	43	11.1
1969 or earlier	34	6.5	30.0 to 34.9 percent	37	9.6
			35.0 percent or more	83	21.5
VEHICLES AVAILABLE			Not computed	3	0.8
None	23	4.4			
1	175	33.2	Specified renter-occupied units	86	100.0
2	231	43.8	GROSS RENT		
3 or more	98	18.6	Less than \$200	-	-
			\$200 to \$299	-	-
HOUSE HEATING FUEL			\$300 to \$499	15	17.4
Utility gas	167	31.7	\$500 to \$749	36	41.9
Bottled, tank, or LP gas	66	12.5	\$750 to \$999	26	30.2
Electricity	62	11.8	\$1,000 to \$1,499	4	4.7
Fuel oil, kerosene, etc	213	40.4	\$1,500 or more	-	-
Coal or coke	-	-	No cash rent	5	5.8
Wood	19	3.6	Median (dollars)	682	(X)
Solar energy	-	-			
Other fuel	-	-	GROSS RENT AS A PERCENTAGE OF		
No fuel used	-	-	HOUSEHOLD INCOME IN 1999		
			Less than 15.0 percent	20	23.3
SELECTED CHARACTERISTICS			15.0 to 19.9 percent	15	17.4
Lacking complete plumbing facilities	-	-	20.0 to 24.9 percent	8	9.3
Lacking complete kitchen facilities	3	0.6	25.0 to 29.9 percent	11	12.8
No telephone service	5	0.9	30.0 to 34.9 percent	11	12.8
			35.0 percent or more	16	18.6
			Not computed	5	5.8

-Represents zero or rounds to zero. (X) Not applicable.

Source: U.S. Bureau of the Census, Census 2000.

FINANCIAL ANALYSIS

Introduction

This section evaluates the recent financial information of the Borough and Township to identify trends, strengths and weaknesses, and to assess overall financial condition. Financial information was obtained from municipal audit reports and the Pennsylvania Department of Community and Economic Development.

Taxing Authority

The Pennsylvania Second Class Township Code and the Borough Code establish the maximum rate for real estate taxes which may be levied, setting the maximum annual rate at fourteen mills for townships and thirty mills for boroughs. One levied mill equals one dollar

of property tax on one thousand dollars of assessed value. Upon approval of the County Court, a township or borough may increase the millage as much as five mills for general purposes to meet the needs of an approved budget. The Codes also permit townships and boroughs to assess additional real estate tax millage for special purposes such as fire protection, municipal building construction, road maintenance equipment, recreation and street lighting. Municipalities in Pennsylvania are also authorized, under the Local Tax Enabling Act (Act 511) to levy a number of other taxes including income, per capita, mercantile license, business privilege, amusement, occupation privilege, occupation, and mechanical devices. (See following sidebars.)

TAX RATES IN PIKE COUNTY							
	1997	2004	2005				
	Real Estate (mills)	Real Estate (mills)	Real Estate (mills)	Real Estate Transfer (%)	Resident Earned Inc (%)	Non-Res Earned Inc (%)	Occupation Privilege (\$)
Blooming Grove Township	0.8	0.8	0.8	0.5	0	0	0
Delaware Township	5.9	6.68	6.68	0.5	0	0	0
Dingman Township	4.0	5.0	5.0	0.5	0	0	0
Greene Township	3.0	3.0	3.0	0.5	0	0	0
Lackawaxen Township	3.14	6.0	6.75	0.5	0	0	0
Lehman Township	3.5	3.0	3.0	0.5	0.5	0.5	5.00
Matamoras Borough	23.2	29.0	32.75	0.5	0	0	0
Milford Borough	19.8	25.0	30.0	0.5	0	0	0
Milford Township	4.9	6.9	8.0	0.5	0	0	0
Palmyra Township	1.89	2.1	2.1	0.5	0	0	0
Porter Township	0.25	0.5	0.5	0.5	0.5	1.0	0
Shohola Township	5.6	7.35	8.25	0.5	0	0	0
Westfall Township	16.75	19.38	20.38	0.5	0	0	0
Pike County	11.5	14.17	14.17	0.5	0	0	0
Delaware Valley School	74.63	89.28	89.28	0.5	0	0	0

Second Class Townships

Potential Tax Sources	Legal Limit ¹	Citation
GENERAL PURPOSE TAX LEVIES		
Real Estate	14 mills ²	53 P.S. 68205
Act 511 Taxes		53 P.S. 6901
Per Capita	\$10 ³	
Occupation (Flat Rate)	\$10 ³	
Occupation (Millage)	no limit	
Occupational Privilege	\$10 ³	
Earned Income	1 percent ³	
Realty Transfer	1 percent ³	
Mechanical Devices	10 percent ³	
Amusement ⁴	10 percent ³	
Business Gross Receipts ⁵	1 mill wholesale ³ 1½ mills retail ³ no limit other businesses	
SPECIAL PURPOSE TAXES		
Municipal Building	½ general rate	53 P.S. 68205
Firehouses and Equipment	3 mills ⁶	53 P.S. 68205
Recreation	no limit	53 P.S. 68205
Debt Service	no limit	53 P.S. 68205
Permanent Improvement Fund	5 mills	53 P.S. 68205
Road Machinery Fund	2 mills	53 P.S. 68205
Library	no limit	24 P.S. 4401
Ambulance and Rescue Squads	½ mill ⁶	53 P.S. 68205
Fire Hydrants for Township	2 mills	53 P.S. 68205
Street Lights for Township	5 mills	53 P.S. 68205
Debt Payment ⁷	no limit	53 P.S. 68205
Open Space (real estate or earned income) ⁸	set by voters	32 P.S. 5007.1
Community Colleges	(9)	24 P.S. 19-1909-A
Distressed Pension System Recovery Program	no limit	53 P.S. 895.607(f)
Municipalities Financial Recovery Program ⁷	no limit	53 P.S. 11701.123(c)

1. Home rule townships may set rates higher than the limits provided in state law for property taxes and for personal taxes levied on residents. They may not create new subjects of taxation
2. Five additional mills available with court approval.
3. Maximum rate subject to sharing with school district.
4. For taxes first levied after December 31, 1997, maximum rate is 5 percent.
5. Only if enacted before December 1, 1988.
6. Higher rate may be approved by voters in referendum.
7. Levied only on court order.
8. Requires approval of voters in referendum.
9. Local sponsors may levy any tax permitted by law to support a community college. Revenues from the tax cannot exceed 5 mills of the market value of real estate.

Township Tax Sources (PA Department of Community and Economic Development, *Taxation Manual*)

Boroughs

Potential Tax Sources	Legal Limit ¹	Citation
GENERAL PURPOSE TAX LEVIES		
Real Estate *	30 mills ²	53 P.S. 46302
Occupation	30 mills ²	53 P.S. 46302
Act 511 Taxes*		53 P.S. 6901
Per Capita	\$10 ⁵	
Occupation (Flat Rate)	\$10 ³	
Occupation (Millage)	no limit	
Occupational Privilege	\$10 ³	
Earned Income	1 percent ³	
Realty Transfer	1 percent ³	
Mechanical Devices	10 percent ¹	
Amusement ⁴	10 percent ¹	
Business Gross Receipts ⁵	1 mill wholesale ³ 1½ mill retail ³ no limit other businesses	
SPECIAL PURPOSE TAXES		
Debt Service*	no limit	53 P.S. 46302
Pensions and Retirement*	½ mill	53 P.S. 46302
Shade Trees*	1/10 mills	53 P.S. 46302, 47729
Street Lighting*	8 mills	53 P.S. 46302
Library*	no limit	24 P.S. 4401, 53 P.S. 46302
Special Road Fund	5 mills	53 P.S. 46304
Recreation*	no limit	53 P.S. 47712
Fire Equipment & Firehouses	3 mills ⁶	53 P.S. 46302, 49235
Gas, Water, Electric Light ⁷	8 mills	53 P.S. 46302, 49231
Firehouse, Lockup or Municipal Building ⁷	2 mills	53 P.S. 46302, 49241
Community College*	(8)	24 P.S. 19-1909-A
Debt Payment ¹	no limit	53 P.S. 46303
Ambulance and Rescue Squads	½ mill ⁶	53 P.S. 46302
Open Space (real estate or earned income) ^{7*}	set by voters	32 P.S. 5007.1
Distressed Pension System Recovery Program*	no limit	53 P.S. 895.607(f)
Municipalities Financial Recovery Program ^{9*}	no limit	53 P.S. 11701.123(c)

1. Home rule boroughs may set rates higher than the limits provided in state law for property taxes and for personal taxes levied on residents. They may not create new subjects of taxation.
2. Five additional mills available with court approval.
3. Maximum rate subject to sharing with school district.
4. For taxes first levied after December 31, 1997, maximum rate is 5 percent.
5. Only if enacted before December 1, 1988.
6. Higher rate may be approved by voters in referendum.
7. Must be approved by voters in referendum.
8. Local sponsors may levy any tax permitted by law to support a community college. Revenues from the tax cannot exceed 5 mills of the market value of real estate.
9. Levied only on court order.

*These taxes are also authorized for the incorporated town of Bloomsburg, 1972, P.L. 1441, No. 320

Borough Tax Sources (PA Department of Community and Economic Development, *Taxation Manual*)

ASSESSED VALUATION INCREASES				
	2000 ASSESSED VALUE	2005 ASSESSED VALUE	2000 -2005 INCREASE	PER MILL. TAX RECEIPT INCREASE
Milford Boro	\$ 19,639,730	\$ 19,946,830	\$ 307,100	\$ 307
Milford Twp	\$ 23,427,440	\$ 26,863,190	\$ 3,435,750	\$ 3,436

The *Tax Rates in Pike Table* shows the types and rates of taxes collected by the municipalities in Pike County in 2005. Millages for second-class townships taxing real estate in Pike County range from a low of 0.8 mills in Blooming Grove Township to a high of almost twenty mills in Westfall Township. The highest local municipal real estate tax rate in the County is in Matamoras Borough at twenty-nine mills. In the Milford Planning Area, the Borough's 2005 tax rate is twenty-five mills and the Township's is eight mills. Borough tax rates are typically higher than townships given the limited potential for increases in assessed valuation to meet increasing municipal costs. Most townships can rely on a higher base assessed valuation, and with more vacant land, the additional tax revenue generated by new development and construction, to offset some of the tax increases needed to meet escalating costs. See the *Assessed Valuation Increases Table* which clearly shows this effect in Milford Borough. As costs of local government increase, the Borough will clearly need to address the shortfall of increased revenues from a relatively fixed assessed valuation base.

All municipalities in the County assess the 0.5 percent realty transfer tax as authorized by Act 511. Porter Township and Lehman Township are the only municipalities which assess other Act 511 taxes; Lehman assessing both the earned income tax and occupational privilege tax, and Porter the earned income tax. The County real estate tax rate in 2005 was _____ mills, the Delaware Valley School District was 89.28 mills for the 2004-2005 fiscal year. The School District also collects the 0.5 percent realty transfer tax.

In addition to the funds generated by local taxes, municipalities receive a variety of funds from the state, including for example, various grants such as the Dirt and Gravel Road Program, payments in-lieu of taxes on state forest and game lands, Public Utility Realty

Tax Act funds, alcoholic beverage license receipts, certain fines collected by the State Police, and State Liquid Fuels Highway Aid Fund allocations. The Liquid Fuels allocation, based on the local municipal population and road miles, is generally the largest annual amount of state funds received by a municipality. The funds must be used for road maintenance and construction, and must be maintained in an account separate from the municipality's general funds.

Revenue and Expenditures

General fund revenue and expenditures, as reported in the *Annual Audit and Financial Reports* for 2002 and 2003, are detailed for Milford Borough and Milford Township in the *Audit Report Summary Table*. Budgets for 2004 and 2005 are not significantly different than 2003 revenues and expenditures. Year 2002 tax revenue for all Pike County local municipalities is shown in the *Tax Revenues Table*. In terms of revenue available for meeting general operating expenses, the real estate tax generates the most revenue in Milford Borough and Milford Township, and all Pike County municipalities except Porter Township. The realty transfer tax, assessed by all Pike County municipalities, varies from year to year depending on the level of real estate sales, but accounts for significant revenue in the both the Township and Borough.

On the expenditure side (See the *Audit Report Summary Table*), road maintenance accounts for the highest proportion of real spending (as opposed to fund transfers) in Milford Township, and a significant proportion in Milford Borough. In addition to general funds, each municipality receives an annual allocation in Liquid Fuels Funds from the Commonwealth which are spent on road improvements and maintenance and equipment. In recent years the Township has received an annual allocation of some \$31,000 and the Borough has received some \$24,000.

MILFORD BOROUGH GENERAL FUND AUDIT REPORT SUMMARY			
REVENUES	audit reports for 000	2002	2003
	Taxes - real estate	\$380,590	\$451,290
	Taxes - real estate transfer	\$68,900	\$35,710
	Licenses and Permits	\$4,890	\$5,570
	Fines and Forfeits	\$36,850	\$32,080
	Interest and Rents	\$4,340	\$2,560
	Intergovernmental (federal, PURTA, alcoholic beverage licences, state pension aid, other)	\$25,770	\$24,730
	Charges for Services (general government, public safety, other)	\$58,470	\$27,680
	Miscellaneous (private sector contributions, other)	\$15,050	\$7,500
	Other Sources (interfund, fixed asset distribution, debt proceeds, refunds)	\$720	\$91,470
	Total Revenues	\$595,580	\$678,590
EXPENDITURES	audit reports for 000	2002	2003
	General Government (legis/gov body, accounting, tax collection, legal, staff, engineering, buildings)	\$116,720	\$190,030
	Public Safety (police, fire, inspections, planning)	\$301,190	\$295,190
	Public Works (solid waste, electric system)	\$126,290	\$70,760
	Streets and Highways (general services, winter maintenance, street lights, equipment repairs)	\$26,430	\$89,580
	Culture and Recreation, Libraries	\$0	\$0
	Planning and Development	\$0	\$0
	Debt Service	\$0	\$590
	Miscellaneous (inter-govt, pension, insurance, payroll taxes, employee benefits, other)	\$36,600	\$50,160
	Other Financing Uses (refund of prior year revenue, interfund operating transfers)	\$57,480	\$45,120
	Total Expenditures	\$664,710	\$741,430
	Excess/Deficit (total revenues - total expenditures)	(\$69,130)	(\$62,840)

MILFORD TOWNSHIP GENERAL FUND AUDIT REPORT SUMMARY			
REVENUES	audit reports for 000	2002	2003
	Taxes - real estate	\$176,580	\$175,340
	Taxes - real estate transfer	\$56,110	\$46,090
	Licenses and Permits (cable TV franchise, other)	\$4,230	\$4,970
	Fines and Forfeits	\$3,790	\$4,770
	Interest and Rents	\$400	\$520
	Intergovernmental (alcoholic beverage licences, state forest in-lieu, other)	\$17,590	\$19,580
	Charges for Services (general government, public safety, solid waste)	\$29,360	\$47,390
	Miscellaneous (private sector contributions, other)	\$2,270	\$0
	Other Sources (interfund, refunds)	\$22,000	\$23,820
	Total Revenues	\$312,330	\$322,480
EXPENDITURES	audit reports for 000	2002	2003
	General Government (legis/gov body, accounting, tax collection, legal, staff, engineering, buildings)	\$74,500	\$61,670
	Public Safety (fire, inspections, planning)	\$41,420	\$61,470
	Public Works (solid waste clean-up day)	\$1,710	\$2,400
	Streets and Highways (general, construction, winter mntc, signals, street lights, equipment repairs)	\$83,690	\$68,040
	Culture and Recreation, Libraries	\$5,500	\$6,050
	Debt Service	\$0	\$0
	Miscellaneous (inter-govt, pension, payroll taxes, employee benefits, other)	\$7,690	\$23,370
	Other Financing Uses (refund of prior year revenue, interfund operating transfers)	\$89,560	\$68,480
	Total Expenditures	\$304,070	\$291,480
Excess/Deficit (total revenues - total expenditures)		\$8,260	\$31,000

TAX REVENUES - YEAR 2002 (Pennsylvania Department of Community and Economic Development)					
	Total Taxes	Real Estate	Real Estate Transfer	Earned Income	Occupation Privilege
Blooming Grove Township	\$286,513	\$84,902	\$201,611	\$0	\$0
Delaware Township	\$687,019	\$512,250	\$174,769	\$0	\$0
Dingman Township	\$910,435	\$637,106	\$273,329	\$0	\$0
Greene Township	\$273,663	\$188,767	\$84,896	\$0	\$0
Lackawaxen Township	\$578,501	\$429,636	\$148,865	\$0	\$0
Lehman Township	\$1,067,564	\$445,677	\$246,411	\$371,826	\$3,650
Matamoras Borough	\$531,403	\$507,575	\$23,828	\$0	\$0
Milford Borough	\$449,493	\$380,589	\$68,904	\$0	\$0
Milford Township	\$232,689	\$176,583	\$56,106	\$0	\$0
Palmyra Township	\$426,058	\$239,566	\$186,492	\$0	\$0
Porter Township	\$36,847	\$6,753	\$17,451	\$12,643	\$0
Shohola Township	\$300,695	\$241,385	\$59,310	\$0	\$0
Westfall Township	\$790,622	\$718,962	\$71,660	\$0	\$0
TOTAL	\$6,571,502	\$4,569,751	\$1,613,632	\$384,469	\$3,650

The higher level of spending on roads is not uncommon in less populated townships where road maintenance and improvement have historically been a principal governmental responsibility. In the case of the Borough, public safety, which includes police protection, is the highest spending category. The *general government* category, which includes the costs of administration and building maintenance, and the *insurance, payroll taxes employee benefits* account for most of the other expenditures in both municipalities.

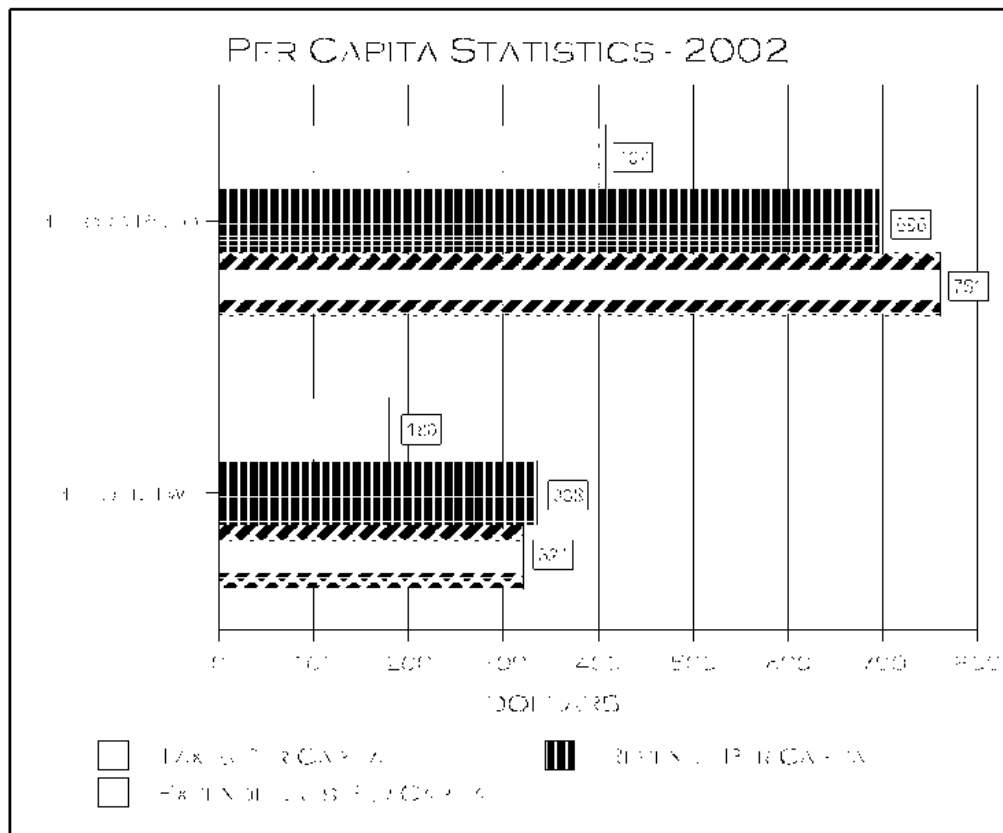
Municipal Comparisons

Comparing the Township and Borough to the other municipalities in the County is another means of assessing financial condition. The *Financial Statistics Table* presents per capita financial data for all municipalities in Pike County and the *Per Capita Statistics Figure*, presents per capita financial data for Milford Township and Milford Borough. The data, obtained from the Pennsylvania Department of Community and Economic Development, is the most recent which is readily available for all municipalities. The per capita data for the Township and Borough for more recent years is not significantly different.

While this data is useful to compare municipalities, it does not necessarily rank the financial management abilities of individual townships and boroughs. The level of facilities and services provided by each jurisdiction varies considerably and directly affects expenditures and the amount of revenue required. For example, the police and debt service costs accrued in some municipalities are not a factor in the budgets of many of the townships in the County, and the length of roads maintained varies. In the case of the boroughs, the costs of services are supported by a much lower assessed valuation.

In 2002, Milford Township and Milford Borough were about equal in market value of real estate per capita. However, given the fixed costs of local government and the range of facilities and services provided by the Borough, its per capita taxes, revenue, and expenditure were significantly higher than Milford Township and the other municipalities in the County. As noted earlier and as evidenced by the per capita statistics, as demand for facilities and services increases Milford Borough will have a much more difficult time balancing its budget than most other Pike County municipalities.

FINANCIAL STATISTICS - YEAR 2002 (Pennsylvania Department of Community and Economic Development)							
	Mkt Val per Capita	Taxes per Capita	Revenue per Capita	Rev : Tax Per Capita	Expend per Capita	Total Debt	Debt Per Capita
Blooming Grove Township	\$119,048	\$79	\$145	1.8	\$111	\$0	\$0
Delaware Township	\$55,843	\$109	\$178	1.6	\$155	\$4,748	\$1
Dingman Township	\$58,408	\$104	\$171	1.6	\$144	\$0	\$0
Greene Township	\$79,406	\$87	\$153	1.8	\$138	\$59,006	\$19
Lackawaxen Township	\$111,172	\$139	\$234	1.7	\$229	\$0	\$0
Lehman Township	\$81,845	\$142	\$181	1.3	\$159	\$0	\$0
Matamoras Borough	\$34,099	\$230	\$308	1.3	\$323	\$0	\$0
Milford Borough	\$73,824	\$407	\$696	1.7	\$761	\$0	\$0
Milford Township	\$75,526	\$180	\$336	1.9	\$321	\$0	\$0
Palmyra Township	\$196,115	\$135	\$233	1.7	\$192	\$0	\$0
Porter Township	\$150,511	\$96	\$208	2.2	\$185	\$0	\$0
Shohola Township	\$77,327	\$144	\$218	1.5	\$240	\$98,566	\$47
Westfall Township	\$59,402	\$325	\$513	1.6	\$466	\$223,034	\$92



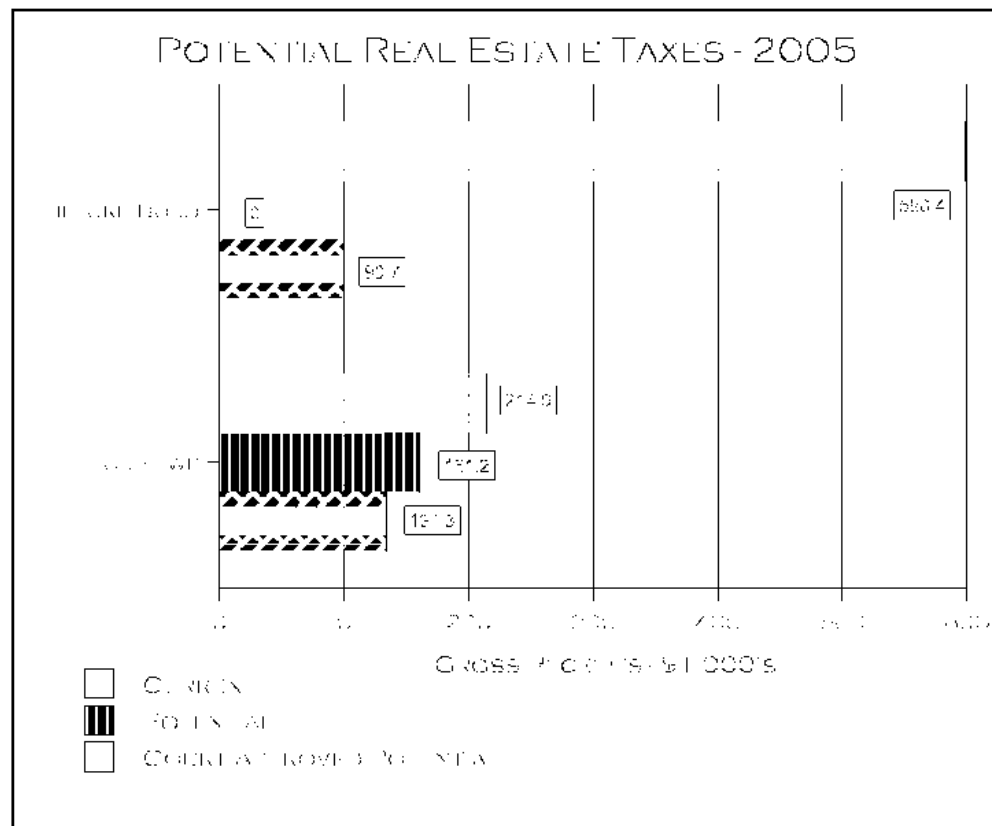
REAL ESTATE TAX REVENUE POTENTIAL – 2005						
	TOTAL REAL ESTATE TAX MILLAGE	ASSESSED VALUE	GENERAL PURPOSE GROSS TAX RECEIPTS	AVAIL GENERAL PURPOSE MILLS*	POTENTIAL ADDITIONAL GENERAL PURPOSE GROSS TAX RECEIPTS	5-MILL COURT APPROVED ADDITIONAL GENERAL PURPOSE GROSS TAX RECEIPTS
Milford Boro	30.0	\$ 19,946,830	\$ 598,405	0.0	\$0	\$ 99,734
Milford Twp	8.0	\$ 26,863,190	\$ 214,906	6.0	\$ 161,179	\$ 134,316
*State law sets the real estate tax limit for general purposes at 30 mills for boroughs and 14 mills for townships of the second class. The Court may grant up to 5 mills additional if the taxing body shows it is necessary to meet an approved budget.						

The ratio of total revenues to tax revenues provides a measure of the level of non-local funds used for municipal operations. The higher the ratio, the greater the proportion of non-local tax funds. In 2002, the Borough and Township were on par with most of the other municipalities in the County.

Real Estate Tax Potential

As the Milford Planning Area population changes in character and increases, the cost of facilities and

services will also increase. Additionally, inflation will increase the cost of maintaining the current level of facilities and services. Local governments throughout the Commonwealth must deal with raising additional funds for their operations. In any case, increased spending must be assessed in terms of the total local tax burden (borough/township, county, and school district) and the real need and demand for additional facilities and services.



The demand for increased levels of normal facilities and services is often associated with a dramatic increase in residential development. Concurrently, the assessed valuation would be increasing, which could partially offset the need for an increase in millage. However, studies have shown that residential development generates the need for more public expenditures than it does tax receipts to cover such costs. The School District's perspective is the most obvious example; an increase in population and number of school children would directly result in increased costs.

One good indicator of a municipality's financial position is the balance of annual revenues and expenditures considered in terms of additional available taxing power. The *Real Estate Tax Revenue Potential Table* and the *Potential Real Estate Taxes Figure* report current real estate tax rates, and potential additional tax revenue with millages at the state statutory limit and with court approval. The intent is simply to provide a measure of each jurisdiction's ability to generate additional real estate tax revenue should such funds be required for unanticipated emergency expenditures, rather than as a means of planning for tax increases.

Given its higher assessed valuation and lower millage, Milford Township has the greatest potential for additional tax revenues. The Township will certainly be able to meet its revenue needs with its current tax structure for many years. Owing largely to its relatively fixed real estate valuation, Milford Borough has reached the 30-mill limit, a position shared by many mature, small boroughs in the Commonwealth. Increased costs of governance will obviously require the Borough to find additional revenue sources. Of course, the critical question is how much are residents and businesses willing, and able, to pay for local government services.

Another important factor in the financial condition of a municipality is long-term debt. Neither the Borough nor the Township has any long-term debt.

Other Revenue Sources

In addition to the potential from the general fund levy, the Act 511 (Local Tax Enabling Act) taxes can be used for general fund purposes; and, the Special Purpose Taxes provide funding for a variety of specific facilities and services. (See the *Borough Tax Sources Figure*.) One option for increased revenue

would be to make special levies for streets, emergency services, recreation and other authorized purposes thereby shifting the expenditures from the general fund and freeing the associate millage.

Act 511 offers both flat rate and proportional taxes. Based on the relatively low individual assessment, \$10 if not shared with the school district, the potential for significant additional revenue from the occupational privilege, per capita, and flat rate occupation taxes is limited by the small population base of the Borough. The earned income occupation millage and business gross receipts, all proportional taxes, hold the potential for the generation of more significant revenues. The mechanical devices (video games, juke boxes, coin operated pool tables, etc.) and amusement (recreation and entertainment) taxes, also graduated, have limited applicability in the Borough. Detailed discussion of Act 511 and all other taxes is found in the *Taxation Manual* published by the Pennsylvania Department of Community and Economic Development.

The earned income tax holds the greatest potential for increased revenue. However, this would be a major change in tax structure for the Borough. Except in financially distressed communities and where voters approve an additional tax for open space purposes, the rate is limited to one percent. Tax collection costs typically consume a small portion of the tax levy and the Local Tax Enabling Act requires 50/50 sharing with school districts that assess the tax. Local employers must withhold the taxes. The system often becomes confusing because municipalities which levy taxes on nonresidents working in the municipality are required to grant a credit for any income tax levied at the place of residence. Similar to an increase in real estate taxes, the imposition of an earned income tax would likely be viewed with great concern by many residents. The same can be said for the occupation millage and business gross receipts.

Fees and user charges are important in terms of ensuring that the costs of certain municipal services provided to residents and property owners are covered. For example, the Borough and Township must set fees for permits high enough to cover administrative expenses. In the case of water service, the Milford Water Authority assesses charges to cover the cost of operation and long-term capital improvements.

Future Considerations

Continued careful financial management, setting spending priorities, and planning for necessary capital expenditures are critical. A capital budget with earmarked reserve funds is an invaluable tool for anticipating and funding large expenditures such as equipment, buildings and parks, and the Township and Borough should develop a budget for any such expenditures. This *Comprehensive Plan* will serve to identify and prioritize community facility and service needs which can be incorporated into financial planning and budgeting. The *Plan* can also strengthen grant applications for specific facilities and grant funding must be used as much as possible. Finally, the municipalities must continue to work together on providing facilities and services to use area wide resources most efficiently.

PLANNING AND DEVELOPMENT IN CONTIGUOUS MUNICIPALITIES, PIKE COUNTY AND THE REGION

Planning Code

The Pennsylvania Municipalities Planning Code (MPC) dictates, and common sense suggests, that planning and development in contiguous municipalities, the county and the region be considered when a local municipal plan is adopted. MPC §301.4(a) goes on to state that *municipal comprehensive plans which are adopted shall be generally consistent with the adopted county comprehensive plan.*

County Planning

In 1988 the Pennsylvania Municipalities Planning Code (MPC) was amended to require all counties in the Commonwealth to prepare and adopt a comprehensive plan within three years. Pike County adopted its first comprehensive plan in 1993 which identified a broad range of growth and development issues facing the County, suggested a framework to address the issues, called for ongoing planning, and recognized the importance of intermunicipal cooperation. The same, but much intensified, issues continue to face the County, and the Board of Commissioners and the County Planning Commission initiated the preparation of a Plan update in 2003 with its completion and adoption anticipated for the Summer of 2006.

Given that the *County Plan* sets goals which are similar to those of this *Milford Borough / Milford Township Comprehensive Plan* and will provide a broad framework for the future, no inconsistencies between the two plans are anticipated. In addition, local municipalities are responsible for many of the actions proposed by the *County Plan*, particularly those related to land use management and community facilities and services. In any case, Milford Planning Area Officials must review the proposed County Plan to ensure it addresses local issues in concert with this *Comprehensive Plan*.

The new County Comprehensive Plan updates the previous plan completed in 1993, and builds upon the County-wide Visioning efforts conducted in 1995 and 1998. The Plan focuses on what future actions should be taken to successfully address the challenges facing Pike County because of its rapid growth and stresses the need to create partnerships within the County to

achieve the Vision for Pike County in the 21st Century.

The Comprehensive Plan is intended to proactively manage growth, discourage suburban sprawl, improve the quality of development, and foster a sense of stewardship for the conservation of the natural resources of the County in order to maintain and enhance the quality of life for County residents.

The Plan encourages smart growth - growing in ways that support economic development and jobs; creating strong neighborhoods with a range of housing, commercial and transportation options; and achieving healthy communities that provide families with a clean environment. Elements of smart growth include compact development, permanent protection of open space, greenway systems, infrastructure to concentrate development and attract new business, use of traditional village settings surrounded by rural working land, and revitalized existing towns.

Regional approaches to addressing issues within the County are supported in the Plan, including the continuation of the highly successful Pike County Road Task Force and the formulation of a similar County-wide Sewer and Water Task Force to coordinate land use planning and infrastructure for orderly, concentrated, and efficient growth in identified growth areas.¹

Regional Planning

Regional planning in the Pike County area of Pennsylvania is not formalized in any municipally organized body. Each county planning agency is responsible for review and coordination of planning within its jurisdiction. The Northeastern Pennsylvania Alliance, located in Pittston, Luzerne County, serves as a community and economic planning and development information source and funnel for grants and special projects for Carbon, Lackawanna, Luzerne, Monroe, Pike, Schuylkill and Lackawanna Counties, but has no municipally authorized regional planning power.

¹<http://www.pikepa.org/Comprehensiveplan.htm>

Planning and Zoning in Contiguous Municipalities

The three local municipalities in Pennsylvania which adjoin the Milford Planning Area, Dingman Township, Shohola Township and Westfall Township, have each adopted comprehensive plans and zoning ordinances. In the area along the common borders, the adjoining municipalities are generally similar in character to the Planning Area, that is, residential generally adjoins residential, commercial adjoins commercial, and open land adjoins open land. Although the adjoining comprehensive plans vary in date, status of formal adoption, and content, all of the plans concentrate on land use issues and no significant inconsistencies are anticipated between those plans and this *Plan*. The public review and adoption process for this *Comprehensive Plan* will enable municipal officials of the contiguous municipalities to identify any potential inconsistencies. The zoning district designations in the Planning Area have been in place for a number of years and no district changes along adjoining municipal borders are proposed. While the potential for conflicting land uses does exist, this is the case where any two dissimilar districts adjoin, and zoning ordinance performance standards are expected to provide protection for adjoining uses.

Contiguous Municipality Review

MPC §502.1(b) provides standing for local municipal governing bodies to appear before and provide comments to any contiguous municipality considering a proposed subdivision, change of land use, or land development, thereby allowing issues of conflicts to be raised. Any changes made to zoning districts must be considered in terms of the zoning and existing land uses in any adjoining municipality to avoid such land use conflicts. For example, it would be inappropriate to designate an industrial or heavy commercial area adjacent to an existing residential development or residential zoning district in an adjoining municipality. Milford Planning Area local official should work with Dingman Township, Shohola Township and Westfall Township officials to establish agreements to formalize this process among contiguous municipalities so that any municipality potentially affected by a zoning change or a development project has the opportunity for review. The MPC already requires this for comprehensive plans and amendments.

MILFORD BOROUGH

SUBDIVISION AND

LAND DEVELOPMENT ORDINANCE

adopted JUNE 5, 2000

TABLE OF CONTENTS

	<u>Page No.</u>
Article I Adoption, Authority and Purpose	1
Article II Definitions	2
Article III Jurisdiction	8
Article IV Procedure	9
Article V Required Improvements and Bonds	14
Article VI Plan Requirements	17
Article VII Design Standards	24
Article VIII Procedures on Acceptance of Streets and Improvements by Borough	33
Article IX Modification, Variances and Waiver	34
Article X Repealer, Separability and Enactment	35

SUBDIVISION AND LAND DEVELOPMENT REGULATIONS

Article I

Adoption, Authority and Purpose

Section 101. Adoption and Authority. The Borough pursuant to Article V of the Pennsylvania Municipalities Planning Code, 1968, July 31, P.L. No. 247 as amended, effective date January 1, 1969, does hereby adopt the following regulations governing the subdivision and resubdivision of land within the Borough.

Section 102. Citation of Rules. These rules and regulations shall be known and may be cited as "The Milford Borough Subdivision and Land Development Regulations of _____ and Amendments".

Section 103. Purpose. The purpose of these rules and regulations is to assure the orderly development of residential, commercial and industrial areas in Milford Borough in the following manner:

1. To assist orderly, efficient and integrated development of land.
2. To provide for the coordination of existing streets and public utilities.
3. To provide for efficient and orderly extension of community services and facilities at minimum cost and maximum convenience.
4. To insure conformity of land utilization with a physical development plan for Milford Borough specifically prepared or accrued through the approval of subdivision applications.
5. To promote thereby the health, safety, morals and general welfare of the residents of the Borough.
6. To secure equitable handling of all development plans by providing uniform procedures and standards for observance, both by applicants and the Borough.
7. To insure the preservation of natural resources and the recreational character and the proper provision of open spaces for recreation and the proper location of sites for future public buildings, community facilities, industrial, research, administrative and shopping areas.
8. To insure the proper provision shall be made for drainage, water, sewage and other needed improvements.
9. To insure that land to be developed shall be of such character that it can be used for building purposes without danger to health, peril from fire, floods or other menace. The integration of all of these services will be of mutual advantage to the developer and the Borough in providing the necessary services at minimum cost and maximum convenience, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens of the Borough.

Article II

Definitions

Section 201. Inclusions. As used in these regulations, words expressed in the singular include their plural meanings and words expressed in the plural include their singular meanings. The word "Person" includes a corporation, unincorporated association, and a partnership as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof". The word "may" is permissive; the words "shall" and "will" are mandatory.

Section 202. Definitions. The following words or phrases, when used in these regulations, shall have the meaning ascribed to them in this Section except where the context clearly indicates a different meaning. In the event of a conflict between the definitions contained in this ordinance and definitions of the same terms in the Municipalities Planning Code, the definitions in the MPC shall control.

Agent: Any person other than the applicant who, acting for the applicant, submits to the Commission subdivision plans for the purpose of obtaining approval thereof.

Alley or Service Drive: A minor right-of-way, privately or publicly owned, primarily for service access to the back or sides of properties.

Applicant: Any person who submits to the Commission subdivision plans for the purposes of obtaining approval thereof.

Block: An area bounded by streets.

Building: Any structure such as but not limited to those having a roof supported by columns, piers, or walls, including tents, lunch wagons, mobile homes, trailers, dining cars, camp cars or other structures on wheels, as having other supports; and any un-roofed platform, terrace, or porch having vertical face higher than three (3) feet above the level of the ground over or upon which said structure is located.

Building Setback Line: A line within a property defining the required minimum distance between any structure and the adjacent right-of-way line.

Business Street: A street which services or is designed to serve as an access to abutting business properties.

Cartway: The graded portion of a street or alley including travel-way and shoulders.

Clear-sight Triangle: An area of unobstructed vision at street intersections defined by the right-of-way lines of the streets, and by a line of sight between points on their right-of-way lines at a given distance from the intersection of the right-of-way lines.

Crosswalk or Interior Walk: A right-of-way or easement for pedestrian travel across or within a block.

Cul-de-sac: A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

Dead-end Street: A street or portion of a street with only one vehicular outlet but which has a temporary turnaround and which is designed to be continued when adjacent open land is subdivided.

Dedication: The deliberate appropriation of land by its owner for any general and public, or limited public use reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Development: The improvement of land by the subdivision thereof, or the construction of two or more dwelling units or commercial or industrial facilities or buildings.

Development Plan: A map or other drawing showing the proposed development of land prepared in accordance with the provisions of this Ordinance.

Developer: Same as applicant.

Drainage Facility: Any ditch, gutter, pipe, culvert, storm sewer or other structure designed, intended or constructed for the purpose of diverting surface waters from or carrying surface waters off streets, public rights-of-way, parks, recreational areas, or any part of any subdivision or contiguous land areas.

Drainage Plan: A plan showing all proposed and existing facilities to collect and convey surface drainage, described by grades, contours and topography.

Dwelling Unit: Any structure or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement: A limited right of use granted in private land for public or quasi-public purpose.

Engineer: A professional engineer licensed by the Commonwealth of Pennsylvania.

Future Right-of-Way:

- a. The right-of-way width required for the expansion of existing streets to accommodate anticipated future traffic loads.
- b. A right-of-way established to provide future access to or through undeveloped land.

Highway: Same as Street.

House Trailer: Same as Mobile Homes.

Improvements: Those physical additions, installations, and/or changes required to render land suitable for the use proposed.

Land Development: (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(i) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

(ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, timesharing units or other features;

(2) a subdivision of land.

(3) development in accordance with § 503(1.1) of the Municipalities Planning Code. (See also Section 305)

Lot: A plot or parcel of land.

Lot Area: The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within a street right-of-way, but including the area of any easement.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Improvement Subdivision: the resubdivision of lots wherein a parcel of land is added to an existing lot for the purposes of increasing the size of the existing lot or where a number of small lots are re-subdivided or re-allotted so as to make a lesser number of larger lots or where the boundary line or lines between two or more lots is relocated without changing the overall size of any of the lots and without causing any ordinance violations.

Lot or Property Owners Association: A group of individual property owners, whether or not formally organized and duly constituted, having the intent and purpose of constructing, preserving, operating, or maintaining land and/or facilities which are not dedicated to or accepted by the Borough and which are provided for or intended to be provided for the common use of said property owners or for the general benefit of the community.

Lot Width: The horizontal distance between the side lot lines.

Lot Line, Front: That boundary of a lot which is along an existing or proposed right-of-way. The lesser dimension of two along right-of-way in the case of corner lots.

Lot Line, Rear: That boundary of a lot most distant from and most nearly parallel to the front lot line.

Lot Line, Side: Any boundary of a lot not a front or rear lot line.

Marginal Access Street: Minor streets, parallel and adjacent to major traffic streets providing access to abutting properties and control of intersections with the major traffic street.

Mobile Home: A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Court: Any lot or portion thereof housing or intended to house two (2) or more Mobile Homes.

Municipality: The Borough of Milford, County of Pike.

Multi-Family Dwelling: A single structure or series of attached structures designed to contain three or more dwelling units.

Owner: The owner of record of a parcel of land.

Plan, Final: A complete and exact development plan, prepared as for official recording, to define property rights and proposed streets and other improvements.

Plan, Preliminary: A complete and exact development plan to define property rights and proposed streets and other improvements presented for purposes of securing preliminary approval.

Plan, Record: An exact copy of the approval final plan, reproducible, of standard size prepared for necessary signatures and recording with the Pike County Recorder of Deeds.

Plan, Sketch: An informal plan, to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed development for discussion purposes only and not to be presented for approval.

Public: The general citizenry and/or the specific residents of a particular subdivision.

Resubdivision: Any subdivision or transfer of land, laid out on a plan whether or not approved previously by the Council, which changes or proposes to change property lines and/or public rights-of-way not in strict accordance with the approved plan or the recorded plan.

Right-of-Way: Land set aside for use as a street, alley or other means of travel.

Setback or Building Line: The line within a property defining the required minimum distance between any building and the adjacent right-of-way.

Sewage Facility: Any sewer, sewage system, sewage treatment works or part thereof designed, intended or constructed for the collection, treatment or disposal of liquid waste including industrial waste.

Shoulder: The improved portion of a street immediately adjoining the travelway, for parking and for access to abutting properties.

Sight Distance: The length of street, measured along the center line, which is continuously visible from any point four and one-half (4-1/2) feet above the center line to an object four (4) inches above the road surface.

Street: A strip of land, including the entire right-of-way intended primarily as a means of vehicular and pedestrian travel. Streets are further classified as follows: (Also see Private Street)

a. **Minor Street:** Streets which are used primarily for access to abutting properties and serve or are anticipated to serve less than 1,000 vehicles per day.

b. **Collector Streets:** Streets which, in addition to giving access to abutting properties, intercept minor streets, provide routes to community facilities and to major traffic streets, and serve or are anticipated to serve from 1,000 to 4,000 vehicles per day.

c. **Major Traffic Streets:** Streets serving large volumes (4,000 vehicles per day and up) of comparatively high speed traffic including those facilities classified as Class 1 and Class 2 Highways by the Pennsylvania State Highway Department.

d. **Private Street:** A minor vehicular right-of-way providing access to no more than two (2) properties of separate ownership and not intended to be dedicated to public use.

e. **Partial or Half Street:** A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.

f. **Alley:** a street providing access to the rear or side of a lot within the Borough.

Subdivision:

a. The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development, including any development of a parcel of land as a shopping center, industrial park or multiple dwelling project. The term "subdivision" as appropriate in these regulations, shall refer to the process of subdividing land or to the land subdivided.

Borough Development Plan: The allocation of land areas to the several varieties of physical development, present and future, of the Borough of Milford, the same having been prepared in accordance with the principles of comprehensive planning or having been developed through the approval of subdivisions previously submitted, whenever such plan exists and has been officially adopted by the Borough and recorded by the Borough; whenever the term "Development Plan" is used, it shall have the same meaning as the term "Master Plan".

Borough Secretary: The Secretary of the Borough of Milford.

Travelway: That portion of a street or road which is intended for vehicular movement.

Undeveloped Land: Land in parcels sufficiently large for future subdivision which is presently in agriculture, woodland or lying fallow.

Water Facility: Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

Zoning Ordinance: Any appropriate ordinance, officially adopted by the Borough of Milford as a Borough Zoning Ordinance with any and all amendments thereto.

Article III

Jurisdiction

Section 301. Jurisdiction. The Council shall have jurisdiction and control of the subdivision, resubdivision and development of land located within the Borough limits. Whenever any development of land is proposed, before any contract for the sale or lease of any part thereof, and before the erection of a structure in such proposed development, the developer or his or her authorized agent shall apply for and secure approval of such proposed development in accordance with the following procedures.

Section 301.1 Creation of a Subdivision Committee. The Borough Planning Commission is hereby designated as the Borough Subdivision Committee, and shall have all the powers and duties vested in it by law and by this Ordinance.

Section 302. Separability and Severability. Should any section or provision of these regulations be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself void or invalid.

Section 303. Amendments. The Borough Council may from time to time adopt amendments that will tend to increase the effectiveness of these subdivision regulations or expedite the approval of subdivision plans. These subdivision regulations and amendments thereto may be changed or amended by the Borough Council after a public hearing by giving due notice as required by law.

Section 304. Records. The Council shall keep a record of the finding, decisions, and recommendations relative to all subdivision plans filed with it for review and /or approval. Such records shall be open to the public.

Section 305. Application of Regulations.

1. Subdivision Control. Application shall be required under this ordinance for any subdivision, as herein defined, of any lot, tract or parcel of land and before any street, alley, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel.

2. Land Development Control. A. Application shall be made under this ordinance for any land development, as defined herein, which compliance shall include, but not be limited to, the filing of preliminary and final plans, the dedication and improvement of rights-of-way, streets and roads and the payment of fees and charges established by the Resolution of the Borough Council.

B. Application shall be required for any land development, as defined herein; any conversion of single family residential use to multiple residential use; any conversion of multiple residential uses to a single residential use; any conversion of any residential use to any commercial use; the increase of size of any structure or building used for multi-family residential use or commercial use beyond its size at the time of adoption of this ordinance.

Section 306. Penalties. Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plan of such subdivision or land development or otherwise, or erect any building thereon unless and until a final plan has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon such conviction thereof, such person, or the member of such partnership, or the officers of such corporation, or the agent of any of these responsible for such violations pay a fine not exceeding one thousand dollars (\$1,000.00) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the Borough of Milford. Additionally, in case any person or persons shall violate any provision of the land subdivision rules and regulations, the Council shall have the power in the name of the Borough of Milford to institute proceedings against him or them in the court of equity for injunctive or other equitable relief. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transfer or from such penalties or from the remedies herein provided.

Article IV

Procedure

Section 401. Waiver.

401.1 Lot Improvement Subdivisions. Lot improvement subdivisions are exempt from the provisions of this Ordinance provided that:

(1) The resulting parcel is restricted to use for one single family dwelling only and the subdivision map shall clearly note the restriction;

(2) The grantor's remaining lands comply in all respects to the provisions of this Ordinance; and

(3) The subdivision map shall be labelled "Lot Improvement Subdivision of _____" and shall show clearly the entirety of the parcels before the lot improvement and shall clearly show and label the resulting parcel or parcels.

(4) Three copies of the Subdivision plan be submitted to the Planning Commission.

(5) The map shall contain a signature block in accordance with Section 605.

401.2 After the Planning Commission shall have determined that the conditions for a waiver have been met, they shall notify the Council of such determinations and the Council shall sign the plans at their next regular meeting. The following notation shall be placed on the plans which are processed as a waiver under this section: "Approval is granted for recording purposes only in accordance with Section 401 of the Subdivision and Land Development Ordinance".

.....Date

.....President

.....Secretary

Section 402. General Procedure.

402.1 All applications for approval, whether of a preliminary plan or of a final plan, shall be submitted to the Subdivision Committee only at their regularly scheduled meetings. The Committee shall be empowered to reject incomplete submissions, that is, submissions that lack certain necessary elements, such as, but not limited to, an application; the appropriate filing fee; a subdivision or land development plan; road profiles; sewage module; or plans for central water or central sewerage facilities. The applicant shall be given personally or shall have mailed to him at his last known address a statement in writing indicating the elements missing from the applicant's submission. For all complete submissions there must

be at least one public hearing before final approval of any plan. If a public hearing has been held upon a preliminary plan, a public hearing shall not be required upon the final plan unless, in the opinion of the Committee or of the Council, the final plan incorporates substantial items not present in the preliminary plan or departs substantially from the preliminary plan. Notice of said hearing shall be given by the applicant as herein after provided.

402.2 An applicant, after having made application of a preliminary plan or final plan shall, upon mutual agreement with the subdivision committee as to the date of the public hearing, give notice not more than 30 days and not less than 14 days in advance of the hearing. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of hearing, the name of the applicant and the nature of the application to be considered for approval.

402.3 Preliminary plans shall be submitted in six (6) sets pre-pared in accordance with the requirements as set forth in Article VI herein. Final plans shall be submitted in nine (9) paper prints and three (3) mylar or linen reproducible for signature by the approving officials. Three (3) paper prints and two (2) mylars of the approval final plans shall be returned to the applicant and six (6) paper prints and one mylar or linen reproducible will be retained by the Borough. If the applicant desires, he or she may submit an additional tracing or mylar for signature which he or she may then retain for his or her files.

402.4 The Subdivision Committee shall review the preliminary plan; and may, at its option, visit the site, and shall recommend to the Borough Council approval, approval subject to modification, or rejection of the plan within sixty-five (65) days of the receipt thereof. At their discretion, the subdivision committee may conduct an on-site inspection to evaluate the general condition of suitability of the site. Prior to the on-site inspection, the center line of all streets and the appropriate front lot corners shall be marked on the grounds by the Applicant and the test pits as required herein shall be excavated and the Applicant shall provide a representative to guide the inspection group. If, as a result of this inspection, additional information and/or testing is required, all costs incident thereto shall be at the developer's expense. If any lots shall fail to meet applicable standards for subsurface disposal of sewage, that lot shall not be approved unless a central sewage system is provided.

402.5 The Borough Council shall make their decision with respect to an application within ninety (90) days of the initial filing. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than five (5) days following the decision. Failure of the Borough Council to render a decision and communicate to the applicant within the time and in the manner required shall be deemed an approval of the application unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision. If the decision is communicated by mail, it will be deemed to be communicated when postmarked.

402.6 Disapproval of Application. When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall in each case cite to the provisions of the Statute or Ordinance relied upon.

402.7 Any applicant who is aggrieved by a decision of the Council may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Pike County, Pennsylvania.

403. Fees. At the time of filing, a preliminary application shall be accompanied by a fee of \$25.00 per plan sheet, plus \$10.00 per proposed lot or unit. Fees shall be paid for waiver lots under Section 401 at the same rate.

403.1 Payment of Professional Fees. The Borough shall be empowered to charge applicant for expenses incurred by either the Planning Commission and/or Council for professional fees as a result of professional work required on behalf of the said boards, as a result of the filing of an application seeking approval by either boards. These fees shall include, but will not be limited to engineering and legal fees. The professionals employed at the request of either boards will submit a written voucher for work performed on an hourly basis, which fees have been approved by the Council. Payment of fees by the applicant shall be prerequisite for approval of the application, but shall be paid regardless of whether approval is granted or denied. Payment shall be made in full on or before a final review is performed by the Council. Failure to render payment of all expenses incurred by said date, shall result in application denial. The application may be resubmitted to the Council within thirty (30) days after denial, and upon remittance of said fees. At the expiration of the thirty (30) day limitation, the application will then be considered a new application and subject to regulations as set forth in the Milford Borough Subdivision Ordinance. The new application will not be considered by any Board prior to the payment of all fees incurred.

Section 404. Application Requirements.

404.1 All applications shall comply in all respects with any zoning ordinance officially adopted by the Borough.

404.2 Applicants shall be notified in writing of any modifications of the preliminary plan by the Council as prerequisites to approval.

404.3 Approval of the preliminary plan shall constitute approval of the subdivision as to the character and intensity of development, the arrangement and approximate dimension of streets, lots and other planned features, but shall not authorize the sale of lots.

404.4 The Council shall not approve any subdivision plan unless all streets shown thereon shall be of sufficient width and proper grade and shall be located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate and provide a coordinated system of streets conforming to the Borough's official plan of streets.

404.5 The Council shall allow an applicant to proceed with improvements after approval of the preliminary plans.

404.6 The applicant, after official notification by the Borough Council of approval of the preliminary plan, and the changes, if any to be made therein, shall, within five (5) years or sixty (60) months thereafter, prepare and submit to the Council the final or record plan. Otherwise, the approval of the preliminary plan will become null and void unless an extension of time is granted by the Council.

404.7 A applicant may submit the final plan in sections, each covering a portion of the proposed

subdivision as shown on the approved preliminary plan; provided, however, that all such sections must be submitted in accordance with Paragraph 404.6 within five years or sixty months of the date of approval of preliminary plan, unless an extension of time is granted by the Council.

404.8 Final Plan Void If Revised After Approval. No changes, erasures, modifications or revisions shall be made in any final plan after approval has been given by the Council and endorsed in writing on the plan. In the event that any final plan when recorded contains any such changes, the final plan shall be considered null and void, and the Council shall institute proceeding to have said plan stricken from the records of the County Recorder of Deeds.

405. Utilities. The Council may accept written assurance from each public utility company whose facilities are proposed to be installed that the public utility company will make the installations necessary for furnishing of its services as required, in accordance with the approved construction detail sheets; and in accordance with the applicable Borough ordinances, resolutions, rules, and regulations, or specifications.

Section 406. Approval and Recording Final Plan.

406.1 No lot in a subdivision may be sold and no building erected, altered or repaired upon land in a development unless and until a development plan has been approved and recorded, and until the improvements required by the Council in connection therewith have either been constructed or completion of construction is guaranteed by bonds, cash escrow, or other securities acceptable to the Council as set forth in Article V Section 505, of this Ordinance.

406.2 Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the Borough by formal notation thereof on the plan or the owner shall note on the plan that such improvements have not been offered for dedication to the Borough.

406.3 Every street, park or other improvements shown on a subdivision plan that is recorded as provided herein, shall be deemed to be a private street, driveway, park or improvement until such time as the same has been offered for dedication to the Borough and accepted by the resolution or until it has been condemned for use as a public street, park or other improvement.

406.4 After completion of these procedures and upon approval of the final plan, such approval shall be indicated by a statement to the effect on the record plan with the signatures of the Planning Commission Secretary, the signatures of the reviewing Engineer, if any, and the signatures of the members of the Council.

406.5 Any subdivision plan approved by the Council or by the court on appeal shall, within 90 days of the date of the approval, be recorded by the owner in the office of the Recorder of Deeds of Pike County. Should the applicant fail to record the final plan within 90 days from the date of approval by the constituted authorities of Milford Borough, after proper notification of final approval, approval shall be null and void unless an extension is granted in writing.

406.6 After a subdivision plan has been duly recorded, the streets and public grounds become part of the official Map of the Borough.

Article V

Required Improvements and Bonds

Section 501. General. Before the Borough Council approve any subdivision plan for recording the applicant shall complete the improvements meeting the minimum design and specification requirements as set forth in this subdivision ordinance or the prevailing standard as established by the Council or guarantee completion thereof as provided herein.

Section 502. Streets.

502.1 Grading. All streets shall be constructed as shown on the street profile and cross-section plan submitted and approved with the preliminary plan.

Section 503. Storm and Surface Drainage. All storm drains and drainage facilities such as gutters, inlets, bridges and culverts shall be installed and the land graded for adequate drainage as shown on the drainage plan submitted and approved with the preliminary plans.

Section 504. Markers.

504.1 Markers shall:

(a) Be of the following type or approved equal:

- (1) Two (2) inch by thirty-six (36) inch galvanized iron pipe filled with concrete.
- (2) Railroad rail thirty-six (36) inches in length.
- (3) Brass pin three-fourths (3/4) inches into rock.

(b) Extend thirty (30) inches below the surface of the ground or to rock.

(c) Be set at all corners and angle points of the boundaries of the original tract to be subdivided, except where a permanent monument exists such monuments shall include points of tangency and points of curve.

504.2 Steel pipe at least three-fourths (3/4) of an inch in diameter or solid steel pins at least one-half (1/2) inch in diameter, and eighteen (18) inches in length shall be set at all corners of all lots prior to approval of the final plan.

Section 505. Bond.

505.1 Before the Council approve any subdivision plan, or a section of said plan, for recording, the applicant shall complete the required improvements or the applicant shall assure the Borough of their

completion by means of a completion guarantee. That guarantee shall be in the form of a bond, in cash or in securities. The amount of said security shall be based upon an estimate of the cost of completion of the required improvements, submitted by the applicant, prepared by a PA licensed engineer and certified by said engineer to be a fair and reasonable estimate of such cost. The municipality may refuse to accept such estimate upon the advice of the municipal engineer. In the event that the parties cannot agree as to the estimate of the cost of the improvements, the matter will be resolved in accordance with MPC Section 509 (g), as amended. The security shall bear interest at a rate sufficient to aid in guarding against inflation and rising construction costs as determined by the Council or Borough Solicitor. If the security is other than in the form of cash, the Council shall have complete discretion in rejecting bonds, stocks or other securities because of insufficient assets of the issuing authority, poor earnings history of the issuing authority or any other reason which may cause the Council reasonable apprehension as to the strength of the security. In addition to the costs of completion the applicant shall guarantee to the Borough the payment of all engineering and legal fees for the inspection and review of the improvements as fixed by the Borough Engineer and Solicitor said payments shall be made to the Borough on or before the Council final review date. Should, at any time, there be insufficient security to protect the payment of future inspections and/or reviews, the Borough Engineer, Borough Solicitor or other Borough consultant may refuse to perform inspections or review until payment is made.

505.2 Where the development is projected over a period of years, the Council may, at their discretion, authorize the submission of final plans in sections or stages. When this procedure is followed, each section or stage shall be treated as an autonomous unit with adequate improvements or security for same to exist without the completion of future or proposed sections, stages or facilities.

Section 506. Release of Security.

506.1 When the developer has completed all or any portion of the necessary and appropriate improvements for which he requests re-lease of security, the developer shall notify the Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The Borough Council shall, within ten days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report in writing with the Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council and said report shall be detailed and shall indicate approval or rejection of said improvements either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

506.2 The Borough Council shall notify the developer in writing, by certified or registered mail, of the action of said Borough Council with relation thereto within five (5) days of their receipt of the report of the Borough Engineer.

506.3 If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to its performance guaranty bond and shall have the right to demand return of all security for those improvements.

506.4 If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

506.5 When the Borough engineers, at their discretion, may deem it appropriate, the applicant may request the release of security for partially completed improvements so long as the work done to date has a value that can be accurately estimated by the Borough Engineer. Security may then be released only so long as there is sufficient security remaining after such release to guarantee the completion of all improvements for which security has been required.

Section 507. Remedies to Effect Completion of Improvements. In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plan, the Borough Council may enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security the Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute legal and equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds whether resulting from the security or from any legal or equitable action brought the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purpose.

Section 508. Liability. By requiring the completion of improvements neither the Borough nor any of its officials, employees or agents shall be liable for the failure of any applicant to complete improvements or for the failure of the Borough to require sufficient security to assume completion of the improvements. The regulation of the completion of subdivisions and improvements for those subdivisions is for purposes of protecting the health and welfare of the Borough as a whole and shall not give rise to any liability to third parties who may be reasonably connected therewith. Such third parties are hereby notified that they should seek security to their satisfaction for the completion of the subdivision or its improvements.

Article VI

Plan Requirements

Section 601. Application. All sketch, preliminary and final plans submitted for approval or review shall meet the requirements outlined in the following sections.

Section 602. All Plans. All plans submitted shall comply with the following:

602.1 They shall contain:

- (a) Name of record owner.
- (b) Name of applicant or developer if different than owner.
- (c) Name of proposed subdivision or development.
- (d) Tract boundaries.
- (e) Name of municipality(ies) in which subdivision or development is located.
- (f) Municipal boundary lines and zoning division lines if appropriate.
- (g) Proposed and existing street and lot layout.
- (h) North arrow, indicating whether the meridian is magnetic or true.
- (i) Graphic scale.
- (j) Date of submission.
- (k) Name of registered engineer or surveyor under seal who certifies accuracy of plan.
(Optional for sketch plan.)
- (l) Names of owners and subdivisions of all adjoining properties.
- (m) All existing water courses, streams, ponds, lakes, etc.

602.2 They shall be:

- (a) Clear, legible, white prints.
- (b) Plans shall be prepared on one of the following standard sheet sizes:

- (1) 12 inches by 18 inches.
- (2) 18 inches by 24 inches.
- (3) 24 inches by 36 inches.
- (4) 11 inches by 17 inches.

(c) If necessary, the subdivision shall be shown on two or more sheets or sections.

(d) The border width shall be two (2) inches along the upper or left hand side of all plans; along the eighteen (18) inch length of sheet sizes 1 and 2 and along the thirty-six (36) inch length of sheet size 3; and a border of at least one (1) inch along the remaining three sides.

(e) Plans shall be drawn in conformity with the following schedule, provided all courses, metes and bounds and other information can be legibly and accurately presented on the plan.

(1) Where one-half or more of the total number of lots or parcels shown on the plan have an area between two (2) acres and ten (10) acres the scale shall be not less than one inch equals 100 feet.

(2) Where one-half or more of the total number of lots or parcels shown on the plan have an area of the ten (10) acres or less the scale shall be not less than one inch equals 200 feet.

(3) Where one-half or more of the total number of lots or parcels shown on the plan have an area of between ten (10) acres and fifty (50) acres the scale shall be not less than one inch equals 400 feet.

(4) The scale of larger parcels shall be not less than one inch equals 1,000 feet.

Section 603. Sketch Plan.

603.1 A subdivision sketch plan may be submitted by the developer as a basis for informal discussion with the Subdivision Committee.

603.2 Data furnished in a sketch plan shall include the following information in addition to that required in Section 602:

- (a) Swampy areas, springs and areas subject to annual flooding.
- (b) Areas of rock outcropping.
- (c) Areas of stone fields.
- (d) The use to which various areas will be put (e.g. residential, commercial, industrial, recreation).

603.3 A subdivision sketch plan must be to scale but precise dimensions are not required.

Section 604. Preliminary Plan. (See Checklist attached as Exhibit A)

604.1 The preliminary plan shall show or be accompanied by the following information in addition to that required in Section 602:

- (a) Total acreage of the tract and subdivision or development.
- (b) Number of lots or units proposed.
- (c) Length of new streets proposed.
- (d) Type of water supply and sewage disposal facilities proposed (public, on-lot, etc.).
- (e) A location map for the purpose of locating the site to be subdivided at a scale of not less than two thousand (2,000) feet to the inch showing the relation of the tract to adjoining property and to all streets, roads and municipal boundaries existing within four hundred (400) feet of any part of the property

proposed to be subdivided. (The latest, current, appropriate U.S.G.S. Quadrangle Map may be used even though these may be at other than the above scale.)

(f) Contours at vertical intervals of, at most, twenty (20) feet. (As transferred from current U.S.G.S. Quadrangles will suffice.)

(g) Tract boundaries showing bearings and distances.

(h) The locations and right-of-way widths of any street or easements which abut the land to be subdivided or developed.

(i) All existing easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.

(j) The full plan of the section submitted for approval, showing the location and width of all proposed streets, roads, alleys, utility rights-of-way and easements, parks, playgrounds, lakes, ponds or other bodies of water, and other public buildings and areas; suggested street names, proposed lot lines and approximate dimensions of lots; lot numbers in consecutive order; driveways access points on corner lots where proposed; proposed minimum setback line for each street.

(k) A plan for surface drainage of the section to be subdivided to include all existing or proposed water courses, lakes, swampy areas, areas subject to periodic flooding, the location and results of percolation tests, rock outcropping and stone fields. Plans for dams, lakes or alteration of water courses shall meet the requirements of the Pennsylvania Department of Environmental Resources.

(l) A typical cross section and the center line profile for proposed streets as shown on the preliminary plan. These plans may be submitted as separate sheets.

(m) Soil boundaries and soil types shall be shown on the preliminary plan. This information shall be obtained from the soil survey for Pike County as prepared by the Soil Conservation Service.

(n) The applicant shall prepare a planning module for land development and/or other data required by the Sewage Facilities Act which will be used to revise or supplement the official plan for the Borough. Whenever on-lot sewage disposal is proposed, a soil profile evaluation shall be performed on every lot throughout the subdivision; providing at least one evaluation is performed in each soil type as mapped by the Soil Conservation Service. These evaluations must be performed by a Soil Scientist or a Professional Engineer and the test pit locations shall be recorded on the preliminary plan. The results of the evaluations shall be made a part of the Planning Module for land development. Lots which do not meet current D.E.R. regulations for subsurface sewage disposal shall not be approved. The cost of excavating test pits for this evaluation shall be borne by the applicant. The soil profile evaluations need not be submitted with the initial submission of the preliminary plan; however, they must be completed prior to the consideration of the preliminary plan by the Subdivision Committee. In all cases the applicant shall be required to provide the Borough with a Planning Module which has been approved by the Borough Sewage Enforcement Officer. Upon receipt, the Borough will review the Module and, if acceptable, promptly forward it to the DER for approval. For final approval, the applicant must present satisfactory evidence that the Module has been approved by DER. In the event that such evidence of

approval is not submitted or otherwise received by the Borough, this shall constitute sufficient grounds for disapproval of the plans.

(o) A drainage easement fifty (50) feet wide shall be provided along each side of all permanent streams, making a total easement width of one hundred (100) feet. The area of such easement shall be excluded from the lot area for the purpose of determining minimum lot size. An easement fifth (50) feet wide, measured from the normal shoreline, shall be provided around the perimeter of all lakes or ponds. The area of such easement shall be excluded from the lot area for the purpose of determining minimum lot size.

(p) For land developments, a site plan showing approximate locations and sizes of buildings, public facilities, common areas, roads and parking areas.

(q) In cases where phased development is contemplated, provide a time schedule for all construction.

(r) The plan shall indicate the zone in which the development is taking place.

(s) Proposed covenants, easements, restrictions, maintenance procedures and manner of ownership of common open space to be imposed by the use of land, buildings and structures, including any proposed grants and/or easements for public utilities.

(t) Such additional information as the Planning Commission and/or governing body may require to document compliance with this Ordinance.

(q) The applicant shall submit, as a prerequisite to approval, a soil erosion and sedimentation control plan approved by the Pike County Conservation District.

Section 605. Final Plans. (See checklist attached as Exhibit B) If the final plan is drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the several sections.

605.1 The final plan shall show or be accompanied by the following, in addition to those required by Section 602:

(a) Total acreage and total number of lots of the section submitted for approval.

(b) A key map for the purpose of locating the site to be subdivided at a scale of not less than two thousand (2,000') feet to one (1") inch showing the relation of the property to all streets, roads and municipal boundaries existing within property proposed to be subdivided. (The latest, current, appropriate U.S.G.S. Quadrangle Map may be used even though these may be at other than the above scale.)

(c) The full plan of section submitted for approval including tract boundaries, street lines, lot lines, building lines, pedestrian ways, easements and open spaces. Any limitations of the easements shall be noted on the plan.

(d) Any existing public lands, all open spaces for which offers of dedication are included and all those

areas to which title is reserved by the owner.

(e) Sufficient data acceptable to the engineer to determine readily the location, bearing and length of every boundary line (a field survey to be closed with an error not to exceed one in five thousand and balanced), street line and lot line, and to reproduce such lines upon the ground. All dimensions shall be shown in feet and hundredths of a foot and bearings shown to ten (10) seconds of an arc.

(f) Lots numbered in consecutive order and names of streets.

(g) Permanent reference monuments shall be shown on the plan and shall be constructed in accordance with the specification of this Ordinance.

(h) For streets offered for dedication a typical street crosssection and a complete center line profile shall be submitted showing finished center line grades at one hundred (100') foot stations. For streets not offered for dedication and where the development exceeds ten (10) lots, a typical cross-section and the typical center line profile, showing finished grades at one hundred (100') foot stations, shall be submitted. If final profiles are identical with those submitted with the preliminary plan, they need not be resubmitted.

(i) Copies of any proposed deed restrictions and protective restrictive covenants.

(j) All plan sheets comprising the set of final plans shall be consecutively numbered as sheet of

(k) The set of plans shall be neatly bound on the left or top to make the book of drawings.

(l) Appropriate approval blocks of accepted type shall appear on the first sheet or title sheet of the set of plans.

(m) A plan of recommended areas for locating individual wells and subsurface disposal areas for the entire area to be subdivided or a plan of centralized water and sewage facilities.

(n) Provide adequate notice or proof that any required highway access permits for entrance upon any State, County, Borough or other public roads have been obtained.

(o) The applicant shall file with the final plan a statement of covenants, restrictions and reservations which shall be included in the deeds to all purchasers in the subdivision or section thereof. The covenants, restrictions and reservations shall not be modified or amended in any way after approval of the final plan without the consent of the Borough Council.

(p) Architecture drawings and elevations to scale of all buildings shall bear the seal of the architect.

(q) In the event that state regulations require the inclusion of a wetlands delineation on the subdivision plan for any purpose, the plan shall contain the following notation:

THE DELINEATION OF WETLANDS ON THIS PLAN IS NOT

**APPROVED NOR CERTIFIED BY MILFORD BOROUGH.
ANY DELINEATION IS SUBJECT TO APPROVAL BY
THE APPROPRIATE STATE AND FEDERAL AGENCIES**

The Borough may require reasonable additions, deletions or modifications to the restrictions when such changes would affect the health and welfare of the citizens of the Borough.

The Borough shall be a protected party under the covenants, restrictions and reservations and reserves the right to compel the enforcement or bring suit, in law or in equity, to enforce such restrictions, covenants and reservations when the health and welfare of the citizens of the Borough is concerned.

Article VII

Design Standards

Section 701. Application. The design standard and requirements set forth in this Article shall be observed as minimums by the applicant in the design of each subdivision or portion thereof within Milford Borough and will be applied by the Subdivision Committee in evaluating plans for all proposed subdivisions.

Section 702. General Planning Considerations.

702.1 Where either or both an official map or Borough Development Plan has been adopted, the subdivisions shall conform to the proposals and conditions shown thereon. The streets, drainage, rights-of-way, public parks and playgrounds shown on an officially adopted Borough Development Plan or official map shall be considered an approval of subdivision plans.

702.2 All portions of a tract being subdivided shall be taken up on lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.

702.3 Reserve strips less than ten (10) feet in width controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

702.4 Wherever possible, lot lines shall follow municipal and county boundary lines rather than cross them.

702.5 Flooding. Where any area within the proposed subdivision is known to be subject to flooding, such area shall be clearly marked "Subject to Periodic Flooding" on the lot plan and shall not be plotted in streets and lots. Land which normally will be inundated less frequently than once in five (5) years may be used for recreation uses. In any event, easements must be reserved from the normal flow line to the annual high water flow line of any water course or lake.

702.6 Where water is to be provided by means other than by private wells, owned and maintained by individual lot owners within the subdivision, the Board shall require the applicant to obtain from the appropriate authorities, evidence that water is to be supplied by a certificated public utility, a bona fide property owners association or by a municipal corporation, authority or utility. Such evidence shall be in accordance with the standards of the MPC.

702.7 Easements for utilities shall be provided. Easements shall also be provided for all storm water drainage ditches of sewers and water courses. All easements shall be shown on the final plan and the Borough or its agents (to include the Planning Commission or other official representative) shall have the right to enforce the easements relative to water supply and sewage disposal in the event the developer and/or lot owners' association fail or are unable to enforce them. They shall further have free access to all developments and lots at all times for the purpose of inspection and enforcement.

Section 703. Street System.

703.1 General.

- (a) Streets shall be logically related to topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
- (b) Residential streets shall be so laid out as to discourage through traffic; however, the arrangement of streets wherever possible shall provide for continuation of existing or plotted streets and for adequate access to adjoining undeveloped tracts suitable for future subdivision by reserving rights-of-way to the adjoining undeveloped tracts.
- (c) If lots resulting from original subdivision are large enough to permit resubdivision, or, if a portion of the tract is not subdivided, adequate street rights-of-way to permit further subdivision shall be provided as necessary.
- (d) Dead-end streets which are intended to be future through streets shall be provided with a temporary turn around, or shall be improved in accordance with the classification of the street to the full width of the right-of-way for the last seventy-five (75) feet of their length.
- (e) Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. Street names shall not be repeated within the Borough or adjacent areas and all street names shall be subject to the approval of the Council and the Planning Commission.
- (f) If access to a lot from a private or public street obtained by the use of a strip of land which is fifty (50) feet or less in width and one hundred (100) feet or more in length, it shall be considered an access road and, before final approval is given to a plan containing a lot or lots with access as described herein, such access road shall have been finally completed or the cost of construction shall be bonded in accordance with Section 505.

703.2 Cul-de-sac Streets.

- (a) Cul-de-sac streets, permanently designed as such, shall not exceed one thousand two hundred feet (1,200') in length or service more than twenty-five (25) lots.
- (b) Cul-de-sac streets shall have at the closed end a turn around with a right-of-way having a minimum outside radius of not less than fifty (50) feet and shall be improved in accordance with the classification of the street to a radius of not less than forty (40) feet.
- (c) When access to any lot shall be located on the cul-de-sac or closed end of the cul-de-sac street, the minimum lot frontage permitted shall be forty (40) feet on the circumference of the cul-de-sac.

703.3 Street Widths.

- (a) Minimum required street width shall be as follows:

.....	Right-	Travel-	Cart-
-------	--------	-------	---------	-------

Classification	of-way	way	way
(State or Borough road)	*	*	*
Collector Streets	50 ft. . . .	20 ft.	34 ft.
Major streets	80 ft. . . .	24 ft.	44 ft.
Private streets	30 ft. . . .	12 ft.	18 ft.
Marginal access street in addition to the right-of-way of the major traffic street it adjoins	30 ft. . . .	20 ft.	24 ft.
Minor Streets	50 ft. . . .	20 ft.	28 ft.
Alleys ...	16 ft. . . .	14 ft.	12 ft.

*As required by the governmental body having jurisdiction at the time of plotting, however, shall not be less than the requirements for a minor street.

(b) New half or partial streets will not be permitted, except where essential to reasonable subdivision of a tract in conformity with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street is secured and the construction of the street carried out simultaneously as a whole.

(c) Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be plotted within such tract.

(d) The right-of-way shall be cleared as needed for road construction, utility installation or other improvements.

703.4 No lot can be sold in a subdivision until a road has been constructed to the purchased lot and the road shall be to the following specifications:

- (a) All stumps, roots and vegetation shall be removed from the entire graded portion of the road.
- (b) Materials shall be suitable to form a firm, unyielding surface.
- (c) All rocks exceeding six inches (6") in maximum dimension shall be broken off or removed so that no part of any rock is less than six inches (6") from the finished surface.
- (d) The minimum pitch from the crown of the roadway to the side of the roadway shall be three-eighths inch (3/8") to the foot.
- (e) All roads shall be well drained and the minimum size pipe shall be fifteen inches (15").
- (f) Sub-grade shall be thoroughly compacted by at least a ten ton roller, or equal.
- (g) The streets shall be constructed of at least a six-inch (6") compacted base of shale (when the material is approved by the Borough prior to use), crushed stone or gravel for the width of the travelway. A two-

inch (2") depth of modified sub-base PennDOT gradation 2-A shall be installed for the width of the travelway. Shoulders shall be constructed to a compacted depth of four inches (4") of the same material as the base.

(h) For all roads intended for public dedication, any bituminous material applied to the base course shall meet Pennsylvania Department of Transportation specifications, and/or applicable Borough ordinance.

(i) Where cut or fill is necessary, the maximum side slope shall be (2) horizontal to (1) vertical.

(j) After all road grading is complete and road base and shoulders constructed, all remaining exposed surfaces shall be mulched and seeded.

703.5 Street Alignment.

(a) Wherever street lines are deflected a total of seven and one-half (7-1/2) degrees or more, within five hundred (500) feet, connection shall be made by horizontal curves.

(b) To insure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:

1. Minor streets: one hundred (100) feet.
2. Collector streets: three hundred (300) feet.
3. Major streets: five hundred (500) feet.

(c) Except on minor streets, a minimum tangent of one hundred (100) feet shall be required between curves or deflection points.

(d) A long radius curve shall be preferred in all cases to a series of curves and tangents.

703.6 Street Grades.

(a) Parallel ditch grades shall not be less than one-half of one percent (0.5%).

(b) Center line grades shall not exceed the following:

- (1) Minor streets: Twelve percent (12%). (Up to sixteen percent (16%) for five hundred (500) feet.)
- (2) Collector streets: Eight percent (8%). (Up to twelve percent (12%) for five hundred (500) feet.)
- (3) Major traffic streets: Six percent (6%). (Up to eight percent (8%) for five hundred (500) feet.)
- (4) For minor and collector streets the above listed maximum grades may be repeated after a

grade of eight percent (8%) or less, for a distance of five hundred (500) feet, is provided.

(c) Vertical curves shall be used at changes of grade exceeding one percent (1%) and to provide the following minimum sight distances for summit vertical curves measured along the center line from the driver's eye four and one-half (4-1/2) feet above the road surface to the top of an object four (4) inches high and on the road surface.

- (1) Major streets: Five hundred (500) feet.
- (2) Collector streets: Three hundred (300) feet.
- (3) Minor streets: One hundred fifty (150) feet.

(d) Except on minor streets, sag vertical curves shall be a minimum of one hundred (100) feet in length, increasing by one hundred (100) foot lengths for each additional four percent (4%) algebraic difference in tangent grades (i.e. 1% to and including 4% - 100' v.c.; 4.1% to and including 8% - 200' v.c., etc.

(e) A levelling area having not greater than six percent (6%) grades shall be provided at all street intersections for a distance of fifty (50) feet from the center line of the street.

703.7 Street Intersections.

(a) Streets shall be laid out to intersect as nearly as possible at right angles. No street shall intersect another at an angle of less than sixty (60) degrees.

(b) Multiple intersections involving junction of more than two (2) streets shall be prohibited.

(c) Streets rights-of-way intersections shall be rounded by a tangential arc with a minimum radius of thirty (30) feet.

(d) Whenever possible intersections with major traffic streets shall preferably be located not less than eight hundred (800) feet apart measured from center line to center line, except in commercial areas where the distance shall preferably be not less than five hundred (500) feet.

(e) Streets, excepting cul-de-sacs, entering opposite sides of another street shall be laid out either directly opposite one another or with a minimum offset of one hundred sixty (160) feet between their center lines.

Section 704. Storm Drainage.

704.1 Lots shall be laid out wherever possible to provide positive drainage away from building.

704.2 Drainage facilities shall be provided for the following:

- (a) To permit unimpeded flow of natural water course.
- (b) To insure adequate drainage of all low points along the line of streets.
- (c) To intercept storm water run-off along streets at intervals reasonably related to the extent and grade

of the area drained.

704.3 For watershed areas in excess of three hundred twenty (320) acres, drainage services shall be designed in accordance with design standards of the Pennsylvania Department of Environmental Resources and the Commission may request proof of such compliance.

704.4 The Rational Method, the United States Department of Agriculture Soil Conservation Service (SCS) Technical Release-55 or other methods approved by the Township Engineer shall be used for the computation of storm drainage systems for water shed of three hundred twenty (320) acres or less.

704.5 The design storm, for purposes of this section, shall be the ten (10) year storm according to PennDOT IDF charts, unless the Borough Engineer, for good cause, requires design for a larger storm.

704.6 Where lot coverage exceeds 50% or where a new development increases impervious areas on a site where the lot coverage is already in excess of 50%, detention storage, infiltration or a combination of both shall be used to reduce the runoff to existing or pre-development levels.

704.7 A "no harm" option is permitted as an exception to § 704.6 herein where the developer can prove that the proposed facility or development will not overload the existing off site stormwater system or where the developer improves the existing off site stormwater system so that it will not be overloaded with the additional runoff.

Section 705. Blocks.

705.1 Residential blocks shall have a maximum length of one thousand six hundred (1,600) feet and commercial blocks shall have a maximum length of one thousand (1,000) feet.

Section 706. Residential Development.

706.1 Application. All residential subdivisions shall conform with the provisions of this Section.

706.2 Lot Sizes. Residential lots shall conform to the following Table of Lot Standards for Residential Subdivisions, except as noted below.

Lot Area and Dimensions	Lots Served by Central Water Supply and Central Sewerage System
Minimum Area	21,780 square feet (1/2 a.)
Minimum Width/1 av.	100 feet
Minimum Average Depth	150 feet
Minimum Front Yard Set Back	40 feet
Minimum Side Yard Set Back	15 feet
Minimum Both Side Yards Combined	30 feet
Minimum Rear Yard Set Back	25 feet

Minimum Rear Yard Set Back

25 feet

**Lot Area
and
Dimensions**

**Lots Not With Central
Water Supply or Central
Sewerage System**

**Minimum Area
Minimum Width/1 av.
Minimum Average Depth
Minimum Front Yard Set Back
Minimum Side Yard Set Back
Minimum Both Side Yards Combined
Minimum Rear Yard Set Back**

**43,560 square feet (1 a.)
150 feet
200 feet
40 feet
15 feet
30 feet
25 feet**

1. At mean depth of lot.

2. If the developer wishes to lay out lots to the center line of streets, the above listed dimensions and areas shall be measured from the street right-of-way line rather than the center line of the street.

706.3 Not less than five percent (5%) of the gross area of any subdivision shall be reserved for the common recreational use of the residents of that subdivision, provided, however, that no recreational area shall be less than one acre. A subdivision of under fifty (50) lots, providing a minimum lot size is one acre or greater, shall be exempt from this requirement. The following and similar facilities shall meet this requirement: swimming pools, lakes, tennis courts, riding and cycling paths, playgrounds and community centers.

706.4 The subdivision committee shall have the authority to require larger lot sizes in those cases where the quality of soil is such that greater area is necessary to enable the lot to qualify for subsurface sewage disposal.

Section 707. Commercial and Industrial Development.

707.1 Application. All commercial and industrial subdivisions shall conform with the provisions of this Section.

707.2 Design Standards. All design standards such as, but not limited to, lot size, percentage of coverage of lots with buildings, building set back lines, and other restrictions shall be in accordance with provisions of the Milford Borough Zoning Ordinance, as amended.

Article VIII

Procedures on Acceptance of Streets and Improvements By Borough

Section 801. Request for Inspection. When the owner has constructed and installed all required improvements in accordance with Borough regulations, standards and specifications and desires the Borough to consider acceptance of the said improvements, he shall, in writing, addressed to the Borough Secretary, request that an engineering inspection of said improvements be made.

Section 802. Acceptance Procedure. If the engineer shall find that the required improvements have been constructed in accordance with Borough regulations, standards, specifications and the construction detail shown on the plans and shall be satisfied that the owner has complied fully with the provisions of this regulation, the Borough Secretary shall notify the owner to the effect and the owner shall thereupon furnish the Borough with:

(a) A maintenance bond in the amount of twenty percent (20%) of the contract price for the period of one (1) year following completion of the improvement.

(b) Three (3) complete sets on linen of all plans of the subdivision which will be titled "As-built" drawings including, but not limited to, drainage and profile plans showing thereon all approvals of "As-built" plans and also three (3) like sets of plans on paper. Sheets which would duplicate in every respect those submitted as the final plan may not be required.

(c) A deed to all public property.

(d) The fees or charges of the Clerk of the Court of Common Pleas of Pike County Criminal Division of the 60th Judicial District, on the petition and resolution of the Council to the said Court for its approval of its acceptance of the streets.

Section 803. Construction Standards. No street or road to be dedicated to the Borough of Milford will be accepted unless it is constructed and paved in accordance with the standards and specifications of the Pennsylvania Department of Transportation as set forth in the Pennsylvania Department of Transportation Publication No. 70 (latest edition), "Guidelines for Design of Local Roads or Streets", and the Milford Borough standards for roads to be dedicated being (Milford Borough Code Ch. 92-39 et seq.).

Upon receipt of the above requirements and upon performance of all obligations by the owner to be performed under the contract, the Council may proceed to accept said streets, drainage facilities and other required improvements in the manner provided by law.

Article IX

Modifications, Variances and Waiver

Section 901. General. If an applicant, at a public hearing held at a regularly scheduled Borough meeting, has shown that any mandatory provisions of these regulations are unreasonable and cause extraordinary hardships as they may apply to his proposed subdivision due to unusual topography or conditions beyond the control of the applicant, the Council may, upon application of the applicant, grant a variance to such applicant from such mandatory provisions so that substantial justice may be done and the public interest secured; provided that such variance may be granted only upon the concurrence of a majority vote of the entire Council, by roll call vote, and that such variance will not have the effect of nullifying the intent and purpose of these regulations. In granting variances and modifications, the Council may impose such conditions as will, in their judgment, secure substantially the objectives of the standards or requirements so modified. Any such hearing shall be scheduled within sixty (60) days of application and shall be advertised at least once in a newspaper of general circulation in the area at least fourteen (14) days, but not more than thirty (30) days prior to the hearing.

Article XII

Section 1001. Repealer. This Ordinance hereby repeals any preceding Ordinances which may be inconsistent thereto.

Section 1002. Separability. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole nor the validity of any other section or provision of the Ordinance than the one so declared.

Section 1003. Enactment. Effective Date. These subdivision regulations shall become effective at 12:01 a.m. June 6, 2000, and shall remain in force until modified, amended or rescinded by the Council of the Borough of Milford.

This Ordinance shall take effective immediately.

Adopted this 5 day of June, 2000.

MILFORD BOROUGH COUNCIL

Matthew M. O'Steen
President

Raymond J. O'Brien
Mayor

ATTEST:

Lizanne Samuelson
Secretary

RESOLUTION NO. 2001-3

A RESOLUTION SETTING THE LOT IMPROVEMENT, SUBDIVISION, LAND DEVELOPMENT FEE SCHEDULE UNDER THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE BOROUGH OF MILFORD

WHEREAS, the Borough of Milford adopted Ordinance 330 on June 5, 2000, and

WHEREAS, the Borough Subdivision and Land Development Ordinance reserves to the Borough Council the power to set a schedule of fees by resolution, it is hereby

RESOLVED, that the schedule of Lot Improvement, Subdivision and Land Development fees under the Milford Borough Subdivision and Land Development Ordinance be as follows:

- a. Lot Improvement Fee - \$25.00
- b. Planning Module - \$50.00
- c. Land Development & Subdivision - \$25.00 per plan sheet plus \$10 per proposed lot or unit
- d. Stormwater and/or E & S Plans - \$50.00

MADE AND APPROVED THIS 8 DAY OF January, 2001.

MILFORD BOROUGH COUNCIL

Matthew M. Allen

PRESIDENT

Raymond D. Olsen

MAYOR

ATTEST:

James J. Mular
SECRETARY

Chapter 312

ZONING

GENERAL REFERENCES

Construction and land development — See Ch. 122.

Solid waste — See Ch. 253.

Uniform construction codes — See Ch. 128.

Streets and sidewalks — See Ch. 260.

Historic District — See Ch. 167.

Subdivision and land development — See Ch. 265.

ARTICLE I
General Provisions

§ 312-1. Readoption and conflict.

The Borough of Milford Zoning Ordinance of 1981, as amended, is hereby amended and restated in its entirety as hereinafter set forth. This chapter is not intended to and shall not be construed to affect or change any other ordinance, code or regulation of the Borough of Milford. If any other ordinance, code or regulation of the Borough of Milford is in conflict or inconsistent with the requirements of this chapter, the most restrictive standards and provisions shall apply.

§ 312-2. Title and short title.

- A. Title. An ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; creating zoning districts and establishing the boundaries thereof; authorizing the appointment of a Zoning Officer; creating a Zoning Hearing Board; and providing for the administration, amendment, and enforcement of the ordinance, including the imposition of penalties.
- B. Short title. This chapter shall be known and may be cited as the "Borough of Milford Zoning Ordinance."

§ 312-3. Purpose.

This chapter is adopted in accord with the Borough Comprehensive Plan (see § 312-8) and an overall land use management program and with consideration for the character of the Borough, its various parts, and the suitability of the various parts for particular uses and structures. This chapter is enacted for the following purposes:

- A. To promote, protect and facilitate any or all of the following: the public health, safety, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities; the provisions of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, and public grounds; the provision of a safe, reliable and adequate water supply for domestic, commercial, or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of woodland, wetlands, aquifers and floodplains.

- B. To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. To preserve open land considering topography, soil type and classification, and present use.
- D. To provide for the use of land within the Borough for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements, including mobile homes and mobile home parks; provided, however, that this chapter shall not be deemed invalid for the failure to provide for any other specific dwelling type. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- E. To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of nonresidential uses.

§ 312-4. Applicability.

- A. Conformance. Any activity regulated by this chapter shall only occur or be undertaken and be continued in conformance with the requirements of this chapter.
- B. Authorization. This chapter regulates all matters and activities authorized by Article VI of the Pennsylvania Municipalities Planning Code, as amended.¹
- C. Regulated activities. Any of the following activities or any other activity or matter regulated by this chapter shall only be undertaken after the required permit or approval has been obtained in full compliance with this chapter:
 - (1) Erection, construction, movement, placement or extension of a structure, building or regulated sign;
 - (2) Change in the type of use or expansion of the use of a structure or area of land; and/or
 - (3) Creation of a lot or alteration of lot lines.
- D. Repairs and maintenance. Ordinary repairs, structural strengthening, facade improvements and maintenance to existing structures that do not infringe upon a required setback may be made without a zoning permit, provided such activity does not involve:
 - (1) A change in use;
 - (2) An expansion, construction or placement of a structure;

1. Editor's Note: See 53 P.S. § 10401 et seq.

- (3) An increase in the number of dwelling units or boarding house units; and/or
- (4) Any other activity regulated by this chapter.

§ 312-5. Interpretation.

In interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Borough and its citizens. It is not intended to interfere with or abrogate or annul other rules, regulations, or ordinances of the Borough except that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of a building, or requires larger open spaces than are imposed by such other rules, regulations, or ordinances, the provisions of this chapter shall control.

§ 312-6. Severability.

In the event that any provision, section, sentence, or clause of this chapter shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this chapter, it being the intent of the Borough that such remainder shall be and shall remain in full force and effect.

ARTICLE II

Community Development Objectives and Goals**§ 312-7. General Community Development Objectives.**

This statement of the Community Development Objectives is included under the authority of § 10606 of the Pennsylvania Municipalities Planning Code. The Community Development Objectives include, but are not limited to, the following:

- A. To achieve the best use of the land within the Borough, ensuring that varying use of land and water bodies will complement one another and thus improve the economic, social, and aesthetic character of the community.
- B. To establish realistic population densities in order to ensure health standards, privacy and open space and in order to provide utilities, police protection, and community services and facilities in the most convenient and efficient manner.
- C. To maintain and improve the road system for better internal circulation and movement of through traffic, which will facilitate the efficient and safe movement of people and goods.
- D. To guide the location of future development and establish developmental standards in such a way that negative impacts on the natural environment and natural resources are minimized, and to minimize existing and future water, air, land and noise pollution.
- E. To provide the opportunity for a wide range and variety of housing types to meet the needs of all Borough residents, newly formed households, growing families and senior citizens.
- F. To update and revise planning goals and objectives, and the operational tools necessary for implementation, in light of new data and changing conditions.
- G. To expand local business and strengthen the economy by encouraging well-planned commercial, industrial, residential, and recreational growth which will provide for local employment, shopping facilities, and recreational opportunities which in turn will strengthen the local tax base.
- H. To strive for coordination between policies, plans, and programs in the community through cooperation among governing officials, community interest groups, and the general populace.

§ 312-8. Comprehensive Plan goals and objectives.

In addition to the General Community Development Objectives set forth in § 312-7, this chapter is intended to implement the goals and objectives

contained in the Borough Comprehensive Plan and any multi-municipal plan or open space plan which may be adopted by the Borough.

ARTICLE III
Definitions

§ 312-9. Definition of certain words.

- A. Words used in the present tense include the future; the singular numbers include the plural and the plural the singular.
- B. The word "person" includes a profit or nonprofit corporation, company, partnership, association, organization, trust or individual.
- C. The words "shall" and "will" are mandatory and the words "may" and "should" are permissive.
- D. The word "lot" includes the word "plot," "parcel" or "tract."
- E. The word "structure" includes the word "building" and the word "building" includes "structure" and shall be construed as if followed by the phrase "or part thereof."
- F. The word "use" and the word "used" refer to any purpose for which a lot or land or part thereof is arranged, intended or designed to be used, occupied, maintained, made available or offered for use; and to any purpose for which a building or structure or part thereof is arranged, intended, or designed to be used, occupied, maintained, made available or offered for use, or erected, reconstructed, altered, enlarged, moved or rebuilt with the intention or design of using the same.
- G. The word "Borough" means Milford Borough, Pike County, Pennsylvania; the term "Borough Council" means the Borough Council of the Borough of Milford.

§ 312-10. Terms, phrases and words not defined.

When terms, phrases, or words are not defined, they shall have the meaning as defined in The Latest Illustrated Book of Development Definitions (H.S. Moskowitz and C.G. Lindbloom, Rutgers, The State University of New Jersey, 2004), or, if not defined therein, they shall have their ordinarily accepted meanings or such as the context may imply.

§ 312-11. Definitions.

For the purpose of this chapter, the following terms, words and phrases have the meaning herein indicated:

ABUSED PERSON SHELTER — A nonprofit residential use in which rooms are provided to serve as a temporary safe and supportive environment for persons who, because of actual or threatened physical or mental abuse, are forced to leave their previous living arrangement. Such facilities shall be designed to provide in-house living for persons only until a safe, permanent living arrangement can be obtained.

ACCESSORY USE or ACCESSORY STRUCTURE — A subordinate use or structure customarily incidental to and located on the same lot occupied by the main use or building. [See § 312-22A(3) for same lot exemption for fences.] The term "accessory structure" may include a private garage, garden shed, a private playhouse, a private greenhouse and a private swimming pool as hereinafter provided. **[Amended 11-3-2008 by Ord. No. 395]**

ADULT BOOK STORE — An establishment having a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or related to "specific sexual activities," or "specific anatomical areas," or an establishment with a segment or section devoted to the sale or display of such material.

ADULT BUSINESS — Any of the following:

- A. A use of a building or land for a business which has obscene materials as a substantial or significant portion of its stock-in-trade.
- B. A use of a building or land for a business which involves the sale, lease, trade, gift or display of drug paraphernalia as a substantial or significant portion of its stock-in-trade.
- C. Any nightclub, bar, restaurant, arcade, theater, or any other establishment that conducts live performances as a principal part of its business that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas, or where any specified sexual activities are conducted for economic gain or any other form of consideration.
- D. Any of the following as defined in this Article III:
 - (1) Adult bookstore or adult video store.
 - (2) Adult club.
 - (3) Adult mini-motion and motion-picture theater.

ADULT CLUB — A club, restaurant, theater, hall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities.

ADULT MINI-MOTION PICTURE THEATER — An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter related to "specified sexual activities," or "specified anatomical areas," for observation by patrons therein.

ADULT MOTION PICTURE THEATER — An enclosed building with a capacity for more than 50 persons used for presenting material distinguished or characterized by an emphasis on matter related to "specified sexual activities," or "specified anatomical areas," for observation by patrons therein.

ALLEY — A public thoroughfare which usually affords a secondary means of access to abutting property.

ALTERATION — Any disturbance of the natural features of the environment through human activities. This includes physical disturbances of physical, biological and functional characteristics. Alteration shall also include any changes to the exterior of a building or changes in the structural members of a building, such as supporting walls, columns, beams or girders, an addition to any structure, or the moving of a structure from one location to another.

APPLICANT — An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit, and his/her/its heirs, successors and assigns, which is seeking an approval or permit pursuant to this chapter.

ARCHERY RANGE, INDOOR — Any fully enclosed building used for shooting of arrows for recreational or training purposes. Any such commercial operation, any such area operated by any private, nonprofit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with 25 or more members, and any such area which is used or is intended to be used for more than five hours in any one week shall be considered an indoor archery range for the purposes of this chapter. See "recreation facility, commercial."**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

ARCHERY RANGE, OUTDOOR — Any area not within a fully enclosed building used for the shooting of arrows for recreational or training purposes, including, but not limited to, target shooting ranges and target shooting courses. Any such commercial operation, any such area operated by any private nonprofit entity, any community association, any such area operated by any sportsman's, recreation or fraternal club or association with 25 or more members, and any such area which is used or is intended to be used for more than five hours in any one week shall be considered an outdoor archery range for the purposes of this chapter. See "recreation facility, commercial."**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

BASEMENT — A story partly underground, but having at least 1/2 of its height above the average level of the street abutting the front of the lot, or above the average finished grade level of the ground immediately adjacent to the building or any area of the building having its floor below ground level on all sides.

BED-AND-BREAKFAST — A single-family dwelling in which persons are housed or lodged for compensation where meals may or may not be

included; but no cooking facilities are provided in any rental room. All guests shall be housed in the principal dwelling and shall be restricted to transient visitors to the area; and the dwelling shall not be used for long-term residency of guests.

BLOCK — A tract of land or a lot or group of lots, bounded by streets, public parks or parkways, railroad rights-of-way, watercourse or body of water, unsubdivided land, or a boundary line or lines of the Borough.

BLOCK FRONTAGE — That portion of a block which abuts a single street.

BOARD — The Zoning Hearing Board of the Borough unless otherwise specified or indicated by reference.

BOARDING OR LODGING HOUSE — A principal dwelling in which at least two but not more than six rooms are offered for rent, payable in money or other consideration, whether or not table board is furnished to lodgers, and in which no transients are accommodated and no public restaurant is maintained. All lodgers must be housed in the principal dwelling.

BOROUGH — The Borough of Milford, Pike County, Pennsylvania.

BOROUGH COUNCIL or COUNCIL — The Borough Council of the Borough of Milford, Pike County, Pennsylvania.

BOROUGH FACILITIES AND USES — Any building, structure, service or use under the jurisdiction of the Borough of Milford, Pike County, Pennsylvania.

BREWERY — A facility for the production and packaging of malt beverages of alcoholic and/or nonalcoholic content for retail or wholesale distribution, on or off the premises, and which produces 15,000 gallons or more of malt beverages per year.**[Added 11-3-2008 by Ord. No. 395]**

BREW PUB — A restaurant or tavern, as defined herein, that includes as an accessory use the brewing of malt beverages of alcoholic and/or nonalcoholic content for consumption on premises and which produces less than 15,000 gallons of malt beverages per year.**[Added 11-3-2008 by Ord. No. 395]**

BUFFER — A strip of land that separates one use from another use or feature and is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. It is used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof, and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases. A buffer yard may be a part of the minimum setback distance, but land within an existing street right-of-way shall not be used to meet a buffer yard requirement.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

BUILDING — A structure or combination of materials constructed or erected on the ground with a roof supported by columns or walls. Included

shall be all manufactured homes and trailers to be used for human habitation.

BUILDING COVERAGE — The proportion of the lot area, expressed as a percentage that is covered by the maximum horizontal cross section of a building or buildings, including main and accessory buildings.

BUILDING HEIGHT — See "height of structure."

BUILDING, PRINCIPAL — A building in which is conducted the main or principal use of the lot on which said building is situated. Any building that is physically attached to a principal building shall be considered part of that principal building.

BULK FUEL STORAGE FACILITY — Any facility where:

- A. Gasoline is stored in bulk for distribution by delivery truck;
- B. Fuel, including, but not limited, to kerosene, home heating oil, diesel fuel, gasoline, or propane, is stored in large-volume tanks for distribution to retail or wholesale establishments; or
- C. The total combined on-site storage of fuel exceeds 20,000 gallons.

BULLETIN BOARDS — See "sign, bulletin board."

BUS STATION — An area and/or building where passengers load on and unload from buses, and where parking for passenger vehicles and ticket sales are normally part of the operation, but without bus maintenance and repair facilities.

BUS TERMINAL — An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

CABARET — An adult club, restaurant, theatre, hall or similar place which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers exhibiting specified anatomical areas or performing specified sexual activities. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK — A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles and which shall not be used for long-term residency of occupants.

CAR/TRUCK WASH — Any building or premises or portions thereof used for washing automobiles or trucks for commercial purposes.

CARPORT — A roofed building intended for the storage of one or more motor vehicles, but which is not enclosed on all sides by walls or doors. If any portion of a carport is attached to a principal building, it shall be considered to be part of that building.

CELLAR — That portion of a building, other than a basement, that is located below ground level.

CEMETERY — Land or buildings used for the burial of deceased humans, but not animals. The interment or scattering of remains of properly cremated humans is not regulated by this chapter.

CLEAR SIGHT TRIANGLE — An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

CLUB/LODGE, PRIVATE — An area of land or building used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that are limited to bona fide members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business. The club shall involve a meaningful and substantial membership system, as opposed to a token system. This use shall not include a target range for outdoor shooting, a boarding house, a tavern, a restaurant or an auditorium unless that particular use is permitted in that district and the requirements of that use are met.

COMMISSION or PLANNING COMMISSION — The Planning Commission of the Borough of Milford, Pike County, Pennsylvania. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

COMMUNICATION ANTENNA — Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signals, including, without limitation, omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include private residence-mounted satellite dishes or television antennas or amateur radio equipment, including, without limitation, ham or citizen band radio antennas.

COMMUNICATION EQUIPMENT BUILDING — An unmanned building or cabinet containing communications equipment required for the operation of communication antennas and covering an area on the ground not greater than 250 square feet.

COMMUNICATIONS TOWER — A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support communications antennas.

COMMUNICATIONS TOWER HEIGHT — The vertical distance measured from the ground level to the highest point on a communications tower, including antennas mounted on the tower.

COMPLETELY DRY SPACE — A space that will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPREHENSIVE PLAN — The Comprehensive Development Plan of the Borough of Milford, including all maps, charts and textual

matter.**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

CONDITIONAL USE — Uses, which require individual consideration in each case because of their unique character relative to the zoning district. Borough Council has approval power over these uses and Council may attach conditions to the approval.

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of manufactured homes.

CONTRACTOR'S YARD — Any premises used as the base of operation by any tradesman or contractor for the storage of equipment, vehicles and supplies.

DATA COLLECTION UNIT (DCU) — A cabinet-type facility that can be attached to an existing or proposed utility pole or a similar pole.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

DAY CARE, ADULT — A use providing supervised care and assistance primarily to persons who are over age 60 and not in good physical health, or who are suffering from Alzheimer's disease or are developmentally handicapped and/or are physically handicapped and who need such daily assistance because of such condition. This use shall not include persons who need oversight because of behavior that is criminal or violent. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

DAY CARE, CHILD — A use involving the supervised care of children under age 16 outside of the children's own home primarily for periods of less than 18 hours during the average day. This use may also include educational programs that are supplementary to state-required education, including a nursery school. The following two types of day care are permitted without regulation by this chapter: care of children by their own relatives, and care of children within a place of worship during regularly scheduled weekly religious services. (See also "day care, adult.")

- A. CHILD) DAY CARE, AS AN ACCESSORY USE — A type of day care use that provides care for six or fewer children at one time who are not relatives of the care giver.
- B. CHILD) DAY-CARE CENTER, AS A PRINCIPAL USE — A type of day care use that provides care for seven or more children at any one time who are not relatives of the primary operator.

DECK — An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

DETACHED BUILDING — A building that is surrounded on all sides by open yards and that is not attached to any other building.

DETENTION FACILITY — A facility used to house and/or rehabilitate adults or juveniles detained, sentenced or adjudicated delinquent by the criminal justice system, including, but not limited to, jails, prisons, penitentiaries, reformatories, half-way houses, transitional living facilities, juvenile detention facilities, and similar facilities.

DISTRIBUTED ANTENNA SYSTEM (DAS) — Also referred to as "micro cell"; a set of antenna nodes networked with each other and connected to a wireless service source composed of one or more high-power antennas that serve a given area and are replaced by a group of low-power antennas to serve the same geographic area.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

DISTRICT (or ZONE or ZONING DISTRICT) — A land area in the Borough within which certain uniform regulations and requirements apply under the provisions of this chapter.

DISTURBANCE — Any action which results in the cutting or removal of vegetation on any land, and/or which results in the turning, displacement, grading or removal of any soil.

DRIVE-IN THEATER — An area of land which may include accessory uses such as the sale of snacks and which is devoted to the showing of motion pictures which are viewed by persons in vehicles.

DRIVE-IN USE — An establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVEWAY — A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road.

DRUG PARAPHERNALIA STORES — Any retail store selling paraphernalia commonly related to the use of any drug or narcotic of which the sale, use or possession of its subject to the provisions of "The Controlled Substance, Drug, Device and Cosmetic Act," 1972, April 12, P.L. 233. No. 64, § 780-101 et seq., "roach" clips, "coke" spoons, "bongs," and cigarette rolling paper, except that this shall not be deemed to include the sale of cigarette rolling paper by a store that also sells loose tobacco or the sale by prescription of implements needed for the use of prescribed drugs or narcotics.

DUMP — A lot or land or part thereof used primarily for disposal by abandonment, dumping, sanitary land fill, burial, burning, incineration or any other means for whatever purpose, of garbage, offal, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, or waste material of any kind.

DWELLING — A building, vehicle or portion thereof arranged, intended or designed to be occupied by one or more families living independently of each other upon the premises.

DWELLING UNIT — One or more rooms with provision for cooking and/or food preparation or storage, living, sanitary and sleeping facilities arranged

for the use of one family. (See also "multiple dwelling," "two-family dwelling," and "single-family attached dwelling.")**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

ELECTRONIC NOTICE — Notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing, pursuant to 53 P.S. § 10109.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

ENGINEER, BOROUGH — A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer of the Borough.

ESSENTIAL SERVICES — Municipal or utility facilities that do not require enclosure in a building which are necessary for the public health and safety and which are routine, customary and appropriate to the character of the area in which proposed, including such facilities as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment. Buildings, sewage treatment plants, solid waste disposal facilities, commercial communication towers, utility company offices, storage of trucks or equipment and bulk storage, and any commercial communications devices and/or facilities not specifically regulated by the Pennsylvania Public Utility Commission shall not be considered essential services. (For essential services requiring enclosure in a building, see "semipublic building or use.")

ESSENTIALLY DRY SPACE — A space that will remain dry during flooding, except for the passage of some water vapor or minor seepage; the structure is substantially impermeable to the passage of water.

EXERCISE CLUB — A type of service establishment that offers indoor or outdoor recreational facilities, such as the following: weight rooms, exercise equipment, nonhousehold pool and racquetball courts.

FAMILY — One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that more than five persons living together in a single dwelling unit who are not related by blood, adoption, or marriage do not constitute the functional equivalent of a traditional family. This definition does not intend to prohibit group homes and/or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided such facilities are licensed and permitted under the authority of the Department of Human Services of the Commonwealth of Pennsylvania or other state department or agency. In determining the functional equivalent of a traditional family, the following criteria shall be present:**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- A. The group shares the entire dwelling unit.
- B. The group lives and cooks together as a single housekeeping unit.

- C. The group shares expenses for food, rent, utilities or other household expenses.
- D. The group is permanent and stable, and not transient or temporary in nature.
- E. Any other factor reasonably related to whether the group is the functional equivalent of a family.

FARMERS' MARKET — A seasonal, outdoor market for the retail sale of local farm products and prepared foods, as well as handcrafted arts, crafts and unique local goods. The primary focus of the sales shall be on food, particularly fresh grown local foods, but may include nonlocal foods and beverages, as well as farm-produced arts, crafts and similar goods. The term "farmers' market" does not include the sale or demonstration of mass-produced items, used clothing, appliances, and other similar products. Flea markets are not permitted at, or in conjunction with, a farmers' market.**[Added 4-4-2016 by Ord. No. 443]**

FENCE — A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier and which is constructed of wood, chain-link, metal, fiberglass, vinyl or aluminum and/or plastic inserts. Considered an accessory structure. Man-made barriers constructed principally of masonry, concrete, cinder block or similar mostly solid materials shall be considered a wall. The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all districts. The terms "fence" and "wall" do not include hedges, trees or shrubs.

FLEA MARKET — A sale of items of tangible personal property wherein, on one location, there are multiple vendors who have paid a fee or a portion of their proceeds of sales for the privilege of occupying the space allotted to each such vendor for the purpose of displaying and selling items of tangible personal property. (See also Chapter 158, Flea Markets and Garage Sales, of the Milford Borough Code.)

FLOOD HAZARD AREA — The flood hazard area is that land adjoining any stream, which is designated as having special flood hazards on the Flood Hazard Boundary Map prepared by the Federal Insurance Administration.

FLOODPLAIN AREA — A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. Floodplain boundaries are frequently shown for the floods having average recurrence intervals of 10, 50, 100 and 500 years.

FLOODWAY — The designated area of a floodplain required to carry the discharge waters of a given magnitude. For purposes of this chapter, the floodway shall be capable of a flood of the one-hundred-year magnitude. The floodway must be kept free of encroachment in order that the one-hundred-year flood is carried without substantial increases in flood heights. Criteria adopted by the Federal Insurance Administration limit such increases in

flood heights to 1.0 foot, provided that hazardous velocities are not produced.

FLOODWAY FRINGE — That portion of the floodplain outside the floodway.

FLOOR AREA — The total area of all floors measured to the outside surfaces of exterior walls, or from the center lines of party walls separating two buildings, but excluding crawl spaces, garages, carports, attics without floors, open porches, balconies, and terraces.

FORESTRY ENTERPRISES — The management of forests and timberlands when practiced in accord with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any of the following: a land development, the operation of a sawmill or the operation of any other wood manufacturing business.

FUNERAL HOME — A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- A. Embalming and the performance of other services used in preparation of the dead for burial;
- B. The performance of autopsies and other surgical procedures;
- C. The storage of caskets, funeral urns, and other related funeral supplies; and
- D. The storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral parlor is permitted, a funeral chapel shall also be permitted.

GAMBLING OR BETTING USE — A use where lawful gambling activities are conducted, including, but not limited to, off-track pari-mutuel betting. This term shall not include betting under the state lottery programs or betting under the small games of chance provisions of state law, which shall instead be regulated under the regulations applicable to the principal use of the property.

GARAGE — A building or part thereof used for the storage or parking of one or more vehicles.

GARAGE SALE — Includes, but shall not be limited, to lawn sales, attic sales, rummage sales and similar casual sale of tangible personal property which takes place on lands owned by the person holding the sale and which is advertised by any means whereby the public at large is or can be made aware said sale. This shall not include the sale of all or substantially all of the contents of a home through an estate sale or similar sale or to the close-out sale of a business (See also Chapter 158, Flea Markets and Garage Sales, of the Milford Borough Code.)

GARAGE, PARKING — A garage for the convenience of the general public in which no servicing, repairs, washing or reconditioning of motor vehicles is carried on.

GARAGE, PRIVATE — An enclosed or covered space for the storage of one or more motor vehicles. A garage is an accessory building maintained primarily for the convenience of the occupant or occupants of the main building. No business or other use is carried on and no service is rendered to the general public other than activity permitted as a home occupation as defined in this chapter.

GARAGE, PUBLIC — Any garage other than a private garage or parking garage. A public garage may include servicing, repairs, washing or reconditioning of motor vehicles and filling station facilities.

GARDEN CENTER, RETAIL — A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping. See "retail business."

GOLF COURSE — A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses and shag ranges, but does not include miniature golf courses or golf driving ranges. See "recreation facility, commercial."

GOLF COURSE, MINIATURE — A novelty version of golf played with a putter and golf ball on a miniature course, typically with artificial playing surfaces, and including obstacles such as bridges and tunnels. See "recreation facility, commercial."

GOLF DRIVING RANGE — A facility arranged with golf tees and used for longer range play of golf balls where balls are supplied for a fee. It may also include a putting green. See "recreation facility, commercial."

GREENHOUSE, COMMERCIAL — A structure, typically constructed of metal or wood framework and covered with glass or plastic, used for the propagation of plants for wholesale distribution; and including associated structures for office space and storage; but not including retail sales of any products or services.

GREENHOUSE, PRIVATE — A detached accessory structure, typically constructed of metal or wood framework and covered with glass or plastic, used for private use.

GROSS FLOOR AREA — The sum of the total horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two buildings, but not including interior parking spaces, loading space for vehicles, any space where the floor-to-ceiling height is less than six feet, elevator shafts, common stairwells in an apartment building, and unenclosed porches, decks and breezeways.

GROUP HOME — The use of any lawful dwelling unit which meets all of the following criteria:

- A. Involves the care of the maximum number of persons permitted by the group home standards of § 312-29, and meets all other standards of such section.
- B. Involves persons functioning as a common household.

- C. Involves providing nonroutine support services and oversight to persons who need such assistance to avoid being placed within an institution, because of physical disability, old age, mental retardation or other handicap² as defined by applicable federal law.
- D. Does not meet the definition of a "treatment center/clinic."
- E. Does not involve the housing or treatment of persons who could reasonably be considered a threat to the physical safety of others.

GROUP QUARTERS — All buildings used primarily for the housing of persons nonrelated by blood or marriage, including, but not limited to, dormitories, fraternities, sororities, and all other structures occupied by groups of persons sharing a dwelling. Rooming houses, boarding houses, hotels, motels, and resorts, group homes, jails, prisons and detention facilities, treatment center/clinics, health facilities and any use specifically listed in a zoning district in Article IV shall not be considered group quarters.

HEALTH FACILITY — An establishment primarily engaged in providing services for human health maintenance, including abused person shelters, hospital facilities, physical or occupational therapy, nursing homes and adult care facilities, and personal care homes or centers, whether publicly or privately operated, but excluding treatment centers/clinics.

HEIGHT OF STRUCTURE — The vertical distance derived from the average finished grade at the foundation corners of the building or structure, to the highest point of the building or structure excluding a chimney flue, church spire, cupola, dome, mast, belfry, clock tower, radio or transmission line, flagpole, water tower, elevator or stair bulkhead.

HELIPORT — An area used for the takeoff and landing of helicopters, together with any related support facilities such as for maintenance, refueling and storage, including any such area accessory to a principal use. This chapter is not intended to regulate the nonroutine emergency landing and takeoff of aircraft to pick up seriously injured or ill persons.

- A. PUBLIC HELIPORT — A heliport that does not meet the definition of a "private heliport." Public heliports shall be considered airports for regulation by this chapter.
- B. PRIVATE HELIPORT — A heliport limited to a maximum total of 15 flights or takeoffs in any seven-day period (in addition to flights necessary for emergency medical purposes) and that is not available for use by the general public. This is also known as a "helistop."

2. Editor's Note: As of 1992, the Federal Fair Housing Act defined "handicap" as follows: 1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in § 802 of Title 21. A use that would otherwise meet the definition of "group home" but which includes more than the permitted number of residents shall be considered a "group quarters," which is a distinct use.

HOME OCCUPATION — An accessory use of a dwelling unit for gains or profit or other purposes normally associated with a business.

HOSPITAL — A health facility used for the diagnosis, treatment or other care of human ailments. Unless otherwise specified, a hospital shall be deemed to include a sanitarium, sanatorium, clinic, convalescent home, medical center, nursing home, rest home, or other building with an equivalent appellation. A hospital shall not include care and treatment of mental patients, alcohol or drug abusers, except incidentally.

HOTEL — A building or part thereof which has a common entrance, common heating system, and general dining room, and which contains six or more living and sleeping rooms designed to be occupied by individuals or groups of individuals for compensation.

IDENTIFIABLE FLOODPLAIN AREA — The floodplain area specifically identified in this chapter as being inundated by the one-hundred-year flood.

IMPERVIOUS SURFACE — Any surface that limits the percolation of water into the ground such as rooftops, pavement, sidewalks, driveways, gravel drives, roads and parking, and compacted fill, earth or turf to be used as such. **[Amended 5-5-2008 by Ord. No. 389]**

JUNK — Any discarded material or article, including, but not limited to, scrap metal, scrapped, abandoned or junked motor vehicles, machinery, equipment, paper, glass, containers and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal. Licensed antique cars and operable used cars are not considered junk for the purposes of this chapter.

JUNKYARD — A place where junk as defined above is stored, disposed of or accumulated in an open yard.

KENNEL — An establishment equipped with pens, yards, runways or other appurtenances specifically designed or intended for the breeding or boarding of dogs or similar commonly domesticated animals on a property harboring six or more adult dogs (over six months of age) or similar animals.

LAND DEVELOPMENT —

- A. A subdivision of land;
- B. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.

C. The definition of "land development" shall not include the following:

- (1) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- (2) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
- (3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this definition, an "amusement park" is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LIBRARY, PUBLIC — A building where a collection of books, recordings, and other items are housed and made available for public review, reading or reference.

LIGHT MANUFACTURING — The process of making wares, products or materials by hand or machinery in which the premises upon which the process takes place has a total floor area of 2,500 square feet or less and specifically excluding the following:

A. The manufacture of:

- (1) Acetylene gas.
- (2) Acid.
- (3) Ammonia.
- (4) Bleaching powder.
- (5) Chlorine.
- (6) Superphosphate and other phosphate.
- (7) Nitrogenous tankage, fish meal, or any fertilizer materials carrying an objectionable odor.
- (8) Fertilizer or any other product involving the use of dusty or granular ingredients, unless the manufacturing process and the transfer of the ingredients is carried on under cover or is so screened that the emanation of dust beyond the industrial district is prohibited.
- (9) Fireworks or explosives.
- (10) Turpentine.

(11) Oil refining, petroleum distillation (excluding oil recycling facilities), hot asphalt plants (excluding bituminous concrete facilities), paints, varnish, or shellac, which requires distillation or heating of ingredients.

(12) Soap manufactured from animal fats but not from vegetable or mineral oils.

(13) Vinegar.

B. Storage yard for wrecked, dismantled automotive vehicles.

C. Junkyard or shop for purchase, sale, handling, baling or storage of scrap metals, scrap rubber, broken bottles, or rags, where in the conduct of such establishment these materials are on the premises.

D. Any use or trade which, though properly and safely operated with ordinary care, according to good and reasonable practices, causes noxious or offensive odors, gas, fumes, smoke, dust, vibration or noise which substantially interferes with other uses of property permitted in the district.

LIGHTING, DIFFUSED — That form of lighting wherein the light passes from the source through a translucent cover or shade.

LIGHTING, DIRECT OR FLOOD — That form of lighting wherein the source is visible and the light is distributed directly from it to the illuminated object.

LIGHTING, INDIRECT — That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the illuminated object.

LIVESTOCK — Any animals raised or kept for home consumptive use or profit, including, but not limited to, cattle, bison, sheep, goats, horses, llamas, swine, fowl, rabbits, insects, and fur-bearing animals.

LIVESTOCK OPERATION — The raising or keeping of livestock for home use or any commercial purpose.

LODGING HOUSE — See "boarding or lodging house."

LOT — Any parcel of land intended as a unit of ownership, transfer of ownership, use, rent, improvement or development.

LOT AREA — The total horizontal area included within lot lines.

LOT, CORNER — A lot at the junction of and fronting on two or more intersecting streets. A lot abutting a curved road shall be deemed a corner lot if the tangents to the curve, extended, at intersect at an interior angle of less than 120°.

LOT COVERAGE — That portion or percentage of the lot area which is covered by buildings; paved and unpaved walkways, roads, driveways and parking areas; pavement; or other impervious surfaces as defined by this chapter. **[Amended 5-5-2008 by Ord. No. 389]**

LOT, DEPTH OF — The distance measured along a straight line connecting the midpoint of the front lot line with the midpoint of the rear lot line.

LOT, EXISTING OF RECORD — Any lot or parcel of property which was legally in existence and properly on file with the Pike County Recorder of Deeds prior to the effective date of the original Borough Zoning Ordinance.

LOT, INTERIOR — Any lot other than a corner lot.

LOT LINE — Any boundary of a lot. Any lot line not a rear lot line nor a front lot line shall be deemed a side lot line.

LOT LINE, FRONT — Any boundary of a lot which is along an existing street, road or proposed road right-of-way or street or road right-of-way line when same is within the lot. On a corner lot, the owner may specify the front lot lines. On a through lot, there shall be two front lot lines.

LOT LINE, REAR — The lot line opposite to the front lot line.

LOT, THROUGH — A lot extending from one street to another other than a corner lot.

LOT, WIDTH OF — The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard.

MACRO CELL TOWER — A facility with a central pole up to 50 feet in height that has a service radius of approximately 2.5 miles.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

MAILED NOTICE — Notice given by a municipality by first-class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing, pursuant to 53 P.S. § 10109.**[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

MAIN USE or BUILDING — The principal or most important use or building on a lot.

MEDICAL OFFICE BUILDING — A health facility used exclusively by physicians, dentists, or physical or occupational therapists for treatment and examination of patients, provided that no overnight patients shall be kept on the premises.

MEMBERSHIP CLUB — A building, structure, lot or land area used as a private club, fraternal or social organization.

MENAGERIE — A collection of animals which are kept in cages or enclosures, inside a building or outdoors, for exhibition or educational purposes.

MICROBREWERY — A facility for the production, packaging and sampling of malt beverages of alcoholic and/or nonalcoholic content for retail or wholesale distribution, on or off the premises, and which produces less than 15,000 gallons of malt beverages per year.**[Added 11-3-2008 by Ord. No. 395]**

MICRO CELL TOWER — A facility with a central pole less than 50 feet in height with a service radius of 1/2 mile or less. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

MOBILE HOME — A transportable, single-family dwelling structure intended for permanent occupancy, office or place of assembly structure contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. For purposes of this chapter, travel trailers and recreational vehicles are not considered as mobile homes. Mobile homes are not considered a land use type as defined herein but are considered a structural type with certain vehicular characteristics.

MOBILE HOME LOT — A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home as defined by this chapter.

MOBILE HOME PARK — A parcel of land under single ownership, which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home, lots.

MOTEL — A building, or group of buildings, whether detached or in connected units, used as individual sleeping or dwelling units with direct outside access, designed primarily for transient automobile travelers, and provided with accessory off-street parking facilities. The term "motel" includes buildings designed as tourist courts, motor lodges, auto courts, and other similar appellations, but shall not be construed to include mobile homes, travel trailers or recreation vehicles.

MULTIFAMILY PROJECT — Any development of a single parcel of property that includes one or more buildings containing three or more dwelling units. Any residential development which proposes the construction of two or more two-family dwellings on one parcel of property shall also be considered a multifamily project. Two-family dwellings in a multifamily project shall be considered townhouses.

MULTI-UNIT OFFICE — A building or buildings used for office purposes by more than one business or business entity. Separate, but related, businesses owned and operated by exactly the same persons shall not be considered a multi-unit.

MULTIPLE OR MULTIFAMILY DWELLING — A building arranged, intended or designed to be occupied by three or more families living independently of each other as separate housekeeping units.

MULTIPLE-USE SITES — A building or series of buildings arranged, intended, designed or used for a combination of residential, certain commercial uses and office uses which are independent and distinct.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after February 2, 1981, and including any subsequent improvements thereto.

NO-IMPACT HOME-BASED BUSINESS — A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use.

NONCONFORMING LOT — A lot lawfully existing at the effective date of this chapter or any amendment thereto affecting such lot, which does not conform to the regulations of this chapter for the district in which it is situated.

NONCONFORMING STRUCTURE — A structure or part of a structure manifestly not designed to comply with the applicable use provisions of this chapter or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such chapter or amendment or prior to the application of such chapter or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such chapter or amendment, or prior to the application of such chapter or amendment to its location by reason of annexation.

NURSERY, COMMERCIAL — A commercial operation where trees and shrubs are grown for transplanting, for use as stocks for budding and grafting, or for sale.

NURSING HOME — A facility licensed by the Commonwealth of Pennsylvania for the housing and intermediate or fully skilled nursing care of three or more persons needing such care because of old age or a physical illness or disability or a developmental disability, but not including a treatment center/clinic. (See "health facility.")

OFFICES or OFFICE BUILDING — A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

OFFICIAL ZONING MAP — See "Zoning Map, Official."

OUTDOOR ENTERTAINMENT — Any commercial activity or activity associated with a commercial use where concerts, theater arts, movies or any other type of entertainment is provided outside a fully enclosed building.

PARKING AREA — A lot or part thereof used for the storage or parking of motor vehicles.

PARKING AREA, PRIVATE — An area of a lot that is used for the parking of vehicles incidental to the principal use of that lot and is categorized as an accessory use.

PARKING LOT, COMMERCIAL — A lot or portion thereof that is used for the business of providing parking to the public for a fee on an hourly, daily, monthly or other rental basis.

PARKING LOT, PUBLIC — A lot or portion thereof that is used for the parking of vehicles, with or without fee, and is owned and operated by the municipality, the county or a municipal authority.

PARKING SPACE — A stall or berth which is arranged and intended for parking of one motor vehicle.

PATIO — A courtyard or terrace constructed of masonry, stone, concrete or similar material and placed in the rear or side yard of the principal structure.

PERSON — An individual, partnership, public association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME OR CENTER — A residential use providing residential and support services primarily to persons who are over age 60, and/or physically handicapped and/or the developmentally disabled and that is licensed as a personal care center by the Commonwealth of Pennsylvania and that does not meet the definition of a "treatment center/clinic." (See "health facility.")

PLACE OF WORSHIP — Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated by a tax-exempt organization qualifying under § 501(c)(3) of the Internal Revenue Code for nonprofit and noncommercial purposes which people regularly attend to participate in or hold religious services, meetings or functions, or religious instruction.³

PRINT SHOP — An establishment conducting the process or business of producing printed material such as forms, newspapers, books and similar material by means of ink and a printing press, photo copy machine, or similar technology.**[Added 10-6-2008 by Ord. No. 394]**

PROFESSIONAL OFFICE — An office used by a professional licensed by the commonwealth such as doctors, dentists, lawyers, architects or engineers.

PUBLIC BUILDINGS AND USES — Any structure, building or use owned and operated by a government body or agency, including such things as public schools, parks, civic centers, municipal buildings; but excluding solid waste disposal facilities, institutional uses, nursing homes, hospitals, and other uses specifically defined by this chapter.

PUBLIC HEARING — A formal meeting held pursuant to public notice by the Planning Commission or the Borough Council, intended to inform

3. Editor's Note: The definition of "Planning Commission," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I). See now "Commission or Planning Commission."

and obtain public comment, prior to taking action in accord with the Pennsylvania Municipalities Planning Code.⁴

PUBLIC MEETING — A forum held pursuant to notice under 65 Pa.C.S.A. Ch. 7, pertaining to open meetings and known as the "Sunshine Act."

PUBLIC NOTICE — Notice published once each week for two consecutive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RACE TRACK — A road course, either oval, circuitous or straight, where motor vehicles, including, but not limited to, automobiles, trucks, go-carts, motorcycles, motor scooters, dune buggies and the like are driven for recreation, testing or competition; or, any course where animals are raced for competition.

RECREATION FACILITY, COMMERCIAL — Outdoor or indoor areas or structures, operated by private nonprofit or private commercial entities, open to the public, which may contain entertainment and amusement devices or attractions, including, but not limited to, picnic groves, animal farms, shooting ranges, zoological parks, tennis and racquetball courts, ski areas, miniature golf courses, golf driving ranges, and the like, but excluding golf courses, theaters, public parks and playgrounds.

RECREATION FACILITY, PUBLIC — Parks, swimming pools, playgrounds, tennis courts, and other recreational facilities owned and operated by the Borough, County, school district, state, or federal government. See "public buildings and uses."

RECREATION VEHICLE — A vehicle which is built on a single chassis; not more than 400 square feet, measured at the largest horizontal projections; designed to be self-propelled or permanently towable by a light-duty truck; not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

RECYCLING FACILITY — A center for the collection and/or processing of recyclable materials. Considered manufacturing for regulation by this chapter. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Any facility accepting or processing waste or other discarded materials which are not recyclable as defined or authorized under this chapter shall be considered a junkyard or solid waste facility as regulated by this chapter.

RELIGIOUS QUARTERS — A dwelling unit associated with a place of worship in which reside individuals directly involved with the administration or function of a place of worship, including clergy and staff

4. **Editor's Note:** See 53 P.S. § 10101 et seq.

and immediate family members. Any religious quarters which house more than six persons shall be considered a "group quarters."

RESIDENCY (or OCCUPANCY), LONG-TERM — Occupancy of a dwelling, generally for periods of more than 180 days, as opposed to temporary visits to bed-and-breakfast establishments, motels, hotels, campgrounds and recreational vehicles, and which serves as the legal address for the occupant. It also includes any dwelling or structure where children who attend school reside.

RESTAURANT, DRIVE-IN — An establishment that sells ready-to-consume food or drink where at least a portion of patrons are served while the patrons remain in their motor vehicles.

RESTAURANT, TRADITIONAL — An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises. A standard restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a tavern must be met.

RETAIL BUSINESS — An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, and which is not otherwise listed as a use in the Schedule of Uses.⁵

RIGHT-OF-WAY — Land reserved for use as a street, drainage facility or other public or community use. A right-of-way shall not be considered as land area when computing lot size.

SCREENED — Not visible from any adjoining or neighboring property, any public or private road right-of-way, or any other premises which is accomplished by fencing, topography, berms, natural and planted vegetation or other means approved by the Borough.

SECTIONAL HOUSE or MODULAR HOME — A dwelling unit manufactured in two or more sections designed for permanent occupancy, and transported to a building site in sections which are fastened together and mounted on a permanent foundation ready for occupancy except for minor and incidental unpacking and assembly operations. For purposes of this chapter, a sectional house could be single-family detached, single-family attached or multiple-family dwelling if said unit also meets the appropriate definition.

SEMIPUBLIC BUILDING OR USE — A building or use operated by nonprofit, community-based organizations for the general use of Borough residents, including churches, firehouses, ambulance buildings, private schools, libraries and the like, but excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics. It shall also include essential services and public utilities that require enclosure within any structure or building.

5. Editor's Note: The Schedule of Uses is included as an attachment to this chapter.

SERVICE ESTABLISHMENT — An establishment engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, photo finishing, etc., and which is not otherwise listed as a use in the Schedule of Uses. **[Amended 10-6-2008 by Ord. No. 394]**

SETBACK LINE — The line which creates an area between said line and the front, rear or side yard line within which no building, extension or protrusion thereof may be erected.

SEWAGE DISPOSAL SYSTEM, CENTRAL — A public utility system designed to collect and dispose of sewage from customers in compliance with Pennsylvania Department of Environmental Resources regulations or regulations of the Borough, whichever may be more stringent.

SHOPPING CENTERS/MALLS — A building or buildings designed to function as a unit and used for a combination of office and retail purposes, or a combination of purely retail uses, by more than one business or business entity. Separate, but related, businesses owned and operated by exactly the same persons shall not be considered multiple uses.

SIGN — A structure, device or display containing letters, words and/or pictures which is designed to inform or attract attention and impart a message to someone who sees the sign from outside the structure where the sign is located.

SIGN, A-FRAME/SANDWICH BOARD — A self-supporting, movable sign consisting of two faces connected at the top. **[Amended 12-7-2009 by Ord. No. 404]**

SIGN, ANNOUNCEMENT OR PROFESSIONAL — A sign on a building, in a Residential District, which directs attention to a home professional office, home occupation or professional office in such residential building.

SIGN, AWNING — A sign painted on or attached to the cover of a permanent or moveable frame, of the hinged roll, or folding type of awning.

SIGN, BANNER — A sign made of cloth, plastic or similar material that is hung over a public street of the Borough to advertise a special event of public importance pursuant to the specific written approval of the Borough Council.

SIGN, BULLETIN BOARD — A sign for a public, semipublic, charitable or religious institution, bearing no advertising matter.

SIGN, BUSINESS — A sign which directs attention to a business or profession, product or service conducted or sold upon the property where the sign is displayed in the Commercial District.

SIGN EASEL — A self-supporting, movable sign consisting of one face with supporting legs or a supporting frame, or a sign displayed on an easel. **[Added 12-7-2009 by Ord. No. 404]**

SIGN, FLAT-WALL — A sign which is a part of, attached directly to, supported by or painted upon a building wall or window.

SIGN, FREESTANDING — A sign supported by, or suspended from, a freestanding column or other support located in or upon the ground surface.

SIGN, NUMBER AND SURFACE AREA — For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without an organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

SIGN, OFF-SITE ADVERTISING — A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the property and only incidentally upon the property if at all. For the purposes of this chapter, a commercial billboard is an advertising sign.

SIGN, PROJECTING — A sign projecting from the wall of a building, perpendicular to the building upon which it is attached and the street upon which the building fronts.

SIGN, TEMPORARY — A sign, constructed of cloth, canvas, fabric, wood or other similar material, with or without a structural frame, and intended for a limited period of display.

SIGN, TEMPORARY BUSINESS IDENTIFICATION — A sign which is erected for a period not to exceed 90 days prior to the issuance of a permit for a sign which complies with all HARB requirements.

SIGN, TEMPORARY CAMPAIGN — Temporary campaign signs shall be defined as signs appertaining to campaigns, drives or events of political, civic, philanthropic, educational or religious organizations.

SIGN, WINDOW, PERMANENT — Any sign visible through a window into the business establishment which are not exceptions under § 312-24C(9) or § 312-24S. In order to determine the number and size of permanent window signs, reference is made to the Schedule of Sign Regulations under business identification signs.

SIGN, WINDOW, TEMPORARY — Any sign constructed of ink on paper, vinyl, removable window paint, or similar temporary material which is placed in a business establishment window for a limited period of time as defined herein for the purpose of advertising a special event or promotion taking place or to take place on the premises. In order to determine the number and size of temporary window signs, reference is made to the Schedule of Sign Regulations under temporary signs. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

SINGLE-FAMILY DWELLING — A dwelling unit on a permanent foundation designed and occupied as a residence for one family.

SMOKE SHOP AND TOBACCO STORE — Any premises having more than 250 square feet dedicated to marketing of tobacco, tobacco products, or tobacco paraphernalia. **[Added 8-6-2018 by Ord. No. 456]**

SOLID WASTE FACILITY, COMMERCIAL — Any facility or operation of a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste, including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and, including but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

SOLID WASTE FACILITY, PUBLIC — Any facility or operation of a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste, including, but not limited to, liquid, solid, toxic, hazardous and medical waste; and including, but not limited to, transfer stations, solid waste landfills, incinerators, medical waste disposal facilities, hazardous waste disposal facilities and radioactive waste disposal facilities.

SOLID WASTE or WASTE — Any garbage, refuse, industrial, lunchroom or office waste or other material, including solid, liquid, semisolid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other byproduct or effluent from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility or any other material defined by the PA DEP as solid, liquid, municipal, medical, industrial, toxic or hazardous waste.

SOLID WASTE STAGING AREA — Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle, at a location other than the generation site, for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste; and which is not regulated by the PA DEP as a solid waste transfer facility.

SPECIAL EXCEPTION — A use which, because of its unique characteristics, requires individual consideration in each case by the Board and the Commission before a Zoning Officer may issue a permit. The term "special exception" shall include the term "special use."**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

SPECIFIED ANATOMICAL AREAS — Human genitals, pubic region, buttocks; and female breasts below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES — Any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy.

- C. Masturbation, actual or simulated.
- D. Excretory functions as part of or in connection with any of the activities set forth in Subsections A, B and C of this definition.

STABLE, COMMERCIAL — A structure or land where horses are kept for remuneration, hire, sale, boarding, riding or show, and which includes the commercial hire of horses to the general public for riding or other purposes.

STABLE, PRIVATE — An accessory structure or use of land where horses are kept for the sole use of the residents of the principal structure, and which includes no remuneration, hire, boarding or other commercial use.

STORY AND HALF-STORY — That portion of a building included between the upper surface of any floor other than a cellar floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the roof above. Any such portion of a building having a distance of less than seven feet shall be considered to be a half-story.

STREET — The word "street" includes all lands established by dedication, ordinance of Council or laid out upon the Borough plan as highway and shall be synonymous with "roads," "avenues," "highways," and other terms commonly applied to public highways.

STREET LINE — The side-line (not the curblin) of a public or plotted street, highway, lane or alley (including the sidewalk strip), as it abuts on the private lot.

STREET WALL — The wall of a building or part of the wall of an enclosed structure nearest the street line.

STRUCTURE — Anything constructed or erected on or under the ground or attached to the ground, including, but not limited to, buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

STRUCTURE, PERMANENT — Any structure, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

STRUCTURE, PORTABLE — Any structure that is not permanently affixed to the ground but is designed to be moved from place to place, including, but not limited to, accessory structures constructed of metal frameworks with plastic or cloth covering and containers used for as an accessory structure.

STUDIO/GALLERY — An establishment or work space for the creation, manufacture, and/or preparation of individually crafted art work, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven articles, and related items; it may also include the sale, loan, or display of such items; or for the instruction of dance, art, music or similar cultural pursuits.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals

or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions; or
- B. Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure."

SWIMMING POOL, PRIVATE OUTDOOR — Any body of water or receptacle for water having a depth at any point greater than two feet, used, or intended to be used, for swimming or bathing and constructed, installed or maintained in or above the ground. A noncommercial swimming pool is one used or intended to be used for swimming or bathing by any family or persons residing on the premises and their guests. Such noncommercial swimming pool shall be located on a lot only as an accessory use to the dwelling or dwellings, hotel, motel, or membership club thereon.

TAVERN — A place where alcoholic beverages are served as a primary or substantial portion of the total trade and where the sale of food may also occur.

THEATER — A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

TREATMENT CENTER/CLINIC — A use (other than a detention facility or a permitted accessory use in a hospital) providing housing facilities for persons who need specialized housing, treatment and/or counseling for stays in most cases of less than one year and who need such facilities because of:

- A. Chronic abuse of or addiction to alcohol and/or a controlled substance; or
- B. A type of mental illness or other behavior that could cause a person to be a threat to the physical safety of others.

TRUCK TERMINAL — A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

TWO-FAMILY DWELLING — A building containing not more than two individual family or dwelling units.

USE — The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.⁶

USE, PRINCIPAL — A dominant use(s) or main use on a lot, as opposed to an accessory use.

VARIANCE — The Board's authorized departure to a minor degree from the text of this chapter in direct regard to a hardship peculiar to an individual lot in accordance with the Pennsylvania Municipalities Planning Code⁷ and procedures set forth in this chapter.

VEHICLE — Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway or upon any land, including, but not limited to, automobiles, trucks, vans, buses, utility trailers, tractors, truck tractors, recreational vehicles, motor homes, travel trailers, motorcycles, snowmobiles, machinery, trailers, farm machinery and implements, and other wheeled equipment; boats; and aircraft.

VEHICLE AND EQUIPMENT RENTAL OPERATION — An establishment which rents vehicles and/or equipment to the general public, and which may or may not include the repair of the vehicles and equipment which is for rent. Equipment rental operations conducted entirely within an enclosed building shall be considered a retail business for the purposes of this chapter.

VEHICLE AND EQUIPMENT REPAIR OPERATION — An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including, but not limited to, auto body shops, repair garages, truck repair garages and agriculture equipment repair.

VEHICLE AND EQUIPMENT SALES OPERATION — The use of any building, land area or other premises for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment, including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than 50% of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

VEHICLE, DISMANTLED, UNOPERATING, WRECKED, JUNKED OR DISCARDED — Any vehicle which is found unattended without the current year's registration plates or inspection sticker as required by law and/or any vehicle as to which any of the following conditions exist:

- A. It has been so damaged by collision, accident or any other means that it is inoperable for the purpose for which it was intended.
- B. It does not have all of its material parts, including, but not limited to, four tires and wheels, required headlights and tail lamps, windshield, radiator, transmission, engine, windows and doors.

6. Editor's Note: The definition of "use, accessory," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

7. Editor's Note: See 53 P.S. § 10101 et seq.

VETERINARY CLINIC — A place where animals or pets are given medical or surgical treatment and the keeping of animals is limited to short-term care incidental to the clinic use and no outdoor kennels or pens are on the premises.

WAREHOUSE — Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

WATER SUPPLY SYSTEM, CENTRAL — A public utility system designed to transmit water from a common source to customers, in compliance with Pennsylvania Department of Environmental Resources and the Public Utility Commission regulations or regulations of the Borough, whichever may be more stringent.

WATERCOURSE — Any channel of conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial, intermittent or seasonal flow.

WETLAND — Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.

WHOLESALE BUSINESS — Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

WILD OR EXOTIC ANIMAL — Any species of animal whose natural or usual habitat within Pennsylvania is either in the wild or in a zoo, as opposed to a domesticated environment, regardless of whether such animal poses an actual or apparent threat to persons, other animals or property.

YARD — An open space, as may be required by this chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as herein permitted. As a minimum, where a new building or structure is proposed, the yard will be determined by applying the required setback lines for the appropriate zoning district.

YARD, FRONT — An open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building and the front lot line of the lot and extending from side lot line to side lot line.

YARD, REAR — A space on the same lot with a building situated between the nearest roofed portion of the building and the rear lot line of the lot, and extending from side lot line to side lot line.

YARD, SIDE — An open unoccupied space on the same lot with a building situated between the nearest roofed portion of the building or of any accessory building and the side lot line of the lot, and extending through

from the front yard or from the front lot line where no front yard exists, to the rear yard, or to the rear lot line where no rear yard exists.

ZONING MAP, OFFICIAL — The Official Zoning Map shall be located in the Milford Borough Municipal Building and shall be identified by the signature of the President of the Borough Council of the Borough of Milford and shall bear a seal and date of signature; the signature, date and seal shall be affixed to each amendment to said Official Zoning Map.

ZONING OFFICER — The duly constituted municipal official designated to administer and enforce the Zoning Ordinance of the Borough.

ZOO — A collection of animals which are maintained in a park by an educational, nonprofit or governmental entity.

ARTICLE IV
District Regulations

§ 312-12. Designation of districts.

- A. Designation. For the purposes of this chapter, the Borough of Milford is hereby divided into the following zoning districts:
- | | |
|----|--------------------|
| R | Residential |
| LC | Limited Commercial |
| C | Commercial |
- B. Intent. The intent of each District and the uses permitted in each District are set forth on the District Schedule of Uses contained in this chapter or in the specific sections establishing any overlay district. Bulk and density standards for each District are set forth on the Schedule of Development Standards contained in this chapter.⁸
- C. Floodplain Overlay District. The Floodplain Overlay District is hereby created to be coterminous with the areas which are subject to the one-hundred-year flood, as identified in the most current Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency. In addition to all other applicable standards of this chapter, the floodplain regulations in the Borough's Floodplain Ordinance⁹ shall apply in the Floodplain Overlay District. The identified floodplain area may be modified only in accord with the requirements of the Borough's Floodplain Ordinance and the Federal Emergency Management Agency.
- D. Historic Overlay District. The Historic Overlay District is hereby created to be coterminous with the areas which are subject to the Milford Borough Historic District Ordinance, Ord. No. 324 of December 6, 1999, as amended,¹⁰ which area includes the entirety of the LC District and the entirety of the C District. In addition to all of the applicable provisions of this chapter, the requirements of the Historic District chapter shall apply.

§ 312-13. Official Zoning Map.

The location and boundaries of said Districts are hereby established as shown on the Official Zoning Map of the Borough of Milford, which is hereby adopted by reference and declared to be a part of this chapter together with all amendments thereto. The Official Zoning Map shall be identified by the signature of the President of the Borough Council, attested to by the Borough Secretary, and shall bear the adoption date of this chapter and the seal of the Borough under the following words: This is to certify that this is the Official Zoning Map of the Borough of Milford. The copy of the Official

8. Editor's Note: The Schedule of Uses and Schedule of Development Standards are included as attachments to this chapter.

9. Editor's Note: See § 312-18.

10. Editor's Note: See Ch. 167, Historic District.

Zoning Map maintained by the Borough in the Borough Office shall be the final authority on all zoning district boundaries.

§ 312-14. District boundaries.

- A. Establishment. District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Pike County Recorder of Deeds Office and on the Pike County Tax Maps at the time of the enactment of this chapter, unless such district boundary lines are fixed by dimensions or otherwise as shown on the Official Zoning Map.
- B. Interpretation. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- C. Uncertainty. In the event of uncertainty as to the true location of a district boundary line in a particular instance, the Zoning Officer is authorized to determine the correct district boundary in accord with the guidelines of this chapter. Any decision of the Zoning Officer may be appealed to the Zoning Hearing Board.
- D. Annexation. Until otherwise classified, all territory that may hereafter be annexed to the Borough shall be considered to be zoned in the same manner as the territory inside the previous Borough limits that is contiguous to it. If such annexed territory abuts more than one zoning district, the Borough Council shall determine an appropriate point of division.

§ 312-15. District regulations.

District regulations are of two types, use regulations and development standards, which shall apply to any proposed new use, expansion of an existing use or change of use of any land or structure.

- A. Use regulations. District use regulations are provided in the following Schedule of Uses.¹¹

11. Editor's Note: The Schedule of Uses is included as an attachment to this chapter.

- (1) Principal permitted uses and accessory uses. Permits for principal permitted uses and accessory uses shall be issued by the Zoning Officer, provided such uses comply with the standards in this chapter.
- (2) Conditional uses and special exceptions. Conditional uses and special exceptions are permitted uses which require individual consideration because of their special characteristics and are referred to the Planning Commission for review and preparation of a recommendation to the Borough Council and Zoning Hearing Board, respectively. Following a public hearing, and based on its determination that the proposed use meets the standards of this chapter, the Borough Council for conditional uses and the Zoning Hearing Board for special exceptions may approve the issuance of a zoning permit by the Zoning Officer.
- (3) Listed uses permitted. No land and no structure in a particular zoning district shall be used for any use which is not specifically listed on the Schedule of Uses for that particular district, and only in accord with all other requirements of this chapter. In other words, any use not specifically permitted by this chapter within a zoning district shall be deemed to be prohibited within that zoning district. If a use which could be included in a more general use is listed as a separate use in any District Schedule of Uses, such use shall be permitted only in the district where it is specifically listed.
- (4) Other standards. Larger lot sizes, greater setbacks, buffers and other more restrictive standards may be required by other provisions of this chapter.

B. Uses not specified in Schedule of Uses.

- (1) Jurisdiction. Whenever a use is neither specifically permitted nor specifically denied in any zoning district established under this chapter and an application is made to the Zoning Officer for such use, the application shall be submitted to the Zoning Hearing Board which shall have the authority to permit the use or deny the use as a special exception.
- (2) Findings. The use may be permitted only if the Zoning Hearing Board makes all of the following findings, and the burden of proof shall be upon the applicant:
 - (a) The use is similar to and compatible with the uses listed for the subject zoning district by the Schedule of Uses.
 - (b) The use in no way conflicts with the intent of the zoning district and the general purpose and intent of this chapter.
 - (c) The use is not permitted in any other zoning district.

- (3) Planning Commission review. At the time the application is submitted to the Zoning Hearing Board, the Zoning Officer shall also provide a copy to the Planning Commission for its recommendation. The Zoning Hearing Board shall not conduct a public hearing on the application until the comments from the Planning Commission are received or 30 days have passed from the time the application was referred to the Planning Commission.
 - (4) Conditions. The Zoning Hearing Board may attach reasonable conditions and safeguards to any special exception approval granted for a use not specified in the Schedule of Uses, incorporating standards in this chapter for similar uses in the district and such other conditions as the Zoning Hearing Board may deem necessary to protect and promote the public health, safety, and welfare and to implement the purposes of this chapter and the Pennsylvania Municipalities Planning Code.
- C. Development standards. The Schedule of Development Standards establishes minimum standards for lot area; lot depth, average lot width and front, side and rear yards; and establishes maximum standards for building height and lot coverage. The standards also establish specific standards and criteria that apply to the use as may be appropriate to protect the public health, safety and welfare. Larger lot sizes, increased setbacks and other more restrictive standards may be required in accord with other chapter sections.¹²

§ 312-16. General performance requirements.

- A. No use shall be permitted in any district if it is to be operated in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactivity, environmental or other hazard; noise or vibration; smoke, dust, dirt or other form of air, persistent odor, solid waste or water pollution; electrical, glare, or other disturbance which will adversely affect the surrounding area or premises, or be dangerous to public health and safety.
- B. All uses shall be developed in a manner consistent with the preservation of the quality of the existing environment and of any natural amenities present on the site. Such uses shall provide for the preservation and the minimum destruction of natural drainage areas, minimum grading and destruction of the ground surface, the preservation of substantial stands of trees and forested areas, the preservation of attractive views and any other natural features existing on the site.
- C. Any principal use on any lot in any district shall be carried on entirely within a completely enclosed permanent building that meets the minimum standards of this chapter; provided, however, that

12. Editor's Note: The Schedule of Development Standards is included as an attachment to this chapter.

commercial parking lots, car washes, and businesses that have a permit for the outdoor display of merchandise may carry on such use outside of an enclosed permanent building if the business is primarily housed within a completely enclosed permanent structure on the same lot. In the event that such business leases a portion of a completely enclosed permanent building on the same lot in order to comply with this section, that portion of the building leased by it must be for its exclusive use and the lease portion shall meet the minimum size requirements set forth in the Schedule of Development Standards.

§ 312-17. Conditional uses and special exceptions.

- A. Applications. Applications for conditional uses and special exceptions shall, at a minimum, include the information required in Subsection F of this section. In addition, the Borough Planning Commission, Council, or the Zoning Hearing Board shall require any other information deemed necessary.
- B. Conditional uses. Uses specified as conditional uses shall be permitted only after review and approval by the Council pursuant to the express standards as provided for specific conditional uses in this chapter, in Subsection D of this section, and any other applicable standards in this chapter.
 - (1) Expansions. Expansions or additions to uses classified as conditional uses shall also be considered conditional uses. The addition of an accessory structure shall not be considered a conditional use.
 - (2) Procedure.
 - (a) Submission. The applicant shall submit five complete sets of any required plans and information to the Zoning Officer. The Zoning Officer shall refuse to accept an application which does not provide sufficient information to determine compliance with this chapter.
 - (b) Distribution. The Zoning Officer shall distribute copies of the site plan to the Planning Commission and the Council. A minimum of one copy shall be retained in the Borough files. The Fire Company shall be given an opportunity for a review, if deemed appropriate by the Planning Commission.
 - (c) Zoning Officer review. The Zoning Officer shall report, in writing or in person, to the Planning Commission or the Council stating whether the application complies with this chapter. The Zoning Officer may recommend a review by the Borough Engineer.
 - (d) Planning Commission review.

- [1] The Planning Commission shall be provided with an opportunity to review any proposed conditional use. The Commission, at its option, may provide a written advisory review.
 - [2] If such review is not received by the Council within the time limit within which the Council must issue its decision, or within 30 days of such application being sent to the Planning Commission, then the Council may make its decision without having received comments from the Planning Commission.
- (e) Council action. The Council shall conduct hearings and make decisions in accordance with § 10908 and § 10913.2 of the MPC. In granting a conditional use, the Council may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it determines are necessary to implement the purposes of the MPC and this chapter, and to protect the public health, safety, and welfare.
 - (f) Notice. In addition to the notice and posting requirements of the MPC, notice of all conditional use hearings shall be mailed to the owners of all properties contiguous to the parcel which is the subject of the hearing not less than 14 calendar days prior to the hearing. Such notice shall be by U.S. Mail to the last known address of the contiguous owners as listed in Pike County tax assessment records.
- C. Special exceptions. Uses specified as special exceptions shall be permitted only after review and approval by the Borough Zoning Hearing Board pursuant to the express standards and criteria as provided for specific special exceptions in this chapter and in Subsection D of this section.
- (1) Expansions. Expansions or additions to uses classified as special exceptions shall also be considered special exceptions. The addition of an accessory structure shall not be considered a special exception.
 - (2) Procedure.
 - (a) All applicants for a special exception use shall submit five sets of plans for the proposed use to the Zoning Officer together with a written application.
 - (b) All applications shall contain the information required in Subsection F of this section.
 - (c) Borough procedures.
 - [1] The Zoning Officer shall forward the application to the Zoning Hearing Board, the Planning Commission, and the

Zoning Hearing Board's solicitor. A minimum of one copy shall be retained in the Borough files.

- [2] The Zoning Officer shall, prior to the Zoning Hearing Board meeting at which the application will be discussed, review the application to determine compliance with this chapter and report these findings to the Zoning Hearing Board.

(d) Zoning hearing board action on special exception uses.

- [1] The Board shall hear and decide a request for a special exception use under the procedures in Article X and § 10908 of the MPC.

- [2] In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this chapter, as it determines are necessary to implement the purposes of the MPC and this chapter, and to protect the public health, safety, and welfare.

D. Standards and criteria.

- (1) The standards and criteria applied to conditional uses and special exceptions are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this chapter and other ordinances of the Borough. In addition to the applicable general provisions of this chapter and to the standards and criteria provided in this chapter for specific conditional uses and specific special exceptions, the following standards and criteria shall be applied in the review of applications for conditional uses and special exceptions:
 - (a) The proposed use shall be in harmony with the purposes, goals, objectives and standards of the Borough's Comprehensive Plan, this chapter, and all other ordinances of the Borough.
 - (b) The proposed use shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in terms of the physical characteristics of the site.
 - (c) The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this chapter, or any other plan, program,

map or ordinance of the Borough or other government agency having jurisdiction to guide growth and development.

- (d) The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Borough, whether such services are provided by the Borough or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, and services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use, the applicant shall be responsible for establishing ability, willingness, and binding commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this and other ordinances of the Borough. The permit approval shall be so conditioned.
- (e) The following additional factors shall be considered:
 - [1] Location, arrangement, size, design and general site compatibility of buildings, lighting, and signs.
 - [2] Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers, and traffic controls.
 - [3] Location, arrangement, appearance and sufficiency of off-street parking and loading.
 - [4] Adequacy and arrangement of pedestrian traffic, access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 - [5] Adequacy of stormwater and drainage facilities.
 - [6] Adequacy of water supply and sewage disposal facilities.
 - [7] Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 - [8] Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 - [9] Special attention to the adequacy and impact of structures, roadways, and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- (f) No application shall be approved unless it is found that, in addition to complying with all of the standards and criteria

enumerated above, all of the applicable standards contained in this chapter shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety, and welfare of parties affected, all conditions and safeguards deemed necessary by the Council or Zoning Hearing Board to protect the general health, safety, and welfare as well as to implement the purposes of this chapter and the MPC shall be imposed as conditions of approval in accord with § 10912.1 or § 10913.2 of the MPC, as the case may be. Conditions which may be imposed can include, but not be limited to, provisions for additional parking, traffic control, landscaping, setbacks, special measures addressing sales period activities, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses.

- (2) The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the public health, safety, and welfare; and, the proposed use shall be approved with appropriate conditions or denied based on said evaluation.
- E. Limitation of approval. Any conditional use approval granted by the Council and any special exception approval granted by the Zoning Hearing Board shall expire one year from the date such approval was granted if no building construction as approved has taken place or the use is not otherwise established as a functional and constructive activity prior to the expiration date. Upon such expiration, the said approval, and any permit issued subsequent thereto, shall be deemed null and void and the developer shall be required to submit another application for the same. The Council or Zoning Hearing Board, as the case may be, may grant an extension of the time limitations for good cause.
- F. Information required. The applicant shall supply the information required by Article X of this chapter and evidence regarding compliance with the express standards and criteria contained herein, and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the public health, safety, and welfare, and the proposed use shall be approved with appropriate conditions or denied based on said evaluation.

§ 312-18. Floodplain regulations.

A. Liability.

- (1) Warning. The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by

man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the identified floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damages.

- (2) Disclaimer of liability. This chapter shall not create liability on the part of the Borough or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

B. Establishment of the General Floodplain District (FA).

- (1) Identification of floodplain area. The identified floodplain area is any area of the municipality subject to inundation by a one-hundred-year flood that is identified as a special flood hazard area on the Flood Hazard Boundary Map (FHBM) dated June 4, 1976, or the most recent revision thereto, or, after it becomes effective, the Flood Insurance Rate Map (FIRM) dated October 6, 2000, or the most recent revision thereto, as issued by the Federal Emergency Management Agency (FEMA).
- (2) Overlay concept.
 - (a) The General Floodplain District shall be considered an overlay to the existing underlying districts as shown on the Official Zoning Ordinance Map, and, as such, the provisions for the General Floodplain District shall serve as a supplement to the underlying district provisions.
 - (b) Where there happens to be any conflict between the provisions or requirements of the General Floodplain District and those of any underlying district, the more restrictive provisions shall apply.
- (3) Zoning Map. The boundaries of the General Floodplain District (FA) are established as shown on the Official Zoning Map of the Borough which is declared to be a part of this chapter and which shall be kept at the Borough office.
- (4) Description of floodplain areas.
 - (a) The identified floodplain area shall consist of the following specified areas:
 - [1] FW (Floodway Area). The areas identified as "floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
 - [2] FF (Flood-Fringe Area). The remaining portions of the one-hundred-year floodplain in those areas identified as an AE

Zone in the Flood Insurance Study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one-hundred-year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.

[3] FE (Special Floodplain Area). The areas identified as Zone AE in the Flood Insurance Study, where one-hundred-year flood elevations have been provided, but no floodway has been delineated.

[4] FA (General Floodplain Area). The areas identified as Zone A in the FIS for which no one-hundred-year flood elevations have been provided. When available, information from other federal, state, and other acceptable sources shall be used to determine the one-hundred-year elevation, as well as a floodway area, if possible. When no other information is available, the one-hundred-year elevation shall be determined by using a point on the boundary of the identified floodplain area, which is nearest the construction site in question.

(b) In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

(5) Changes in identification of district. The General Floodplain District may be revised or modified by an amendment to the Official Zoning Map where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).

C. Administration.

(1) Issuance of building permit.

(a) The Zoning Officer shall issue a permit only after it has been determined that the proposed work to be undertaken will be in conformity with the requirements of this and all other applicable codes and ordinances.

(b) Prior to the issuance of a permit, the Zoning Officer shall review the application for permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the

Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended);¹³ the U.S. Clean Water Act, § 404, 33 U.S.C. 1344. No permit shall be issued until this determination has been made.

- (c) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Borough and until all required permits or approvals have been first obtained from the Department of Environmental Protection, Bureau of Dams and Waterway Management. In addition, the Federal Insurance Administrator and Pennsylvania Department of Community and Economic Development, Bureau of Community Planning, shall be notified by the Borough prior to any alteration or relocation of any watercourse.

(2) Application procedures.

- (a) If any proposed construction or development is located entirely or partially within any Floodplain District, applicants for permits shall provide all the necessary information in sufficient detail and clarity to enable the Zoning Officer to determine that:

- [1] All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
- [2] All utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage; and
- [3] Adequate drainage is provided so as to reduce exposure to flood hazards. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information contained in Subsection C(2)(b) as may be required by the Zoning Officer to make the above determination:

- [a] A completed permit application form.

- [b] A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:

13. Editor's Note: See 35 P.S. § 750.1 et seq., 32 P.S. § 693.1 et seq., and 35 P.S. § 691.1 et seq., respectively.

- [i] North arrow, scale, and date;
 - [ii] Topographic contour lines, if available;
 - [iii] All property and lot lines, including dimensions and the size of the site expressed in acres or square feet;
 - [iv] The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - [v] The location of all existing streets, drives and other accessways; and
 - [vi] The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water, including direction and velocities.
- [c] Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
- [i] The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
 - [ii] The elevation of the one-hundred-year flood;
 - [iii] If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one-hundred-year flood; and
 - [iv] Detailed information concerning any proposed floodproofing measures.
- [d] The following data and documentation:
- [i] A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the one-hundred-year flood elevations, pressures, velocities, impact and uplift forces associated with the one-hundred-year flood. Such statement shall include a description of the type and extent of floodproofing measures which have been incorporated into the design of the structure and/or the development;

- [ii] Detailed information needed to determine compliance with Subsection D(2)(f), Storage, and Subsection E(1), Development which may endanger human life, including:
 - [A] The amount, location and purpose of any dangerous materials or substances, which are intended to be used, produced, stored or otherwise maintained on site;
 - [B] A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Subsection E(1) of this section during a one-hundred-year flood;
 - [iii] The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
 - [iv] Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control.
- (b) Applicants for special permits shall provide five copies of the following items:
- [1] A written request, including a completed building permit application form.
 - [2] A small-scale map showing the vicinity in which the proposed site is located.
 - [3] A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - [a] North arrow, scale and date;
 - [b] Topography based upon the National Geodetic Vertical Datum of 1929, showing existing and proposed contours at intervals of two feet;
 - [c] All property and lot lines, including dimensions, and the size of the site expressed in acres or square feet;
 - [d] The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;

- [e] The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - [f] The location of the Floodplain District boundary line, information and spot elevations concerning the one-hundred-year flood elevations, and information concerning the flow of water, including direction and velocities;
 - [g] The location of all proposed buildings, structures, utilities and any other improvements; and
 - [h] Any other information, which the municipality considers necessary for adequate review of the application.
- [4] Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- [a] Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 - [b] For any proposed building, the elevation of the lowest floor (including the basement) and, as required the elevation of any other floor;
 - [c] Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one-hundred-year flood;
 - [d] Detailed information concerning any proposed floodproofing measures;
 - [e] Cross-section drawings for all proposed streets, drives, other accessways and parking areas, showing all rights-of-way and pavement widths;
 - [f] Profile drawings for all proposed streets, drives, and vehicular accessways, including existing and proposed grades; and
 - [g] Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- [5] The following data and documentation:

- [a] Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
- [b] Certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one-hundred-year flood;
- [c] A statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one-hundred-year flood, including a statement concerning the effects such pollution may have on human life;
- [d] A statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one-hundred-year flood elevations and flows;
- [e] A statement, certified by a registered professional engineer, architect, or landscape architect which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possible exist or be located on the site below the one-hundred-year flood elevation and the effects such materials and debris may have on one-hundred-year flood elevations and flows;
- [f] The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
- [g] Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- [h] Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under § 302 of Act 1978-166;¹⁴ and

14. Editor's Note: See the Pennsylvania Flood Plain Management Act, § 679.302.

- [i] An evacuation plan, which fully explains the manner in which the site will be safely evacuated before or during the course of a one-hundred-year flood.

- (3) Review of application by others. A copy of all plans and applications for any proposed construction or development in any Floodplain District to be considered for approval may be submitted by the Zoning Officer to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.

D. General technical requirements.

(1) General.

- (a) Within any Floodplain District, the elevation of the lowest floor (including the basement) of any new or substantially improved residential structure shall be 1 1/2 feet or more above the one-hundred-year flood elevation.
 - (b) Within any Floodplain District, the elevation of the lowest floor (including the basement) of any new or substantially improved nonresidential structure shall be 1 1/2 feet or more above the one-hundred-year flood elevation or be floodproofed up to that height. Any structure, or part thereof, which will not be completely or adequately elevated, shall be floodproofed in accordance with the provisions of this article. Additional information may be obtained from the publication entitled "Floodproofing Regulations" (United States Army Corps of Engineers, June 1972, as amended March 1992).
 - (c) Within any floodway area, no new construction or development shall be permitted that would cause any increase in the one-hundred-year flood elevation.
 - (d) Enclosed areas below the lowest floor (including the basement) are prohibited.
- (2) Design and construction standards. The following minimum standards shall apply for all construction and development proposed within any Floodplain District:
- (a) Fill. If fill is used, it shall:
 - [1] Extend laterally at least 15 feet beyond the building line from all points;
 - [2] Consist of soil or small rock materials only; sanitary landfills shall not be permitted;
 - [3] Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling;

- [4] Be no steeper than one vertical to two horizontal, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Zoning Officer; and
 - [5] Be used to the extent to which it does not adversely affect adjacent properties.
- (b) Drainage facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- (c) Water and sanitary sewer facilities and systems.
 - [1] All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of floodwaters.
 - [2] Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.
 - [3] No part of any on-site sewage system shall be located within any Floodplain District except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- (d) Other utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (e) Streets. The finished elevation of all new streets shall be no more than one foot below the regulatory flood elevation.
- (f) Storage. All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Subsection E(1), Development which may endanger human life, shall be stored at or above the regulatory flood elevation and/or floodproofed to the maximum extent possible.
- (g) Placement of buildings and structures. All buildings and structures shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of floodwater.
- (h) Anchoring.

- [1] All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
 - [2] All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
- (i) Floors, walls and ceilings.
- [1] Wood flooring used at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - [2] Plywood used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - [3] Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are water-resistant and will withstand inundation.
 - [4] Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other water-resistant material.
- (j) Paints and adhesives.
- [1] Paints or other finishes used at or below the regulatory flood elevation shall be of marine or water resistant quality.
 - [2] Adhesives used at or below the regulatory flood elevation shall be of a marine or water-resistant variety.
 - [3] All wooden components (doors, trim, cabinets, etc.) shall be finished with a marine or water-resistant paint or other finishing material.
- (k) Electrical components.
- [1] Electrical distribution panels shall be at least three feet above the one-hundred-year flood elevation.
 - [2] Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (l) Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other mechanical or utility equipment or apparatus shall not be located below the regulatory flood elevation.

- (m) Fuel supply systems. All gas and oil supply systems shall be designed to prevent the infiltration of floodwaters into the system and discharges from the system into floodwaters. Additional provisions shall be made for the drainage of these systems in the event that floodwater infiltration occurs.
- E. Special provisions for certain kinds of development within Floodplain Districts.

(1) Development which may endanger human life.

- (a) In accordance with the Pennsylvania Flood Plain Management Act,¹⁵ and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances or which will be used for any activity requiring the maintenance of a supply (more than 550 gallons or other comparable volume or any amount of radioactive substances) of any of the following dangerous materials or substances on the premises, shall be subject to the provisions of this section, in addition to all other applicable provisions:

- [1] Acetone.
- [2] Ammonia.
- [3] Benzene.
- [4] Calcium carbide.
- [5] Carbon disulfide.
- [6] Celluloid.
- [7] Chlorine.
- [8] Hydrochloric acid.
- [9] Hydrocyanic acid.
- [10] Magnesium.
- [11] Nitric acid and oxides of nitrogen.
- [12] Petroleum products (gasoline, fuel oil, etc.).
- [13] Phosphorus.
- [14] Potassium.
- [15] Sodium.

15. Editor's Note: See the Pennsylvania Flood Plain Management Act, § 679.302.

[16] Sulphur and sulphur products.

[17] Pesticides (including insecticides, fungicides, and rodenticides).

[18] Radioactive substances, insofar as such substances are not otherwise regulated.

(b) Where permitted within any Floodplain District, any new or substantially improved structure of the kind described in Subsection E(1)(a), above, shall be:

[1] Elevated or designed and constructed to remain completely dry up to at least 1 1/2 feet above the one-hundred-year flood; and

[2] Designed to prevent pollution from the structure or activity during the course of a one-hundred-year flood. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Floodproofing Regulations" (United States Army Corps of Engineers June, 1972, as amended march 1992), or with some other equivalent watertight standard.

(c) Within any Floodplain District, any new or substantially improved structure of the kind described in Subsection E(1)(a) above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.

(2) Special requirements for manufactured homes. Where permitted within any identified floodplain area, all manufactured homes and additions thereto shall be:

(a) Placed on a permanent foundation.

(b) Elevated so that the lowest floor of the manufactured home is 1 1/2 feet or more above the elevation of the one-hundred-year flood.

(c) Anchored to resist flotation, collapse, or lateral movement.

(3) Activities requiring special permits.

(a) In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Floodplain Management Act (Act 1978-166),¹⁶ the following obstructions and activities are prohibited if located entirely or partially within a Floodplain District unless a special permit is issued: hospitals (public or

16. Editor's Note: See the Pennsylvania Flood Plain Management Act, § 679.302.

private); nursing homes (public or private); jails or prisons; new mobile home parks and mobile home subdivisions, and substantial improvements to existing mobile home parks. Upon receipt of an application for a special permit by the Borough, the following procedures shall apply in addition to those in Subsection C of this section:

- [1] Within three working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Borough Planning Commission and Borough Engineer for review and comment.
- [2] If an application is received that is incomplete, the Borough shall notify the applicant in writing stating in what respects the application is deficient.
- [3] If the Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
- [4] If the Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five working days after the date of approval.
- [5] Before issuing the special permit, the Borough shall allow the Department of Community and Economic Development 30 days, after the receipt of the notification by the Department, to review the application and decision made by the Borough.
- [6] If the Borough does not receive any communication from the Department of Community and Economic Development during the thirty-day review period, it may issue a special permit to the applicant.
- [7] If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Borough and the applicant, in writing, of the reasons for the disapproval, and the Borough shall not issue the special permit.

(b) Special technical requirements.

- [1] In addition the requirements of Subsection D of this section, the following minimum requirements shall apply to any proposed development requiring a special permit.

If there is any conflict between any of the following requirements and those in Subsection D of this section or in any other code, ordinance or regulation the more restrictive provision shall apply.

- [2] No application for a special permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner, which will:
 - [a] Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located and constructed so that:
 - [i] The structure will survive inundation by waters of the one-hundred-year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one-hundred-year flood elevation.
 - [ii] The lowest floor elevation will be at least 1 1/2 feet above the one-hundred-year flood elevation.
 - [iii] The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one-hundred-year flood.
 - [b] Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Borough and the Department of Community and Economic Development.
- F. Existing structures in floodplain. Structures existing in any Floodplain District prior to the enactment of this chapter may continue to remain, provided that:
- (1) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.

- (2) Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than 50% of its market value, shall be elevated and/or floodproofed to the greatest extent possible.
- (3) No expansion or enlargement of an existing structure shall be allowed within the floodplain area that would cause any increase in the elevation of the one-hundred-year flood.

G. Variances within Floodplain Districts.

- (1) General. If compliance with any of the requirements of this chapter would result in an exceptional hardship for a prospective builder, developer, or landowner, the Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
- (2) Variance procedures and requirements. In addition to all other provisions and restrictions found elsewhere in the Zoning Ordinance, the following shall apply to new construction or development located partially or entirely within any floodplain.
 - (a) Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Subsection E(3), Activities requiring special permits, or Subsection E(1), Development which may endanger human life.
 - (b) If granted, a variance shall involve only the least modification necessary to provide relief.
 - (c) In granting any variance, the Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety and welfare and to achieve the objectives of this chapter.
 - (d) Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant, in writing, that:
 - [1] The granting of the variance may result in increased premium rates for flood insurance.
 - [2] Such variances may increase the risks to life and property.
 - (e) In reviewing any request for a variance, the Zoning Hearing Board shall consider, but not be limited to, the following:
 - [1] That there is good and sufficient cause.
 - [2] That failure to grant the variance would result in exceptional hardship to the applicant.

[3] That the granting of the variance will not result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on, or victimization of the public or conflict with any other applicable local or state ordinance and regulations.

- (f) A complete record of all variance requests and related actions shall be maintained by the Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.
- (g) No variance shall be granted for any construction, development use, or activity within any floodway area that would cause any increase in question in the one-hundred-year flood elevation. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one-hundred-year flood.

H. Definitions.

- (1) General. Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give this chapter its most reasonable application.
- (2) Specific definitions. The following definitions pertain specifically to the floodplain regulations and shall supersede definitions found elsewhere in the Zoning Ordinance:

BASEMENT — A story partly underground, but having at least 1/2 of its height above the average level of the street abutting the front of the lot, or above the average finished grade level of the ground immediately adjacent to the building or any area of the building having its floor below ground level on all sides.

CONSTRUCTION — The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations, or storage of equipment or materials, and the subdivision of land, when the subdivision involves floodplain area of the Borough of Milford.

FLOOD — A temporary inundation of normally dry land areas.

FLOODPROOFING — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved

real property, water and sanitary facilities, structures and their contents.

HISTORIC STRUCTURE — Any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - [1] By an approved stated program as determined by the Secretary of the Interior; or
 - [2] Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area is not considered a buildings lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term includes park trailers, travel trailers, recreational, and other similar vehicles placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK — A parcel (or contiguous parcels) of land, which has been planned and improved for placement of two or more manufactured homes.

MINOR REPAIR — The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or

bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MOBILE HOME — A transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

MOBILE HOME PARK — A parcel of land under single ownership, which has been planned and improved for the placement of two or more mobile homes for nontransient use.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after February 2, 1981, and includes any subsequent improvements thereto.

OBSTRUCTION — Any wall, dam, wharf, embankment, levee, dike, pile abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or flood-prone area, which may impede, retard or change the direction of the flow of water either in itself or by catching or collecting debris carried by such water or is placed where the flow of the water might carry the same downstream to the damage of life and property.

ONE-HUNDRED-YEAR FLOOD — A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

RECREATIONAL VEHICLE — A vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION — The one-hundred-year flood elevation plus a freeboard safety factor of 1 1/2 feet.

SPECIAL PERMIT — A special approval which is required for hospitals, nursing homes, jails and new mobile home parks and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development. The division of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access, shall be exempted.

SUBSTANTIAL DAMAGE — Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed 50% or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living conditions, or;
- (b) Any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

ARTICLE V
Supplementary Regulations

§ 312-19. Introduction.

The standards that follow shall be applied to the specific situations indicated and are intended to supplement the standards in Article IV. Standards contained in a specific section regulating a specific use shall not exempt said use from other applicable regulations contained in this chapter.

§ 312-20. Deviations from required sizes.

No part of any structure, whether attached to the principal structure or not, including, but not limited to, porches, carports, decks, balconies, chimneys, bay windows or overhangs shall project into any required yard. No lot, yard, or other space shall be so reduced in area or dimension as to make it less than the minimum required by this chapter except as follows:

- A. Nonconforming buildings, uses and lots. See Article IX of this chapter.
- B. Access drives; driveways. Access drives serving a permitted use shall be permitted in all yards, except as may be otherwise regulated by this chapter, provided a buffer of five feet is maintained from rear and side property lines. In the case where the lot abuts an alley, access to residential parking areas and garages shall be from the alley only.
- C. Front yard exception. Where a vacant lot exists between two improved lots, each having a principal building within 20 feet of the property line separating the parcels, a building may be erected on the vacant lot with a front yard not less than the greater front yard of the two adjoining buildings. However, the front yard setback shall not in any case be reduced to less than 10 feet, except in the C and LC Districts where it may be reduced to the lesser of the two adjoining front yard setbacks.
- D. Front yard exception for corner lots. When an unimproved corner lot is situated adjacent to two improved lots, then the front yard of the corner lot may be reduced to the respective front yard of the adjacent lots along the designated front of the corner lot. However, neither the front or the side yard shall be reduced to less than 10 feet, unless a lesser setback is otherwise permitted by this chapter.
- E. Height limitations. Unless otherwise regulated by this chapter, height regulations shall not apply to spires, belfries, cupolas, domes not used for human occupancy, nor to chimneys, ventilators, monuments, water towers, masts and aerials, television antennae, and public utility structures that are not buildings, silos, chimneys, ventilators, and parapet walls extending not more than five feet above the regulated height of the building, skylights, bulkheads, and ornamental or necessary mechanical appurtenances. Any such structure which

exceeds a height of 50 feet shall be considered a special exception, but no structure shall exceed a height of 75 feet.

- F. Projections into yards. Projections into required yards shall be permitted as follows, except that in the residential districts in no case shall a structure or projection, except for patios, be located closer than five feet to any side lot line, 10 feet to any rear lot line, or 15 feet to any front lot line. **[Amended 12-7-2009 by Ord. No. 403]**
- (1) Patios may be located in the required side and rear yards not closer than three feet to any adjacent property line, and may project into front yards not closer than 10 feet to the street right-of-way line.
 - (2) Because the Borough finds that they are temporary, removable structures, awnings and projecting signs may project over the property line into the state or Borough right-of-way a distance of not more than five feet from the building to which they are affixed. If the Borough has granted an easement so that a building legally encroaches into the state or Borough right-of-way the encroachment shall be measured from the edge of the easement. A safe height (of 10 feet for a sign and seven feet for a awning) over any public walkway shall be maintained from the lowest point of these features.
- G. Marquees in commercial districts. Marquees which are designed to provide shelter or which are designed to enhance the appearance of a commercial structure may project out over a public sidewalk area for a distance of up to six feet, but in no case shall they extend closer than two feet to the curbline.
- H. Reduction of required area or space. The area or dimension of any existing lot, yard, parking area or other space shall not be reduced to less than the minimum required by this chapter, unless specifically authorized by this chapter. **[Amended 12-7-2009 by Ord. No. 403]**
- I. Minor lot line modifications. **[Added 11-2-2009 by Ord. No. 400]**
- (1) The relocation of lot lines, or a portions thereof, to accommodate the good faith, legal placement of a principal structure, an accessory structure on a permanent foundation (as opposed to a shed or other moveable structure) or a septic system shall be permitted in accord with this Subsection I. When the placement of a principal structure, an accessory structure on a permanent foundation (as opposed to a shed or other moveable structure) or septic system occurred in good faith and in accord with regulations in place at time, but the location is later determined to violate lot boundary lines, setback lines or other legal restrictions, lot lines and lot area may be modified to become nonconforming without a variance to remedy that violation if:
 - (a) The width or length of any lot to be modified is not decreased at any point by more than 10%; and

- (b) The area of any lot to be transferred or swapped with another lot does not exceed 5% of its total area.
- (2) A variance shall be required for any decrease in width or length of more than 10%, any lot transfer or swap in excess of 5%, or any other increase in nonconformity.
- (3) Subdivision approval shall be required in accord with Chapter 265, Subdivision and Land Development.

§ 312-21. Unique lots, yards and building locations.

A. Multiple-use sites.

- (1) Conditional use and information required. **[Amended 5-5-2008 by Ord. No. 389]**
 - (a) Conditional uses. Multiple-use sites shall be considered conditional uses.
 - (b) Information required. In addition to all other information required for conditional uses, an application for a multiple-use site shall include a site and floor plan that shows all existing and potential habitable or usable spaces, the location of all exterior parking, the location of on site septic systems and other relevant data.
- (2) Sewage disposal. Adequate sewage disposal shall be provided for all uses on the site, and no permit shall be issued until this is documented by the applicant, and the SEO has notified the Zoning Officer, in writing, that the requirements of Chapter 232, Sewers, for the proposed uses have been met. All applicants shall submit an application pursuant to Milford Borough Chapter 232, Sewers, for a permit for the multiple-use site. If there is no existing building and sewage system, the application shall meet current state and local standards. If the application is for a conversion to a multiple-use site, the application shall include all relevant data as set forth in the Sewers chapter.
- (3) Permits. The permit issued for a multiple-use site shall specify the total number of individual uses permitted on the lot and the types of each use permitted.
- (4) Modification of uses after permit approval. **[Amended 10-6-2008 by Ord. No. 394]**
 - (a) Specified uses. Applicants may modify the use of individual approved spaces by making application for the same as a principal permitted use. The Zoning Officer shall approve such modification only when the use is listed on the original multiple-use site permit and the SEO confirms to the Zoning Officer, in writing, that the new use meets the provision of the

state and local regulations for sewage disposal. Rejection of any conversion by the SEO shall constitute sufficient grounds for the Zoning Officer to deny the issuance of a zoning permit for such conversion.

- (b) Unspecified uses. If a use is proposed which is not specifically identified on the permit for a previously approved multiple-use site, the application for the new use shall be considered a principal permitted use, conditional use or special exception as classified by the Schedule of Uses for the District where the multiple-use site is located.
- (5) Development standards. Except as provided in Subsection A(7) of this section, two or more principal buildings or uses located on a parcel in single ownership shall conform to all the requirements of this chapter which would normally apply to each building or use if each were on a separate district lot, including, but not limited to, setbacks, parking, lot coverage, and sewage disposal requirements.
- (6) Residential density. For the purposes of density of residential structures, lot size shall be increased to maintain the density required by this chapter. For example, the parcel size required for three single-family dwellings on one parcel would be determined by multiplying the minimum lot size for one dwelling by a factor of three. See Subsection A(9) below for exception in C and LC Districts.
- (7) Nonresidential uses.
 - (a) Types of uses. Adult businesses, junkyards, solid waste facilities, or other uses with a special size requirement listed in this chapter shall not be permitted on multiple-use sites.
 - (b) Number of uses. In the case of nonresidential uses, there shall be no limit on the number of uses or structures on a single parcel, provided the required number of off-street parking spaces are provided, adequate sewage disposal is provided, required setbacks are maintained, and all other chapter provisions are satisfied.
- (8) Residential and nonresidential on the same lot in C and LC districts. In the C and LC Districts, a residential dwelling, if provided for in the District by the Schedule of Uses, shall be permitted on the same lot as a nonresidential use only if the lot is of sufficient size to meet the residential unit density required by this chapter in addition to the land area needed to meet the density requirement for the nonresidential use.
- (9) Residential and nonresidential in C and LC district commercial buildings. Dwelling units shall be permitted on the upper floors of nonresidential buildings. The number of dwelling units need not comply with the density requirements on the Schedule of

Development Standards, provided the required number of off-street parking spaces are provided, adequate sewage disposal is provided, required setbacks are maintained, and all other chapter provisions are satisfied.

(10) Structure separation.

- (a) Principal buildings located on the same lot shall be separated by a distance of not less than 10 feet in the C District and LC District and 20 feet in the R District.
- (b) Principal buildings and accessory buildings shall be separated by a distance of not less than 10 feet in all Districts.

B. Street frontage; lots fronting on an alley.

- (1) A principal building shall be permitted only upon a lot with frontage on a public street or alley, or on a private street improved to Borough standards.
- (2) Where an existing individual lot abuts only an alley, the alley shall be construed as a street for application of all the requirements of this chapter. In cases where a lot abuts an alley, access to residential garages and parking areas shall be from the alley only.

C. Side yard of a corner lot. All corner lot yards abutting a street shall be equal to the required front yard except as per § 312-20D.

D. Corner lot restrictions along Broad, Harford and Seventh Streets. No obstruction to vision (other than an existing building, post, column, public utility pole or tower, or tree) between 30 inches in height and eight feet in height shall be erected or maintained on any lot within the triangle formed by the street intersection, created by the right-of-way of each street extended to a point, and a line drawn between two points each located 30 feet from the street intersection. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle traffic.

E. Multiple lot sites. All applications will be reviewed with reference to the approved subdivision maps or recorded deeds of record. An applicant/owner of multiple lots must conform to all regulations as they pertain to all lots unless a review of the recorded deeds or maps reveals the existence of a deed or map that irrevocably joins the subject lots as one building site that may not be sold as separate lots or resubdivided without Borough approval. All applications for approval pursuant to this section must be accompanied with a certified copy of the applicable deed or map.

§ 312-22. Accessory structures and uses.

A. Accessory structures. All accessory structures shall conform with the minimum yard regulations established in Article IV except as permitted below:

- (1) Unattached structures accessory to a residential building. Structures accessory to residential buildings which are not attached to a principal structure may be erected within the required side and rear yards of a principal structure only in conformance with following:
 - (a) Maximum height. One and one-half stories or 17 feet in height, whichever is less.
 - (b) Distance from side lot line. Not less than four feet from the side lot line, except in the case of corner lots where the full side yard as specified in § 312-21C shall be maintained.
 - (c) Distance from rear lot line. Not less than four feet from the rear lot line.
 - (d) Distance from principal structure. Not less than 10 feet from a principal structure.
- (2) Unattached structures accessory to a nonresidential building. Such accessory structures shall comply with front and side yard requirements for the principal structure and shall have a rear yard of at least 10 feet. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (3) Fences, terraces, walkways and walls. **[Amended 11-3-2008 by Ord. No. 395; 12-7-2009 by Ord. No. 403]**
 - (a) Unless specifically noted, the setback provisions of this chapter shall not apply to fences, terraces, walkways or walls six feet or less in height above the average existing grade.
 - (b) Fences greater than six feet in height above the average existing grade are prohibited except in the LC District and C District where security fences may be eight feet in height. The setback provisions of this chapter shall not apply to such security fences.
 - (c) Terraces, walkways or walls more than six feet in height above the average existing grade shall comply with the setback provisions of this chapter.
 - (d) In all cases, the finished side of any fence shall face out toward neighboring properties or the public and the unfinished side shall face the interior of the lot on which the fence is erected.
 - (e) For purposes of this subsection only, walkways shall be defined as boardwalks, stairwells, walkways or stairways that are directly connected to a public sidewalk or public street

crossing, but not directly connected to the principal structure or any accessory structures.

- (4) Commercial use of existing accessory structures. Accessory structures existing in the C and LC Districts at the effective date of this Subsection D may be appropriate to obtain a permit for any nonresidential use as classified in the LC Schedule of Uses provided all other provisions of this chapter, other than setbacks, and all other applicable ordinances are satisfied. Parking shall be provided in accord with § 312-23D(2).

B. Outdoor display of merchandise in the commercial district.

- (1) Merchants in the Commercial District may, as a conditional use display merchandise for sale or rent in connection with retail sales, equipment rental, road side stands or shopping centers/malls uses, for which permits have been issued under this chapter, under the following conditions:

- (a) Such merchandise shall be displayed in the front yard (defined as the area between the front yard setback as defined in Subsection B(1)(b), and the front of the principal building on the lot) and on one side yard (defined as the area to the right or left of the principal building on the lot between the front building line, the rear building line and the side yard setback line) only. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (b) In the event that the building is closer to the property line than three feet, then display may take place only within a three-foot area from the front of the building outward pursuant to a sidewalk encroachment permit that is issued by the Zoning Officer. A unobstructed sidewalk of at least five feet in width must be maintained at all times for pedestrian traffic.
- (c) The outdoor display of merchandise that is not intended for outdoor use after sale shall be removed when the business is not open.
- (d) New and used car dealerships shall not be covered by this section.
- (e) This section shall not apply to soft drink, ice, newspaper or candy machines placed next to commercial buildings.
- (f) The Borough Council may designate or approve a specific dimensional area for outdoor display after considering the factors set forth in this section.

C. Home occupations. A single home occupation per dwelling unit is permitted as an accessory use to a residential structure, provided that such home occupations shall be conducted only by residents of the

dwelling unit who may not employ any additional nonresident persons. Following are additional home occupation regulations:

- (1) Floor space for the home occupation shall not occupy more than 25% of the dwelling unit floor area. The absolute maximum floor space for a home occupation and its related storage shall be 600 square feet. Garages, attics, basements and accessory buildings are included in the calculation for the maximum floor space. Home occupations may be conducted in a garage.
- (2) Employees of a home occupation shall be residents of the dwelling unit, except that a doctor may employ a nurse, an attorney a secretary, etc.
- (3) Outside storage of home occupation materials is prohibited.
- (4) Outside illumination shall be for safety reasons only and shall not be for advertising such as flood lighting or facade wash lighting. Illumination even in parking areas shall be indirect.
- (5) One sign for the home occupation is permitted and shall be further controlled as follows:
 - (a) The sign surface area shall be a maximum of two square feet with a maximum height of one foot.
 - (b) Signs shall be fixed flat on the main wall of the dwelling unit and shall not project more than six inches, or a sign may be erected in the front yard but not within 10 feet of a street right-of-way line.
 - (c) Illuminated home occupation signs are prohibited.
 - (d) Sign colors are limited to black and white.
- (6) Home occupation activities shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes and home occupations shall be further limited to the following: secretarial services, accounting, office for state or federally licensed professional occupation, nursery or school for not more than 10 persons attending at one time, the training or tutoring of up to four adults in small classes, custom clothes alterations, and the production of small items made from raw material on site. No other home occupations of any kind will be permitted. **[Amended 10-6-2008 by Ord. No. 394]**
- (7) No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers or which causes fluctuations in line voltage off the lot.

- (8) There shall be no change in the existing outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than a sign.
 - (9) The use shall not require pickup or delivery or other servicing by a vehicle of more than 19,500 pounds registered gross vehicle weight (Federal Highway Administration Class 5). The use shall not involve the parking of more than one truck of any type on the premises or on adjacent streets at any period of time, and no truck in excess of 19,500 pounds registered gross vehicle weight (Federal Highway Administration Class 5) shall be parked on the premises or on adjacent streets. **[Added 11-3-2008 by Ord. No. 395]**
- D. No impact home-based businesses. A no impact home-based businesses shall be permitted as an accessory use and the Zoning Officer may consider applications for same without the need for any hearing before, or referral to, the Borough Council. A no-impact home-based business is a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:
- (1) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
 - (2) The businesses shall employ no other employees other than family members residing in the dwelling.
 - (3) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
 - (4) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
 - (5) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
 - (6) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
 - (7) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
 - (8) The business may not involve any illegal activity.
- E. Private parking areas, garages accessory to residential uses. Accessory off-street parking areas or garages serving the residential or

nonresidential parking demand created by the principal building are permitted in accord with § 312-23.

- F. Home gardening, nurseries and greenhouses. Home gardening, and accessory structures used for nurseries or as greenhouses, are permitted in residential areas, provided they are used by the residents thereof for noncommercial purposes. The outdoor storage of equipment and supplies shall be prohibited.
- G. Private outdoor swimming pools.
- (1) Accessory use. A single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests.
 - (2) Setbacks. The pool may be located within the required rear yard except that no portion of the water in the pool shall be located closer to the property line than 10 feet and no portion of any walks or accessory pool appurtenances surrounding the water shall be closer than six feet to any property line.
 - (3) Fence. All pools shall be surrounded and enclosed by a four-foot high fence structurally suitable to deter direct access to the water in the pool. Fences shall be constructed of weather-resistive materials and shall be assembled or fabricated with sufficient rigidity to prevent any substantial alteration or deformation of the lawful openings, holes or gaps. The fence shall not have openings, holes or gaps larger than four inches in width or, if larger than four inches in width, no larger than four inches in length except for doors or gates. If a picket fence is used the horizontal dimensions between slats shall not exceed four inches. A dwelling or accessory building may be used as a part of such a fence. However, hedges shall not be used as such enclosure in part or whole.
 - (4) Gates and doors. All gates or doors accessing the pool shall be equipped with a self-closing and self-latching device designed to keep, and capable of keeping, such door or gate securely closed at all times when the pool is not in actual use. The door of any dwelling forming any part of the enclosure need not be so equipped.
 - (5) Above-ground pools. The sides of a pool constructed above the ground level shall be considered to meet the requirements for a fence preventing direct access to the pool, provided that such sides of the pool are at least four feet high. Any stairs, steps or ladders used to reach the water surface of the pool shall be removable or capable of being folded up or secured in a way which will prevent their use when the pool is not in use.

- (6) Permits. All pools which meet the definition of "swimming pool, private outdoor" in Article III shall require a zoning permit. **[Amended 10-6-2008 by Ord. No. 394]**
 - (7) Existing pools. The above requirements for providing safe enclosure around a swimming pool primarily by fencing shall also apply to all existing swimming pools, as well as to new swimming pools.
 - (8) Decorative ponds. Decorative ponds shall be exempt from this Subsection G.
- H. Yard and garage sales. Individual private family yard sales and garage sales are a permitted accessory use in all zoning districts. A permit shall be required and yard sales and garage sales shall be subject to Chapter 158, Flea Markets and Garage Sales, of the Code of the Borough of Milford.
- I. Satellite dish antennae. All private satellite dish antennae shall be considered structures and shall maintain the setbacks required for accessory structures; however, a permit shall not be required for such antennae 20 inches or less in diameter.
- J. Tennis courts. The front, side and rear yard setbacks for an accessory tennis court shall be 20 feet, and for an accessory tennis court fence 10 feet.

§ 312-23. Off-street parking and loading.

- A. Availability of facilities. In all districts, off-street parking, loading, and unloading facilities, and pedestrian access shall be provided to lessen congestion in the streets and shall be provided as set forth in this § 312-23 whenever any building is erected or enlarged, or any use is proposed or changed.
- (1) The facilities shall be available throughout the hours of operation of the particular business or use for which such facilities are provided.
 - (2) The facilities shall have adequate and well-designed ingress and egress and shall be located on the same lot as the use to which they are accessory.
 - (3) The facilities shall be located on the same lot as the use to which they are accessory. However, required parking may be provided on a different lot than on the lot on which the principal use is located as a conditional use. The parking shall not be more than 400 feet from the principal use lot. Off-lot parking areas for uses in the C District and LC District shall not be permitted in the R District. Both parcels shall be under the same control, either by deed or long-term lease, as the property occupied by such principal use, and the owner shall be bound by covenants of record filed in

the office of the County Recorder of Deeds requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use. The Council may attach reasonable conditions to the grant of any permit hereunder such as adequate screening or buffers from neighboring properties.

- (4) A driveway and garage parking space may be used to satisfy the parking requirement if in fact these spaces are usable for parking.
- B. Size and design of parking spaces. Parking shall be provided in accord with an overall parking plan prepared in accord with generally accepted design standards (such as the most recent edition of the American Institute of Architects Architectural Graphic Standards, or The Subdivision and Site Plan Handbook) and which takes into consideration access design and control, size and shape of the parking area, types of vehicles using the parking area, traffic patterns and other applicable considerations. Garages and carports not in the public right-of-way may be considered parking spaces. Notwithstanding the above, all parking spaces shall be ample in size for the vehicles for which use is intended, but in no case less than nine feet wide and 18 feet long.
- C. Illumination. All driveways, aisles, maneuvering spaces, vehicular service areas, and spaces between or around buildings, designed for use by more than four cars after dusk, other than those accessory to a single dwelling, shall be illuminated between sunset and sunrise in accord with the recommendations of the Society of Illuminating Engineers at no cost to the Borough. All lighting shall be arranged so to prevent glare into adjoining properties and streets and in accord with § 312-34H.
- D. Parking between principal structure and street.
 - (1) New construction. In the case of the development of a vacant lot or the razing of an existing structure and the redevelopment of a lot, no parking shall be permitted anywhere between the public road right-of-way and the principal structure for any new construction except in driveways accessing a garage accessory to a dwelling. This shall not apply to alleys. (See §§ 312-20B and 312-21B for required access from alleys.)
 - (2) Expansion or change in use. In the case of the expansion or change in use of an existing use, the number of parking spaces shall be provided in accord with Subsection E of this section. Parking shall be provided to the rear of the building as a first priority and on the sides as a second priority. New parking in front of the building shall not be permitted but existing parking in front of the building may be maintained.
- E. Number of spaces to be provided. **[Amended 12-7-2009 by Ord. No. 403]**

- (1) Nonresidential. Any structure or building which is hereafter erected, converted, or enlarged for any use, or any open area hereafter used for nonresidential purposes, shall be provided with five off-street parking spaces for each 9,600 square feet of lot area. For lots which are less than or greater than 9,600 square feet, the number of spaces provided shall be proportionate to the five spaces to 9,600 square feet requirement. Such spaces shall be readily accessible to the uses served thereby. Fractional numbers of parking spaces shall be increased to the next whole number.
- (2) Residential. One off-street parking space shall be provided for each one-bedroom apartment dwelling unit. Two off-street parking spaces per unit shall be provided for all other dwelling units.
- F. Loading and unloading areas. In addition to the required off-street parking spaces, the developer of any building erected, converted or enlarged in any district for commercial, office building, hotel, motel, restaurant, manufacturing, wholesale, hospital or other nonresidential uses shall provide adequate off-street areas for loading and unloading of vehicles. The developer shall provide details on the type and frequency of vehicles operating in connection with the proposed use to justify the loading and unloading areas proposed. Each required space shall meet the following dimensions:

Largest Type of Truck Service	Minimum Width (feet)	Minimum Length (feet)
Tractor trailer	14	75
Trucks other than tractor trailers, pickups or vans	12	30
Pickup truck or van	10	20

- G. Access to off-street parking and loading areas. There shall be adequate provisions for ingress and egress to all parking and loading spaces designed for use by employees, customers, delivery services, sales people and/or the general public. Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits and shall comply with the following provisions:

- (1) Width. Unless otherwise required by PennDOT for access to a state road, the width of the driveway/accessway onto a public street at the edge of the cartway shall be as follows:

	1-Way Use (feet)	2-Way Use (feet)
Width		
Minimum	14	20
Maximum	30	40

- (2) Controlled access. Each entrance and exit shall be clearly defined with curbing, fencing, landscaping or vegetative screening so as to prevent access to the area from other than the defined entrance and exit.
 - (3) Highway occupancy permits. All new uses shall be required to obtain a highway occupancy permit from the Borough or PennDOT, as the case may be. In the case of a change in use or the expansion of an existing use, the Borough may require the applicant to obtain a highway occupancy permit or a revised highway occupancy permit. Where a use accesses the public right-of-way via a private road, the highway occupancy permit requirement and criteria shall be applied at the public right-of-way intersection. In making the determination of requiring a highway occupancy permit or a revised highway occupancy permit, the Borough shall consider the following criteria:
 - (a) The anticipated increase in traffic volume. In the case of PennDOT permits, if the traffic increases from one level of permit to a higher level, a revised permit shall be required.
 - (b) The adequacy of the sight distance at the access to the property.
 - (c) Effectiveness or lack of existing traffic access controls such as curbing, fencing or landscaping.
 - (d) The number of parking and loading spaces available and the number required by this chapter.
 - (e) The occurrence of parking on the public road right-of-way and adjoining properties.
 - (f) Anticipated future development in the vicinity.
 - (4) Curbing. Access drives and landscaping shall be defined with concrete curbing, or such alternate material as may be approved by the Borough.
- H. Parking and loading area setbacks and buffers. All parking and loading areas and parallel circulation and service lanes serving any nonresidential or multifamily use shall be provided with buffers in accord with the requirements of § 312-34A of this chapter and Chapter 265, Subdivision and Land Development. The buffer along streets shall not be less than eight feet wide and the buffer along property lines shall not be less than five feet wide.
- I. Grading, wearing surface, and drainage. Except for landscaped areas, all wearing surfaces of required parking areas, including driveways, shall be graded, surfaced with asphalt or concrete or not less than six inches of crushed stone, and shall be designed to prevent dust, erosion, or excessive water flow across streets or adjoining properties. Surface

water flow shall be controlled and managed as per the stormwater control requirements of this chapter, the Subdivision and Land Development chapter, and any Watershed Ordinances adopted by the Borough.

- J. Landscaping. All nonresidential improved off-street parking areas not entirely contained in a garage or building shall comply with the landscaping requirements of § 312-34B and Chapter 265, Subdivision and Land Development.
- K. Existing parking areas. No existing parking area or any off-street parking shall be eliminated, reduced in size or otherwise altered so that any use is served by less parking than is required by this chapter.
- L. Parking for residential use. Off-street parking shall be provided in accord with this § 312-23 for all residential uses in all Districts.
- M. Handicapped parking. Handicapped parking shall be provided in accord with the requirements of the U.S. Americans With Disabilities Act and generally accepted design standards.
- N. Pedestrian access and circulation. The parking and access plan shall include details of pedestrian access to the site and pedestrian circulation within the site. The intent shall be to facilitate pedestrian access and provide safe and convenient circulation from parking areas to the structure or use.

§ 312-24. Signs.

- A. Applicability of sign regulations. All signs, which can be seen off the premises on which they are located, unless they are listed below in Subsection C, Nonapplicable situations, shall comply with all applicable provisions of this chapter, regardless of whether a permit is required or not. Signs, which cannot be seen off the premises on which they are located need not comply and do not require a permit.
- B. Permit requirements for signs.
 - (1) A zoning permit shall be required for all business identification signs, advertising signs, temporary signs, bulletin boards, and announcement or professional signs which will be seen off the premises on which they are located before erection or replacement.
 - (2) No permit shall be required for normal maintenance of existing signs.
 - (3) All signs relating to a defunct business or a past event shall be removed by the property owner where said sign is located. The Zoning Officer may identify such signs and notify the property owner of the violation. If said sign is not removed within 15 days of such notification, then the property owner where said sign is

located shall be subject to the fines and penalty provisions of this chapter applicable to violation of this chapter.

- (4) Applicants may, at their option, apply for all signs for any one business location in one application.
 - (5) Once the message on the sign is removed the sign structure and face may remain in place for anticipated future use as long as the structure and face remain in good repair and they are the subject of a properly issued permit or certificate of nonconforming use.
- C. Nonapplicable situations. No permit shall be required for and the regulations of this § 312-24 shall not be applicable to the following types of situations:
- (1) Signs not exceeding two square feet in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations.
 - (2) Signs not exceeding six square feet in area, which identify the real property, offered for sale or lease.
 - (3) No trespassing signs and other signs indicating the private nature of a road, driveway or premises, which do not exceed two square feet in area.
 - (4) Flags and insignia of any government except when displayed in connection with commercial promotion.
 - (5) Legal notices; highway identification, informational or directional signs erected or required by governmental bodies; official traffic signs and signals; banners and welcome signs erected by the Borough.
 - (6) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights unless part of an historical building identification sign as determined by the Borough Architectural Review Board.
 - (7) Signs, not exceeding six square feet in area and bearing no advertising matter, which direct and guide traffic and parking on private property.
 - (8) Signs, not exceeding two square feet in area and bearing no advertising matter, which give information on location of such things as restrooms, telephones, offices or the functional subdivision of the premises.
 - (9) Signs, which are an integral part of a window display in which the letters appearing on such sign do not exceed one inch in height.

- (10) Signs, not exceeding two square feet in area and one per business, which indicate whether the subject business is open or closed. Flags may be used for this purpose if hung from a vertical pole and are permitted to drape naturally from that pole. Flags displayed in this manner may not exceed three feet by five feet in size.
 - (11) Signs, not exceeding two square feet in area and one per business, which indicate the hours of operation of the subject business.
 - (12) Temporary signs indicating the contractors, consultants, mechanics and artisans performing work or services on the premises, provided they shall be removed within 10 days after completion of the service or work and not more than one sign shall be placed on each street fronted by the site.
 - (13) Plaques authorized and issued by the Historic Preservation Trust of Pike County to designate historic places within the Borough. Such signs shall be no larger than two square feet and shall be affixed pursuant to directions given by the Architectural Review Board of the Milford Historic District to the homeowner. No more than one such sign or plaque per structure shall be permitted.
 - (14) Signs designating an historic place not issued by the Trust, and erected pursuant to directions given by the Architectural Review Board of the Milford Historic District, may be erected only after the acquisition of a permit from the Zoning Officer. Such signs shall meet the terms of Subsection C(13) herein and shall be placed on the face of the main building only.
 - (15) For temporary advertising signs placed on and at the Borough ball field at Third Street but only when erected under the terms of a program for such signs adopted by and administered by the Milford Borough Council.
- D. Prohibited signs. Signs which attempt or appear to attempt to direct the movement of traffic or which interfere with, imitate, or resemble any official traffic sign, signal, or device shall not be permitted, erected or maintained in any district. No animated, revolving, or moving signs shall be permitted. Flashing signs are prohibited.

Schedule of Sign Regulations [Amended 12-7-2009 by Ord. No. 404]

	Type of Sign		
	Projecting/ Wall/ Permanent	Temporary	
	(1) Window	(2) Freestanding	(3) Window
Residential District			
Maximum surface area in square feet	15	15	N/A

Schedule of Sign Regulations [Amended 12-7-2009 by Ord. No. 404]

	Type of Sign		
	Projecting/ Wall/ Permanent (1) Window	(2) Freestanding	(3) Temporary Window
Maximum number permitted per property for public uses and semipublic uses	2 per street fronted from Column (1) and/or (2)***		N/A**
Maximum number permitted per property for all other uses for which signs are permitted	1 per street fronted from Column (1) and/or (2)		N/A**
Setback from street curblane in feet	20*	20	N/A
Commercial or Limited Commercial District			
Maximum surface area in square feet	40	40	25% of window glazed area
Maximum number permitted per property	2 per street fronted from Column (1) and/or (2)*** (see § 312-24X for A-frame/sandwich board/easel signs)		N/A
Setback from street curblane in feet	20*	20	N/A

N/A=not applicable

* Or the front of the building if that is closer to the curb than 20 feet.

** No maximum number as long as the 25% area maximum is observed.

*** Any combination of either projecting/wall/permanent window or free standing or both, but no more than two total per street fronted.

- E. Surface area limitations. The maximum surface area for each type of sign for which a permit is required is indicated in the Schedule of Sign Regulations. For all other signs, the requirements of the most similar sign in the Schedule of Sign Regulations shall be applied. The following additional constraints shall also be applied:

- (1) The total area of any and all freestanding signs shall not exceed one square foot for each one foot of lineal lot frontage up to the maximum surface area stipulated for each District in the Schedule of Sign Regulations.
- (2) No sign erected directly upon the ground shall have an unbroken length of more than 10 feet.
- (3) The total area of any wall sign shall be in proportion to the area of the building face (including window and door area and cornices) to which it is attached, up to the maximum surface area stipulated for each district in the Schedule of Sign Regulations. Such wall signs shall not exceed 20% of the building face area for painted wall signs nor 10% of the building face area for wall signs attached to the wall by a wall sign structure.
- (4) Permanent window signs shall be considered wall signs and included in computation of the maximum surface area, but shall nevertheless not exceed 25% of the total window area of each street.

F. Surface area calculation.

- (1) The size of any sign shall be computed by multiplying its greatest height by its greatest length, exclusive of supporting structures. In the case of signs that have no definable edges, such as raised letters attached to a building facade, the sign size shall be that area within a single continuous perimeter enclosing the extreme limits of the actual message or copy area.
- (2) In computing the surface area of a multi-faced sign, only one side shall be considered provided all faces are identical. If the interior angle formed by the two faces of a double-face sign is greater than 45°, then both sides of such sign shall be considered in calculating the sign area.
- (3) Frames and structural members not bearing advertising matter or not in the form of a symbol shall not be included in the computation of surface area.

G. Number of signs. For purposes of determining the number of signs permitted, a sign shall be considered to be a single entity organized, related and composed to form a unit. Where the organization, relationship, or composition of a number of elements is not readily discernible as a single sign, each element shall be considered to be a single sign. The maximum number of signs allowed for each type of sign for which a permit is required is indicated in the Schedule of Sign Regulations. For all other signs, the requirements of the most similar sign listed in the Schedule of Sign Regulations shall be applied.

H. Sign placement.

- (1) No sign shall be so located or arranged that it interferes with traffic through glare, through blocking of reasonable sight lines for streets, sidewalks, or driveways, through confusion with a traffic control device (by reason of color, location, shape, or other characteristics), or through other means. Nor so that it creates offensive glare on neighboring properties.
 - (2) No sign shall be erected, attached, or displayed within 25 feet of the point of the intersection of the street right-of-way lines at a street corner. The requirements of the section of this chapter for corner clearance standards shall also apply to all signs.
 - (3) No sign shall be permitted within or to project over a public street. Temporary overhead signs may be permitted by the Borough subject to the temporary sign regulations of this chapter.
 - (4) No sign in nonresidential districts of the municipality shall be located so as to face residential districts of the municipality. This provision shall not apply to signs at right angles to the street right-of-way line of such street or where a street constitutes the zone boundary.
- I. Height. No attached sign shall be erected upon the roof of a building or extend above the height of the building. Signs shall be no more than 20 feet in height in nonresidential districts. In all other districts, signs shall be no more than six feet in height. Height shall be measured from grade level at the center line of the nearest street to the highest part of the sign.
 - J. Clearance. All signs extending over a public walkway shall have a minimum of 10 feet of clear space between the sign and the ground, provided that necessary support may extend through such open space, but not lower than eight feet. A sign which is integral to an awning shall comply with the projection and safe height requirements for awnings in § 312-20F(2). **[Amended 12-7-2009 by Ord. No. 404]**
 - K. Projection from walls. Signs attached to a building wall or facade, in the commercial district, shall not project more than five feet from the building wall or facade. Signs attached to a building wall or facade, in the residential district, shall not project more than two feet from the building wall or facade.
 - L. Sign construction.
 - (1) All signs except temporary signs shall be constructed of durable material and kept in good condition and repair. Construction and maintenance of all signs except temporary signs shall be in conformity with building and fire prevention codes of Milford Borough. Electrical signs shall be subject to the performance criteria of the National Fire Protection Association and any applicable municipal code. No banners, pennants or streamers shall be permitted except for a grand opening of an establishment,

a special sale or promotion in accordance with the provisions of Subsection T of this section.

- (2) Signs of which all or any part is in motion by any means, including fluttering, rotating, revolving or other moving devices are prohibited; except when not visible from motor vehicles traveling on public roadways.
- (3) Hanging signs which simply swing in the wind and clocks and time and temperature signs and barber poles may be exempted, provided they comply with all other provisions of this chapter.

M. Illumination. All signs may be illuminated by shielded flood lights; provided, however, that no red or green lights shall be permitted within 75 feet of the point of intersection of the street right-of-way lines at a street corner. Back-lighted or interior lighted signs, including emergency signs, shall be permitted but shall be limited to 20 square feet or 1/2 of the size that would have been permitted for an exterior lit sign, whichever is greater.

N. Multiple-use sites; residential projects.

- (1) Multiple-use sites. In the case of a shopping center, office building, or similar structure with multiple commercial or business occupants on a lot held in single or separate ownership, the provisions of the Schedule of Sign Regulations shall apply except as follows: **[Amended 11-3-2008 by Ord. No. 395]**

(a) Businesses fronting on a street.

- [1] Each street frontage of a multiple-use site shall be permitted a maximum surface area for the total number of signs of one square foot of surface area for each one foot of road frontage. The maximum surface area shall be applied separately to each street frontage. (e.g., If a multiple-use building has 100 feet of frontage on Broad Street and 50 feet on an intersecting street, the maximum sign area on the Broad Street side of the building is 100 square feet and the maximum on the intersecting street side is 50 square feet.)
- [2] Each business shall be permitted two signs only on the side of the building where the main entrance to the business is located.
- [3] No individual sign shall exceed 40 square feet in surface area.
- [4] In the case where a business with an entrance fronting a street has a secondary public access on an intersecting street, an alley or a parking lot, one business identification

sign not exceeding a surface area of two square feet shall be permitted at the secondary entrance.

- (b) Businesses not fronting on a street. The following standards shall apply to businesses which do not have a public entrance fronting on a street (i.e., the entrance fronts on an alley or a parking lot, or is inside the building). **[Amended 12-7-2009 by Ord. No. 404]**

[1] The business shall be permitted a maximum surface area for the total number of signs of one square foot of surface area for each one foot of the portion of the building occupied by the business which fronts on the alley or parking lot. In the case where the business does not front on an alley or a parking lot, the business shall be permitted a maximum surface area for the total number of signs of 1/2 square foot of surface area for each one foot of exterior wall surface occupied by the business.

[2] The business shall be permitted two signs only on the side of the building where the entrance to the business is located. In the case where the entrance to the business is inside the building, one sign shall be permitted on the main entrance side of the building and one sign shall be permitted on the exterior wall of the building where the business is located in the building.

[3] No individual sign shall exceed 40 square feet in surface area.

- (c) Directory sign. In addition to the signs permitted in Subsection N(1)(a) and (b) above, one sign indicating the name of the multi-use site shopping center, group of stores or office building may be erected in accord with the following standards:

[1] The sign may have a listing for each tenant.

[2] The sign shall not exceed a surface area of 20 square feet.

[3] This sign shall be for business identification purposes and shall have no advertising on it.

- (2) Residential projects. One sign may be erected to identify a major subdivision, residential land development, mobile home park, or apartment house complex, providing that such a sign is located at the main entrance and has a maximum surface area of 20 square feet.

O. Temporary campaign signs.

- (1) A permit shall be required for all temporary campaign signs. The permit shall be conditioned upon the removal of signs as required by this chapter.
 - (2) A bond as established by resolution from time to time by the Council shall be required to guarantee the removal of temporary signs. The bond shall be refunded if all signs covered by the bond and temporary sign permit are removed when required by this chapter.
 - (3) Temporary campaign signs shall be defined as signs appertaining to campaigns, drives or events of political, civic, philanthropic, educational or religious organizations, provided that they shall be removed within 10 days of the completion of the campaign, drive or event. No such sign shall be posted earlier than three weeks before the occurrence of the event to which it relates.
- P. Off-site advertising signs.
- (1) Off-site advertising signs shall be permitted as principal uses in the Commercial District only.
 - (2) As a principal use, each such off site advertising sign must be placed on a lot that meets the minimum requirements for commercial use in Schedule of Development Standards. No other use may be placed on that lot.
 - (3) No sign permitted under this Subsection P shall exceed 40 square feet.
- Q. Attraction signs. The Milford Borough Zoning Ordinance hereby incorporates PennDOT Traffic Engineering and Operations Manual, Chapter 1, Section 7, by reference thereto. Attraction signs, for which a permit is previously obtained from PennDOT, are hereby permitted subject to the following conditions:
- (1) No sign shall exceed 48 inches by 16 inches.
 - (2) No attraction signs shall relate to locations outside of the Borough of Milford, except those that are set forth in § 1.7.5 of the PennDOT manual described above and are located in a municipality that borders Milford Borough which permits such PennDOT signs for Milford Borough sites within its borders.
 - (3) The location of all signs, as permitted by PennDOT, shall be subject to the approval of the Street Committee of the Milford Borough Council.
 - (4) Attraction signs will only be permitted on state highways, that is, Broad Street, Harford Street, Mill Street and Seventh Street.
 - (5) All costs associated with such signs, including, but not limited to, construction of the sign, installation, maintenance, state permit

fees and Borough permit fees shall be paid by the applicant. The Borough will not be obligated to pay any fees or costs for signs erected under this provision.

- R. Window signs, permanent. Permanent window signs shall be defined as signs visible through a window into the business establishment which are not exceptions under Subsection C(9) or Subsection S of this section.
- (1) Window signs governed by this section shall not exceed 25% of the window surface to which it is applied or through which it can be seen.
 - (2) In addition to the permanent signs described herein, one or more temporary signs may be employed in that same window as long as the aggregate of all permanent signs and temporary signs does not exceed 25% of the area of the window.
- S. Window signs, temporary. Temporary window signs shall be defined as signs constructed of ink on paper, vinyl, removable window paint, or similar temporary material which are placed in a business establishment window for a limited period of time as defined herein for the purpose of advertising a special event or promotion taking place or to take place in the premises. **[Amended 11-3-2008 by Ord. No. 395]**
- (1) Such signs may not exceed 25% of the window surface to which it is applied or through which it can be seen. See Subsection R(2) of this section as to the placement of temporary and permanent signs in the same window.
 - (2) Permits shall be obtained for each temporary sign location. The commercial property owner or tenant may replace the temporary signs from time to time without a new permit as long as all signs meet the temporary sign definition.
 - (3) Such signs may be in place no longer than consecutive 30 days nor more than 90 days in any one calendar year.
- T. Signs, special promotion. In commercial districts, special promotion signs shall be permitted to announce a grand opening, a special sale or promotion, or other event related to the premises as follows:
- (1) One special promotion sign shall be permitted per single-establishment premises along each street fronted.
 - (2) One special promotion sign shall be permitted per street fronted for each individual store, office or separate business in a multiple-use site.
 - (3) No special promotion sign shall exceed 48 inches by 16 inches.
 - (4) Special promotion signs shall be made of cloth, plastic or similar material.

- (5) Special promotion signs shall be one-sided and shall be attached flat on the facade of the principal structure (but not on any window) or on the face of the associated freestanding sign.
 - (6) Permits for such signs shall be required and shall be valid for one year from the date of issuance. Multiple signs may be authorized under one permit provided not more than one sign is displayed at any one time, and each sign conforms to the other provisions of this Subsection T. However, the total combined display time for all signs authorized by the permit shall not exceed four periods per year of not more than 15 days each.
- U. Signs. Temporary business identification. Temporary business identification signs shall be permitted as follows:
- (1) Temporary business identification signs shall comply with all requirements applicable to business signs except construction material and HARB guidelines.
 - (2) Only one temporary business identification sign shall be permitted per establishment and the permit for a temporary business identification sign shall be valid for 90 days from the date of issuance.
 - (3) The temporary business identification sign shall be removed prior to the erection of the permanent business identification sign.
- V. Signs for commercial uses abutting an alley.
- (1) One projecting or wall sign shall be permitted for any commercial use which abuts an alley. Such sign may be in addition to any other signs permitted for any such use which also abuts a public street.
 - (2) The maximum surface area of the sign shall not exceed three square feet and the maximum length shall not exceed two feet.
- W. Political signs. **[Added 6-2-2008 by Ord. No. 392]**
- (1) Political signs shall be defined as temporary signs relating to the election of a person to public office, or a political party, or a matter to be voted upon at an election by the general public, or a limited group thereof. The person, organization, party or entity responsible for any such signs shall complete and file with the Borough a disclosure form, as provided by the Borough, which lists the candidates or issues that the signs will support and gives the name, address, telephone number and e-mail address of such responsible person, party or entity. Political signs shall be exempt from the permit requirements of this chapter, provided that no sign shall be displayed more than 60 calendar days prior to an election or for more than 10 days following the election for which it is erected. No political signs may be erected on any parks or other property owned by the Borough of Milford. The owner of any lot

within the Borough of Milford shall have the right to control the placement of political signs in the area of any road right-of-way that abuts his or her property. Such signs may not: **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- (a) Be placed closer than five feet to the curblineline or edge of pavement, as applicable.
 - (b) Be placed in a location where they create a traffic hazard.
 - (c) Exceed 32 square feet in size.
 - (d) Exceed two signs per candidate per property.
- (2) Violation of any provision of this section shall subject the responsible person, party or entity to the enforcement powers of this chapter, including, but not limited to, the removal cost provisions of Subsection O of this section, §§ 312-64, 312-70 and 312-71.
- X. A-frame/sandwich board signs and easel signs. **[Added 12-7-2009 by Ord. No. 404; amended 9-9-2013 by Ord. No. 421; 9-14-2015 by Ord. No. 438; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)¹⁷]**
- (1) Intent. This subsection is intended to authorize the use of A-frame/sandwich board and easel signs in certain districts of the Borough in addition to the other signs permitted by this chapter.
 - (2) Temporary nature of A-frame and easel signs. The A-frame/sandwich board and easel signs permitted by this subsection shall be considered temporary signs specifically authorized by this chapter. The removal or modification of all such signs may be required by the Borough Council upon the adoption of a Borough ordinance modifying or repealing this subsection and requiring the removal or modification of any such signs and/or specifically prohibiting the use of such signs. The adoption of this subsection shall not be considered now or in the future to create a vested right to place such signs. The termination of such a right shall not give rise to a nonconforming use to continue the placement of signs after the termination.
 - (3) Compliance. Except as may be modified by this subsection, A-frame/sandwich board and easel signs permitted by this subsection shall comply with the requirements of this chapter and other Borough ordinances.
 - (4) Definitions. The following definitions shall apply in addition to the applicable definitions related to signs in this chapter.

17. Editor's Note: This subsection derives from Ord. No. 405, adopted 12-7-2009.

SIGN, A-FRAME/SANDWICH BOARD — A self-supporting, movable sign consisting of two faces connected at the top.

SIGN, EASEL — A self-supporting, movable sign consisting of one face with supporting legs or a supporting frame, or a sign displayed on an easel.

- (5) Location and standards. A-frame/sandwich board signs or easel signs shall be permitted for nonresidential establishments in the LC District and C District as delineated on the most current Borough Zoning Map, subject to the following standards:

(a) Permit. A permit shall be required, but Architectural Review Board approval shall not be required.

(b) Single-establishment premises.

[1] One A-frame/sandwich board sign or one easel sign shall be permitted per single-establishment.

[2] The sign shall be permitted in addition to the signs permitted by the Schedule of Sign Regulations in this chapter and shall not count as part of the total permitted sign area.

[3] An A-frame/sandwich board sign shall be placed adjacent to the public access to the establishment to which it refers.

[4] An easel sign shall be permitted only on a covered porch and shall be anchored to the building to protect against it being blown away.

(c) Multiple-use site.

[1] One A-frame/sandwich board sign or one easel sign shall be permitted for each individual store, office or separate establishment in a multiple-use site.

[2] The sign shall be permitted in addition to the signs permitted by the Schedule of Sign Regulations in this chapter and shall not count as part of the total permitted sign area.

[3] An A-frame/sandwich board sign shall be placed adjacent to the public access to the establishment to which it refers.

[4] An easel sign shall be permitted only on a covered porch and shall be anchored to the building to protect against it being blown away.

(d) A-frame/sandwich board sign.

[1] The sign shall not exceed 48 inches in height nor be less than 36 inches in height, and shall not exceed 26 inches

in width. The business owner will complete a plot plan indicating where the A-frame sandwich board sign will be placed; the Code Enforcement Officer will review the plot plan prior to issuing the permit.

- [2] The sign shall be a minimum of eight feet from the edge of pavement. If that falls within an existing Borough sidewalk, no part of the sign shall be more than three feet from the adjoining building front and an unobstructed sidewalk area of not less than five feet shall be maintained.
 - [3] No part of the sign shall be located within the grassed or landscaped area between the Borough sidewalk and the street curb (commonly referred to as the "verge").
 - [4] An A-frame/sandwich board sign shall be permitted for establishments which abut an alley, provided the alley is wholly within the LC District or C District as delineated on the most current Borough Zoning Map; however, the sign shall not be placed within the alley. They are not permitted in an alley that abuts a residential district.
 - [5] A-frame sandwich board signs shall not be placed in public parks and shall not be placed on public property. Exception: any business that cannot be accessed from a public street or public alley and which causes the customers to walk across a public park may request a specific approval from the Milford Borough Council to place one A-frame sandwich board on the grass in the public park beside the sidewalk adjacent to the nearest public street or public alley. The Code Enforcement Officer will indicate to the business owner where the sign may be placed.
 - [6] Houses of worship shall obtain a permit without paying a fee to display two A-frame sandwich board signs for up to two weeks prior to any events sponsored by the house of worship. These signs shall be placed on the lawns, owned by the house of worship, which are adjacent to the sidewalks of the streets bordering the house of worship property. No signs are to be placed in the verges.
 - [7] The Milford Fire Department may display sandwich boards signs to publicize its fund-raising and special events. The Milford Fire Department shall obtain one permit (without paying a fee) for all its A-frame sandwich board signs.
- (e) Easel sign.
- [1] The exposed face of the sign shall not exceed 24 inches in width and 36 inches in height, and the total height of the sign and easel shall not exceed 60 inches.

- [2] The sign shall be securely affixed to the easel.
- [3] The sign shall be permitted only on a covered porch.
- [4] An easel sign shall be permitted for establishments which abut an alley provided the alley is wholly within the LC District or C District as delineated on the most current Borough Zoning Map; however, the sign shall be placed on a covered porch. They are not permitted in an alley that abuts a residential district.

(f) A-frame/sandwich board sign and easel sign.

- [1] The sign shall comply with the design and material requirements as specified by resolution adopted by the Borough Council.
- [2] The sign shall be self-supporting, and shall not be used as a projecting sign, wall sign, or window sign.
- [3] The sign shall not be illuminated.
- [4] The sign shall be displayed only during the hours when the establishment is open for business and shall include advertising pertaining only to the establishment of location.
- [5] The sign shall be sufficiently secured or weighted to resist overturning.
- [6] No balloons, streamers, light strings, or other device or display shall be attached to the sign.
- [7] No such sign shall be permitted for a home occupation or a no-impact home-based business.

(g) Violations and penalties. Any person who violates or permits a violation of this subsection shall, upon being found liable therefor, pay a fine of not more than \$600, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. If the penalty is not paid, the Borough shall initiate a civil action for collection in accordance with the Pennsylvania Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense, and each section of this subsection that is violated shall also constitute a separate offense. In addition to or in lieu of enforcement under this subsection, the Borough may enforce this subsection in equity in the Court of Common Pleas of Pike County. This subsection shall be enforced by the Code Enforcement Officer, but § 312-24X(5)(d)[2], [3] and [5] may also be enforced by the Borough Police Department.¹⁸

§ 312-25. Keeping of animals. [Added 6-1-2009 by Ord. No. 398]

A. Domestic animals.

- (1) The keeping of domestic animals is an allowed accessory use in all zoning districts.
- (2) The keeping of more than four dogs and/or cats over six months of age within a commercial unit or residential dwelling unit shall be prohibited (except as permitted as a kennel).

B. Farm animals.

- (1) The keeping and maintaining of farm animals, including livestock and horses, shall be an allowed use on sites qualifying as farms in the residential zoning district.
- (2) The keeping of horses is allowed in the R District provided:
 - (a) The minimum lot size is 2 1/2 acres.
 - (b) The number of horses does not exceed one per acre unless a higher number is granted by the issuance of a conditional use permit.
 - (c) No manure or waste shall be deposited, stored, kept, or allowed to remain in or upon any site without reasonable safeguards adequate to prevent the escape or movement of such manure, waste, or a solution thereof from the site which may result in pollution of any public waters or any health hazard.

C. Wild animals.

- (1) No person shall harbor, maintain or control any wild or dangerous animal within the Borough. A wild or dangerous animal is one which is not normally considered to be a domestic animal and/or is capable of inflicting severe bodily harm to humans, and shall include, but not limited to, the following species:
 - (a) Class mammalia. Members of the class mammalia are as follows:
 - [1] African buffalo (*Syncerus caffer*).
 - [2] Hippopotamus (*Hippopotamus amphibius*).
 - [3] Any member of the Family Canidae, such as wolves, coyotes, dingoes, foxes and jackals, except domesticated dogs.
 - [4] Hyenas, all species except aardwolves (*Proteles cristatus*), (Family Hyaenidae).

18. Editor's Note: Original Section 506, Special events, as amended, which immediately followed this section, was repealed 9-19-2017 by Ord. No. 450. See now Ch. 88, Art. III, Special Events.

- [5] Wolverine (*Gulo gulo*).
- [6] Honey badger or retel (*Mellivora campensis*).
- [7] Old world badger (*meles meles*).
- [8] Bears (Family Ursidae).
- [9] Lions, jaguars, leopards, tigers (Genus *Panthera*).
- [10] Clouded leopard (*Neofelis nebulosa*).
- [11] Cheetah (*Acinonyx jubatus*).
- [12] Cougar or mountain lion (*Felis concolor*).
- [13] Elephants (Family Elephantidae).
- [14] Rhinoceroses (Family Rhinocerotidae).
- [15] Gibbons, siamangs (Family Huloidea).
- [16] Orangutans, chimpanzees, gorillas (Family Pongidae).
- [17] Baboons, drills, mandrills (Genus *Papio*).
- [18] Macaques (Genus *Macaca*).
- [19] Gelada baboon (*Theropithecus gelada*).

(b) Class reptilia.

- [1] Members of the class reptilia are as follows:
 - [a] Gavials (Family Gavialidae).
 - [b] Crocodiles (Family Crocodylidae).
 - [c] Alligators, caimans (Family Alligatoridae).
 - [d] Cobras, coral snakes (Family Elapidae).
 - [e] Sea snakes (Family Hydrophidae).
 - [f] Adders, vipers (Family Viperidae).
 - [g] Pit vipers (Family Crotalidae).
 - [h] All venomous rear-fanged species (Family Colubridae).
- [2] The following species of constricting snakes over eight feet in length:
 - [a] Boa constrictor (*Boa constrictor*), all subspecies.
 - [b] Anaconda (*Eunectes murinus*).

- [c] Indian python (*Python molurus*).
 - [d] Reticulate python (*python reticulatus*).
 - [e] Rock python (*Python sebae*).
 - [f] Gila monsters and beaded lizards (Family *Helodermatidae*).
 - [g] Komodo dragon (*Varanus komodoensis*).
- (c) Other animals. Any other animal which by its size, vicious nature or other characteristics is dangerous to human beings.
- (2) "Wild animal" means all of the animals listed in Subsection C(1)(a) through (c) and also any other animal which is commonly considered wild and not domesticated or that because of its odors, cries or similar characteristics is not compatible with residential living.

ARTICLE VI
Residential Standards

§ 312-26. Two-family dwellings.

Where permitted by the Schedule of Uses, two-family dwellings shall comply with the requirements of this § 312-26 and other applicable standards in this chapter.

- A. Common wall. In cases where a two-family dwelling is a duplex involving a common (i.e., party) wall and common property line, said wall shall be located on the common property line separating the adjoining lots. The area of each lot shall not be less than 50% of the minimum lot size required in the Schedule of Development Standards in Article IV and minimum lot dimensions shall also comply with the Schedule of Development Standards in Article IV.¹⁹ **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- B. Over/under units. In cases where the two-family dwelling consists of two dwelling units constructed with one unit located on the second floor above a first floor dwelling unit, the lot size shall comply with the Schedule of Development Standards in Article IV and minimum lot area and dimensions shall also comply with the Schedule of Development Standards in Article IV. If such a two-family dwelling is proposed on two or more separate lots of record, said lots shall be combined into one lot prior to the issuance of a zoning permit. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- C. Conversions. See § 312-27 of this chapter.

§ 312-27. Conversion to dwellings.

A conversion of any building to a residential use or the conversion of any dwelling to accommodate additional dwelling units shall comply with the standards in this § 312-27 and the other requirements applicable to the dwelling type to which conversion is proposed except as modified by this § 312-27. A conversion shall be permitted only within a district in which a new building for similar occupancy would be permitted under this chapter. The intent is to authorize only large buildings for conversion to residential use if those large buildings currently have little economic value or usefulness.

A. Plans and compliance.

- (1) The applicant shall submit plans which show the proposed rearrangement of the interior of the building and layout of off-street parking spaces, as well as ingress, egress and internal vehicular circulation, the landscaping plans, the outdoor lighting plans and the proposed changes to the outside of the building.

19.Editor's Note: The Schedule of Development Standards is included as an attachment to this chapter.

- (2) The applicant shall submit additional information to certify that sewage disposal and other Borough and state requirements, including, but not limited to parking and setbacks, will be satisfied by the proposed design.
 - (3) External structural alterations shall be limited to those required for the purposes of health, sanitation and safety.
 - (4) Interior floor space for each dwelling unit shall comply with the Schedule of Required Interior Floor Space in Article IV.²⁰
- B. Commercial District. The Borough Council may, as a conditional use, authorize the conversion of any building or dwelling in the Commercial District existing at the effective date of this chapter into a dwelling for not more than four families, subject to the following requirements:
- (1) The lot area shall not be less than the requirements for the district as indicated in Schedule of Development Standards in Article IV.
 - (2) No structural alteration of the building exterior shall be made except as may be necessary for purposes of sanitation, safety or energy conservation, and then only as authorized by the Borough Architectural Review Board.

§ 312-28. Group homes.

Group homes shall be permitted in any lawful single-family dwelling unit in accord with the Schedule of Uses²¹ in Article IV, this § 312-28 and other applicable standards of this chapter.

- A. Definition. See Article III.
- B. Supervision. There shall be adequate supervision by an adequate number of person(s) trained in the field for which the group home is intended.
- C. Certification. The use shall be licensed or certified under an applicable state, county or federal program for group housing, if applicable. A copy of any such license or certification shall be filed with the Borough and shall be required to be shown to the Zoning Officer in the future upon request. The group home shall notify the Borough within 14 days if there is a change in the type of clients, the sponsoring agency, the maximum number of residents or if an applicable certification/license expires, is suspended or is withdrawn.
- D. Registration. The group home shall register its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.

20. Editor's Note: The Schedule of Required Interior Floor Space is included as an attachment to this chapter.

21. Editor's Note: The Schedule of Uses is included as an attachment to this chapter.

- E. Counseling. Any medical or counseling services provided on the property shall be limited to residents and a maximum of three nonresidents per day.
- F. Parking. One off-street parking space shall be provided for each employee on duty at any one time, and for every two residents of a type reasonably expected to be capable of driving a vehicle. Off-street parking areas of more than five spaces shall be buffered from adjacent existing single-family dwellings by a planting screen meeting the requirements of § 312-34A of this chapter.
- G. Appearance. If the group home is within a residential district, the building shall be maintained and/or constructed to ensure that it is closely similar in appearance, condition and character to the other residential structures in the area. No exterior signs shall identify the type of use.
- H. Bulk and density. The construction of new group homes shall comply with the minimum lot size and other bulk and density requirements applicable to single-family residential dwellings.
- I. Number of residents. The maximum number of persons who shall reside in a group home, including the maximum number of employees/supervisors and/or care providers routinely in the group home at any point in time, shall not exceed eight total persons.

§ 312-29. Mobile/manufactured homes on individual lots.

Mobile homes placed on lots not in a mobile home park shall comply with all Borough regulations applicable to single-family residential dwellings and:

- A. Shall be constructed in accordance with the Pennsylvania Uniform Construction Code.
- B. Shall have a site graded to provide a stable and well-drained area.
- C. Shall have the hitch mechanisms, wheels and axles removed or screened from view.
- D. Shall be securely attached to the ground to prevent overturning, shifting or uneven settling of the home.
- E. Shall be enclosed from the bottom of the home to the ground or stand using industry-approved skirting material compatible with the home, or if a slab foundation is used, masonry walls underneath the home with soil backfill to result in the surrounding ground level being flush or one normal step height below the first floor elevation. If masonry walls are used, then an appropriate service access area shall be provided.
- F. Shall be attached to a permanent foundation in accord with the Pennsylvania Uniform Construction Code.

§ 312-30. Bed-and-breakfast establishments.

Bed-and-breakfast establishments shall comply with the following standards in addition to all other applicable standards in this chapter.

- A. Adequate off-street parking shall be provided in accord with this chapter with the minimum number of parking spaces provided as follows: one space for each rentable room; one space for each nonresident employee; and two spaces for the dwelling unit.
- B. Not more than five rentable rooms shall be provided in the establishment for no more than 10 guests.
- C. The owner of the bed-and-breakfast must reside on the premises.
- D. Sewage disposal meeting the requirements of the Borough and PA DEP shall be provided.
- E. All rentable rooms shall be in the principal dwelling structure.

§ 312-31. Hotels, motels, and lodging facilities.

This section is intended to provide specific standards for the development of hotels, motels and other lodging facilities at unit densities that allow full use of the project parcel while at the same time recognizing the limitation of the proposed site. Specific performance standards are provided to allow for flexibility of design and to ensure the protection of adjoining properties and the public health, safety and general welfare.

- A. Density. Density of units and facilities shall be determined by the character of the project parcel and compliance with the standards in this § 312-31 and this chapter and other applicable Borough regulations.
- B. Design criteria.
 - (1) Yard, building height, lot width and depth, and lot coverage ratios applicable to the district shall be maintained.
 - (2) All facilities in a hotel, motel or lodging facility project shall be on the same parcel of property and shall not contain any commercial facility unless such commercial facility is otherwise permitted in the district where the subject property is located.

ARTICLE VII

Performance Standards and Environmental Protection**§ 312-32. Design of commercial establishments and nonresidential uses.**

- A. It is the intent of this § 312-32 to provide standards for the design of commercial establishments and nonresidential uses (referred to as commercial establishments) to assure the compatibility of the nonresidential development with the surrounding character of the Borough. This shall be accomplished by:
- (1) Siting buildings, parking areas and other facilities and improvements based upon the particular topography of development site;
 - (2) Providing safe and convenient access from the public right-of-way based on the existing area-wide traffic circulation pattern and the expected traffic generated by the proposed use;
 - (3) Designing parking areas to complement patterns of traffic and pedestrian flow and to provide adequate off-street parking for patrons;
 - (4) Maintaining to the greatest extent possible natural vegetation and provide landscaping as an integral part of the overall design of the proposed use and parking areas;
 - (5) Considering the impact of stormwater, noise, traffic and lighting on surrounding land uses and providing buffers to minimize adverse impacts; and
- B. Land development. Any proposed commercial establishment shall be considered a land development as defined by the Pennsylvania Municipalities Planning Code²² and Chapter 265, Subdivision and Land Development, and shall comply in all respects with all the requirements for plan submission and content for land developments contained therein, as well as the information which follows. The Borough may also require any additional information, studies or reports as it deems necessary to meet the intent of this and other Borough ordinances.
- (1) Location, widths, and names of all existing or prior platted streets and utility rights-of-way, parks, and other public open spaces, permanent buildings and structures, houses or permanent easements, and zoning and municipal boundary lines, within 500 feet of the tract;
 - (2) A traffic and pedestrian flow chart showing circulation patterns from the public right-of-way and within the confines of the land development;

22. Editor's Note: See 53 P.S. § 10101 et seq.

- (3) Location and dimensions of vehicular drives, entrances, exits, acceleration and deceleration lanes;
 - (4) Location, arrangement, and dimensions of automobile parking space, width of aisles, width of bays, angle of parking;
 - (5) Location, arrangement, and dimensions of truck loading and unloading spaces and docks;
 - (6) Location and dimensions of pedestrian entrances, exits, walks;
 - (7) Location, height, and materials of walls, fences, screen plantings, and other landscaped areas;
 - (8) Preliminary drawings for all buildings;
 - (9) Location, size, height, and orientation of all signs other than signs flat on building facades.
- C. Site design process. The applicant shall demonstrate to the Borough by the submission of the necessary land development site plans, that the commercial establishment has been designed as follows:
- (1) Mapping environmentally constrained lands to identify all areas of the site which will remain undisturbed, along with noting site development practices which will be used to ensure nondisturbance.
 - (2) Locating the building site.
 - (3) Locating required buffers.
 - (4) Laying out street access, parking/loading areas, and other required or proposed improvements.
- D. Architectural review board. The building and site shall comply with all requirements of the Historic District and the Borough Architectural Review Board.

§ 312-33. Performance standards applicable to all uses in all districts.

The intent of this § 312-33 is to regulate the development and operation of all development in the Borough and to protect the environment and the public health, safety and general welfare. No land or building shall be used or occupied in such manner which creates any dangerous, injurious, noxious, or otherwise objectionable condition in such amount to adversely affect the surrounding area, and any such activity is hereby declared to be a public nuisance. However, any use permitted by this chapter may be undertaken and maintained if it conforms to all applicable requirements of this chapter, including the standards in this § 312-33 which are intended to limit nuisance elements. The following performance standards shall apply

to all proposed new or expanded nonresidential uses, and residential uses explicitly referenced by a specific section.

A. Yards buffers and screening.

- (1) Unless otherwise regulated by this chapter, where a commercial or manufacturing use is proposed contiguous to any residential district or existing residential use a landscaped buffer not less than 10 feet in width shall be provided in accord with this Subsection A. If larger setbacks and/or buffers are required by another provision of this chapter, the larger shall apply. Storage of equipment, supplies, products or any other materials shall not be permitted in any front yard or side yard.
- (2) In the case of conditional uses and special-exceptions, landscaped buffers and screening may be required by the Borough in any yard in order to assure the protection of adjoining uses by providing visual barriers that block the glare of lights; reduce noise; serve as a protective barrier by blocking physical passage to dangerous areas; and reduce air pollution, dust and litter; and to otherwise maintain and protect the rural character of the district.
 - (a) In determining the type and extent of the buffer and screening required, the Borough shall take into consideration the design of the project structure(s) and site, topographic features which may provide natural buffering, existing natural vegetation, and the relationship of the proposed project to adjoining areas.
 - (b) The width of the required buffer, as determined by the Borough, shall not be less than 15 feet.
 - (c) A mix of ground cover and shrubby vegetation and canopy trees, of such variety compatible with the local climate, may be required so that a dense screen not less than six feet in height will be formed within three years of planting.
 - (d) Berms and landscaped walls or fences, compatible with the principal building design, may be incorporated in the required buffer. Front yard buffers shall be provided in the same manner to a height of not less than four feet; however, all clear sight triangles shall be maintained.
 - (e) In any case, special consideration shall be given to existing residential uses and sites where residential uses are likely to be developed. In cases where the adjoining use is a commercial use, or when two or more adjacent properties are developed under a common site plan, the width and density of the buffer may be reduced if the Borough shall determine that the proposed use and adjoining use(s) are not incompatible.
 - (f) Design details of buffers shall be included on the site plan, and buffers shall be considered "improvements" for the purposes of

guaranteeing installation in accord with the requirements for "land developments" in the Borough Chapter 265, Subdivision and Land Development. It shall be the responsibility of the property owner to maintain all buffers in good condition and replace any dying or dead plants or deteriorating landscape material.

B. Landscaping. A landscaping plan for proposed projects shall be submitted by the developer for review and approval by the Borough. Landscaping shall be considered an improvement for the purposes of regulation by the Subdivision and Land Development chapter. The landscaping plan shall include the overall design of the landscaping proposed, the type and size of vegetation to be utilized, and details of installation. Landscaping shall be installed to the following minimum standards.

- (1) All disturbed areas of the site shall be included in the landscaping plan, and those areas immediately adjacent to buildings and walkways shall be given extra consideration.
- (2) Adequate pedestrian walkways shall be provided for access from parking areas and to common use areas and shall be an integral part of the landscaping; and shall be consistent with the architectural type of the project and shall be a minimum of four feet in width.
- (3) Plants shall be species native to Pennsylvania and of a type which are proven successful in the Borough's climate.
- (4) Where landscaping is required to serve as a buffer (e.g., between the project and adjoining properties or between buildings and parking areas) the plants used shall be of the evergreen type and of adequate size to provide an effective buffer within five years of project approval or in accord with the time frame as may be established as a condition of approval for conditional uses, special exceptions or variances.
- (5) The variety of landscape materials shall be consistent with building architecture and the surrounding area and plant type shall be appropriate for the size and location of the space it is to occupy.
- (6) All areas in and around parking areas shall be landscaped.
- (7) Attractive natural features of the site, including mature trees, shall be preserved to the greatest extent possible.
- (8) Artificial landscape materials shall not be used in place of live trees, shrubs and vegetative ground cover.
- (9) All trees to be planted shall have a trunk diameter of at least one inch as measured one foot above the ground.

- (10) Ground cover shall be spaced to allow for complete fill-in within one year of the date of planting.
- (11) Adequate soil preparation in accord with accepted landscape industry practices shall be required.
- (12) All landscaping shall be maintained in good growing condition by the property owner and free of weeds, debris and brush.

C. Operations and storage.

- (1) Unless approved as a conditional use, all facilities and operations of any principal use (with the exception of nurseries, agriculture and the display for sales purposes of new or used cars, motorcycles, trucks, trailers, vehicles, or farm equipment, in operative condition or other similar uses), including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building; or shall, as required by the Borough for conditional uses and special exceptions, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way.
- (2) Unenclosed uses and activities shall, in any case, be a minimum of 50 feet from any existing residential structure unless a greater setback is required by the Borough.
- (3) Storage of equipment, supplies, products or any other materials shall not be permitted in any required setback areas.

D. Fire and explosion hazards. All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of federal, state and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provide by the developer for review by the local fire company(ies). In the case of conditional uses and special exceptions, larger setbacks, additional buffer areas or fencing may be required by the Borough if the nature of the proposed use as determined by the Borough so requires.

E. Radioactivity or electric disturbance. No activities shall be permitted which emit dangerous radioactivity, electrical disturbance or electromagnetic radiation adversely affecting the operation of any person or any equipment other than that of the creator of such disturbance. All applicable federal regulations shall apply.

F. Noise. The outdoor day-night average sound level (DNL) in decibels at the property line shall not exceed 65 decibels. The Zoning Officer in the

investigation of a violation shall initially estimate DNL using the Walk-away Test as described in the United States Department of Housing and Urban Development's 1979 Noise Assessment Guidelines. Should the test indicate a DNL exceeding 65 decibels the Officer shall notify the owner and any aggrieved party of his findings and the potential violation. He shall also recommend appropriate abatement measures. Should a subsequent investigation still indicate a problem the officer shall determine such average sound level by taking no less than three measurements with a decibel meter, all of which shall occur within 72 hours but no less than 15 minutes apart.

- G. Vibration. No vibration shall be permitted which is detectable without instruments at or beyond the property line; and no use shall generate any vibration which is capable of causing damage to buildings, structures, equipment alignment, or structural soundness. This requirement shall not apply to occasional blasting conducted in accord with applicable regulations that may be necessary during construction of streets, structure and utilities.
- H. Lighting and glare. The standards of this Subsection H shall apply to all uses, including residential and agricultural. Lighting shall be controlled in both height and intensity to maintain community character; and lighting design should be an inherent part of the project design. The standards of the Illuminating Engineering Society of North America shall be used as a guideline for the said design. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Borough Subdivision and Land Development chapter.
 - (1) Exemption. This Subsection H shall not apply to streetlighting that is owned, financed or maintained by the Borough or state.
 - (2) Areas to be lighted. All accessways, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted for safety purposes. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs.
 - (3) Shielding. No light source shall be exposed to the eye except those covered by globes or diffusers so that the lights are fully shielded to project the light below the horizontal plane of the lowest point of the fixture. Other lighting shall be indirect or surrounded by a shade to hide visibility of the light source.
 - (4) Glare. No direct or sky-reflected glare, whether from overhead lighting, floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted.
 - (5) Nuisances. The intensity, height and shielding of lighting shall provide for adequate and proper safety, and shall not be a nuisance or hazard to drivers and residents of the Borough.

- (6) Height. The maximum height of light standards shall not exceed the maximum building height of the district but in no case greater than 35 feet. This limitation shall not apply to lights needed for air safety.
 - (7) Flashing. Flashing, flickering or strobe lights are prohibited, except for nonadvertising seasonal lights between October 25 and January 10.
- I. Smoke. No emission of smoke shall be permitted from any chimney or otherwise except in full compliance with Pennsylvania Department of Environmental Protection requirements.
- J. Odors. No emission shall be permitted of odorous gases or other odorous matter except in full compliance with Pennsylvania Department of Environmental Protection requirements. Because the Borough is a rural/agricultural area with many farms, the spreading of manure, shall not be considered an offensive odor and shall be exempt from this Subsection J; however, this exemption shall not apply to sewage sludge and concentrated animal feeding operations.
- K. Other forms of air pollution. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted except in full compliance with Pennsylvania Department of Environmental Protection requirements.
- L. Surface and groundwater protection. All activities involving the possible contamination of surface or groundwater shall be provided with adequate safety devices to prevent such contamination. In cases where any earth disturbance will result in the excavation of bedrock, the Borough may require the applicant to submit a report from a qualified engineer or geologist detailing the geologic structure of the area proposed to be disturbed and identifying the probable impacts on groundwater supply and quality. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Borough may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring wells and water quality testing may also be required by the Borough. The developer shall also provide details about the use of groundwater and any processes that could result in the depletion of groundwater supplies. No use shall be permitted which would result in the depletion of groundwater supplies. In cases where the use is of such a nature that large volumes of groundwater are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of groundwater supplies available to other properties located within 1,000 feet of any portion of the property where the proposed use will be located.

- M. Stormwater management and soil erosion control (applicable to all uses and development) A stormwater management plan and soil erosion and sedimentation control plan shall be prepared and implemented pursuant to the standards contained in Chapter 265, Subdivision and Land Development, other applicable Borough regulations, County Conservation District, and DEP standards, and shall be based on generally accepted engineering principles appropriate for the proposed use. Infiltration and the protection of the quality of groundwater and surface water shall be an integral part of all proposed stormwater management practices. The plan shall provide for the minimization of the discharge of "first flush" sediments off the project site or directly to infiltration structures. Containment of "first flush" sediments shall be accomplished by accepted and proven engineering design and practice, including, but not limited to, the use of grass buffer/filter strips, grass swales, detention basins, sediment traps, and special inlet devices. County Conservation District approval of the soil erosion and sedimentation control plan shall be required.
- N. Waste materials. No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground. All waste materials shall be disposed of only in accord with all applicable state and federal regulations and applications for any use which results in waste materials regulated by the state or federal government shall include a list of all such wastes and the method of temporary storage, handling and disposal.
- O. Handicapped access. Access for handicapped persons to all uses shall be provided in accord with all applicable state and federal requirements.
- P. Settling and/or storage ponds and reservoirs. All ponds, reservoirs or other such storage facilities which are associated with any manufacturing or industrial process, or any sewage or waste disposal process shall be fenced or shall otherwise be physically controlled to prevent access by the public. Said fence shall be not less than four feet high and of a design to restrict access to the area to be controlled. Any such facility which contains any material which is poisonous, toxic or caustic, shall be considered a conditional use, and the Borough Council shall, at a minimum, require that such structure be enclosed by a chain link fence not less than eight feet high.
- Q. Roadways and utilities (applicable to all uses and development). In the development of roads, driveways and/or clearing of utility easements,

removal of trees shall be only to the extent essential for construction. Such roads, driveways and easements shall follow natural contours to the maximum extent possible to reduce or minimize earthwork and avoid wide clear areas. The retention of shade trees along such roads and driveways shall be encouraged.

- R. Water supply. All uses shall be provided with an adequate and safe water supply, as demonstrated by evidence to be provided by the applicant, documenting that the siting, density, and design of all proposed residential, commercial, industrial and other developments or uses will ensure the availability of reliable; safe and adequate water supplies to support the proposed land use(s) within the capacity of available water resources.
- S. Sewage disposal. Sewage disposal shall be provided by a system meeting the needs of the proposed use and the requirements of the Borough and the Pennsylvania Department of Environmental Protection. Discharge to such system shall be limited to normal, domestic and human bodily wastes unless the treatment system has been specifically designed to handle other wastes or the wastes are pre-treated in accord with Pennsylvania Department of Environmental Protection or local sewer authority requirements. No discharge of wastes, by-products or materials in any way associated with a production process, health care or veterinary facility medical wastes, funeral home wastes, or other commercial wastes shall be permitted to any subsurface, land application or other soil based sewage disposal system.
- T. Other regulations. The Zoning Officer, Planning Commission, Borough Council or the Zoning Hearing Board, as the case may be may require documentation from the Applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including, but not limited to, the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Labor and Industry, the Federal Emergency Management Agency and the United States Environmental Protection Agency.

§ 312-34. Environmental assessment.

- A. The intent of this § 312-34 is to provide the identification of environmental and community effects and means of mitigation of effects of development projects in the Borough, and to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Borough Council, Planning Commission, or Zoning Hearing Board, as the case may be, may, based upon the nature of a project and potential effects on the Borough, require the developer to prepare and submit to the Borough an environmental assessment (EA) for the types of developments and uses listed below. The requirements of this § 312-34 may also be applied to any other proposed conditional

use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Borough, warrants the application of the study required contained herein. The Borough Council, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the EA should such components be deemed unnecessary for certain uses.

- (1) Industrial parks.
- (2) Light manufacturing or manufacturing or industrial uses.
- (3) Junkyards.
- (4) Mineral extraction.
- (5) Mineral processing.
- (6) Agricultural products processing.
- (7) Solid waste facilities and staging areas.
- (8) Warehouses and trucking terminals.
- (9) Any use involving the initial or cumulative disturbance of 43,560 or more square feet of soil surface areas.
- (10) Any use involving development in any floodplain area.

B. Purpose of EA. The purpose of this EA is to disclose the environmental consequences of a proposed action for consideration by the Borough for the determination of approval or denial of the project, and, if the project is approved, for the establishment of conditions of approval. This requirement is made in order to protect the natural environment with respect to water quality, water supply, soil erosion, pollution of all kinds, flooding and waste disposal and to preserve trees and vegetation, to protect watercourses, air resources and aquifers.

C. Contents of EA.

- (1) An EA shall include a description of the proposed use, including location relationship to other projects or proposals, with adequate data and detail for the Borough to assess the environmental effect. The EA shall also include a comprehensive description of the existing environment and the probable future effects of the proposal. The description shall focus on the elements of the environment most likely to be affected as well as potential regional effects and ecological interrelationships.
- (2) At a minimum, the EA shall include an analysis of the items listed below regarding the effect of the proposed use and the mitigation of any such effects; and said proposal shall comply with all other standards included in this chapter and other Borough Ordinances:

- (a) Soil types.
 - [1] USDA soil types (show on map).
 - [2] Permeability of soil on the site.
 - [3] Rate of percolation of water through the soil for each five acres.
- (b) Surface waters.
 - [1] Distance of site from nearest surface water and head waters of streams.
 - [2] Sources of runoff water.
 - [3] Rate of runoff from the site.
 - [4] Destination of runoff water and method of controlling down stream effects.
 - [5] Chemical additives to runoff water on the site.
 - [6] Submission of an erosion and sediment control plan meeting the requirements of the PA DEP and the County Conservation District.
 - [7] Said information shall be set forth in a stormwater management plan meeting the requirements of the Borough Subdivision and Land Development chapter.
- (c) Ground cover, including vegetation and animal life.
 - [1] Extent of existing impervious ground cover on the site.
 - [2] Extent of proposed impervious ground cover on the site.
 - [3] Type and extent of existing vegetative cover on the site.
 - [4] Extent of proposed vegetative cover on the site.
 - [5] Type of animal life and effect on habitat.
- (d) Topographic and geologic.
 - [1] Maximum existing elevation of site.
 - [2] Minimum existing elevation of site.
 - [3] Maximum proposed elevation of site.
 - [4] Minimum proposed elevation of site.
 - [5] Description of the topography of the site and any special topographic features, and any proposed changes in topography.

- [6] Surface and subsurface geology.
- (e) Groundwater.
 - [1] Average depth to seasonal high water table.
 - [2] Minimum depth to water table on site.
 - [3] Maximum depth to water table on site.
 - [4] Quality.
- (f) Water supply.
 - [1] The source and adequacy of water to be provided to the site.
 - [2] The expected water requirements (g.p.d.) for the site.
 - [3] The uses to which water will be put.
- (g) Sewage disposal.
 - [1] Sewage disposal system (description and location on the site, of system).
 - [2] Expected content of the sewage effluent (human waste, pesticides, detergents, oils, heavy metals, other chemical).
 - [3] Expected daily volumes of sewage.
 - [4] Affected sewage treatment plant's present capacity and authorized capacity.
- (h) Solid waste.
 - [1] Estimated quantity of solid waste to be developed on the site during and after construction.
 - [2] Method of disposal of solid waste during and after construction.
 - [3] Plans for recycling of solid waste during and after construction.
- (i) Air quality.
 - [1] Expected changes in air quality due to activities at the site during and after construction.
 - [2] Plans for control of emissions affecting air quality.
- (j) Noise.

- [1] Noise levels, above existing levels, expected to be generated at the site (source and magnitude) during and after construction.
- [2] Proposed method for control of additional noise on site during and after construction.

(k) Land use.

- [1] Past and present use of the site with particular attention to storage or disposal of toxic or hazardous waste.
- [2] Adjoining land uses and character of the area.

(l) Critical effect areas. Any area, condition, or feature which is environmentally sensitive, or which if disturbed during construction would adversely affect the environment. Critical effect areas include, but are not limited to, stream corridors, streams, wetlands, slopes greater than 15%, highly acid or highly erodible soils, areas of high water table, and mature stands of native vegetation and aquifer recharge and discharge areas.

(m) Historic resources. Identification of structures or sites of historic significance and probable effect of project.

(n) Transportation network. Existing network traffic volumes and capacities and need for improvements required by the project. In the case of PennDOT roads a copy of the traffic study required by PennDOT shall be submitted and in the case of Borough roads, the study shall be conducted in accord with PennDOT requirements.

(o) Law enforcement. Existing law enforcement capabilities of the Borough and state; and assess the effect of the proposed development on said law enforcement agencies along with actions proposed to mitigate any burdens created by the development.

(p) Community facilities and services. Existing community facilities and services and how the proposed use will effect those facilities and services, including projected needs for additional facilities and services.

(q) Additional requirements. In addition to the above requirements the Planning Commission and/or Borough Council or the Zoning Hearing Board may require such other information as may be reasonably necessary for the Borough to evaluate the proposed use for its effect on the community.

D. Additional considerations. The following shall also be addressed:

- (1) A description of alternatives to the proposed use.

- (2) A statement of any adverse effects which cannot be avoided.
 - (3) Environmental protection measures, procedures and schedules to minimize damage to critical effect areas during and after construction.
 - (4) A list of all licenses, permits and other approvals required by municipal, county or state law and the status of each.
 - (5) A listing of steps proposed to minimize environmental damage to the site and region during and after construction.
- E. Qualifications. The EA shall be prepared by a professional architect, landscape architect, planner, engineer or other qualified individual whose qualifications have been previously approved by the Borough Council or the Zoning Hearing Board as the case may be.
- F. Procedures for evaluating the EA shall be as follows.
- (1) Upon receipt of the application the Borough shall forward the EA to the Borough Engineer and any other agency or firm which the Borough may desire for consultation.
 - (2) The above mentioned Agencies shall review the applicant's EA and shall report its comments to the Planning Commission and Borough Council or Zoning Hearing Board.
 - (3) The Planning Commission and/or Borough Council or Zoning Hearing Board may require the opinion of experts in their review of the EA.
 - (4) Fees for the costs of such consultation as described in Subsection F(1) and (3) above shall be paid by the applicant.
 - (5) Copies of the EA shall be on file and available for inspection in the Borough office.
 - (6) The Planning Commission shall evaluate the proposed project and the EA and recommend action on same to the Borough Council or Zoning Hearing Board.

§ 312-35. Special conservation standards.

All uses permitted by this chapter shall be subject to the following special conservation performance standards. The procedures and standards are as follows:

A. Steep slope areas.

- (1) Steep slopes defined, measurement. Steep slopes shall be defined as slopes in excess of 25% grade as determined by the Zoning Officer from United States Geological Survey topographic maps or from the Pike County Soil Survey soil maps and descriptions. In cases where the slope cannot be specifically determined by said

means, the Zoning Officer may require the applicant to provide certification from a professional engineer or registered land surveyor of the slope in question. Slope shall be measured at the points where any earth will be disturbed or where structures or other improvements are proposed.

- (2) Conditional use. Any use or development of such steep slope areas shall be considered a conditional use, and in reviewing applications for use of sites partially or wholly included within an area identified as steep-sloped, the Borough Council and Planning Commission shall be satisfied that the following performance standards have been or will be met:
- (a) An accurate map prepared by a registered surveyor in the Commonwealth of Pennsylvania has been submitted showing property boundaries, building and drive locations, contours at two foot intervals and any areas to be graded. The proposed location of other factors shall also be shown, including, but not limited to, streams, wetlands, areas subject to landslides and extent of vegetative cover.
 - (b) A grading and drainage plan has been prepared showing existing and proposed ground surfaces, plans for drainage devices, plans for walls or cribbing, etc., map of the drainage area affected, computation of the amount of runoff expected, an erosion control plan and schedule for completion of work.
 - (c) Impervious surfaces are kept to a minimum.
 - (d) No finished grade where fill is used shall exceed a 50% slope.
 - (e) Where fill is used to later support structures, a minimum compaction of 90% of maximum density shall be achieved.
 - (f) At least 50% of the area to be used for any building or construction purposes shall be less than 15% slope.
 - (g) Soils characterized by the Pike County Soil Survey as highly susceptible to erosion shall be avoided.
 - (h) Roads and utilities shall be installed along existing contours to the greatest extent possible.
 - (i) Any steep slope areas also characterized by seasonal high water tables shall be avoided.
 - (j) Natural vegetation shall be preserved to as great a degree as possible.
 - (k) In cases where structures are proposed, the applicant shall submit plans to the Zoning Officer detailing how the limitations of slope will be mitigated by the design of the structure(s).

B. Buffers for wetlands.

- (1) If the Borough determines that wetlands may be present or may be impacted by the proposed development, the Borough may require wetlands, as defined and regulated by the Pennsylvania Department of Environmental Protection, the United States Army Corps of Engineers and the United States Fish and Wildlife Service, and vernal pools to be delineated on any application proposing a new use or expanded use of land. The Borough may also require a jurisdictional determination by the United States Army Corps of Engineers.
- (2) The applicant shall be responsible for said delineation and shall warrant that said wetlands have been properly delineated.
- (3) A buffer of 50 feet in width shall be maintained for all wetlands of one-half acre or more in size, and 25 feet for wetlands less than one-half acre in size. The buffer shall be measured perpendicular to and horizontally from the edge of the delineated wetland for the required distance.
 - (a) Unpaved trails and non-clear-cut forestry enterprises (e.g., selective regeneration harvest) shall be permitted in accord with this chapter shall be permitted.
 - (b) Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 - (c) No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
- (4) If no wetlands are present, the applicant shall provide a certified statement to that effect. No development shall be undertaken by the applicant except in accord with all state and federal wetland regulations; and the applicant shall provide to the Borough evidence of such compliance.
- (5) No zoning approval granted by the Borough shall in any manner be construed to be an approval of compliance by the applicant with any state or federal wetland regulations; and the Borough shall have no liability or responsibility to the applicant or any other person for compliance with said regulations.

C. Buffers for lakes and ponds. A buffer of not less than 50 feet in width, measured perpendicular to and horizontally from the edge of the water body, shall be maintained from the edge of all lakes and ponds one-half acre or more in size. The buffer for lakes and ponds less than one-half acre in size shall be not less than 25 feet.

- (1) Unpaved trails and stormwater conveyance facilities required by the Borough shall be permitted.
 - (2) Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 - (3) Accessory structures, boat docks and accesses, and tree trimming for lake front views shall be permitted, provided that no more than 35% of the buffer area is affected.
 - (4) No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted.
- D. Stream buffer. A buffer of not less than 50 feet in width shall be maintained along all streams unless a larger buffer is required by floodplain regulations. The buffer shall be measured perpendicular to and horizontally from the top of bank of the stream for a distance of 50 feet.
- (1) Encroachments and obstructions as defined and approved by DEP, stormwater conveyance facilities required by the Borough, and unpaved trails shall be permitted.
 - (2) Vegetation shall not otherwise be disturbed except for buffer maintenance and restoration, or the correction of hazardous conditions.
 - (3) No other earth disturbance, grading, filling, buildings, structures, new construction, or development shall be permitted except as permitted by the Borough Floodplain Ordinance.²³
- E. Floodplain. Floodplain shall be governed by the floodplain regulations contained in the Borough Floodplain Ordinance.

§ 312-36. Conservation of vegetation and property line buffer areas.

The intent of this section is to preserve the character of the Borough by requiring the conservation of trees and other vegetation, especially during the land development and lot improvement process, and by requiring property line buffers. This effort will also minimize the detrimental effects of soil erosion and sedimentation and stormwater runoff. This section is not intended to prescribe specific cutting practices; or to prevent or hinder any landowner from realizing financial return from the sale of trees; or to prevent or hinder commercial, tree harvesters from operating in the Borough. (Note: The Pennsylvania Municipalities Planning Code requires all zoning districts in the commonwealth to permit forestry as a principal permitted use in every zoning district.)

23. Editor's Note: See § 312-18.

- A. Applicability. The requirements of this section shall apply to all unimproved (lacking a principal structure) properties in the Borough.
- B. Natural vegetation. In order to minimize soil erosion and stormwater runoff, natural vegetation shall be maintained to the greatest extent possible.
 - (1) Limitation of clearing. Clearing of vegetation shall be limited to those areas of the site approved for proposed and required improvements, and no clearing shall be undertaken until a zoning permit for the proposed use has been approved. This shall not prohibit the normal maintenance of existing vegetation or the cutting of trees or other vegetation for safety or to correct emergency conditions.
 - (2) Ground cover, landscaping. Any part of a site where existing vegetation has been disturbed and which is not used for buildings, structures, loading or parking spaces and aisles, sidewalks, designated storage areas or other improvements, shall be provided with an all-season ground cover and shall be landscaped.
 - (3) Additional requirements. In the case of conditional uses and special exceptions, additional landscaping, screening and/or buffers may be required by the Borough where the same are determined by the Borough as necessary to protect adjoining uses.
- C. Plan, buffer areas. In addition to the requirements of Subsection A, the following requirements shall apply to all parcels in the Borough:
 - (1) Plan requirement. Clearing of vegetation and landscaping for a development project shall be in accord with an overall plan to be submitted with the zoning permit application. Such clearing shall not be initiated until the application is approved by the Borough. For the purposes of installation in land developments, landscaping shall be considered an improvement in accord with the Borough's Subdivision and Land Development chapter. The clearing and landscaping plan shall show the type and extent of existing vegetation, the area proposed for clearing and proposed landscaping.
 - (2) Buffer requirement. A buffer of not less than 25 feet in width shall be maintained along all property lines and any road right-of-way. This buffer shall be maintained until such time as a development plan or zoning permit is approved for the parcel in accord with this chapter. Existing vegetation in this buffer area shall not be disturbed except that trees may be harvested to the extent that the basal area of trees in the twenty-five-foot buffer area shall not be reduced below 50% of the basal area present before cutting or below 65 square feet per acre, whichever is higher. Basal area is the area in square feet per acre occupied by tree stems at 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.

§ 312-37. Grading or filling.

The intent of this § 312-37 is to regulate earth disturbance, minimize stormwater runoff, and protect soil resources and water quality. All grading or filling shall comply with this § 312-37.

- A. Permit. Any activity which will result in earth disturbance of more than 2,500 square feet of land area shall require a zoning permit. However, this § 312-37 shall not apply to:
 - (1) Projects where zoning or subdivision and land development approval has been otherwise granted.
 - (2) Forestry and agricultural uses with an approved soil erosion and sedimentation control plan meeting the requirements of the County Conservation District and PA DEP.
 - (3) The installation of a lawn or garden.
- B. Plan. The application for a zoning permit shall include a plan setting forth the details of the earth disturbance and including any additional information deemed necessary by the Borough to determine compliance.
- C. Soil erosion and sedimentation and stormwater control. Any earth disturbance, regardless of size, shall comply with all applicable Borough, state and federal regulations governing soil erosion and sedimentation control and stormwater management. The applicant shall provide documentation of such compliance prior to the issuance of a zoning permit.
- D. Excavation. Unless specifically permitted, open excavations shall not be maintained, except those excavations made for the erection of a building or structure for which a permit has been issued.
- E. Natural contours. Linear excavations (e.g., driveways, utilities) shall follow natural contours to the maximum extent possible to minimize disturbance and soil erosion.
- F. Storage piles. Excavation materials shall not be stored in piles on a property for more than one year before being redistributed and graded on the property or removed from the property. All such piles shall be stabilized and protected to prevent erosion.
- G. Dust control. Dust problems shall be minimized during the excavation, storage, removal, and hauling of excavated materials.

§ 312-38. Traffic impact study (TIS).

- A. Traffic impact studies are required for certain activities to enable the Borough to assess the effect on the transportation system in and around the Borough and to:

- (1) Ensure that proposed uses do not adversely affect the transportation network.
- (2) Identify any traffic problems associated with site access.
- (3) Determine traffic problems on private, Borough, county or state roads in the project traffic study area.
- (4) Assist in the protection of the safety of the motoring public, air quality, and energy conservation.

B. TIS requirement.

- (1) Thresholds. A TIS shall be required for all residential and nonresidential proposals that are projected to generate 150 or more trip-ends per project peak hour or 1,500 trip-ends or more per day based on the latest edition of Trip Generation published by the Institute of Transportation Engineers. A TIS shall also be required for additions to a use, changes of use and replacements of nonconforming uses that increase the total traffic (i.e., existing plus new traffic) above the peak hour or daily thresholds.
- (2) Other projects. The Borough Council, Planning Commission, or Zoning Hearing Board, as the case may be, may also, based upon the nature of a project and potential impacts on the Borough, require the developer to prepare and submit to the Borough a TIS for the types of developments and uses listed below. The requirements of this § 312-37 may be applied to any other proposed conditional use or special exception, which for reasons of location, design, existing traffic or other community or environmental considerations, as determined by the Borough, warrants the application of the study required contained herein in order to determine what conditions should be required to mitigate any adverse effects of the proposed use. The Borough Council, Planning Commission, or Zoning Hearing Board, as the case may be, may waive certain components of the TIS should such components be deemed unnecessary for certain uses.
 - (a) Industrial parks.
 - (b) Light manufacturing or manufacturing or industrial uses.
 - (c) Junkyards.
 - (d) Mineral extraction.
 - (e) Mineral processing.
 - (f) Agricultural products processing.
 - (g) Solid waste facilities and staging areas.
 - (h) Warehouses and trucking terminals.

- (i) Any use involving the initial or cumulative disturbance of 43,560 or more square feet of soil surface areas.
 - (j) Any use involving development in any floodplain area.
- C. Professional requirements. The TIS shall be prepared by a registered professional traffic engineer or transportation planner with verifiable experience in preparing such studies.
- D. Study methodology and area.
 - (1) Methodology. The TIS shall be in accord with the Institute of Transportation Engineers recommended Methodology and Pennsylvania Department of Transportation Guidelines.
 - (2) Study area. The study area for the traffic study shall be based on engineering criteria and an understanding of existing traffic conditions at the site. It shall represent that area likely to be affected by the development, where highway users are likely to experience a change in the existing level of service. The study limits shall be initially agreed upon by the developer, his engineer and the Borough's Engineer. The study area shall be specifically subject to the approval of the Borough with the advice of the Borough Engineer and/or a qualified traffic engineer.
- E. Study contents. The TIS shall contain the following elements:
 - (1) The study area boundary and identification of the roadways included within the study area.
 - (2) A general site description, including:
 - (a) Size, location, existing and proposed land uses and dwelling types, construction staging, and completion date for the proposed project.
 - (b) Existing land uses, approved and recorded subdivision and land developments, and subdivisions and land developments proposed but not yet approved and recorded in the study area that are agreed upon by the developer, his traffic engineer, and the Borough's Engineer, as having bearing on the development's likely impact.
 - (c) Within the study area, a description of existing roadways and intersections (geometries and traffic signal control) as well as improvements contemplated by government agencies or private parties.
 - (3) An analysis of existing conditions, including:
 - (a) Daily and peak hour(s) traffic volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Turning

movement and mainline volumes shall be presented for the three peak hour conditions (a.m., p.m. and site-generated). However, only mainline volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.

- (b) Level of service at critical points. Levels of service (A through F) for each lane group (not overall average) shall be computed and presented along with a description of typical operating conditions at each level of service.
 - (c) Accident locations. A tabulation of accident locations during the most recent three-year period.
- (4) An analysis of future conditions without the proposed development. The future year(s) for which projections are made will be specified by the Borough and will be dependent on the timing of the proposed development. The following information shall be included:
- (a) Daily and peak hour(s) traffic volumes. This section shall clearly indicate the method and assumptions used to forecast future traffic volumes. Regardless of the methods and other assumptions used, no TIS shall assume less than 2% per year growth in traffic levels without the proposed development unless there are particular limitations applicable to a given highway that prevent such growth from being realized (e.g., a dead-end road with no room for further development). Schematic diagrams depicting projected future daily and peak hour(s) traffic volumes shall be presented for the roadways within the study area. Projected turning movement and mainline volumes shall be presented for the three peak hour conditions (a.m., p.m. and site-generated). The source and/or method of computation for all projected traffic volumes shall be included.
 - (b) Levels of service at critical points. Levels of service (A through F) for each lane group (not overall average) shall be computed and presented along with a description of typical operating conditions at each level of service.
- (5) Trip generation. The amount of traffic generated by the site shall be presented in this section for daily and the three peak hour conditions (a.m., p.m. and site-generated). The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Borough. Trip Generation (latest edition) published by the Institute of Transportation Engineers shall be used unless the Borough approves other studies.
- (6) Trip distribution. The direction of approach for site generated traffic shall be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and

assumptions used in this work shall be clearly stated in order that the Borough can replicate these results.

- (7) Traffic assignment. This section shall describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes shall then be combined with the projected future traffic volumes without the project to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposed.
- (8) Analysis of future conditions with development. This section shall describe the adequacy of the roadway system to accommodate future traffic with development of the site. Any unique characteristics of the site or within the study (i.e., holiday shopping) affecting traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be made. The following information shall be included:
 - (a) Daily and peak hour(s) traffic volumes. Mainline and turning movement volumes shall be presented for the highway network in the study area as well as driveways for the appropriate time periods.
 - (b) Levels of service at critical points. Levels of service (A through F) for each lane group (not overall average) shall be computed and presented along with a description of typical operating conditions at each level of service.
 - (c) Effect on highway structure. The probable effect on the structure of the highway network shall be presented, particularly any effects associated with heavy vehicles.
- (9) Recommended improvements. If the analysis indicates that unsatisfactory levels of service (levels of service D, E or F) as described in Highway Capacity Manual (Transportation Research Board Special Report 209 - 2000 or latest edition) will occur on study area roadways, a description of proposed improvements to remedy deficiencies shall be included in this section. Such proposals shall not include committed projects by the Borough and state that have been described and analyzed as required above. The following information shall be included:
 - (a) Proposed recommended improvements. Describe the location, nature and extent of proposed improvements to ensure sufficient roadway capacity. Accompanying this list of improvements shall be preliminary cost estimates.
 - (b) Signs. Specific recommendations shall be included for the placement of traffic control signs (e.g., stop signs, speed limit signs, no parking signs, etc.) conforming to state and Borough regulations.

- (c) Levels of service at critical points. Levels of service (A through F) for each lane group (not overall average) shall be computed and presented along with a description of typical operating conditions at each level of service for the highway system with improvements.
 - (d) Highway structure improvements. Describe the location, nature and extent of proposed improvements to ensure the structural integrity of the roadway. Accompanying this list of improvements shall be preliminary cost estimates.
- (10) Conclusion. The last section of the report shall include a clear concise description of the study findings.
- (11) Implementation. All traffic improvements or improved levels of service shall be incorporated into the subdivision plan and/or land development plan and implemented and installed at applicant's expense as permitted by law.

ARTICLE VIII
Standards for Specific Uses

§ 312-39. Adult entertainment.

A. Regulated uses.

(1) Legislative findings. The Council finds that:

- (a) There has been a recent proliferation in certain areas of the state, of certain uses;
- (b) That the concentration of these uses causes a deleterious effect on the aesthetics and economics of the areas in which these uses are located;
- (c) That the concentrations of these uses causes the areas in which these uses have located to become a focus of crime;
- (d) In order to prevent the deterioration of communities and neighborhoods in the Borough of Milford, and to provide for the orderly, planned future development of the Borough, that in addition to existing zoning regulations, certain additional special regulations are necessary to insure that these adverse effects will not continue to contribute to the blighting or downgrading of surrounding neighborhoods; and
- (e) For the purpose of controlling the concentration of certain uses, special regulations relating to the location of these uses are necessary.²⁴

(2) Application. The following uses are designated as regulated uses:

- (a) Adult bookstores;
- (b) Adult mini-motion-picture theater;
- (c) Adult motion-picture theater.
- (d) Cabaret;
- (e) Drug paraphernalia store.

(3) Prohibited conduct. No regulated use shall be permitted:

- (a) Within 1,000 feet of any other existing regulated use; and/or
- (b) Within 500 feet of any residence, or any of the following residentially related uses:

24. Editor's Note: Original Section 801.1B, Definitions, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- [1] Churches, monasteries, chapels, synagogues, convent, rectories, religious article or religious apparel stores;
 - [2] Schools, up to and including the 12th grade, and their adjacent play areas;
 - [3] Public playgrounds, public swimming pools, public parks and public libraries.
- (c) For the purposes of this section, spacing distances shall be measured as follows:
- [1] From the property lines of any "regulated use" in § 312-39A(3).
 - [2] From the outward line of boundary of all residential zoning districts.
 - [3] From all property lines of any residentially related use in Subsection A(4)(b).
- (4) Signs and other visible messages. All regulated uses shall be permitted signs and visible messages based on the allowable sign area of the zoning district in which they are located; provided:
- (a) Signs.
 - [1] Sign messages shall be limited to verbal description of material or services available of the premises; and
 - [2] Sign messages may not include any graphic or pictorial depiction of material or services available on the premises.
 - [3] Because of the nature of the message all such signs shall be no larger than 50% of the signs permitted for other uses.
 - (b) Other visible messages. Messages which are visible or intended to be visible from outside the property (such as on or within doors or windows) shall not display materials, items, publications, pictures, films or printed material available on the premises; or pictures, films, or live presentation of persons performing or services offered on the premises.
- (5) Discontinuance of operations. Should any of the regulated uses listed in Subsection A(3), cease or discontinue operation for a period of 90 or more consecutive days, it may not resume, nor be replaced by any other "regulated use" unless it complies with all the requirements set forth in this § 312-39.

§ 312-40. Farmers' market. [Added 4-4-2016 by Ord. No. 443]

- A. The farmers' market shall comply with state regulations, including the applicable vendors obtaining a retail food license.

- B. The property owner where the farmers' market is operating shall obtain an annual permit from the Borough for the operation of the farmers' market, to confirm that the requirements of the initial approval are still being met and that there are no changes in the primary focus of the market.

§ 312-41. Smoke Shops and Tobacco Stores. [Added 8-6-2018 by Ord. No. 456]

A. Purpose.

- (1) The regulation of smoke shops and tobacco stores is necessary and in the interests of the public health, safety and general welfare because there is the substantial likelihood of the continued establishment and operation of smoke shops and tobacco stores in the Borough of Milford (the Borough).
- (2) The expansion of smoke shops and tobacco stores in the Borough would result in undesirable impacts to the community. Among these impacts are increased potential for tobacco sales to minors, greater opportunity for the sale of illegal drug paraphernalia that is marketed as tobacco paraphernalia, and heightened risk of negative aesthetic impacts, blight, and loss of property values of residential neighborhoods and businesses in close proximity to such uses.
- (3) This section contains amendments consistent with good zoning and planning practices to address such negative impacts of smoke shops and tobacco stores while providing a reasonable number of locations and zones for such shops/stores to locate within the Borough of Milford.

- B. Definitions. As used in this section, the following terms shall have the meanings indicated:

E-CIGARETTE — Any electronically actuated device or inhaler meant to simulate cigarette smoking that uses a heating element to vaporize a liquid solution, popularly referred to as "juice," and that causes the user to exhale any smoke, vapor, or substance other than that produced by unenhanced human exhalation. The juice used in e-cigarettes typically contains nicotine, and for this reason, e-cigarettes and their juice can be classified as both tobacco products and tobacco paraphernalia.

MIXED-USE ESTABLISHMENT — Where a grocery store, supermarket, convenience store or similar market combines an area not greater than 250 square feet or 2% of its retail space, whichever is less, for the display, sale, distribution, delivery, offering, furnishing, or marketing of conventional cigars, cigarettes or tobacco with the sale of other retail products. For the purposes of this section, these mixed-use establishments shall be subject to the restrictions of this section. The display, sale, distribution, delivery, offering, furnishing, or marketing of e-cigarettes or any other tobacco products or tobacco paraphernalia,

regardless of square footage used, is subject to the restrictions of this section.

TOBACCO — Any preparation of the nicotine-rich leaves of the tobacco plant, which are cured by a process of drying and fermentation for use in smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body.

TOBACCO PARAPHERNALIA — Any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco, tobacco products, or other controlled substances as defined in the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, 35 P.S. § 780-113(a)(33).

TOBACCO PRODUCT — Any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means. For the purposes of this section, the term "tobacco product" excludes any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose. (Ord. 14-2031 § 6, 2014.)

C. Zoning and land use standards.

- (1) Notwithstanding any other provision of this title to the contrary, smoke shops, tobacco stores and mixed-use establishments shall be a conditionally permitted use only in the Commercial Zone.
- (2) All smoke shops and tobacco stores and mixed-use establishments wishing to operate within the above zone after the effective date of this section must obtain a conditional use permit (CUP). Standard conditions of approval for any CUP shall, at minimum, include the following:
 - (a) No smoking shall be permitted on the premises at any time.
 - (b) No sales may be solicited or conducted on the premises by minors.
 - (c) No self-service tobacco, tobacco product, or tobacco paraphernalia displays shall be permitted.
 - (d) No distribution of free or low-cost tobacco, tobacco products or tobacco paraphernalia, as well as coupons for said items, shall be permitted.

- (3) Additional zoning and land use standards for smoke shop, tobacco stores and mixed use establishments shall be as follows:
- (a) Smoke shops, tobacco stores and mixed-use establishments shall not be located within 750 feet, measured property line to property line, from a school (public or private), family day-care home, child-care facility, youth center, community center, recreational facility, park (specifically Ann Street Park and the Milford Ball Field), church or religious institution, hospital, or other similar uses where children regularly gather. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (b) Smoke shops, tobacco stores and mixed-use establishments shall not be located within 750 feet, measured property line to property line, from another smoke shop and/or tobacco store and/or mixed-use establishment. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (c) It is unlawful for a smoke shop and/or tobacco store to knowingly allow or permit a minor not accompanied by his or her parent or legal guardian to enter or remain within any smoke shop or tobacco store.
 - (d) Smoke shops and tobacco stores shall post clear signage stating that minors may not enter the premises unless accompanied by a parent or legal guardian. At least one such sign shall be placed in a conspicuous location near each public entrance to all such stores. It shall be unlawful for the above-listed stores to fail to display and maintain, or fail to cause to be displayed or maintained, such signage.
- D. Smoke shops and tobacco stores that are legally existing on the effective date of this section may continue to operate as legal nonconforming uses and shall not be required to obtain a conditional use permit. However, any change or expansion of the legal nonconforming use shall require compliance with this chapter and a conditional use permit.

§ 312-42. Clubs/lodges, private.

In addition to all other applicable standards clubs/lodges, private shall comply with the following:

- A. The club/lodge shall serve a purely social, athletic or community service purpose.
- B. The club/lodge shall be operated on a membership basis.
- C. The club/lodge will not cause or create a nuisance to adjoining properties or to its general neighborhood.

§ 312-43. Communication towers and antennas.

A. Communication towers. Communication towers are hereby permitted as Class I Conditional Uses in the Limited Commercial and Commercial Districts. All applications for such communications towers shall:

- (1) Demonstrate a license from the FCC and compliance with all pertinent laws and regulations of the FCC.
- (2) Demonstrate compliance with all applicable Federal Aviation Administration, Commonwealth Bureau of Aviation and other applicable aircraft related laws and regulations.
- (3) Demonstrate why the antenna(s) proposed cannot be placed on any existing building, or communication tower with evidence which shall include:
 - (a) Proof of contact with owners of such buildings or towers within a reasonable distance to the proposed site.
 - (b) Proof that the proposed antennas would exceed the structural capacity of such existing structures and that reinforcement cannot be accomplished at a reasonable cost.
 - (c) Proof that the proposed antenna(s) would cause interference with the frequency of other existing equipment on the alternative site and that the interference cannot be eliminated at a reasonable cost.
 - (d) Proof that such alternative structures do not have sufficient location, space, access or height to allow the proposed equipment to perform its intended function.
 - (e) Proof that such alternative site would cause applicable regulations of any local, state, or federal agency to be violated.
 - (f) Proof that a commercially feasible agreement could not be reached to rent the alternative location.
- (4) Demonstrate access to the communications tower by means of public road or subdivision road to a public road.
- (5) A communications tower may not be placed on a lot occupied by other principal structures.
- (6) Demonstrate that the height of the proposed communications tower is the minimum height necessary to perform its function.
- (7) Demonstrate landscaping adequate to screen the foundation and base as well as any communications building from abutting properties.
- (8) Demonstrate, through the certification of Pennsylvania-licensed professional engineer that the proposed communication tower is

designed and will be constructed in accordance with the current Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, published by the Electrical Industrial Association/Telecommunications Industry Association and applicable requirements of the Milford Borough Building Code, if applicable.

- (9) Submit proof of insurance for general liability in an amount of not less than \$1,000,000 per occurrence covering the proposed tower(s) and antenna(s).
 - (10) Demonstrate that all guy wires shall be clearly marked and located within a fenced enclosure.
 - (11) Demonstrate that the communications tower is to be secured by a fence of at least eight feet to limit accessibility.
 - (12) No signs or lights may be mounted on any tower unless required by the FCC, FAA or other government agency, which has jurisdiction.
 - (13) All communications towers out of use for a period of 12 consecutive months shall be considered abandoned and the owner therefore, after written notice, shall remove same within 90 days of said notice.
- B. Communication antennas, mounted on existing buildings. Communication antennas, mounted on existing buildings, are hereby permitted, as accessory uses in the Limited Commercial and Commercial Districts.
- (1) No such antennas shall be mounted on any single family or two-family dwelling.
 - (2) Building-mounted communications antennas shall be permitted to exceed the height limitations in any district in which they are permitted by no more than 20 feet.
 - (3) Any applicant proposing to mount a communications antenna(s) on an existing or proposed building shall submit documentation from a Pennsylvania-licensed professional engineer certifying that the proposed installation will not exceed the structural capacity of the building considering wind and other loads associated with the antenna. Such documents shall include detailed construction and elevation drawings, which must be reviewed and approved by the Borough Engineer.
 - (4) The owner and/or operator of the communications antenna shall be duly licensed for same with the FCC and shall comply with all pertinent regulations governing same.
 - (5) Communications Building shall comply with all setback requirements and regulations for accessory structures for the district in which it is proposed.

C. Mini cell towers, antennas and equipment located within a public or private street right-of-way. **[Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- (1) Communication antennas, towers, and equipment, including mini cell towers or distributed antennae systems (DAS) shall be permitted by Class I Conditional Uses within the rights-of-way of public or private streets only within the Commercial (C) Zoning District and Limited Commercial (LC) Zoning District, if, in addition to other requirements, the Pennsylvania Public Utility Commission has issued a certificate of public convenience for its location; and, provided further, that it shall be determined by the Borough that it shall not interfere with other utilities, visibility, or other matters of public safety. Additionally, the following requirements must be met:
 - (a) Towers and equipment prohibited in areas served by underground utilities.
 - [1] No communications antennas, towers or equipment shall be installed within a public street right-of-way or a private street right-of-way where utility facilities serving lots abutting such street are located underground.
 - [2] Communications antennas, towers and equipment shall be installed only within rights-of-way of streets where there are utility poles and overhead wires existing on January 1, 2018.
 - (b) Co-locations. An application for a new communications tower in a street right-of-way shall not be approved unless the Borough finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole or traffic light pole. Any application for approval of a communications tower shall include a comprehensive inventory of all existing towers and other suitable structures within a one mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Borough that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized.
- (2) Time, place and manner. The Borough shall determine the time, place and manner of construction, maintenance, repair and/or removal of all communications towers in the public street right-of-way based on public safety, traffic management, physical burden on the public street right-of-way, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Borough and the requirements of the Public Utility Code.

- (3) Equipment location. Communications towers and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic or to otherwise create safety or health hazards to residents, pedestrians and/or motorists, or to otherwise inconvenience the public use of the public street right-of-way as determined by the Borough. In addition:
 - (a) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb.
 - (b) Ground-mounted equipment that cannot be installed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Borough.
 - (c) All required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Borough.
 - (d) Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within 30 business days of notice of the existence of the graffiti.
 - (e) Any underground vaults related to communications towers shall be reviewed and approved by the Borough.
- (4) Design regulations.
 - (a) The communications antennas and communications tower shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the applicant shall be subject to the approval by the Borough.
 - (b) Any substantial change to an existing communications tower shall require approval of the Borough.
 - (c) Any proposed communications tower shall be designed structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennae of future users, including antenna for public safety needs by emergency responders.
 - (d) The height of any communications tower shall not exceed 40 feet. Any height extension to an existing communications tower shall require an additional special exception. Guy wires are not permitted. Any communications tower shall be self-supporting.
- (5) Additional antennae. The applicant shall allow and encourage other service providers to co-locate antennae on communications towers where technically and economically feasible. The owner of a

communications tower shall not install any additional antennae without obtaining the prior written approval of the Borough.

- (6) Relocation or removal of facilities. Within 60 days following written notice from the Borough, or such longer period as the Borough determines is reasonably necessary or such shorter period in the case of an emergency, the owner of a communications tower and/or equipment in the public street right-of-way shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any communications tower and/or equipment when the Borough, consistent with its police powers and applicable Public Utility Commission regulation, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
 - (a) The construction, repair, maintenance or installation of any Borough or other public improvement in the right-of-way.
 - (b) The operations of the Borough or other governmental entity in the right-of-way.
 - (c) Vacation of a street or road or the release of a utility easement.
 - (d) An emergency as determined by the Borough.
- (7) Compensation for public street right-of-way use. Every communications tower and/or communications equipment in the public street right-of-way is subject to the Borough's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the public street right-of-way. Such compensation for public street right-of-way use shall be directly related to the Boroughs actual public street right-of-way management costs, including, but not limited to: the cost of administration and performance of all reviewing, inspecting, permitting, supervising and other public street right-of-way management activities by the Borough. The owner of each communications tower, and/or communications equipment shall pay an annual fee to the Borough to be established by an agreement or resolution.
- (8) The owner and/or lessee of any communication antennas, towers, and equipment located within a public right-of-way shall be required to provide a certificate of insurance to the Borough providing evidence of liability insurance of not less than \$1,000,000 and naming the Borough as an additional insured on the policy or policies of the owner and/or lessee.

§ 312-44. Gambling and betting uses.

Gambling and betting uses shall be permitted only in those Districts as specified in the Schedule of Uses and, in addition to all other applicable standards, shall comply with the following requirements:

A. Setbacks.

- (1) Such an establishment shall not be located less than 200 feet from any residential district or any residence and not less than 500 feet from any:
 - (a) Group-care facility.
 - (b) Commercial enterprises catering primarily to persons under 18 years of age.
 - (c) Public or semipublic building or use.
 - (d) Public park or public recreation facility.
 - (e) Health facility.
 - (f) Any establishment that sells alcoholic beverages.
 - (g) Church or synagogue.
 - (h) Public or private school.
- (2) The distance between any such gambling or betting establishment and any of the protected land shall be measured in a straight line, without regard to intervening structures, from the closest point of the structure in which such establishment is located to the closest point on the property line of such protected land use.

- B. Parking. Off-street parking shall be provided at the rate of three spaces per each 100 square feet of floor area open to customers of such gambling or betting establishment, including, but not limited to, related dining, restaurant, bar, and snack bar areas, plus one space per each employee on the largest shift.
- C. Hours of operation. The gambling or betting establishment shall not be open for operation between the hours of 11:00 p.m. and 10:00 a.m.
- D. Nuisances. The gambling or betting establishment shall ensure that noise from the property shall not reach neighboring properties, and shall not permit loitering outside the establishment; and, a litter control plan shall be established, maintained and paid for by the property owners to ensure that the property shall not become littered.
- E. Plan. The application shall be accompanied by a preliminary plan containing the information and satisfying the standards as required for a major subdivision under the Borough's Subdivision and Land Development chapter.

§ 312-45. Self-storage facilities.

Self-storage facilities shall comply with the following standards in addition to all other applicable standards of this chapter.

- A. Bulk requirements. Minimum lot size, lot width and yards, and maximum lot coverage and building height shall conform to District standards. Minimum distance between buildings shall be 20 feet.
- B. Setback areas. There shall be no storage, use or structure within the setback area, with the exception of the access drive(s).
- C. Fence. If a fence is proposed or required, the fence shall not exceed eight feet in height and shall be located between the warehouse and any required vegetative screening.
- D. Storage limitations. No storage unit shall be used for any other purpose except storage and shall not be used for any other type of commercial or manufacturing activity. No material, supplies, equipment or goods of any kind shall be stored outside of the warehouse structure, with the exception of the vehicles required for the operation of the warehouse and boats and recreational vehicles and trailers.
- E. Lighting. All facilities shall be provided with adequate outdoor lighting for security purposes; and, such lighting shall be so directed as to prevent glare on adjoining properties.
- F. Fire/water damage. All storage units shall be fire-resistant and water-resistant.
- G. Materials stored. All self-storage facility proposals shall include detailed information on the nature and quantity of materials to be stored on the premises; and, no hazardous materials shall be permitted. Proposed space rental agreements shall be submitted with the conditional use application and shall provide specific rules and regulations to ensure that the requirements of this § 312-44 are or will be satisfied.
- H. Habitation. No storage unit shall be used for habitation or residential purposes; and, individual mini-warehouse units shall not be served by a water supply or a sewage disposal system.

§ 312-46. Solid waste.

Solid waste facilities, including transfer stations, and staging areas, herein referred to as facilities, shall be permitted only in those districts as specified in the Schedule of Uses, and shall, in addition to the other applicable standards in this chapter, be subject to all applicable state and federal regulations and the requirements of this § 312-45.

- A. Traffic study. The applicant shall provide a traffic study in accord with § 312-38.
- B. Yards. No part of any facility created after the effective date of this chapter shall be located closer than 100 feet to an existing public right-of-way, property line or stream. The yard areas shall remain unoccupied with no improvements except required fencing and access road(s). A

buffer not less than 50 feet in width shall be provided in all yards in accord with § 312-33 of this chapter. Additional buffers and setbacks may be required in accord with this chapter.

- C. Fencing. All facilities shall be completely enclosed by a chain link fence not less than 10 feet in height. All gates shall be closed and locked when closed for business. The fence and gate shall be maintained in such a manner as not to become unsightly. There shall be no advertising of any kind placed on the fence.
- D. Environmental assessment. As part of the review process, the Borough may require the applicant to prepare and submit an environmental impact statement pursuant to § 312-34 of this chapter.
- E. Storage of materials, supplies or solid waste in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Any solid waste stored for more than three hours shall be stored in an enclosed building. For any facility other than a sanitary landfill, all transfer, loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface which drains into a holding tank that is then adequately treated.
- F. Effluent treatment. The facility shall provide for treatment and disposal for all liquid effluent and discharges generated by the facility due to the storage, loading or unloading, transfer, container or vehicle washing, or other activity undertaken in processing or transporting the solid waste. All such activities shall be conducted only over an impervious surface and all drainage shall be collected for treatment. Any water discharge from the facility after being treated by the wastewater treatment system shall meet all applicable PA DEP and Municipal Authority requirements.
- G. Dangerous materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be disposed of or stored or processed in any way, except for types and amounts of hazardous substances customarily kept in a commercial business for on-site use. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
- H. Water quality. The owner of any facility shall be required to monitor the ground and surface water in the vicinity of the facility. Water testing shall be conducted every three months on any stream located on the premises or any stream within 500 feet of any area used for the storage or disposal of solid waste if water drainage from the facility is to said stream. For each testing period two samples shall be collected; one from the stream at a point upstream of the solid waste disposal facility drainage area and one from the stream at a point below the facility drainage area. In addition, the well located on the premises shall also be sampled every three months. The samples shall be collected and analyzed by a certified water analysis laboratory for hydrocarbons or other parameters deemed appropriate by the Borough, and results

shall be provided to the Borough. If said samples exceed the limits established by the PA DEP, the facility shall cease operation until such time as the source of the contamination has been identified and corrected.

- I. Emergency access. The operator of the facility shall cooperate fully with local emergency services. This shall include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
- J. Hours of operation. Under the authority granted to the Borough under State Act 101 of 1988, 53 P.S. § 4000.101 et seq., all such uses shall be permitted to operate only between the hours of 7:00 a.m. to 7:00 p.m. and are not permitted to operate on Sundays, Christmas Eve Day, Christmas Day, New Year's Day, Fourth of July, Labor Day, Memorial Day or Thanksgiving Day. All deliveries of solid waste shall be made during the hours between 7:00 a.m. to 5:00 p.m. and not on Sundays or the above specified holidays.
- K. Nuisances. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors. The applicant shall prove to the satisfaction of the Council that the use would not routinely create noxious odors off the tract. The operator shall regularly police the area of the facility and surrounding street to collect litter that may escape from the facility or truck. The applicant shall provide documentation to the satisfaction of the Borough that the proposed facility shall operate in such a manner as to not create a general nuisance, endanger the public health, safety, and welfare or inhibit the public's use or enjoyment of their property.
- L. Attendant and inspections. An attendant shall be present during all periods of operation or dumping. The applicant shall, if granted a conditional use permit, allow access at any time to the facility for inspection by appropriate Borough Officials and provide the Borough with the name and phone number of a responsible person(s) to be contacted at any time in the event of an inspection.
- M. State and federal regulations and reporting. The operation and day-to-day maintenance of the facility shall comply with all applicable state and federal regulations as a condition of the continuance of any permit of the Borough. Violations of this condition shall also be considered to be violations of this chapter. All solid waste transfer facilities (as defined by this chapter) shall be subject to all requirements of 25 Pa. Code Chapter 279 (as amended), Transfer Facilities, regardless of whether a permit pursuant to said requirement is required. Where a difference exists between applicable State regulations and Borough regulations, it is intended for the purposes of this § 312-45 that the more stringent requirements shall apply. A copy of all written materials and plans that are submitted to PA DEP by the applicant shall be concurrently submitted to the Zoning Officer.

§ 312-47. Outdoor furnaces. [Added 5-2-2011 by Ord. No. 412]

It is the purpose of this section to eliminate the further construction and operation of outdoor furnaces within the limits of the Borough of Milford for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Borough and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of burning of such furnaces create noxious and hazardous smoke, soot, fumes, odor, air pollution, particles and other products of combustion that can be detrimental to citizens health and can deprive neighboring residents of the enjoyment of their property or premises. Consideration has been given to the sizes of residential lots within the Borough, the density of structures, the proximity of houses to one another, and the predominance of wooden structures.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

OUTDOOR FURNACE — Any equipment, device, apparatus, or structure or any part thereof which is installed, affixed, or situated outdoors for the purpose of combustion of any type fuel to produce heat or energy used as a component of heating system providing heat for an interior space or water source. Specifically excepted herefrom is the use of electric generators for temporary use during periods of electric stoppage or lack of access to utility-based power.

- B. Regulations.

- (1) After the effective date of this section, outdoor furnaces shall be prohibited and shall not be installed or maintained within the Borough of Milford except as provided herein.
- (2) Any existing chimney stack shall be at least 20 feet or at least two feet above the roof line of highest structure within 200 feet, whichever is higher when installed. Said chimney stack shall also have a spark arrestor installed on top.
- (3) This section shall not be construed to be retroactive and shall not require the removal of any outdoor furnace in existence within the Borough of Milford at the effective date of this section.
- (4) For any existing outdoor furnace primarily designed for burning wood or other solid material, no fuel other than natural wood without additive, wood pellets without additive and agricultural seeds in their natural state may be burned. Processed wood products and other nonwood products, recyclable materials, plastics, rubber, paper products, garbage, and painted or treated wood are prohibited.
- (5) Outdoor furnaces are prohibited to burn between June 1 and August 31.

- (6) Outdoor furnaces and associated insulation shall be subjected to inspection by the Zoning Officer and Building Codes Enforcement Officer at any reasonable time to assure compliance with the terms hereof.
- (7) Any existing outdoor furnace installation is subject to permit provisions of zoning and building code ordinances, and including compliance with all applicable state and federal statutes, including the Environmental Protection Agency (EPA) and the Underwriters Laboratory (UL) listing.
- (8) Nothing contained herein shall authorize the maintaining of existing installation that is a public or private nuisance, regardless of compliance herewith.
- (9) If an external (outdoor) fuel burning device or appliance is more than 50% torn down, physically deteriorated, or decayed; any rebuilding or restoration of said external (outdoor) fuel burning device or appliance shall be in violation of this chapter.
- (10) If any sentence, clause, section, or part of this section is, for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of the chapter. It is hereby declared as the intent of Borough Council of the Borough of Milford that this section would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.
- (11) This section shall be incorporated into and be part of the Zoning Ordinance of the Borough of Milford effective immediately.

§ 312-48. Treatment centers/clinics, medical offices, and health facilities.

In addition to all other applicable standards, treatment centers/clinics, medical offices, and health facilities, including, but not limited to, hospital facilities and nursing and adult homes, whether publicly or privately operated, shall comply with the following requirements:

- A. Waste disposal. Details shall be provided by the applicant about the types and amount of medical and hazardous waste anticipated to be generated at the facility and how such waste will be handled, stored and disposed of in accord with state and federal requirements.
- B. Treatment centers/clinics. The following additional standards shall apply to treatment centers/clinics:
 - (1) In order to provide an adequate buffer area for adjoining private property owners the site shall contain a minimum of one acre.

- (2) The building and all secure areas shall not be less than 200 feet from any:
 - (a) Residence.
 - (b) Group-care facility.
 - (c) Commercial enterprises catering primarily to persons under 18 years of age.
 - (d) Public or semipublic building or use.
 - (e) Public park or public recreation facility.
 - (f) Health facility.
 - (g) Church or synagogue.
 - (h) Public or private school.²⁵
- (3) A perimeter security fence, of a height and type determined by the Borough, may be required.
- (4) Methadone treatment facilities, as defined by § 10621(d) of the Pennsylvania Municipalities Planning Code, shall, in addition to the other requirements of this § 312-48B(4) comply with the requirements of § 10621 of the Pennsylvania Municipalities Planning Code.

§ 312-49. Vehicle-related uses.

- A. Fuel dispensing facilities and vehicle repair operations. In addition to all other applicable standards, fuel dispensing facilities and vehicle repair operations shall comply with the following:
 - (1) No vehicle repair operation accommodating more than five vehicles and no filling station will be located or will have any entrance or exist within 200 feet of the entrance or exit to a public or parochial school, private school, public library, theater, assembly hall, church, hospital, semipublic institution, public park, playground, or firestation; and
 - (2) All vehicle repair operation or fuel dispensing facility shall be so arranged and all gasoline pumps shall be so placed as to permit all services to be rendered entirely within the lot lines. No gasoline or oil pump shall be placed within 15 feet of any street line, or side lot line, or within 20 feet of any residential district boundary line.

25. Editor's Note: Original Section 853.2C, regarding provision of a security plan, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- B. Car and truck wash facilities. In addition to all other applicable standards, all car and truck wash facilities shall be subject to the following:
- (1) The principal building housing the said facility shall be set back a minimum of 60 feet from the road or street right-of-way line and 30 feet from the side or rear property lines.
 - (2) Appropriate facilities for the handling of wastewater from the washing activities shall be provided, including the prevention of water being dripped onto the adjoining road or street from freshly washed vehicles during periods of freezing weather.
 - (3) The facility shall have adequate means of ingress and egress to prevent adverse effects to either vehicular or pedestrian traffic. When a wash facility occupies a corner lot, the access driveways shall be located at least 75 feet from the intersections of the front and side street right-of-way lines.
 - (4) The site shall be sufficiently large to accommodate vehicles awaiting washing during peak periods, but in no case shall the waiting area for each stall accommodate less than three automobiles.
 - (5) Any wash facility located within 200 feet of any residential district shall not operate between the hours of 9:00 p.m. and 7:00 a.m.

ARTICLE IX
Nonconformities

§ 312-50. Purpose; applicability; registration; and sale, continuation and change.

A. Purpose.

- (1) It is the purpose of this article to recognize that if, prior to the adoption of the original Milford Borough Zoning Ordinance, as amended, reenacted and replaced, property was used for a then lawful purpose or in a then lawful manner which such Zoning Ordinance would render thereafter prohibited and nonconforming, such property is generally held to have acquired a vested right to continue such nonconforming use or nonconforming structure. Nevertheless, this does not preclude the Borough from regulating the change, alteration, reconstruction, reestablishment, extension, destruction, and abandonment of nonconforming uses in accord with the Pennsylvania Municipalities Planning Code and general case law.
- (2) It is also the purpose of this article to limit the injurious impact of nonconforming uses and/or structures on other adjacent properties within a particular district and the community as a whole while recognizing that the change, alteration, reconstruction, reestablishment, or extension of nonconforming uses and/or structures may not be contrary to the public interest or the general purpose of this chapter, when failure to allow such change, alteration, reconstruction, reestablishment, or extension would itself lead to neighborhood or district deterioration.
- (3) It is further the purpose of this article to prescribe those standards which are to be applied by the Borough in determining the reasonableness of a proposal to change, alter, reconstruct, reestablish, or extend a nonconforming use. The following are regulations which shall apply:

B. Applicability. The provisions and protections of this Article IX shall apply only to those nonconforming lots, structures and uses which legally pre-existed the applicable provisions of this chapter or which are recognized by § 312-51 or 312-52 of this Article IX. Any lot, structure or use created, constructed or established after the effective date of the original Zoning Ordinance, as amended, reenacted and replaced, which does not conform to the applicable requirements shall be considered an illegal lot, structure or use subject to the penalties prescribed by this chapter; and, the said lot, structure or use shall not be entitled to any of the protections afforded to legal, preexisting nonconforming lots, structures or uses.

C. Registration. It shall be the responsibility of the party asserting a nonconformity to provide the evidence that the nonconformity is legal.

A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence. The Zoning Officer may submit any application for a Certificate of Nonconformance to the Planning Commission for its review and recommendation with regard to the evidence of nonconformity.

- D. Sale, continuation and change. A lawful nonconforming lot, structure or use as defined by this chapter may be continued and if sold, be continued by the new owners. Any expansion, alteration, extension or change in a nonconformity shall only proceed in compliance with this article.

§ 312-51. Definitions.

As used in this section, the following terms shall have the meanings indicated:

NONCONFORMING LOT — Any lot which does not conform with the minimum width, depth and area dimensions specified for the District where such a lot is situated, such lot having been created and recorded in the office of the County Recorder of Deeds prior to the effective date of the original Milford Borough Zoning Ordinance, as amended, reenacted and replaced.

NONCONFORMING STRUCTURE — A structure or part of a structure which does not comply with the applicable district limitations on structure size and location on a lot, where such structure lawfully existed prior to the adoption of the original Milford Borough Zoning Ordinance, as amended, reenacted and replaced; and including, but not limited to, nonconforming signs.

NONCONFORMING STRUCTURE, ALTERATION OR EXPANSION — As applied to a nonconforming structure, a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

NONCONFORMING STRUCTURE, RECONSTRUCTION — The rebuilding of a nonconforming structure damaged or destroyed by casualty to the exact or less nonconforming condition which existed prior to the casualty.

NONCONFORMING USE — A use, whether of land or of a structure, which does not comply with the applicable use provisions in this chapter or amendments thereto, where such use was lawfully in existence prior to the adoption of the original Milford Borough Zoning Ordinance, as amended, reenacted and replaced.

NONCONFORMING USE, CHANGE — The conversion of a nonconforming use to a different use classification as enumerated on the Schedule of Uses of this chapter.

NONCONFORMING USE, ENLARGEMENT — The expansion of a nonconforming use throughout the structure which the said use partially

occupies; or, the expansion of a nonconforming use onto property not already occupied by the said use.

NONCONFORMING USE, REESTABLISHMENT — The reopening or re-initiation of a nonconforming use which has been discontinued by the owner of the said use, such reopening effected prior to the abandonment of the nonconforming use as determined under the provisions of this chapter.

§ 312-52. Nonconformities under development.

For the purposes of this Article IX, a building, structure or use, legally permitted, planned and substantially under construction in compliance with existing ordinances prior to the effective date of this chapter, or any amendment hereto, and completed within a one-year period after the effective date of this chapter or amendment thereto, shall be considered nonconforming.

§ 312-53. Nonconformities by variance.

A building, structure or use allowed by variance in a district where it is nonconforming with any regulations of this chapter shall be considered nonconforming for the purposes of this chapter.

§ 312-54. Normal maintenance and repair activities; conforming use enlargement.

- A. Normal maintenance and repair. Normal maintenance and repair, such as painting, replacement of siding, and similar activities, is allowed, as well as those interior renovations which do not structurally alter the building or area or result in increased use of the building or area, or a change of nonconformity, or otherwise create more incompatibility with the surrounding permitted uses. Such maintenance and repair activities shall, however, comply with all other applicable standards and permit requirements of this chapter.
- B. Conforming use or building on a nonconforming lot.
 - (1) Any conforming use or building on a nonconforming lot may be repaired, maintained, restored or rebuilt to the same dimensions existing at the time that the use or building was originally constructed or started.
 - (2) Any enlargement or addition to any conforming use on a nonconforming lot must comply in all respects with the regulations of this chapter, except that in the case of any enlargement or addition of buildings legally existing at the effective date of this chapter, the maximum building coverage requirements of the Schedule of Development Standards shall not apply, provided, however, that all of the off-street parking and loading requirements of this chapter shall be complied with. In such a case the maximum building coverage shall not exceed 80% for commercial and manufacturing buildings or 60% for residential buildings.

§ 312-55. Changes of nonconforming uses.**A. Special exceptions; standard.**

- (1) Special exceptions. All changes of nonconforming uses shall be considered special exceptions subject to the specific procedures and review criteria for special exceptions and the review factors in § 312-60.
- (2) Standard. A nonconforming use may only be changed to a use of equal or less nonconformity (i.e., more restrictive classification) as determined by the Planning Commission and Council in accord with the classification in the Schedule of Uses in Article IV. The general standard shall be that no change of a nonconforming use shall be permitted if such change will result in the establishment of a use which is materially different from the existing use in terms of negative effects on the community and the long term application of the Zoning Ordinance to eliminate incompatible uses from specific Districts. For example, a change from a nonconforming retail store in the R-1 District to a bank may be permitted; however, a change to a manufacturing use would not be permitted.

B. Conforming changes and conversions.

- (1) Change. A change in a nonconforming use to a conforming use shall not be considered a special exception unless the proposed use is classified as a special exception by the Schedule of Uses in this chapter. A change of a nonconforming use to a conforming use shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.
- (2) Conversion. The conversion of a nonconforming use to a nonconforming use of like classification shall not be considered a special exception. For example, a nonconforming retail establishment selling groceries proposed for conversion to a shoe store would not be considered a change in nonconforming use.

C. Other standards. All changes to nonconforming uses shall also be subject to all other applicable standards in this chapter.**§ 312-56. Enlargement of nonconforming uses. [Amended 10-6-2008 by Ord. No. 394]**

- A. Special exceptions. All enlargements of nonconforming uses into more area of a structure or onto more area of property shall be considered special exceptions subject to the specific procedures and review criteria for special exceptions and the review factors in § 312-60 of this article.
- B. Enlargement onto other properties of record in the same ownership. A nonconforming use may only be extended onto a new property of record if that property is contiguous to the existing location, the properties

were both under the same ownership as of the effective date of this chapter, the owner has clearly exhausted the alternatives available for expansion on the existing property, and the use is not one which has been altogether prohibited as a new use under this chapter.

- C. Enlargement limitation. A nonconforming use shall not be enlarged by more than 50% beyond the area of land or structure legally occupied by the use. Such enlargement shall not result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard.
- D. Increase in area or bulk nonconformity. In the case where a proposed enlargement of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.
- E. Prohibited enlargements. If the use proposed for enlargement is deemed by the Borough to be one similar to such a use or of such a nature as to impose health, safety, or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this chapter, the requested enlargement shall be denied. The Borough shall consider past operating performance in making its decision.

§ 312-57. Reconstruction.

- A. Time limit. If any nonconforming structure or use is damaged or razed, it may be restored or reconstructed to its preexisting condition of nonconformity (but no increase in nonconformity), provided the application for a building permit is submitted within 12 months of the date of the casualty or razing; and, it complies with all other applicable ordinances (e.g., flood regulations).
- B. Procedure - permits. All applicable permits for the reconstruction of a nonconforming use shall be required. Such reconstruction shall be considered a special exception if the reconstruction involves a change or enlargement of use as regulated by §§ 312-54 and 312-55 of this chapter, respectively.

§ 312-58. Abandonment and reestablishment of nonconformities. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

If a nonconforming use of land or structure ceases operations, is discontinued, is vacated or is otherwise abandoned for a period of 12 months or more, then this shall be deemed to be an intent to abandon such nonconforming use, and any subsequent use of the land or structure shall be for conforming purposes only and said use shall in all respects conform to the applicable provisions of this chapter. The Zoning Officer may notify, in writing, the title owner of the land and/or structure that the twelve-month period has expired. A change of a nonconforming use to a conforming use

shall be considered an abandonment of the nonconforming use which shall not thereafter revert to a nonconforming use.

§ 312-59. Alterations and expansions of nonconforming structures. [Amended 10-6-2008 by Ord. No. 394]

- A. Alterations. The alteration or expansion of nonconforming structures shall be permitted only in accord with this § 312-58.
- B. Procedure - permits. All applicable permits for the alteration or expansion of a nonconforming structure shall be required. Such alteration or expansion shall be considered a special exception if the alteration or expansion involves a change or enlargement of a nonconforming use as regulated by §§ 312-54 and 312-55, respectively.
- C. Increase in area or bulk nonconformity. In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.
- D. Increase in area or bulk nonconformity. In the case where a proposed alteration or expansion of a nonconforming structure will result in an increased nonconformity of setback, height, lot coverage or other area or bulk standard, a variance shall be required from the Zoning Hearing Board.

§ 312-60. Use of nonconforming lots of record. [Amended 12-7-2009 by Ord. No. 403; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

In any district where a nonconforming lot exists, development of the nonconforming lot shall be permitted if the applicant can present evidence that any proposed development on the nonconforming lot shall conform to all minimum yards, height of building, lot coverage and other applicable regulations as prescribed by the Schedule of Development Standards and this chapter. A variance shall be required for any proposed development of a nonconforming lot which is not in compliance with chapter requirements. In addition, any proposed development requiring on-lot sewage disposal must produce evidence that the nonconforming lot qualifies to receive a sewage disposal permit and that this lot meets the minimum state standards and requirements for safe and healthy disposal of such waste. The burden of proof for all aspects of this application rests with the applicant.

§ 312-61. Review factors.

In addition to other applicable standards, the Borough shall consider any nonconformity special exception application in terms of the effect on the following factors:

- A. Traffic generation.

- B. Noise, dust, fumes, gases, odor, glare, vibration, fire and explosion hazards and other nuisances.
- C. Amount and nature of outdoor storage.
- D. Hours of operation.
- E. Compatibility with the character of the surrounding neighborhood.
- F. Potential of the expansion to reduce existing congestion and alleviate parking shortages by improved site design, addition of parking and improved loading areas.

§ 312-62. Termination.

Certain types of nonconforming uses or structures which present a special nuisance or hazardous condition shall be terminated in accord with this § 312-61. Upon a complaint registered by the Zoning Officer, which use is considered to be a legal nuisance or a hazard to the public health, safety, welfare and morals of uses or to structures adjoining such nonconforming use or uses, the Zoning Hearing Board shall hold a public hearing and make a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Zoning Hearing Board as related to the reasonable amortization of the capital investment in such uses.

ARTICLE X
Administration and Enforcement

§ 312-63. General procedure.

A. General sequence of steps.

- (1) Persons desiring to undertake any new construction, structural alteration, or changes in the use of a building or lot shall apply to the Zoning Officer for a zoning permit by filling out the appropriate application form and by submitting the required fee.
- (2) The Zoning Officer may, in his or her discretion, require that the application be accompanied by a site plan, showing all existing and proposed structures, drawn to scale by a licensed professional and based upon a survey of the premises. When required, the application will not be considered complete unless and until the site plan has been submitted as indicated herein.
- (3) The Zoning Officer will either issue the zoning permit or will refuse the permit after any necessary review by the Zoning Hearing Board or Borough Council.
- (4) The Zoning Officer will indicate in writing the reason for refusal. If refused a permit, the applicant may appeal to the Zoning Hearing Board for further consideration.
- (5) After the zoning permit has been received by the applicant, he may proceed to obtain other necessary permits and undertake the action permitted by the zoning permit and the other necessary permits and upon completion of such action shall apply to the Zoning Officer for an occupancy permit where such a permit is required.
- (6) If the Zoning Officer finds that the action of the applicant has been taken in accordance with the zoning permit he will then issue an occupancy permit allowing the premises to be occupied.

B. Zoning permit types. Under the terms of this chapter, the following classes of zoning permits may be issued:

- (1) Permitted uses. A zoning permit for a permitted use may be issued by the Zoning Officer on his own authority.
- (2) Special exceptions. A zoning permit for a special exception may be issued by the Zoning Officer after review by the Planning Commission and hearing before and order of the Zoning Hearing Board.
- (3) Conditional uses. A zoning permit for a conditional use may be issued by the Zoning Officer only upon the order of the Borough Council after a hearing following a review by the Planning Commission.

- (4) Zoning permit after an appeal or a request for a variance. A zoning permit may be issued by the Zoning Officer upon the order of the Zoning Hearing Board only after a hearing held by the Board for the purpose of deciding upon the appeal or a request for a variance.

§ 312-64. Zoning, occupancy and other permits and certificates.

- A. Applications to Zoning Officer. All applications for zoning permits for Permitted, Conditional or Special Uses, for Building and Occupancy Permits, for Certificates of Nonconforming Use, for variances and for interpretations of any fact or provision of this chapter shall be made directly to the Zoning Officer. Such applications shall be in writing and shall include a plot plan drawn to scale showing the location and dimensions of the lot area and of the proposed uses of buildings and/or land. The Zoning Officer, Zoning Hearing Board or Borough Council may require any additional information deemed necessary to properly evaluate the application for the purpose of determining its conformity with this chapter.
- B. Appeals to Zoning Hearing Board. All appeals where it is alleged that the Zoning Officer has made an error shall be filed directly with the Secretary of the Zoning Hearing Board. Such appeals shall be in writing and shall explain fully the facts and parties in the case and shall clearly state the reasons or provisions of the Ordinance on which the appeal is based. An appellant shall have 30 days from the Officer's alleged error in decision in which to make an appeal.
- C. Zoning permits. The purpose of the zoning permit is to determine compliance with the provisions of this chapter, and no person shall erect, structurally alter, or convert any structure, building, or part thereof, nor alter the use of any land, subsequent to the adoption of this chapter, until a zoning permit has been issued by the Zoning Officer.
 - (1) Zoning permits shall be issued in triplicate and one copy shall be kept conspicuously on the premises and no person shall perform building operations of any kind unless a zoning permit is being displayed as required by this chapter.
 - (2) Permits granted for uses of a temporary or seasonal nature may be limited to the appropriate length of time.
 - (3) The Zoning Officer or the Zoning Hearing Board may revoke a Zoning Permit at any time if it appears that the application is in any respect false or misleading, or that work being done upon the premises differs materially from that called for in the application.
 - (4) No Zoning Permit shall be issued, except on written order of the Zoning Hearing Board for Special Exceptions and Variances or the Borough Council for Conditional Uses or where the proposed construction, alteration, or use would be in violation of any provision of this chapter.

- (5) Permits are valid for a period of three years. Unless there has been substantial progress in the work for which a Zoning Permit was issued, said permit shall expire one year from the date of issue. Substantial progress means completion of the exterior of the structure within one year of the permit date according to the building plan submitted for the permit. The exterior of any improvement, structure, addition, etc., must be completed within one year of the date of issuance of the permit.
- D. Occupancy permits. The purpose of an occupancy permit is to certify that the premises comply with the provisions of this chapter and may be used for the purposes set forth in the occupancy permit. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (1) An occupancy permit for the use or occupancy of vacant land or for a change in the use of land or for a change in the use of an existing building shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use. Any change of use which results in a change from a use listed on the District Schedule of Uses to another use listed on the District Schedule of Uses,²⁶ shall be treated as a new use, and the applicable approvals, including conditional use or special exception approval, shall be required. For example, the conversion of a warehouse building into an auto body shop would not involve new construction; however, the use would be changing and would require a change of use permit.
- (2) In cases where a use changes but remains within the same definition of a use listed on the District Schedule of Uses and no new construction is involved, a certificate of use shall be required for the change in use; however, conditional use approval or special exception approval will not be required. For example, a candy store (over 1,000 square feet gross floor area) changing to a hardware store (over 1,000 square feet gross floor area), both retail businesses as listed on the District Schedule of Uses, would not require conditional use approval, but rather, only a certificate of use issued by the Zoning Officer.
- (3) A copy of the occupancy permit shall be kept upon the premises, and shall be displayed upon request made by any officer of the municipality.
- (4) All applications for occupancy permits shall be in writing on forms to be furnished by the Zoning Officer.
- (5) The Zoning Officer may require that property lines be professionally marked or located to carry out the duties set forth under this section.

26. Editor's Note: Said schedule is included as an attachment to this chapter.

- E. Other permits. The Borough requires additional permits specified in other related ordinances and laws. An applicant should check with the Zoning Officer at the time of application for information on other permits which may be required.
- F. Certificate of nonconforming use. The owner of the premises occupied by a lawful nonconforming use or structure may secure a certificate of nonconforming use from the Zoning Officer. Such certificate shall be for the purpose of certifying to the owner his right to continue such nonconforming use.

§ 312-65. Zoning Officer.

- A. Appointment of enforcing officer. This chapter shall be administered and enforced by the Zoning Officer who shall be appointed by the Borough Council. The Borough may also enter into an agreement with any other municipality to appoint one common Zoning Officer and/or staff. The officer and/or staff shall continue to serve the Borough until such time as the Borough Council of the Borough declares otherwise.
- B. Duties and powers.
 - (1) The Zoning Officer shall receive and examine all applications required under the terms of this chapter and shall issue or refuse permits within 90 days of the receipt of the application or where applicable shall refer said application promptly to the Zoning Hearing Board or Borough Council which shall act within 90 days of application.
 - (2) The Zoning Officer shall issue a written notice of violation to any person, firm, partnership or corporation violating any provisions of this chapter.
 - (3) The Zoning Officer shall keep records of applications, of permits, or certificates issued, of variances granted, of inspections made, of reports rendered, and of notice or orders issued, and shall identify and register nonconforming uses and structures, when application is made for such certification or registration, and shall make all required inspections and perform all other duties as called for in this chapter.

§ 312-66. Zoning Hearing Board.

- A. Zoning Hearing Board created. A Zoning Hearing Board is hereby established in accordance with the provisions of the State Act No. 247, the Pennsylvania Municipalities Planning Code,²⁷ as amended.
 - (1) The members of the Zoning Hearing Board shall be residents of the Borough and shall be appointed by the Borough Council to serve for terms as prescribed by law.

27. Editor's Note: See 53 P.S. § 10101 et seq.

- (2) Vacancies occurring in said Zoning Hearing Board by expiration of term or otherwise shall be filled in the same manner.
 - (3) The Borough Council may also appoint at least one, but no more than three residents to serve as alternate Zoning Hearing Board members to serve in the manner set forth in the Pennsylvania Municipalities Planning Code.
 - B. Organization of Zoning Hearing Board. The Zoning Hearing Board shall effect officers and conduct any hearings and take any actions required by the Ordinance and may make rules and forms for its procedure.
 - C. Zoning Hearing Board functions.
 - (1) The Zoning Hearing Board shall be responsible for the following:
 - (a) To hear and decide appeals against any alleged errors or actions of the Zoning Officer.
 - (b) To hear and decide all requests for the interpretation of any fact or provision of this chapter.
 - (c) To hear and decide all requests for variances.
 - (d) To hear and decide all requests for special exceptions which are also referred to herein as special uses in accordance with the standards and criteria set forth in this chapter.
 - (e) To hear and decide challenges to the validity of this chapter or Zoning Map, which are within its jurisdiction.
 - (2) All findings and decisions of the Zoning Hearing Board shall be in writing and shall be rendered within 45 days after the last hearing or within the time period as set forth in the Pennsylvania Municipalities Planning Code. If the Zoning Hearing Board fails to render such a decision, then the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time.
 - (3) The Zoning Hearing Board shall perform such other duties as may be provided or made necessary by this chapter, or by State Act No. 247 adopted on July 31, 1968, as amended, including the interpretation of zoning boundaries, the holding of hearings after proper notice, the referral of any pertinent matter to the Planning Commission for review and recommendations.
 - (4) The Zoning Hearing Board shall keep a full public record and a summary of the facts in cases over which it has jurisdiction and shall maintain adequate records on its findings and decisions.
 - D. Notice of hearings.
 - (1) Notice of all hearings of the Zoning Hearing Board shall be given to the public, the applicant, the Zoning Officer, the Borough Planning

Commission, Borough Council and such other persons who have made a timely request for such notice.

- (2) Public notice shall be given in accord with the definition of "public notice" in Article III.
- (3) Notice shall be given to the parties by personally delivering or mailing a copy of such publication by mail to the parties listed above or their counsel.
- (4) In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land in accord with the Pennsylvania Municipalities Planning Code.

E. Referral to Planning Commission.

- (1) The Zoning Hearing Board shall refer to the Planning Commission all applications for special exceptions, and any other applications or appeals, which in the opinion of the Zoning Hearing Board require review by the Planning Commission.
- (2) In its review, the Planning Commission shall in the case of Special Exceptions determine compliance with the standards and criteria set forth in this chapter, and in all cases shall report, in writing, its findings and recommendations to the Zoning Hearing Board within 30 days of their receiving the request for review.
- (3) The Zoning Hearing Board and Planning Commission shall establish mutually acceptable procedures to assure that the review is accomplished in time to permit the Zoning Hearing Board to make its required decision.

§ 312-67. Variances.

A. Variance procedure. All requests for variances shall be submitted to the Zoning Officer. The Zoning Officer shall present the variance request to Borough Council to make them aware of the request and to permit a grouping of variance requests for the Zoning Hearing Board to consider. Borough Council may also present its opinion and/or ask the Planning Commission to present their recommendation to the Zoning Hearing Board for their consideration.

B. Zoning Hearing Board may authorize variances.

- (1) The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical

conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;

- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property;
 - (c) That such unnecessary hardship has not been created by the applicant;
 - (d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - (e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- (2) In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards, as it may deem necessary to implement the purposes of the Municipalities Planning Code and this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

§ 312-68. Appeals and public hearings.

- A. Appeal from decision of Zoning Officer. Any person or official of the Borough aggrieved or affected by any provision of this chapter or by any decision, including any order to stop, cease and desist issued by the Zoning Officer, may appeal. Such appeals shall be taken within 30 days of the Zoning Officer's decision by filing with the Zoning Officer and with the Zoning Hearing Board a notice of appeal specifying the grounds therefor.
- B. Expiration of appeal or decision. Unless otherwise specified by the Zoning Hearing Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary zoning permit, or comply with the conditions of said authorized permit within six months from the date of authorization thereof.
- C. Appeal from decision of Zoning Hearing Board. In case of an appeal from the Zoning Hearing Board to the Court of Common Pleas, the Zoning Hearing Board shall make the return required by law, and shall promptly notify the Borough Solicitor of such appeal and furnish him

with a copy of the return, including transcript of testimony. Any offer of the Zoning Hearing Board not appealed within 30 days shall be final.

- D. Stay of proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Officer certified to the Zoning Hearing Board, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board after notice to the Zoning Officer, or by the Court of Common Pleas.
- E. Information required on appeals to the Zoning Hearing Board. All appeals from a decision of the Zoning Officer and applications to the Zoning Hearing Board shall be in writing on forms prescribed by the Zoning Hearing Board, if available. Every appeal or application shall include, at a minimum, the following:
 - (1) The name and address of the applicant, or appellant.
 - (2) The name and address of the owner of the zone lot to be affected by such proposed change or appeal.
 - (3) A brief description and location of the zone lot to be affected by such proposed change, or appeal.
 - (4) A statement of the present zoning classification of the zone lot in question, the improvements thereon and the present use thereof.
 - (5) A statement of the section of this chapter under which the appeal is made, and reasons why it should be granted, or a statement of the section of this chapter governing the situation in which the alleged erroneous ruling is being appealed, and the reasons for this appeal.
 - (6) A reasonably accurate description of the present improvements, and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected, indicating the location and size of the lot and size of improvements thereof and proposed to be erected thereon.

§ 312-69. Amendments.

The Borough Council may amend this chapter by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard

and decided as provided in § 10609.1 and § 10916.1 of the Pennsylvania Municipalities Planning Code.

§ 312-70. Violations.

- A. Compliance. Failure to comply with any provision of this chapter; failure to secure or comply with a decision of the Borough Council or Zoning Hearing Board; or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a certificate of occupancy, shall be violations of this chapter.
- B. Complaints. Whenever a violation of this chapter occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Zoning Officer, who shall record receipt of the said complaint and investigate and report thereon.
- C. Enforcement notice. When written notice of a violation of any of the provisions of this chapter is served by the Zoning Officer, personally or by certified mail, in the manner prescribed by § 10616.1 of the Pennsylvania Municipalities Planning Code and set forth in this Subsection C, such violation shall be discontinued or corrected as set forth in said notice.
 - (1) If it appears to the Borough that a violation of this chapter has occurred, the Borough shall initiate enforcement proceedings by sending an enforcement notice as provided in Subsection C(2).
 - (2) The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested, in writing, by the owner of record.
 - (3) An enforcement notice shall state at least the following:
 - (a) The name of the owner of record and any other person against whom the municipality intends to take action.
 - (b) The location of the property in violation.
 - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
 - (d) The date before-which the steps for compliance must be commenced and the date before which the steps must be completed.
 - (e) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this chapter.

- (f) That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- (4) In any appeal of an enforcement notice to the Zoning Hearing Board, the Borough shall have the responsibility of presenting its evidence first.
- (5) Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Borough if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.

§ 312-71. Penalties and remedies.

- A. Causes of action. In case any building, structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this chapter, the Borough Council or, with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Borough at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Borough Council. No such action may be maintained until such notice has been given.
- B. Enforcement remedies.
 - (1) Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorneys fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day

following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

- (2) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (3) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough, the right to commence any action for enforcement pursuant to this section.

§ 312-72. Fees.

- A. Application fees. As authorized by § 10617.3(e) and § 10908(1.1) of the Pennsylvania Municipalities Planning Code, the Borough Council shall by resolution establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, sign permits conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this chapter. Permits, certificates, conditional use permits, special exception permits and variances shall be issued only after all fees have been paid in full; and, the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.
- B. Stenographer fees. The appearance fee for a stenographer shall be shared equally by the applicant and the Borough as required by § 10908(7) of the Pennsylvania Municipalities Planning Code. The cost of the original transcript shall be paid by the Borough if the transcript is ordered by the Borough or shall be paid by the person appealing from the decision of the Borough if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
- C. Professional service fee. Any permit or action which shall require the Borough to engage a professional for more service than is usually required in the processing of a permit, those fees shall be paid by the applicant before the permit is granted or the action consummated.
- D. Failure to pay fees. Failure to pay the appropriate fees as described herein shall be sufficient grounds to defer action on any application or, upon notice, to deny such application.

MILFORD TOWNSHIP

SUBDIVISION AND
LAND DEVELOPMENT
ORDINANCE

TABLE OF CONTENTS

ARTICLE I	GENERAL PROVISIONS	
101	Adoption-Authority-Title	1
102	Jurisdiction	1
103	Purpose	1
ARTICLE II	DEFINITIONS	
201	Tense, Gender and Number	2
202	General Terms	2
203	Terms or Words Not Defined	2
204	Specific Terms	2
ARTICLE III	PLAN PROCESSING PROCEDURES	
301	General	9
302	Sketch Plan	9
303	Preliminary Plans for Major Subdivisions and Land Developments	10
304	Final Plans for Major Subdivisions and Land Developments	15
305	Minor Subdivisions	20
306	Lot Improvement Subdivisions	24
ARTICLE IV	PLAN REQUIREMENTS	
401	Sketch Plan Requirements	25
402	Preliminary Plan Requirements	26
403	Final Plan Requirements	32
404	Minor Subdivision, Final Plan Requirements	39
405	Plan Requirements for Lot Improvement Subdivisions	42
ARTICLE V	IMPROVEMENT CONSTRUCTION GUARANTEES	
501	General	43
502	Sections/Stages	43
503	Improvement Construction Guarantees	43
504	Improvements Construction	47
505	Improvement Maintenance Guarantee	48
506	Continued Ownership and Maintenance of Improvements	49
507	Subdivision and/or Land Development Improvements Agreement	49
ARTICLE VI	DESIGN STANDARDS/IMPROVEMENT SPECIFICATIONS	
601	General Standards	52
602	Blocks and Lots	53

603	Streets/Roads	54
604	Monuments and Markers	64
605	Stormwater and Drainage	66
606	Soil Erosion and Sedimentation Controls	69
607	Water Supply and Sewage Disposal	69
608	Commercial and Industrial Subdivisions and Land Developments	74
609	Multi-Family Dwellings	75
610	Cluster Development	75
611	Mobile Home Parks	75
612	Recreational Vehicle Parks and Campgrounds	75

ARTICLE VII ADMINISTRATION

701	General	77
702	Amendment	77
703	Waivers/Modifications	77
704	Penalties for Violations	78
705	Records	79
706	Validity	79
707	Conflicts	79
708	Adoption	79

MILFORD TOWNSHIP
SUBDIVISION ORDINANCE
ARTICLE I
GENERAL PROVISIONS

101 Adoption - Authority - Title.

The Board of Supervisors of Milford Township, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, 53 P.S. 10101 et seq., hereby enacts and ordains the following Ordinance governing subdivisions and land developments within the limits of Milford Township. This Ordinance shall be known and may be cited as "The Milford Township Subdivision and Land Development Ordinance."

102 Jurisdiction.

102.1 This Ordinance shall apply to all subdivisions and land developments in Milford Township proposed after the effective date of this Ordinance. No subdivision of any lot, tract, or parcel of land nor any land development shall be effected, no street, sewer system, storm sewer, water system or other facilities, in connection therewith, shall be laid out, constructed, opened, or dedicated for public use or travel, or for common use of occupants of buildings or lands abutting thereon, no lot may be sold, no permit to erect any building may be issued and no building may be erected, except upon approval of the final plan and in strict accordance with the provision of these regulations, and until the improvements required in connection therewith have either been constructed or guaranteed as herein provided.

102.2 If an applicant has received approval of a Preliminary or Final Plan prior to the effective date of this Ordinance, no provision of this Ordinance shall be applied to adversely affect the right of the applicant to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within three (3) years of the date of his application. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the three year period shall be counted from the date of Preliminary Plan approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

103 Purpose.

103.1 This Ordinance has been adopted to protect and promote the health, safety, and general welfare of the citizens of Milford Township by establishing regulations to allow for the proper and controlled development of the Township, to provide for environmental protection and to insure the proper provision of community facilities.

MILFORD TOWNSHIP
SUBDIVISION ORDINANCE
ARTICLE II
DEFINITIONS

201 Tense, Gender and Number

Words in the present tense include the future tense; words used in the masculine gender include the feminine and the neuter; words in the singular include the plural and those in the plural include the singular.

202 General Terms

- A. The words "DEVELOPER", "PERSON", "SUBDIVIDER" and "OWNER" includes a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.
- B. The word "STREET" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, arterial and road.
- C. The word "BUILDING" includes structures and shall be construed as if followed by the phrase "OR PART THEREOF".
- D. The term "OCCUPIED" or "USED" as applied to any building shall be construed as though followed by the words "OR INTENDED, ARRANGED OR DESIGNED TO BE OCCUPIED OR USED".
- E. The word "LOT" includes plot, parcel, tract, site or any other similar term.
- F. The word "WATERCOURSE" includes channel, creek, ditch, drain, dry run, river, spring and stream.
- G. The word "ABUT" shall include the words "DIRECTLY ACROSS FROM".
- H. The words "SHOULD" and "MAY" are permissive.
- I. The words "SHALL" and "WILL" are mandatory and directive.

203 Terms Or Words Not Defined

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

204 Specific Terms

Terms or words used herein, unless otherwise expressly stated, shall have the following meanings:

APPLICANT - A landowner or developer, as hereinafter defined, who has filed an application for a subdivision or development, including his heirs, successors and assigns.

APPLICATION - Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to, an application for a building permit, for approval of a subdivision plat or plan or for approval of a development plan.

BLOCK - A tract of land, a lot or groups of lots, bounded by streets, public parks, water courses, boundary lines of the Township, unsubdivided land or by any combination of the above.

BOARD OF SUPERVISORS - The Board of Supervisors of Milford Township, Pike County, Pennsylvania.

BUILDING - Any combination of materials forming any structure which is erected on the ground and permanently affixed thereto, designed, intended or arranged for the housing, sheltering, enclosure or structural support of persons, animals or property of any kind.

BUILDING SETBACK LINE - The line within a property defining the minimum required distance between any building to be erected and an adjacent right-of-way line or lot line.

- A. Such line shall be measured at right angles from the street right-of-way line or lot line which abuts the property upon which said building is located and shall be parallel to said right-of-way or lot line.

CAMPGROUND OR RECREATIONAL VEHICLE (RV) PARK - A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles.

CARTWAY (ROADWAY) - The portion of a street right-of-way paved or unpaved intended for vehicular use.

CLEAR SIGHT TRIANGLE - An area of unobstructed vision at the street intersection defined by lines of sight between points at a given distance from the intersection of the street centerlines.

• COMMISSION OR PLANNING COMMISSION - The Milford Township Planning Commission.

• COMMON OPEN SPACE - A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use and enjoyment of residents of the development.

COMPREHENSIVE PLAN - The complete plan or any part of the plan for the development of Milford Township adopted in accordance with the Pennsylvania Municipalities Planning Code.

COUNTY - The County of Pike, Commonwealth of Pennsylvania.

CUL-DE-SAC - A minor street having one end open to traffic and being permanently terminated by a vehicular turnaround.

DEDICATION - The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made, a subdivision of land or a land development.

DRIVEWAY - A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the said road.

EASEMENT - A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose, within which the lessee or owner of the property shall not erect any permanent structure.

ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania.

IMPROVEMENTS - Those physical additions and changes to the land that may be necessary to provide usable and desirable lots.

LAND DEVELOPMENT - The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving:

- A. A group of two or more buildings, including mobile homes, used for residential, commercial, industrial or other non-residential purposes.
- B. The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features (usually this includes the leasing of land but it may include the lease of building or other space).

1. Examples of such land developments include:

- a. Mobile home courts or parks.

- b. Campgrounds.
- c. Apartment complexes.
- d. Townhouse complexes.
- e. Shopping centers.
- f. Industrial parks.

C. A subdivision of land.

LANDOWNER - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a leasee, if he is authorized under the lease to exercise the rights of the landowner or other persons having a proprietary interest in the land, shall be deemed to be a landowner for the purposes of this Ordinance.

LOT - A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease or improvements or for development, regardless of how it is conveyed.

LOT IMPROVEMENT SUBDIVISION - The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this Ordinance and the Milford Township Zoning Ordinance, no new lots are created, the resulting lot of increased size is restricted to use for one single-family dwelling and such restriction is noted on the plan; or the combination or reallocation of small lots into a larger lot or lots.

LOT MARKER - A solid steel rod not less than one-half (1/2) inch in diameter or less than twenty-four (24) inches in length or steel pipes not less than three-quarters (3/4) inch in diameter or less than twenty-four inches in length or such other markers as the Township may approve.

MOBILE HOME - A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operation.

MOBILE HOME PARK - A parcel of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes for non-transient use.

MONUMENT - A two (2) inch (inside diameter) galvanized concrete filled pipe at least thirty-six (36) inches in length (preferred 42" to 48").

- A. Monuments shall contain a copper or brass dowel (plus) 1/4" in diameter or shall have a 1/4" deep indented cross or a 1/4" drill hole 1/2" deep.

MUNICIPALITY - Milford Township, Pike County, Pennsylvania.

PERFORMANCE GUARANTEE - A written instrument which may be accepted by the Township Supervisors in lieu of a requirement that certain improvements be made by a developer before the final plan is endorsed and released for recording, which shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

PLAN OR FLAT - A map or drawing indicating the subdivision or resubdivision of land which in its various stages of preparation can include the following:

- A. SKETCH PLAN - An informal plan, identified as such with the title Sketch Plan on the map, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision to be used as a basis for consideration by the township.
- B. PRELIMINARY PLAN - A complete plan prepared by a registered professional engineer or by a registered professional engineer or by a registered professional land surveyor, identified as such with the wording Preliminary Plan in the title, accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
3. FINAL PLAN - A complete and exact plan identified as such with the wording Final Plan in the title, with a registered professional engineer's or a registered professional land surveyor's seal affixed and prepared for official recording as required by this Ordinance to define property rights, proposed streets and other improvements.
4. RECORD PLAN - The copy of the final plan which contains the original endorsements of the Township Planning Commission and the Township Board of Supervisors and which is intended to be recorded with the County Recorder of Deeds at Milford, Pennsylvania.

PLANNING COMMISSION - The Planning Commission of Milford Township, Pike County, Pennsylvania.

RESERVE STRIP - A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

RESUBDIVISION - Any revision, replatting or resubdivision of land which includes changes to a recorded plan.

REVERSE FRONTAGE LOTS - Lots which front on one public street and back on another with vehicular access solely from only one street.

RIGHT-OF-WAY - The total width of any land reserved or dedicated as a street, drainage way or for other public or semi-public purposes.

SANITARY SEWAGE DISPOSAL, ON-SITE - Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot from one individual dwelling or other type unit.

SEWAGE DISPOSAL, CENTRAL - A sewage collection and disposal system in which sewage is carried from more than one individual lot dwelling or other unit by a system of pipes to a central treatment plant or subsurface or other type disposal area in compliance with the Pennsylvania Department of Environmental Resources regulations.

SIGHT DISTANCE, VERTICAL - The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic.

STREET - A strip of land, including the entire right-of-way designed to provide access to more than one (1) lot.

- A. MAJOR STREETS - Serves large volumes of comparatively high speed and long distance traffic and include those roads classified as main and secondary highways by the Pennsylvania Department of Transportation.
- B. COLLECTOR STREETS - Provides access to abutting properties, intercept minor streets and provide routes for considerable volume of traffic to community facilities and major streets and serve more than two hundred (200) dwelling units.
- C. MINOR STREETS - Provide access to abutting properties and serve up to two hundred (200) dwelling units.

SUBDIVIDER - See "Developer".

SUBDIVISION - The division of or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of

ownership of buildings or lot development, further classified and defined as follows:

- A. MINOR SUBDIVISIONS - A subdivision that creates five (5) lots or less; does not require the construction or extension of any streets or municipal facilities and creates no public or private community facilities such as a central water supply or a central sewage disposal system.
- B. MAJOR SUBDIVISION - Any subdivision that is not a minor subdivision.

SUPERVISORS - The Milford Township Board of Supervisors.

SURVEYOR - A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

TOWNSHIP - Milford Township, Pike County, Pennsylvania.

TRAVELWAY - The portion of the cartway used for steady movement of vehicles.

WATERCOURSE - A discernable, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and may be permanent in nature or it may originate from a temporary source such as a runoff from rain or melting snow.

WATER SUPPLY, CENTRAL - A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with the Pennsylvania Department of Environmental Resources regulations.

WATER SUPPLY, ON-SITE - A system for supplying and transmitting drinking water to a single dwelling or other use from a source located on the same lot.

ZONING ORDINANCE - The Milford Township Zoning Ordinance.

MILFORD TOWNSHIP
SUBDIVISION ORDINANCE
ARTICLE III
PLAN PROCESSING PROCEDURES

301 General

All plans for the subdivision and/or development of land within the corporate limits of Milford Township shall be submitted to and reviewed by the Township Planning Commission and other Township, State and/or County Officials as provided in this Ordinance, and shall be approved or disapproved by the Governing Body in accordance with the procedures specified in this Article.

302 Sketch Plan.

302.1 Sketch Plans

Applicants are urged, but not required, to submit a sketch plan to the Planning Commission prior to the submission of a Preliminary Plan. The purpose of the Sketch Plan is to establish:

- A. The overall objectives of the applicant.
- B. The extent to which the proposed plan conforms with the provisions of this Ordinance.
- C. If the said plan shall qualify as a major or a minor subdivision and/or land development.

302.2 Non-formal Filing

A sketch plan shall be considered a submission for discussion between the applicant and the Planning Commission and shall not constitute a formal filing of a plan with the Planning Commission. All sketch plans submitted shall be so noted on the Plan and in the minutes of the Planning Commission.

302.3 Submission at Meeting

A Sketch Plan may be presented to the Planning Commission at any regularly scheduled meeting and the Commission may review and comment on said plan at such meeting.

302.4 Detailed Review

Applicants may request, by letter to the Planning Commission, a detailed review of a Sketch Plan by the Commission. In such cases eight (8) copies of the Sketch Plan and supporting documents shall be submitted to the Planning Commission

Secretary at least fifteen (15) days prior to the Planning Commission meeting at which the plan is to be discussed.

302.4.1 Sketch Plan Distribution - The Planning Commission Secretary shall distribute the plans and supporting documentation as follows.

- A. Two (2) copies to the Milford Township Board of Supervisors.
- B. One (1) copy to the Township Engineer.
- C. One (1) copy to the Township Zoning Officer.
- D. One (1) copy to any other such Engineer or Consultant as the Commission may designate.

302.4.22 Written Comments - Comments of the Township Engineer, Township Zoning Officer and other Township consultants shall be made in writing and submitted to the Planning Commission Secretary prior to the meeting at which the Sketch Plan will be discussed.

302.4.3 Review by the Township Planning Commission

When a Sketch Plan has been properly submitted for detailed review, the plan shall be reviewed and discussed by the Township Planning Commission at the next regularly scheuled meeting.

- A. During the review of the Sketch Plan, the Township Planning Commission shall consider the written reports of the Township Engineer, the Township Zoning Officer and other Consultants before making its comments.
- B. Within fifteen (15) days after the meeting at which the Sketch Plan is reviewed and discussed by the Township Planning Commission, the Commission shall send written comments concerning changes or modifications, if any, required or recommended, that it deems necessary or advisable, to the following:
 - 1. The Applicant or his agent.
 - 2. The Township Board of Supervisors.

303 Preliminary Plans for Major Subdivisions and Land Developments

All applications for major subdivisions and land developments shall be submitted to Milford Township and processed in accord with this Section 303.

303.1 Official Submission of Preliminary Plans

303.1.1 Plan to be Filed With the Township - Copies of the Preliminary Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Applicant or his authorized representative at least five (5) days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Preliminary Plan Submission".

303.1.2 Number of Copies to be Submitted - The official submission of the Preliminary Plan shall include the following:

- A. Eleven (11) completed copies of the subdivision and/or land development plan review application. Twelve (12) copies are required if a state road abuts or transverses the subdivision.
- B. Eleven (11) legible blue-line paper prints of the Preliminary Plan. Twelve (12) prints are required if a state road abuts or transverses the subdivision.
- C. Six (6) copies of the zoning compliance report.
- D. Six (6) copies of the sewage disposal report whenever soil test pits and/or soil percolation tests are required.
- E. Five (5) copies of all other required supporting data and information as required in Article VI of this Ordinance.

303.1.3 Preliminary Plan Filing Fee - The Planning Commission Secretary shall collect a preliminary plan filing fee as established by the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions and land developments.
- B. The applicant shall pay the fee at the time of application for review of the preliminary plan.

303.1.4 Preliminary Plan Submission Verification - Upon receipt of the Preliminary Plan and supporting data the Planning Commission Secretary shall check the submittal for the required number of copies of all documents.

- A. The Secretary shall complete the plan submittal verification and shall notify the Applicant of any and all deficiencies or omissions in the submittal.
- B. If the submittal is complete the Secretary shall accept the said plans and documentation and forward a copy of the plan submittal verification to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

303.1.5 - Official Date of the Preliminary Plan Submission - The official date of the preliminary plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the submission to the Planning Commission Secretary of the required number of copies of all documents for the preliminary plan submittal, the Planning Commission shall examine the submittal to determine that all documents are complete and in proper form.
 - 1. If the submittal is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submittal shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmittal.
 - 2. If the submittal is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the preliminary plan submission and forward it to the Applicant.

303.1.6 Distribution of the Preliminary Plan - The Planning Commission Secretary shall, immediately after the official date of submission, refer the Preliminary Plan and applicable supporting documents, after all required fees have been collected, to the following who shall provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. The Pike County Planning Commission

- B. The Township Engineer
- C. The Township Zoning Officer
- D. The Township Solicitor
- E. The Township Sewage Enforcement Officer
- F. The Pike County Conservation District
- G. The PA Department of Transportation when applicable.
- H. Any other Engineer or Consultant designated by the Township.

303.2 Preliminary Plan Review and Action

303.2.1 Planning Commission Review and Action Period -

The Planning Commission shall review the properly submitted Preliminary Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this Section 303.2. The Planning Commission shall make its recommendation to the Board of Supervisors within forty-five (45) days of the "Official Date of the Preliminary Plan Submission" and communicate in writing such recommendation to the applicant within fifteen (15) days of when the decision was made. If approval is recommended, the signed and dated plans along with the sewage planning documentation shall be forwarded to the Board of Supervisors. If approval with conditions is recommended, the plans shall not be signed but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for such denial and date shall be communicated to the Board of Supervisors and the Applicant.

303.2.2 Board of Supervisors Review and Action Period -

Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Preliminary Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including the written communication to the applicant, exceed ninety (90) days from the "Official Date of the Preliminary Plan Submittal" as established pursuant to Section 303.1.5.

303.2.3 Board of Supervisors Approval with Conditions - When a Preliminary Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the applicant as provided in Section 303.2.2. When a preliminary plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications the said conditional approval of the preliminary plan shall become an automatic disapproval and the said plan shall be resubmitted as required by Section 303 of this Ordinance, including a new filing fee.

303.2.4 Board of Supervisors Denials - When a Preliminary Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Preliminary Plan is considered and communicated in writing to the applicant as provided in Section 303.2.2.

303.3 Reviewing Agency and Officials Comments

The Planning Commission and the Board of Supervisors shall consider the comments and the recommendations provided pursuant to Section 303.1.6 and may request such additional information as deemed necessary.

303.4 Pike County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Pike County Planning Commission or after forty-five (45) days following transmittal of the Preliminary Plan to the County Planning Commission.

303.5 Sewage Planning Modules

The Board of Supervisors shall concurrently make its decision on the Planning Module for Land Development to amend the Township's Official Sewage Facilities Plan and if approval is granted the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Resources. Preliminary Plan approval shall be conditional upon Department of Environmental Resources sewage planning approval.

303.6 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Preliminary Plan pursuant to public notice.

304 Final Plans for Major Subdivisions and Land Developments

All final plans for major subdivisions and land developments shall be submitted and processed in accord with this Section 304.

304.1 Final Plan Application

An application for Final Plan approval can be submitted only when the following conditions have been met:

- A. The subdivision or land development has previously been granted an unconditional Preliminary Plan approval in accord with Section 303 of this Ordinance or all conditions established by the Board of Supervisors for the Preliminary Plan approval have been fulfilled by the Applicant.
- B. All improvements shown on the Preliminary Plan have been completed or guaranteed in accord with Article V of this Ordinance.

304.2 Final Plan Conformation

The Final Plan shall conform in all principal respects to the previously approved Preliminary Plan. The Township shall determine whether a modified Final Plan shall be accepted or whether a new Preliminary Plan shall be submitted pursuant to Section 303.

304.3 Sections

Final Plans may be submitted in sections, each covering a portion of the entire proposed subdivision and/or land development as shown on the Preliminary Plan.

- A. Each section in the subdivision and /or land development, except the last section, shall contain a minimum of twenty-five (25%) percent of the total number of dwelling units as depicted on the Preliminary Plan except that the Board of Supervisors may approve a lesser percentage at its discretion.
- B. When a final plan is proposed to be submitted by sections a proposed layout of the sections, their boundaries and the order of submission shall be submitted to the Township for approval prior to submission of the first section.

304.4 Official Submission of Final Plans

304.4.1 Plan to be Filed With the Township - Copies of the Final Plan and all required supporting documentation shall be submitted to the Planning Commission Secretary by the Subdivider or his authorized representative at least five (5) days prior to the Planning Commission meeting when the Applicant applies for the "Official Date of Final Plan Submission".

304.4.2 Number of Copies to be Submitted - The official submission of the Final Plan shall include the following:

- A. Eleven (11) completed copies of the subdivision and/or land development plan review application. Twelve (12) copies are required if a state road abuts or transverses the subdivision.
- B. Eleven (11) legible blue-line paper prints of the Final Plan. Twelve (12) prints are required if a state road abuts or transverses the subdivision.
 - 1. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Final Plan, four (4) blue-line prints and two (2) prints on "mylar" or similar reproducible material, shall be submitted for final signature.
- C. Six (6) copies of the zoning compliance report.
- D. Six (6) copies of the subdivision sewage disposal report whenever soil test pits and/or soil percolation tests are required.
- E. Five (5) copies of all other required supporting data and information as required in Article VI of this Ordinance.

304.4.3 Final Plan Filing Fee - The Planning Commission shall collect a final plan filing fee as established by the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of subdivisions and land developments.

- B. The applicant shall pay the fee at the time of application for review of the Final Plan.

304.4.4 Final Plan Submission Verification - Upon receipt of the Final Plan and supporting data the Planning Commission Secretary shall check the submittal for the required number of copies of all documents.

- A. The Secretary shall complete the plan submittal verification and shall notify the Applicant of any and all deficiencies or omissions in the submittal.
- B. If the submittal is complete the Secretary shall accept the said plans and documentation and forward a copy of the plan submittal verification to the Applicant.
- C. The plan submission verification shall only verify that the correct number of copies of all plans and documentation has been submitted and shall in no way be construed to be a plan submission receipt.

304.4.5 - Official Date of the Final Plan Submission - The official date of the final plan submission shall be determined as follows:

- A. At the first regularly scheduled meeting of the Planning Commission following the submission to the Planning Commission Secretary of the required number of copies of all documents for the final plan submittal, the Planning Commission shall examine the submittal to determine that all documents are complete and in proper form.
 - 1. If the submittal is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submittal shall be rejected until the said deficiencies are corrected then examined again at the next regularly scheduled or special meeting after the resubmittal.
 - 2. If the submittal is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the final plan submission and forward it to the Applicant.

304.4.6 Distribution of the Final Plan - The Planning Commission Secretary shall, immediately after the

official date of submission, refer the final plan and supporting documents, after all required fees have been collected, to the following who shall provide written comments and recommendations to the Planning Commission and the Board of Supervisors:

- A. The Pike County Planning Commission
- B. The Township Engineer
- C. The Township Zoning Officer
- D. The Township Solicitor
- E. The Township Sewage Enforcement Officer
- F. The Pike County Conservation District
- G. The PA Department of Transportation when applicable.
- H. Any other Engineer or Consultant designated by the Township.

304.5 Final Plan Review and Action

304.5.1 Planning Commission Review and Action Period -

The Planning Commission shall review the properly submitted Final Plan to determine compliance with this Ordinance and take action to reject, or recommend to the Board of Supervisors, denial, approval or approval with conditions and modifications of such plan as provided in this Section 304.5. The Planning Commission shall make its recommendation to the Board of Supervisors within forty-five (45) days of the "Official Date of the Final Plan Submission" and communicate in writing such recommendations to the Applicant within fifteen (15) days of when the decision was made. If approval is recommended, the signed and dated plans shall be forwarded to the Board of Supervisors. If approval with conditions is recommended, the plans shall not be signed but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for such denial and date shall be communicated to the Board of Supervisors and the Applicant.

304.5.2 Board of Supervisors Review and Action Period -

Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Final Plan and communicate in writing such decision to the Applicant within fifteen

(15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Final Plan Submission" as established pursuant to Section 304.5.

304.5.3 Board of Supervisors Approval with Conditions - When a Final Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the applicant as provided in Section 304.5.2. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications the said conditional approval of the Final Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by Section 304 of this Ordinance, including a new filing fee.

304.5.4 Board of Supervisors Denials - When a Final Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Final Plan is considered and communicated in writing to the applicant as provided in Section 304.5.2.

304.6 Reviewing Agency and Officials Comments

The Planning Commission and the Board of Supervisors shall consider the comments and the recommendations provided pursuant to Section 304.4.6 and may request such additional information as deemed necessary.

304.7 Pike County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Pike County Planning Commission or after forty-five (45) days following transmittal of the Final Plan to the County Planning Commission.

304.8 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Final Plan pursuant to public notice.

304.9 Planned Improvements

The Board of Supervisors shall not endorse the Final Plan until such time as all the improvements shown on the Final Plan have been installed and certified by the Township Engineer or a performance guarantee has been provided by the Applicant pursuant to Article V of this Ordinance.

304.10 Signature of Final Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Final Plan for recording purposes. The Board of Supervisors shall retain one endorsed mylar and one endorsed print, and one endorsed print shall be forwarded to the Township Planning Commission.

304.11 Recording of the Final Plan

The Subdivider shall file the final record plan with the Pike County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Supervisors. The Recorder's certificate of receipt that the approved and endorsed final record plan has indeed been recorded with the plat book and page numbers indicated shall be submitted to the Township by the Subdivider immediately after recording. If the Subdivider fails to record the final record plan in the Recorder's office and send the said receipt certificate to the Township within the required ninety (90) day period, the action of the Township Supervisors shall be deemed null and void and a resubmission of the plan shall be made to the Board of Supervisors.

305 Minor Subdivisions

Preliminary Plans for minor subdivisions shall not be required. However, a Final Plan for all minor subdivisions shall be submitted to the Township and be processed in accord with this Section 305.

305.1 Official Submission of Minor Subdivision Plans

305.1.1 Minor Subdivision Plans may be submitted to the Planning Commission Secretary prior to or at any regularly scheduled Planning Commission meeting by the Applicant or his authorized representative.

305.1.2 Number of Copies to be Submitted - The official submission of the Minor Subdivision Plan shall include the following:

- A. Eleven (11) completed copies of the minor subdivision plan review application. Twelve (12) copies are required if a State road abuts or transverses the subdivision.
- B. Eleven (11) legible blue line prints of the Minor Subdivision Plan. Twelve (12) copies are required if a State road abuts or transverses the subdivision.
 - 1. Following recommendation for approval by the Planning Commission and when all corrections have been made to the Minor Subdivision Plan, four (4) blue-line prints and two (2) prints on "mylar" or similar reproducible material, shall be submitted for final signature.
- C. Two (2) copies of the Zoning compliance report.
- D. Two (2) copies of the sewage disposal report.
- E. Four (4) copies of all other required supporting data and documentation as required in Article IV of this Ordinance.

305.1.3 Minor Subdivision Plan Filing Fee - The Township Secretary shall collect a Minor Subdivision Plan filing fee as established by the Board of Supervisors for all subdivisions.

- A. Fees shall be charged in order to cover the costs of examining plans and other administrative expenses associated with the review of minor subdivisions.
- B. The applicant shall pay the fee at the time of application for review of the Minor Subdivision Plan.

305.1.4 Official Date of the Minor Subdivision Submission - The official date of the Minor Subdivision Plan submission shall be determined as follows:

- A. The Planning Commission shall examine the Minor Subdivision submittal to determine that all documents are complete and in proper form.
 - 1. If the submittal is not complete or not in the proper form the Applicant shall be notified in writing of the deficiencies and the submittal shall be rejected until the said deficiencies are corrected then examined again at the next

regularly scheduled or special meeting after the resubmittal.

2. If the submittal is complete and acceptable the Chairman of the Planning Commission shall complete an official submission receipt listing the date of the said meeting as the official date of the Minor Subdivision Plan submission and forward it to the Applicant.

305.1.5 Distribution of the Minor Subdivision Plan

- A. The Pike County Planning Commission
- B. The Township Engineer
- C. The Township Zoning Officer
- D. The Township Solicitor
- E. The Township Sewage Enforcement Officer
- F. The Pike County Conservation District
- G. The PA Department of Transportation when applicable.
- H. Any other Engineer or Consultant designated by the Township.

305.2 Minor Subdivision Plan Review and Action

305.2.1 Planning Commission Review and Action Period -
The Planning Commission may make its decision at the meeting when the Minor Subdivisions Plans are submitted and found to be complete; or at its discretion, make its decision at a subsequent meeting so that the comments provided pursuant to Section 305.1.5 may be considered. In any case, the Planning Commission shall make its recommendation to the Board of Supervisors within forty-five (45) days of the "Official Date of the Minor Subdivision Plan Submission" and communicate in writing such recommendation to the Applicant within fifteen (15) days of when the decision was made. If approval is recommended, the signed and dated plans along with the sewage planning documentation shall be forwarded to the Board of Supervisors. If approval with conditions is recommended, the plans shall not be signed but such approval recommendation shall be communicated to the Board of Supervisors and the Applicant in writing along with a statement of the conditions. If denial is recommended, the specific reasons for such denial and

date shall be communicated to the Board of Supervisors and the Applicant.

305.2.2 Board of Supervisors Review and Action Period -

Upon the receipt of the Planning Commission's recommendation, the Board of Supervisors shall make its decision regarding the Minor Subdivision Plan and communicate in writing such decision to the Applicant within fifteen (15) days of when the decision is made. However, in no case shall the period for Township review and action, including written communication to the Applicant, exceed ninety (90) days from the "Official Date of the Minor Subdivision Submission" as established pursuant to 305.1.5.

305.2.3 Board of Supervisors Approval with Conditions -

When a Minor Subdivision Plan is approved with conditions, such conditions shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor Subdivision Plan is considered and communicated in writing to the applicant as provided in Section 305.2.2. When a Minor Subdivision Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree and accept the said conditions and/or modifications the said conditional approval of the Minor Subdivision Plan shall become an automatic disapproval and the said plan shall be resubmitted as required by Section 305 of this Ordinance, including a new filing fee.

305.2.4 Board of Supervisors Denials - When a Minor Subdivision Plan is denied, the reasons for such denial, citing specific provisions of this Ordinance or other applicable statute, shall be expressly included in the minutes of the Board of Supervisors meeting at which the Minor Subdivision Plan is considered and communicated in writing to the applicant as provided in Section 305.2.2.

305.3 Reviewing Agency and Officials Comments

The Board of Supervisors shall consider the comments and the recommendations pursuant to Section 305.1.4 and may request such additional information as deemed necessary.

305.4 Pike County Planning Commission Comments

No official action shall be taken by the Board of Supervisors until the Township has received and considered the comments of the Pike County Planning Commission or after forty-five (45) days following transmittal of the Minor Subdivision Plan to the County Planning Commission.

305.5 Sewage Planning Modules

The Board of Supervisors shall concurrently make its decision on the Planning Module for Land Development to amend the Township's Official Sewage Facilities Plan and if approval is granted the completed sewage planning documents shall be forwarded to the Pennsylvania Department of Environmental Resources. Minor Subdivision Plan approval shall be conditional upon Department of Environmental Resources sewage planning approval.

305.6 Public Hearing

The Planning Commission and/or the Board of Supervisors may conduct a public hearing on the proposed Minor Subdivision Plan pursuant to public notice.

305.7 Signature of Minor Subdivision Plan

When all requirements and conditions have been fulfilled by the Applicant and all supplemental data and documents have been submitted and approved, the Board of Supervisors shall endorse the Minor Subdivision Plan for recording purposes. The Board of Supervisors shall retain one endorsed mylar and one endorsed print, and one endorsed print shall be forwarded to the Township Planning Commission.

305.8 Recording of the Minor Subdivision Plan

The Subdivider shall file the Minor Subdivision record plan with the Pike County Recorder of Deeds within ninety (90) days of the date of endorsement by the Township Supervisors. The Recorder's certificate of receipt that the approved and endorsed Minor Subdivision record plan has indeed been recorded with the plat book and page numbers indicated shall be submitted to the Township by the Subdivider immediately after recording. If the Subdivider fails to record the Minor Subdivision record plan in the Recorder's office and send the said receipt certificate to the Township within the required ninety (90) day period, the action of the Township Supervisors shall be deemed null and void and a resubmission of the plan shall be made to the Board of Supervisors.

306 Lot Improvement Subdivisions

Lot improvement subdivisions shall be processed in the manner set forth in Section 304 of this Ordinance for Minor Subdivisions, however, sewage planning modules shall not be required.

MILFORD TOWNSHIP
SUBDIVISION ORDINANCE
ARTICLE IV
PLAN REQUIREMENTS

401. Sketch Plan Requirements

A Sketch Plan shall show or be accompanied by the following data, legible in every detail and drawn to scale but not necessarily showing precise dimensions.

- A. Name of the subdivision and/or development.
- B. Name and address of land owner and/or land developer. (if corporation give name of officers.)
- C. Location map at a scale of 1" = 2000'.
- D. North arrow (true or magnetic).
- E. Graphic scale.
- F. Written scale.
- G. Date sketch plan was completed.
- H. Names of adjacent property owners and tax map numbers, including those across adjacent roads.
- I. Proposed and existing street and lot layout on immediately adjacent tracts including street and subdivision names and right-of-way widths.
- J. Existing man-made and/or natural features:
 - 1. Water courses, lakes and swamps (with names).
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and structures.
 - 4. Approximate location of tree masses.
 - 5. Any and all other significant features.
- K. Location of permanent and seasonal high water table areas and 100 year flood zones.
- L. Tract boundaries accurately labeled.
- M. General street and lot layout showing approximate widths, depths and areas.

- N. Location and extent of various soil types and the Department of Environmental Resources classification and rating for each.
- O. Location and type of rights-of-way or other restrictive covenants which might affect the subdivision and/or development.
- P. The following site data shall be labeled on the plan:
 - 1. Total acreage of the subdivision and/or development.
 - 2. Total number of lots proposed.
 - 3. Total lineal feet of new roads.
 - 4. County property tax assessment number.
 - 5. Zoning district of the subdivision and/or development.
 - 6. Any and all other significant information.
- Q. A map of the entire contiguous holding of the owner and/or developer showing the plan for any future development.
- R. A statement of the type of water supply and sewage disposal proposed.

402 Preliminary Plan Requirements

Preliminary Plans shall be prepared by a Professional Engineer or a Registered Land Surveyor. Preliminary Plans shall be submitted pursuant to the following:

402.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction.
- C. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of

the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.

E. Plans shall be legible in every detail.

402.2 Plan Information

The Preliminary Plan shall contain the following information:

- A. Name of project.
- B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded.
- C. Name and address of developer if different from land owner (if a corporation give name of each officer).
- D. Name, address, license number and seal of the Registered Professional Engineer or the Registered Professional Land Surveyor responsible for the preparation of subdivision and/or development plan.
- E. Date, including the month, day and year that the Preliminary Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- F. A key map for the purpose of locating the property being subdivided drawn at a scale of one (1) inch equals two thousand (2000) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding and all recorded subdivision plans existing within one thousand (1000) feet of any part of the property.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Names of adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the tax map number for each property shown.

- J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
- K. Existing man-made or natural features including but not limited to the following:
 - 1. Water courses, lakes, and swamps (with names).
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and other structures.
 - 4. Approximate location of tree masses.
 - 5. Location and description of any certified historic site or structure.
 - 6. Location and size of culverts with the direction of water flow.
 - 7. All other significant man-made or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
- L. Location of permanent and seasonal high water table areas and 100 year flood zones.
- M. Location and extent of various soil types, S.C.S. classification and D.E.R. grouping for each soil type and location of soil test pits and perlocation test locations.
- N. Location, width and purpose of any existing rights-of-way or other easements.
- O. Location, width and purpose of any proposed rights-of-way or other easements.
- P. Proposed areas for location of wells and subsurface sewage disposal fields when on site disposal is proposed.
- Q. Contour lines, at an interval of not more than twenty (20) feet as accurately superimposed from the latest U.S.G.S. Quadrangle map. In the event contour lines at a closer interval are available, such contours shall be shown.
- R. The full plan of the proposed subdivision and/or development, including:

1. Location and widths of all streets, suggested types (major, collector, minor) and all rights-of-way with a statement of any conditions governing their use.
 2. Suggested street names.
 3. Building setback lines.
 4. Lot lines with approximate dimensions.
 5. Approximate lot and/or parcel areas.
 6. Lot numbers.
 7. A statement of number of lots and/or parcels.
 8. A statement of the intended use of all non-residential lots and/or parcels.
 9. A statement of the total acreage in the proposed subdivision and/or development.
 10. County tax assessment property number.
 11. Any and all other significant information.
- S. Zoning data, including all of the following, when applicable:
1. Zoning district designations.
 2. Zoning district boundary lines transversing the proposed subdivision and/or development.
 3. Zoning district boundary lines within one thousand (1000) feet of the proposed subdivision and/or development. (Show on location map)
- T. A title block shall be included on the lower right corner of all Preliminary Plans.
- U. Approval/Signature blocks for the Planning Commission and Board of Supervisors.
- V. In the case of land developments, the location and configuration of project buildings, parking compounds, streets, access drives, driveways and all other planned facilities.

402.3 Supporting Documents and Information

The following supporting documents, plans and information shall be submitted with Preliminary Plans for all major subdivisions and land developments.

- A. Typical street cross-section drawings for all proposed streets showing the following:
 - 1. Typical cut sections.
 - 2. Typical fill sections.
 - 3. Superelevated sections.
 - 4. Typical parallel drainage.
- B. Tentative profiles along the top of the cartway (pavement) center-line showing existing and proposed grade lines and printed elevations of the proposed grade lines at fifty (50) foot intervals.
- C. Any existing or proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All proposed offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. Existing documents of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- F. The latest deed of record.
- G. Water Supply Information
 - 1. A statement from a Professional Engineer of the type and adequacy of the water supply system proposed to serve the project.
 - 2. Preliminary design of the water supply system.
 - 3. Public system - A letter from the water company or authority stating that the said company or authority will supply the development including a verification of the adequacy of service.
 - 4. Private system - A statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

H. Sewage Disposal Information

1. Completed sewage planning module for land development and other required sewage planning documents.
2. Public treatment system - A letter from the sewer company or authority stating that said company or authority will provide sewer service to the development including a verification of treatment capacity adequate to serve the development.
3. Private sewage treatment plants and community on-lot systems - A preliminary design of the system and a statement setting forth the proposed ownership of the system and responsibility for operation and maintenance.

I. A statement from a Professional Engineer relative to any environmental permits (e.g. wetlands, streams, State or Federal encroachment) required and if none are required a statement to that effect.

J. Soil erosion and sedimentation control plan.

K. Preliminary drainage/stormwater management plan approved by the Pike County Conservation District.

L. Preliminary bridge designs and a statement of state or federal approvals required.

M. A statement indicating any existing or proposed zoning variances or subdivision waivers/modifications.

N. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Preliminary Plan shall be accompanied by a letter from the owner or leasee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.

402.4 Additional Information

The Planning Commission and/or the Board of Supervisors shall request any other necessary information based on the specific characteristics of the proposed project.

402.5 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submittal with Preliminary Plan applications.

403 Final Plan Requirements

Final Plans shall be prepared by a Professional Engineer or a Registered Land Surveyor. Final Plans shall be submitted pursuant to the following:

403.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction.
- C. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than twelve by eighteen (12 x 18) inches and no larger than twenty-four by thirty-six (24 x 36) inches. If the Plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet. If more than one (1) sheet is necessary, each sheet shall be the same size and numbered to show the relationship to the total number of sheets in the plan (e.g. Sheet 1 of 5), and a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- E. Plans shall be legible in every detail.

403.2 Plan Information

The Final Plan shall contain the following information:

- A. Name of project.
- B. Name and address of the owner of record (if a corporation give name of each officer) and deed book and page where the deed of record is recorded.

- C. Name and address of developer if different from land owner (if a corporation give name of each officer).
- D. Name, address, license number and seal of the Registered Professional Engineer or the Registered Professional Land Surveyor responsible for the preparation of subdivision and/or development plan.
- E. Date, including the month, day and year that the Final Plan was completed and the month, day and year for each Plan revision along with a description of the revision.
- F. A key map for the purpose of locating the property being subdivided drawn at a scale of one (1) inch equals two thousand (2000) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, zoning districts, water courses and any area subject to flooding and all recorded subdivision plans existing within one thousand (1000) feet of any part of the property.
- G. North arrow (true or magnetic).
- H. Graphic scale and written scale.
- I. Names of adjoining property owners and the names of all adjoining subdivisions, if any, including property owners and/or subdivisions across adjacent roads, along with the tax map number for each property shown.
- J. Proposed and existing street and lot layout on immediately adjacent tracts including names and right-of-way and pavement widths of all streets and/or roads.
- K. Existing man-made or natural features including but not limited to the following:
 - 1. Water courses, lakes, and swamps (with names).
 - 2. Rock outcrops and stone fields.
 - 3. Buildings and other structures.
 - 4. Approximate location of tree masses.
 - 5. Location and description of any certified historic site or structure.
 - 6. Location and size of culverts with the direction of water flow.

7. All other significant man-made or natural features within the proposed subdivision and one hundred (100) feet beyond the boundaries of the proposed subdivision and/or development.
- L. Location of permanent and seasonal high water table areas and 100 year flood zones.
- M. Location and extent of various soil types, S.C.S. classification and D.E.R. grouping for each soil type and location of soil test pits and perlocation test locations.
- N. Location, width and purpose of any existing rights-of-way or other easements.
- O. Location, width and purpose of any proposed rights-of-way or other easements.
- P. Location of wells and subsurface sewage disposal fields when on site disposal is proposed.
- Q. Contour lines, at an interval of not more than twenty (20) feet as accurately superimposed from the latest U.S.G.S. Quadrangle map. In the event contour lines at a closer interval are available, such contours shall be shown.
- R. The total tract boundary lines of the project with distances accurate to hundredths of a foot and bearings accurate to seconds of an arc. The location of all perimeter monuments shall be shown and described.
- S. The name and/or number and pavement width and right-of-way lines of all existing public streets and/or roads and the name and location of all other streets and/or roads within the property.
- T. The full plan of the proposed development, including but not limited to the following information and data:
 1. Sufficient bearings, lengths of lines, radii, arc lengths and chords of all lots, streets, rights-of-way, easements, community or public areas and areas to be dedicated to accurately and completely reproduce each and every course on the ground.
 2. All dimensions in feet and hundredths of a foot.
 3. All bearings to the nearest one second of the arc.
 4. Street names.

5. Street widths and right-of-way and easement widths.
 6. A clear sight triangle shall be shown for all street intersections.
 7. Block and lot numbers.
 8. Total tract area and area of each lot in square feet or acres.
 9. Location and type of permanent monuments and markers which have been set in place.
 10. Building setback lines for each lot or the proposed placement of each building.
 11. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
 12. A statement of intended use of all non-residential lots, with reference to restrictions of any type which exist as covenants in the deed for the lots contained in the subdivision and if the covenants are recorded, including the book and page.
 13. The deed book volume and page number, as entered by the Conty Recorder of Deeds, referencing the latest source(s) of title to the land being developed.
 14. Pike County tax assessment number.
- U. Zoning data, including all of the following, when applicable:
1. Zoning district designations.
 2. Zoning district boundary lines transversing the proposed subdivision and/or development.
 3. Zoning district boundary lines within one thousand (1000) feet of the proposed subdivision and/or development. (Show on location map)
- V. The following items and notes shall be on all Final Plans when applicable, in the form of protective and/or restrictive covenants:
1. Building setbacks.
 2. Corner lot sight easements.

3. Corner lot driveway locations.
 4. Utility and drainage easements including ownership and maintenance responsibility.
 5. "All lots shown on this plan are subject to the rules and regulation contained in the Milford Township Zoning Ordinance."
 6. "Wells and sewage disposal systems shall be constructed in accord with the current standards of the Pennsylvania Department of Environmental Resources and Milford Township."
 7. "Individual owners of lots must apply to the Township for a sewage permit and well permit prior to the construction of any on-lot sewage disposal system or well".
 8. "In granting this approval the Township has not certified or guaranteed the feasibility of the installation of any type of well or sewage disposal system or any individual lot shown on this plan."
- W. A title block shall be included on the lower right corner of all Final Plans.
- X. Approval/Signature blocks for the Planning Commission and the Board of Supervisors.
- Y. The following general notes shall be included on all Final Plans, if applicable:
1. When all roads and/or streets are to remain private, "All roads and/or streets shall remain private, shall not be open to public travel and shall not in the future be offered for dedication to Milford Township by the Developer, his heirs, successors or assigns, unless such roads and/or streets comply with all current requirements of the Township Road Dedication Ordinance or any amendment thereto."
 2. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following, "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefitting from the use thereof".
 3. In the event of a "lot improvement" proposal, "Lot/parcel ____ shall be joined to and become an

inseparable part of lot/parcel___ as recorded in Deed Book Volume___, page___ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."

4. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, Section 420) and for access to road under the jurisdiction of Milford Township pursuant to Milford Township Ordinance No. 10, Road Encroachment."

- Z. In the case of land developments, the location and configuration of project buildings, parking compounds, streets, access drives, driveways and all other planned facilities.

403.3 Supporting Documents and Information - The following supporting documents and information shall be submitted with the Final Plan for major subdivisions and land developments:

- A. Typical final street cross-section drawings for all proposed streets and/or roads showing the following:
 1. Typical cut sections.
 2. Typical fill sections.
 3. Typical superelevated sections.
 4. Typical parallel drainage.
- B. Final profiles along the top of the cartway (pavement) center-line showing existing and final grade lines and printed elevations of the final grade line at fifty (50) foot intervals.
- C. Any existing and finally proposed deed restrictions, protective and restrictive covenants that apply to the subdivision and/or development plan.
- D. All existing and offers of dedication and/or reservation of rights-of-way and land areas with conditions attached.
- E. The latest deed of record.
- F. Water Supply and Sewage Disposal Information

1. Final plan of any proposed central water supply and/or sewage disposal system showing all pertinent details.
 2. All other documentation required to demonstrate compliance with Section 607 of this Ordinance.
- G. All required state or federal environmental permits.
- H. Highway occupancy permits.
- I. Approved soil erosion and sedimentation control plan.
- J. Final drainage/stormwater management plan.
- K. Final bridge designs and required state or federal approvals.
- L. A statement setting forth any zoning variances or subdivision waivers/modification obtained.
- M. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum or petroleum products transmission line located within the tract, the Final Plan shall be accompanied by a letter from the owner or leasee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way-lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
- N. Improvements construction documentation required by Article V.

403.4 Additional Information

The Planning Commission and/or the Board of Supervisors shall request any other necessary information based on the specific characteristics of the proposed project.

403.5 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submittal with Final Plan applications.

403.6 Maintenance of Development Improvements

The Developer shall provide a proposed plan for the succession of ownership and continued operation and maintenance of all development improvements, amenities and common use or open space areas. The Township shall determine the adequacy of the

plan and shall require any additional assurance to provide for proper operation and maintenance.

404 Minor Subdivision, Final Plan Requirements

Final Plans for minor subdivision shall be prepared by a Professional Engineer or Registered Land Surveyor and shall be submitted pursuant to the following:

404.1 Drafting Standards

- A. The plan shall be clearly and legibly drawn at a scale of 10 feet, 20 feet, 30 feet, 40 feet, 50 feet, 60 feet, 80 feet, 100 feet or 200 feet to the inch.
- B. Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds. Lot line descriptions shall read in a clockwise direction.
- C. The survey shall not have an error of closure greater than one (1) foot in ten thousand (10,000) feet.
- D. The sheet size shall be no smaller than eight and one-half by eleven (8 1/2 x 11) inches and no larger than twenty-four by thirty-six by (24x36) inches.
- E. Plans shall be legible in every detail.

404.2 Plan Information

- A. Name of subdivision
- B. Name and address of owner of record. (if a corporation give name of each officer).
- C. Name and address of Developer if different from land owner. (if a corporation give name of each officer).
- D. Name, address, license number and seal of the Registered Professional Engineer or Registered Land Surveyor responsible for the preparation of the subdivision plan.
- E. Date, including the month, day and year that the Final Plan for the minor subdivision was completed and the month, day and year of each Plan revision along with a description of the revision.
- F. The Deed Book Volume and page number reference of the latest source(s) of title to the land being subdivided.
- G. North arrow (true or magnetic).

- H. Graphic scale and written scale.
- I. Lots numbered in consecutive order.
- J. A plat of the area proposed to be subdivided, including the tract boundaries, if appropriate, street lines and names, lot lines, rights-of-way or easements (existing and/or proposed, if any).
- K. Sufficient data, acceptable to the Township, to determine readily the location, bearing and length of every boundary, street or lot line. All dimensions shall be shown in feet and hundredths of a foot. All bearings shall be shown to the nearest one second of the arc.
- L. The area of each lot or parcel shall be shown within each lot or parcel.
- M. Reference monuments and/or lot markers shall be shown on the plan and shall be placed as required by this Ordinance.
- N. Any existing buildings located on the tract being subdivided shall be platted to demonstrate compliance with setback requirements.
- O. The proposed building reserve (setback) lines for each lot, or the proposed placement of each building.
- P. The name and/or number and pavement width and right-of-way lines of all existing public streets and the name, location and width of all other roads within or abutting the property.
- Q. Names of adjoining property owner including those across adjacent roads, and the names of all adjoining subdivisions including those across adjacent roads with the book and page where each property and/or subdivision is recorded; along with the tax map number for each property shown.
- R. Water courses, lakes, streams, ponds and swamps, with names, rock outcrops and stone fields, approximate location of existing tree masses and other significant features, man-made or natural.
- S. A clear sight triangle shall be clearly shown for all street intersections.
- T. Site data including, total acreage, number of lots, existing zoning district and tax map number.

- U. Contour lines at an interval of not greater than twenty (20) feet as superimposed from the latest U.S.G.S. quadrangle or from a field survey. A minimum of two contour lines are required to show direction and amount of slope.
- V. Location of all flood hazard areas.
- W. The location and extent of various soil types together with the Pennsylvania Department of Environmental Resources group classification for each type.
- X. The location of any soil test pits and/or percolation tests. The logs of the test pit evaluations and the results of the percolation tests shall accompany the plan.
- Y. The proposed areas for location of wells and subsurface sewage disposal fields when on-site disposal is proposed.
- Z. A key map for the purpose of locating the property being subdivided at a scale of one (1) inch equals two thousand (2000) feet.
- AA. Approval/signature blocks for the Planning Commission and Board of Supervisors.
- BB. A title block on the lower right corner.

404.3 General Notes - The following general notes shall be on all final plans, if applicable:

- A. In the event the subdivision incorporates a private access street as defined in this Ordinance, the following: "The improvement and maintenance of any private access street shall be the sole responsibility of those persons benefitting from the use thereof."
- B. In the event of a "lot improvement" proposal, "Lot/parcel ____ shall be joined to and become an inseparable part of lot/parcel ____ as recorded in Deed Book Volume ____, page ____ and cannot be subdivided, conveyed or sold separately or apart therefrom without prior Township approval" and "Approval is granted for recording purposes only."
- C. "Highway occupancy permits are required for access to roads under the jurisdiction of the Pennsylvania Department of Transportation pursuant to the State Highway Law (P.L. 1242, No. 428, Section 420) and for access to road under the jurisdiction of Milford Township pursuant to Milford Township Ordinance No. 10, Road Encroachment."

404.4 Supporting Documents and Information

A. Sewage planning modules

B. Typical cross-sections for any private access streets of a design adequate for anticipated traffic along with center-line profiles and vertical curve data.

404.5 Additional Information

The Planning Commission and/or the Board of Supervisors shall request any other necessary information based on the specific characteristics of the proposed project.

404.6 Application Forms and Certifications

The applicant shall complete and submit such application forms and certifications as prescribed by the Township for submittal with minor subdivision applications.

405 Plan Requirements for Lot Improvement Subdivisions

The plan requirements set forth in Section 404 of this Ordinance for Minor Subdivisions shall also apply to Lot Improvement Subdivisions.

MILFORD TOWNSHIP
SUBDIVISION ORDINANCE
ARTICLE V
IMPROVEMENT CONSTRUCTION GUARANTEES

501 General

No project shall be considered in compliance with this Ordinance until the streets, parking facilities, storm drainage facilities, water and sewer facilities, lot line markers and survey monuments and all other required improvements have been installed in accord with this Ordinance.

No final plan shall be signed by the Township for recording in the office of the Pike County Recorder of Deeds until:

- 1) All improvements required by this Ordinance are installed to the specifications contained in Article VI of this Ordinance and other Township requirements and such improvements are certified by the Township Engineer.
- 2) An Improvements Construction Guarantee in accord with Section 503 has been accepted by the Township.

502 Sections/Stages

Where the submission of the Final Plan in sections or stages has been approved, the Township shall require the construction or guarantee of any and all development improvements located in any preliminary approved section essential for the service or protection of any section or stage of the development proposed for final approval.

503 Improvement Construction Guarantees

503.1 Acceptable Guarantees - The following are acceptable forms of improvement construction guarantees.

- A. Surety Performance Bond - A security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the Township.

B. Escrow Account - A deposit of cash either with the Township or in escrow with a financial institution. The use of a financial institution for establishing an escrow account shall be subject to approval by the Township. In the case of an escrow account, the developer shall file with the Township an agreement between the financial institution and the Developer guaranteeing the following:

1. That the funds of said escrow account shall be held in trust until released by the Township and may not be used or pledged by the Developer as security in any other matter during that period.
2. In the case of a failure on the part of the Developer to complete said improvements, the institution shall immediately make the funds in said account available to the Township for use in the completion of those improvements.

C. Letter of Credit - A letter of credit provided by the Developer from a financial institution or other reputable institution subject to the approval of the Township. This letter shall be deposited with the Township and shall certify the following:

1. That the creditor does guarantee funds in an amount equal to the established cost of completing all required improvements.
2. In case of failure on the part of the Developer to complete the specified improvements within the required time period, the creditor shall pay to the Township immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.
3. The letter of credit may not be withdrawn, or reduced in amount, until released by the Township.

503.2 Amount of Security - The amount of financial security shall be equal to one hundred ten percent (110%) of the cost of the required improvements for which financial security is being posted.

A. The cost of the improvements shall be established by the submission to the Township of a bona fide bid or bids from the contractor or contractors

chosen by the Developer to complete the improvements.

- B. In the absence of such bona fide bid or bids, the costs shall be established by an estimate prepared by the Developer's engineer and approved by the Township.
- C. If the Developer requires more than one (1) year from the date of posting the guarantee to complete the required improvements, the amount of the guarantee shall be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date of posting the guarantee or to an amount not exceeding one hundred ten (110) percent of the cost of completing the improvements as established on or about the expiration of the preceding one (1) year period using the procedure established by Section 503.2 A and B.

503.3 Terms of Guarantee

Construction guarantees shall be submitted in a form and with such surety as approved by the Township to assure that all improvements shall be completed within a fixed period of time but not to exceed five (5) years from the date of Preliminary Plan approval.

- A. Upon receipt of a written application signed both by the obligor and surety of a construction guarantee, the Township may extend the period for improvements completion for a period not to exceed one (1) additional year.

503.4 Release of Improvement Construction Guarantees

- A. Partial Release - The developer may request the release of such portions of the construction guarantee for completed improvements.
 - 1. Request - All such requests shall be in writing to the Board of Supervisors and a copy to the Township Engineer and shall include a certification from the Developer's engineer that the subject improvements have been completed in accord with the approved plans and Township standards.
 - 2. Inspection - Within forty-five (45) days of receipt of such request the Board of Supervisors shall direct the Township Engineer

to inspect the subject improvements and certify to the Board of Supervisors their completion in accord with the approved plans and Township standards; and the Board of Supervisors shall authorize release of such portion of the construction guarantee established by the Township Engineer to represent the value of the completed improvements.

3. Retention - The Board of Supervisors may, require retention of ten (10) percent of the estimate cost of the aforesaid improvements.

- B. Final Release - When the Developer has completed the construction of all required improvements the Developer shall so notify the Board of Supervisors.

1. Notification - Such notification shall be in writing, by certified or registered mail, with a copy to the Township Engineer; and shall include a certification from the Developer's engineer that all required improvements have been completed in accord with the approved plans and Township standards.
2. Inspection - Within ten (10) days of receipt if said notice the Board of Supervisors shall direct and authorize the Township Engineer to make a final inspection of the subject improvements.
3. Report - The Township Engineer shall within thirty (30) days of said authorization, file a written report with the Board of Supervisors, with a copy mailed to the Developer by certified or registered mail, recommending approval or rejection of said improvements either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected, said report shall contain, by specific Ordinance reference, a statement of reasons for non-approval or rejection.
4. The Board of Supervisors shall act upon the Engineer's report and shall notify the Developer in writing by certified mail of their action within sixty (60) days after the Developer's official letter of notification to the Board of Supervisors of his completion of the subject improvements.

5. Rejected or Unapproved Improvements - If any portion of the subject improvements are not approved or are rejected by the Board of Supervisors, the Developer shall proceed to rectify and/or complete the same and, upon completion, the same procedure of notification, as outlined in this Section shall be followed.
6. Enforcement Remedies - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved plan, the Board of Supervisors may enforce any corporate bond, or other guarantee by appropriate legal and equitable remedies. If proceeds of the guarantee are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision and/or development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the guarantee or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other municipal purposes.

504 Improvements Construction

This section shall apply to all construction of improvements whether the improvements are completed prior to final plan approval or guarantees are provided.

504.1 Schedule - The Developer shall, prior to the initiation of construction of any required improvements, submit to the Township a schedule of construction for all required improvements.

504.2 Inspections - Based upon the construction schedule and the nature of the required improvements and within thirty (30) days of receipt of the said construction schedule, the Township Engineer shall prepare a Township Inspection Schedule to assure the construction of the required improvements in accord with the approved plan and Township standards. In addition to all final inspections required for all

improvements, inspections shall be required at all phases of construction when a failure to inspect would result in a physical impossibility to verify compliance at the time of the final inspection (eg. back filling of sewer or water line trenches).

504.3 Notice - The Developer shall provide a minimum of two (2) working days notice prior to the time when construction will have proceeded to the time of an inspection required by the Township Inspection Schedule.

504.4 Cost - The cost of all inspections conducted by the Township shall be borne by the Developer.

505 Improvement Maintenance Guarantee

505.1 - Before acceptance, as approved, of any street, drainage facility or other improvements, the Developer shall provide to the Township a maintenance guarantee in an amount not less than fifteen (15%) percent of the Township Engineer's estimate of the cost of all required improvements.

A. Such maintenance guarantee shall be in a form and with a surety approved by the Township and guaranteeing that the Developer shall maintain all improvements in good condition during the eighteen (18) months after the completion of construction or installation and formal acceptance of all improvements.

1. If the Developer is negligent or fails to maintain all improvements in good condition during the eighteen (18) month period following acceptance, the Township may enforce the maintenance guarantee bond or other surety by appropriate and equitable remedies.

a. If proceeds of such bond or other surety are insufficient to pay the cost of maintaining the improvements during the said eighteen (18) month period, the Township, at its option, may institute appropriate legal or equitable action to recover the monies necessary for maintaining the improvements in good condition.

B. After the expiration of the eighteen (18) months from the date of the formal acceptance of the

subject improvements, the Township shall release the said maintenance guarantee and surety to the Developer or party posting the said maintenance guarantee and surety.

506 Continued Ownership and Maintenance of Improvements

The Developer shall provide to the satisfaction of the Township and prior to Final Plan approval, evidence of the provision for the succession of ownership and responsibility for maintenance of development improvements and/or common areas.

506.1 Land Developments - In the case of land developments such provision shall be in the form of deed covenants and restrictions clearly placing the responsibility of maintenance of all development improvements and common areas with the owner of the land development.

506.2 Residential Developments - In the case of subdivisions, cluster developments, multi-family housing projects and other residential developments involving the transfer of property, the Developer shall provide, by deed covenants and restrictions, for the creation of a Property Owners Association to assume the ultimate ownership of all development improvements and common areas and responsibility for maintenance of such improvements and common areas. Membership in the Property Owners Association shall be mandatory for all property owners in the development.

507 Subdivision and/or Land Development Improvements Agreement

All applicants proposing any subdivision and/or land development requiring the installation of improvements as required by this Ordinance shall, prior to final plan approval by the Board of Supervisors, enter into a legally binding development agreement with the Township of Milford guaranteeing the installation of the required improvements in accord with the approved plan and all Township requirements.

507.1 The development agreement shall be in a form suitable for execution by the Board of Supervisors and shall provide for the following, where applicable:

- A. The construction of all facilities authorized by the approved plans (streets, drainage, etc.) in itemized format.

- B. Installation of survey monuments and lot markers.
- C. Installation of all public utility lines.
- D. Prevention of erosion, sedimentation and water damage to the subject, adjacent and downstream properties.
- E. Developer's responsibility for all damages to properties.
- F. A work schedule setting forth the beginning and ending dates, and such other details as the Township deems fit and appropriate, for improvements contained herein.
- G. The estimated cost of the improvements not yet completed, including the amount of performance guarantee to be submitted.
- H. Security in the form of a construction guarantee approved by the Township to insure the installation of the required improvements.
- I. Security in the form of a maintenance guarantee approved by the Township for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within eighteen (18) months from the date of formal acceptance of the said improvements, together with provisions for disbursement thereof.
- J. A set of reproducible "AS BUILT" plans prepared by and certified to by a Registered Professional Engineer or a Registered Professional Surveyor of all roadways and streets, bridges, drainage systems, sewage collection and treatment systems and water distribution systems.
- K. Dedication of any improvements.
- L. Public liability insurance for the duration of improvements construction. A copy of the said policy or other evidence of coverage shall be submitted to the Township.
- M. A save harmless clause to protect the Township from any and all liability.
- N. The Developer's responsibility for all reasonable engineering and legal costs and expenses for

inspection, consultations and preparation of agreements, to the extent such costs and expenses exceed the monies paid by the Developer in accordance with the standard fee schedules.

- O. Provisions for changing the approved final plan, supporting plans, profiles, data, specifications and related documents.
- P. Provisions for violations of the development agreement.
- Q. Provisions for severability of any article.
- R. Provisions for any additional agreements deemed necessary.

507.2 The final plan shall not be approved by the Board of Supervisors prior to the execution of this agreement.

MILFORD TOWNSHIP
SUBDIVISION ORDINANCE
ARTICLE VI
DESIGN STANDARDS/IMPROVEMENT SPECIFICATIONS

601 General Standards

601.1 Application - The standards and requirements contained in this Article are intended as the minimum for the preservation of the environment and promotion of the public health, safety and general welfare and shall be applied as such by the Milford Township Planning Commission and by the Milford Township Board of Supervisors in reviewing and evaluating plans for all proposed subdivisions and/or land developments.

- A. Additional or higher type improvements may be required in specific cases where, in the opinion of the Township, they are necessary to create conditions essential to the health, safety, morals and general welfare of the citizens of Milford Township and/or to protect the environment of the Township.

601.2 Planned Improvements - Physical improvements to the property being subdivided and/or developed shall be provided, constructed and installed as shown on the record plan.

601.3 Improvements Specifications - All improvements installed by the Developer shall be constructed in accordance with the design specifications and construction standards of the Township.

- A. Where there are no applicable Township specifications, improvements shall be constructed in accordance with specifications furnished by the Township Engineer, County Engineer, Pennsylvania Department of Environmental Resources, Bureau of Forestry or such other State or Federal agency as may be applicable.
- B. If there are no applicable Township or State regulations, the Township Planning Commission and/or the Board of Supervisors may authorize that such specifications be prepared by the Township Engineer or an Engineering Consultant.

601.4 Other Ordinances - Whenever other Township ordinances and/or regulations impose more restrictive standards and requirements than those contained herein, such other ordinances and/or regulations shall be

observed, otherwise, the standards and requirements of this Ordinance shall apply.

601.5 Modifications - The standards and requirements of this Ordinance may be modified (pursuant to Section 803), by either increasing or decreasing the said standards and/or requirements, by the Township Supervisors, upon recommendation of the Township Planning Commission, where such modifications achieve substantially the objectives of this Ordinance, will not unduly tax Township fiscal service obligations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision and/or development plan.

601.6 Land Suitability - Land subject to hazards to life, health or property or considered to be otherwise uninhabitable shall not be subdivided or developed for building purposes unless adequate safeguards are provided.

601.7 Natural Features - Natural features such as vegetation, trees, water courses and other physical features shall be preserved to the greatest extent possible.

602 Blocks and Lots

602.1 Configuration - The configuration of blocks and lots shall be based upon the lot area requirements, the salient natural features, the existing man-made features, and the proposed type of structure. Lot configurations should provide for flexibility in building locations, while providing safe vehicular and pedestrian circulation.

602.2 Blocks

- A. Residential blocks shall have a maximum length of one thousand six hundred (1600) feet.
- B. Commercial blocks shall have a maximum length of one thousand (1000) feet.
- C. Blocks shall be of sufficient width to permit two tiers of lots except where a public street, stream, other natural barrier or unsubdivided land prevents the platting of two tiers of lots.

602.3 Lots

- A. Lot sizes and widths shall be governed by the Milford Township Zoning Ordinance. The net lot area shall be determined by computing the gross area contained within the lot lines and subtracting therefrom the following non-qualifying areas:
 - 1. Any area or portion of the lot lying within or subject to any road, road right-of-way, access easement or access right-of-way.
 - 2. The area of any flood plain, utility easement, utility right-of-way, or easement or right-of-way of any other type, other than a road or access easement or right-of-way, which encroaches upon the area available for building as determined from the front, side and rear building setback lines prescribed in the Milford Township Zoning Ordinance.
- B. Lots shall not be divided by municipal boundaries.
- C. All lots shall front on a street. If double frontage lots are platted as provided herein, the lot depth shall be increased by twenty (20) feet to provide for a planting strip along the rear lot line.
- D. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines.
- E. Double frontage lots shall not be platted except where provided as reverse frontage lots to minimize driveway intersections along a public road; and lot access is restricted to the interior development street.

603 Streets/Roads

Roads shall be graded, improved and surfaced to the grades and specifications shown on the plans, profiles and cross sections as approved by the Township.

603.1 Topography - Roads shall be logically related to topography to produce reasonable grades, minimize stormwater run-off and provide suitable building sites.

603.2 Existing Access - Existing private roads proposed to provide access to a subdivision and/or land development shall meet the requirements of this Section 603 or shall otherwise be improved to such standards.

603.3 Street Continuation - Residential streets shall be planned to discourage through traffic; however, the arrangement of streets wherever possible shall provide for continuation of existing or platted streets and for adequate access to adjoining undeveloped tracts suitable for future subdivision by reserving rights-of-way to the adjoining undeveloped tracts.

603.4 Street Names - Streets that are extensions of, or obviously in alignment with, existing streets shall bear the names of the existing streets. Street names shall not be repeated or be similar to those existing within the Township or adjacent areas and all street names shall be subject to the approval of the Township.

603.5 Inadequate Rights-of-Way

- A. Where a subdivision and/or land development abuts or contains an existing municipal or private street of inadequate right-of-way width, additional right-of-way width in conformance with Table V-I "Design Standards for Streets" shall be provided.
- B. Where a subdivision and/or land development abuts or contains an existing State road of inadequate right-of-way width additional set-back requirements shall be provided to reflect such additional width required to make the road conform to Table V-I "Design Standards for Streets".

603.6 Cul-de-Sac Streets - Cul-de-sac streets shall meet the following design regulations:

- A. Dead-end streets are prohibited unless otherwise designed as cul-de-sac streets or designed to provide future access to adjoining properties.
- B. Any temporary dead end street shall be provided with a temporary all-weather turn-around, within the subdivision, and the use of such turn-around shall be guaranteed to the public until such time as the street is extended.
- C. Cul-de-sac streets, permanently designed as such, shall not exceed 1200 feet in length or shall not furnish access to more than 25 dwelling units.

- D. Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary line with sufficient additional width provided along the boundary line to permit extension of the street at full width.
- E. All cul-de-sac streets, whether permanently or temporarily designed as such, shall terminate in a circular right-of-way with a minimum diameter of 100 feet and the outer pavement edge or curb line shall have a minimum diameter of 80 feet.
- F. The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than twenty-five (25) feet.
- G. The circular paving of the cul-de-sac shall be connected to the approach paving by an arc having a radius of not less than forty (40) feet.

603.7 Private Access Streets - Private access streets may be used in minor subdivisions to provide access to residential lots which do not front on a public or approved private road provided:

- A. The private access street serves no more than two (2) dwelling units.
- B. The private access street has a minimum right-of-way width of twenty (20) feet.
- C. Private access street entrances or aprons within the street right-of-way shall be installed by the Developer and/or Subdivider as required in Section 603.10. Construction of the remaining length of the private access street shall be the responsibility of the buyer or buyers of the served lot or lots and will not under any circumstances be offered to the Township as a municipal road. A covenant shall be placed on the final plan clearly assigning responsibility for construction and maintenance of the private access street and establishing its future private ownership status.

603.8 Intersections

- A. Center-lines of streets shall intersect as nearly at right angles as possible.

1. Any center-line angle of less than eighty (80) degrees shall be allowed only upon grant of a waiver by the Township based upon a written request by the Developer.
 2. Center-line angles of less than sixty (60) degrees shall not be approved under any condition.
- B. Intersections of more than two streets at one point are not permitted.
- C. Where streets intersect other streets, the minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be as follows:
1. One hundred fifty (150) feet for minor streets.
 2. Four hundred (400) feet for collector or major streets.
- D. The cartway edge at intersections shall be rounded by a tangential arc with a minimum radius of forty (40) feet for minor streets or streets of lesser classification and fifty (50) feet for major and collector streets.
- E. For typical intersections and designs see Figures.

603.9 Major Street Frontage - Where a subdivision and/or land development abuts or contains an existing or proposed major street, the Township may require minor streets or reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in number of intersections with the major street and separation of local and through traffic.

603.10 Street Right-of-Way, Travelway, Shoulder Widths, and Cross Sections - Street right-of-way, travelway and shoulder shall be provided to the minimum standards provided in Table V-1.

- A. Shoulder surfaces shall be graded at a slope one half (1/2) inch per foot away from the pavement edge.
- B. The finished paved travelway surface of tangent sections and curve sections not required to be

superelevated, shall be crowned at one-quarter (1/4) inch per foot away from the center-line.

- C. Properly superelevated cross-sections shall be required on major and collector streets when the curve radii are less than 1500 feet. The maximum permissible superelevation shall be 0.08 feet per foot.

603.11 Easements

A. Access Easements

1. Access easements shall be shown and labeled on the plans to indicate the purpose, easement users and the rights of said users.
2. No access easement shall be a part of any lot, but shall be a separate area designed with the express purpose of access to a particular site or facility.
3. Ownership and maintenance responsibility shall be noted on the plan for each easement.

B. Utility Easements

1. Utility Easements shall be a minimum of ten (10) feet in width and shall be provided along all street rights-of-way.
2. Utility easements shall be shown and labeled on the plan and included in the restrictive covenants.

603.12 Street Alignment - Street alignment shall be designed as follows:

- A. Whenever street lines are deflected in excess of seven and one half (7 1/2) degrees within five hundred (500) feet, connection shall be made by horizontal curves.
- B. Streets shall be designed so that there will be unobstructed sight distances along the center-line thereof as set forth in Table V-1.
1. Sight distances shall be measured from a point 3.75 feet above the road surface to a point 0.5 feet above the road surface.

C. Between reversed curves the following minimum tangents shall be provided:

1. One hundred (100) feet on major and/or collector streets.

2. Fifty (50) feet on minor streets.

603.13 Street Grades - Street grades shall be designed as follows:

A. Center-line grades shall not exceed the grades set forth in Table V-1.

B. The maximum grade across the turnaround in a cul-de-sac street shall not exceed eight (8%) percent.

C. To provide for adequate drainage, the minimum grade of any street gutter shall not be less than one-half (1/2) of one (1%) percent.

D. To provide for adequate drainage, the minimum grade of any parallel ditch along a street shall be not less than one (1%) percent.

E. A leveling area for all street intersections shall be provided as follows:

1. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed eight percent (8%).

a. Crest and sag vertical curves shall be provided in accordance with Section 603.14.

2. The tangent grade of the connecting street(s) shall not exceed four percent (4%) within the right-of-way lines of the through street.

a. Crest and sag vertical curves shall be provided in accordance with Section 603.14.

b. The point of vertical curvature or tangency shall not be within the through street right-of-way.

603.14 Vertical Curves - Vertical curves shall be used at changes of grade exceeding four percent (4%) and shall be designed as follows:

- A. Crest vertical curves shall be designed in relation to the road classification to provide vertical sight distance consistent with the horizontal sight distances as set forth in Table V-1.
- B. On minor streets, sag vertical curves shall have a minimum length of fifteen (15) feet for each one percent (1%) algebraic difference in tangent grade with an absolute minimum length of seventy-five (75) feet. (Example: 4% = 75' v.c.; 4.1% to 5% = 90' v.c.; etc.)
- C. Except on minor streets, sag vertical curves shall have a minimum length of twenty-five (25) feet for each one percent (1%) algebraic difference in tangent grade with an absolute minimum length of one hundred (100) feet. (Example: 4% = 100' v.c.; 4.1% to 5% = 125' v.c.; etc.)
- D. The following vertical curve information should be shown on the plans: length of vertical curve, elevation VPI, and stationing of the VPI.

603.15 Clear Sight Triangles - At all intersections, a triangular area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two (2) to ten (10) feet above the center-line grades of the intersection streets.

- A. The clear sight triangle shall be guaranteed either by deed restriction, by lease restriction or by plan referment, whichever method is applicable. Vegetation shall not be planted or allowed to grow in such a manner as to obscure said vision.
- B. Such triangular area shall be determined by the intersection street center-lines and a diagonal connecting the two points, one point at each street center-line:
 - 1. One hundred seventy-five (175) feet from the intersection of such street center-lines if either street is a major street.
 - 2. One hundred twenty-five (125) feet from the intersection of such street center-lines if either street is a collector street.

3. Eighty-five (85) feet from the intersection of such street center-lines if both streets are minor streets.
4. Whenever a portion of the line of such triangle occurs behind (from the street) the building setback line, such portion shall be shown on the final plan of the subdivision and shall be considered a building setback line.

603.16 Driveways - Driveways shall be as follows:

- A. Driveways shall not be permitted to have direct access to major or collector streets unless authorized by the Township and approved by the Township Engineer and/or the Pennsylvania Department of Transportation through issuance of a highway occupancy permit.
 - B. In order to provide safe and convenient means of access, recommended grades on private driveways should not exceed sixteen (16%) percent.
 - C. Entrances shall be rounded at a minimum radius of five (5) feet or shall have a flare construction that is equivalent to this radius at the point of intersection with the cartway edge.
 - D. Future driveways which are to be constructed adjacent to a street intersection shall be indicated on the preliminary and final plans.
1. The minimum distance between a driveway or point of access to a street shall be as follows:

Type of Subdivision or Land Development	Distance between center-lines of driveway and nearest intersecting road by type of intersecting road.
--	--

	<u>Major</u>	<u>Collector</u>	<u>Minor</u>
Residential	150 ft.	100 ft.	50 ft.
Non-Residential	300 ft.	200 ft.	150 ft.

Nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the lot is located.

- E. Adequate provision shall be made for parallel drainage facilities

603.17 Bridges and Stream Crossings - Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with the current Pennsylvania Department of Transportation Standards and Specifications for an H-20 loading. Evidence of compliance with and approval of the Bureau of Dams and Waterways, Pennsylvania Department of Environmental Resources, shall be provided. The travelway of the bridge shall be of a minimum width equal to the travelway width of the contiguous roadway.

603.18 Clearing and Grubbing - The right-of-way shall be cleared and grubbed to the extent shown on the approved cross-sections.

- A. All trees, stumps, roots and other material deemed unsuitable by the Township shall be removed from the grading area.
- B. Voids created by the removal of stumps or roots shall be backfilled and compacted to the satisfaction of the Township.
- C. Rocks and/or boulders shall be removed to a minimum depth of six (6) inches below the finish subgrade.
- D. All cleared and grubbed areas shall be inspected and approved by the Township prior to placing the embankment.

603.19 Cuts and Fills - All cuts and fills shall be constructed as follows:

- A. The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to two feet horizontal.
- B. The maximum slope of any rock excavation shall not exceed four feet vertical to one foot horizontal.
- C. All excavations and embankments shall have a continuous slope to the point of intersection with the natural grade with a rounding of the top of the slope of excavations to prevent erosion.
- D. All embankments shall be compacted to the satisfaction of the Township.

- E. Slope easements shall have sufficient width to contain the entire slope.

603.20 Sub Grade, Base and Surface

A. Subgrade

1. The design and construction of the road bed shall take into consideration the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave.
2. Subgrade, parallel and cross drainage facilities shall be provided when necessary and shall be located, designed and installed to maintain proper drainage.
3. Unsuitable soils shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the road bed and anticipated loads. If construction of a road bed in such locations and particularly on soils identified in the Pike County Soil Survey as subject to frost heave is proposed, the Township shall require such drainage facilities and/or underdrains and subgrade drains as necessary to stabilize the subgrade. The design of such facilities shall be approved by the Township.

- B. Base Course - Base course coarse aggregate material shall conform in type and be compacted to the depths shown in Table V-2 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of Milford Township.

- C. Surface Course - The bituminous surface course shall conform in type and be compacted to the depths shown in Table V-2 of this Ordinance in accordance with the latest specifications of the Pennsylvania Department of Transportation (Form 408) and the requirements of Milford Township.

- D. Shoulders - Where curbs are not provided, shoulders shall be constructed of the material and compacted to the width and depth shown in Table V-2 of this Ordinance.

603.21 Curbs and Gutters - Where curb and gutters are provide, construction standards are as follows:

- A. Straight curbs of portland cement concrete shall be twenty-one (21) inches in depth, six (6) inches wide at the top and eight (8) inches wide at the bottom and shall have an exposed face between six (6) inches and eight (8) inches.
- B. Expansion joints shall be provided at least every twenty (20) feet.
- C. The Township may require steel reinforcing of portland cement curbs.
- D. Gutter requirements shall be in conformance with good engineering practice and subject to the approval of the Township.
- E. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and may be required to be paved.

603.22 Guiderails - Guiderails shall be installed wherever a fill or embankment exceeds five (5) feet above natural grade. Guiderails shall meet Pennsylvania Department of Transportation specifications.

604 Monuments and Markers

Monuments and markers shall be placed so that the center or scored or marked point shall coincide exactly with the intersection of the lines being monumented or marked and shall conform to the following:

604.1 Monuments shall consist of either:

- A. A two (2) inch (inside diameter) galvanized pipe filled with concrete at least thirty-six (36) inches in length (preferred 42" to 48").
- B. A concrete cylinder four (4) inches in diameter and at least thirty-six (36) inches in length (preferred 42" to 58").
- C. Such other monuments as the Township may approve.

604.2 Monuments shall be set flush with the finish grade of the surrounding ground.

604.3 All monuments shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.

604.4 Monuments shall not be placed until road grading has been completed.

604.5 Monuments shall be placed as follows:

- A. At all exterior property corners where permanent corners do not exist at the time of the perimeter survey. (Existing permanent corners shall not be removed or replaced but shall be noted on the plan as existing and described.)
- B. One monument for every ten lots proposed shall be placed at intersections of rear lot lines, the location of which shall be proposed by the developer and approved by the Township. However, an adequate number of monuments shall be provided so that in no case shall the distance between monuments exceed one thousand (1000) feet.

604.6 Lot markers shall consist of either:

- A. Solid steel rods not less than one-half (1/2) inch in diameter or not less than twenty-four (24) inches in length.
- B. Steel pipes not less than three-quarters (3/4) inch in diameter or not less than twenty-four (24) inches in length.
- C. Such other markers as the Township may approve.

604.7 Markers normally shall be set two (2) inches above the finish grade of the surrounding ground.

604.8 All markers shall be placed under the direction of a Registered Professional Land Surveyor who will take full responsibility for their accuracy and placement.

604.9 Markers shall not be placed until road grading has been completed.

604.10 Lot markers shall be placed as follows:

- A. At all points where lot lines intersect street right-of-way lines.

- B. At all points where lot lines intersect exterior property lines.
- C. At all interior lot corners.
- D. At such other lot corners and locations as the Township may direct.

605 Stormwater and Drainage

605.1 - Purpose

The purpose of this section is to provide for the management of the quantity, velocity and direction of stormwater in order to provide protection to downstream property owners, to control soil erosion and sedimentation and to protect the public general health, safety and welfare.

605.2 - Plan

A stormwater drainage and management plan shall be required for all major subdivisions and all land developments and shall be subject to the approval of the Township. The Plan shall show all existing surface drainage features and shall include all appropriate designs, details and dimensions necessary to clearly explain proposed construction materials, grades and elevations. The Developer shall submit the plan and all associated engineering calculations to the Planning Commission at the time of preliminary subdivision plan submittal and said plan shall be submitted concurrently by the developer to the Pike County Conservation District. Preliminary subdivision approval shall not be granted until all required approvals for the development are received from the County Conservation District.

605.3 - Compliance with State Regulations

Said Plan shall comply with Commonwealth of Pennsylvania, Title 25, Chapter 102 Department of Environmental Resources regulations for soil erosion and sedimentation control; and said Plan shall meet the intent of Section 13 of the Pennsylvania Stormwater Management Act to assure that (1) the maximum rate of storm water runoff is no greater after development than prior to development activities, or (2) the quantity, velocity and direction of resulting storm water runoff is managed in a manner which otherwise adequately protects health and property from possible injury; and said Plan shall comply with all Pennsylvania Department of Transportation requirements.

605.4 Design Criteria

- A. Stormwater management facilities shall be designed for a storm frequency of ten (10) years, using generally accepted engineering principles. In addition to being designed for a ten year storm, detention facilities shall be designed to pass a 100 year storm without facilities failure.
- B. In cases where detention of stormwater is proposed, the post development, peak rate of stormwater discharge from the parcel being developed shall not exceed the predevelopment, peak rate of stormwater discharge from the parcel being developed.
- C. The Board of Supervisors shall in cases where existing drainage problems, flooding or other factors relating to the public health, safety and welfare and upon the recommendation of the Township Engineer, require that the proposed stormwater control facilities be designed to more stringent criteria; or, require the provision of stormwater control facilities in areas where no such facilities are proposed by the developer.

605.5 - Additional Requirements

- A. All proposed surface drainage structures shall be indicated on the preliminary drainage plan submitted with the preliminary subdivision plan and shall be considered "improvements" for the purposes of final subdivision approval.
- B. Natural drainage courses and points of natural drainage discharge shall not be altered.
- C. Stormwater or natural drainage water shall not be diverted to overload existing drainage systems, or create flooding or the need for additional stormwater management or drainage facilities on other properties without the written consent of the owners of such properties and the provision by the developer of facilities to control the stormwater or drainage.
- D. Where a subdivision is traversed by a natural drainage way or channel there shall be reserved by the developer a drainage easement conforming substantially with the line of such drainage way or channel, and of such width as will be adequate to

preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, maintaining, improving or protecting such drainage facilities. A drainage easement shall also be so provided for all proposed stormwater control facilities.

- E. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement of at least 25 feet on each side of the stream from each stream bank, or such additional width as will be adequate to preserve the unimpeded flow of the watercourse.
- F. All streets shall be so designed as to provide for discharge of surface water from their right-of-ways.
- G. In no case shall any pipe system of less than eighteen (18) inches be installed underneath a street or driveway.
- H. Drainage structures that are located on State Highway rights-of-way shall be approved by the Pennsylvania Department of Transportation and a letter from that agency indicating such approval shall be directed to the Township prior to final plan approval.
- I. Lots shall be laid out and graded to prevent cross lot drainage and to encourage drainage away from proposed building areas.
- J. Drainage easements of a minimum of ten (10) feet in width shall be provided along all side and rear lot lines; and adjacent to street rights-of-way as required by the stormwater drainage and management plan.
- K. Paved street shoulders, gutters and/or drainage swales and rip/rap of drainage swales may be required to provide for adequate stormwater management.
- L. Stormsewer facilities shall be required in any development where the Township determines that surface and drainage structures are inadequate to prevent excessive erosion and road or lot maintenance problems.

605.6 - Maintenance of Stormwater Control Facilities

- A. Maintenance of stormwater control facilities shall be the responsibility of the owner of said facilities. A legally binding agreement shall be executed between the owner and the Township to provide for such maintenance and providing for inspections by the Township.
- B. In cases where a property owners association is created for the ownership, operation and maintenance of common facilities such property owners association shall be responsible for the maintenance of stormwater control facilities and such maintenance shall be established in the deed covenants and restrictions.
- C. When stormwater management control facilities are located on an individual lot, and when such facilities are the responsibility of that landowner to maintain, a description of the facility or system and the terms of the required maintenance shall be incorporated as part of the deed to the property.
- D. If the municipality determines at any time that any permanent stormwater management control facility has been eliminated, altered or improperly maintained, the owner of the stormwater control facility shall be advised of corrective measures required and given a reasonable period of time to take necessary action. If such action is not taken by the property owner, the municipality may cause the work to be done and lien all costs against the property.

606 Soil Erosion and Sedimentation Controls

All soil erosion and sedimentation control plans shall meet the specifications of and shall be approved by the Pike County Conservation District. Erosion and sedimentation controls shall be installed according to the approved Plan and shall be maintained by the developer in proper functioning condition until stabilization of the area is completed as determined by the Pike County Conservation District.

607 Water Supply and Sewage Disposal

607.1 General Standards

- A. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system.
- B. All suppliers of non-municipally owned, central water and/or sewer services shall be organized in such a fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Township.
- C. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Resources and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Resources and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
- D. In the case of utilization of a publically owned or other existing central water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
- E. All required certificates of convenience, approvals and permits shall be obtained by the developer and/or the utility owner prior to final plan submission and shall be submitted therewith.
- F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise

607 Water Supply and Sewage Disposal

607.1 General Standards

- A. All subdivisions and land developments shall be served by an adequate water supply and sewage disposal system.
- B. All suppliers of non-municipally owned, central water and/or sewer services shall be organized in such a fashion as to fall within the jurisdiction of the Pennsylvania Public Utility Commission and the Developer shall provide for operation, maintenance and continuity of services in a manner which is acceptable to the Township.
- C. One (1) copy of all correspondence, supporting documentation, applications for permits and certificates for operation submitted to the Pennsylvania Department of Environmental Resources and/or the Pennsylvania Public Utilities Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One (1) copy of the permit and/or certificate of convenience issued by the Pennsylvania Department of Environmental Resources and/or the Pennsylvania Public Utilities Commission authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
- D. In the case of utilization of a publically owned or other existing central water supply and/or sewage disposal system the developer shall submit at the preliminary stage a letter from the operator of such utility indicating the utility owner's willingness to supply service to the development and including a verification of the adequacy of the utility system to serve the proposed development. At the final approval stage an executed agreement with the service supplier shall be submitted.
- E. All required certificates of convenience, approvals and permits shall be obtained by the developer and/or the utility owner prior to final plan submission and shall be submitted therewith.
- F. All water supply and sewage disposal systems shall be designed and certified by a Registered Professional Engineer or other individual otherwise

certified for such design work; and all systems shall be designed in accord with all applicable federal, state and local standards.

607.2 On-lot Water Supply - All on-lot water supply systems shall comply with the requirements of Pennsylvania Department of Environmental Resources and/or applicable Township Ordinances. The installation of on-lot wells shall be required by restrictive covenant such facilities to be installed by the lot purchaser at the time of construction of the principal structure.

607.3 Central Water Supply

A. Central water systmes serving Planned Residential Developments and/or Multi-family Dwellings shall be designed to provide for fire flow. All other central water supply systems shall be equipped with fire department standpipes.

B. Deep Well Source

1. Wells shall be sited, drilled and tested under the direct supervisor of a Registered Professional Engineer and/or a Professional Ground Water Geologist.
2. Wells shall be located away from potential source of pollution and on a reserved parcel of a minimum of one (1) acre.
3. The capacity of the well shall be sufficient to produce at least seventy-five (75) gallons per capita per day and/or two hundred sixty-two and one-half (262.5) gallons per day for each residential dwelling unit to be served. The capacity of service to industrial or commerical establishments shall meet the standards of the American Water Works Association.
4. Wells shall be pump tested utilizing a controlled step-drawdown test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.

5. Well construction shall be consistent with good practice and the guidelines of D.E.R.
6. The effect of the projected areawide drawdown shall be evaluated and reported.

C. Water Distribution System

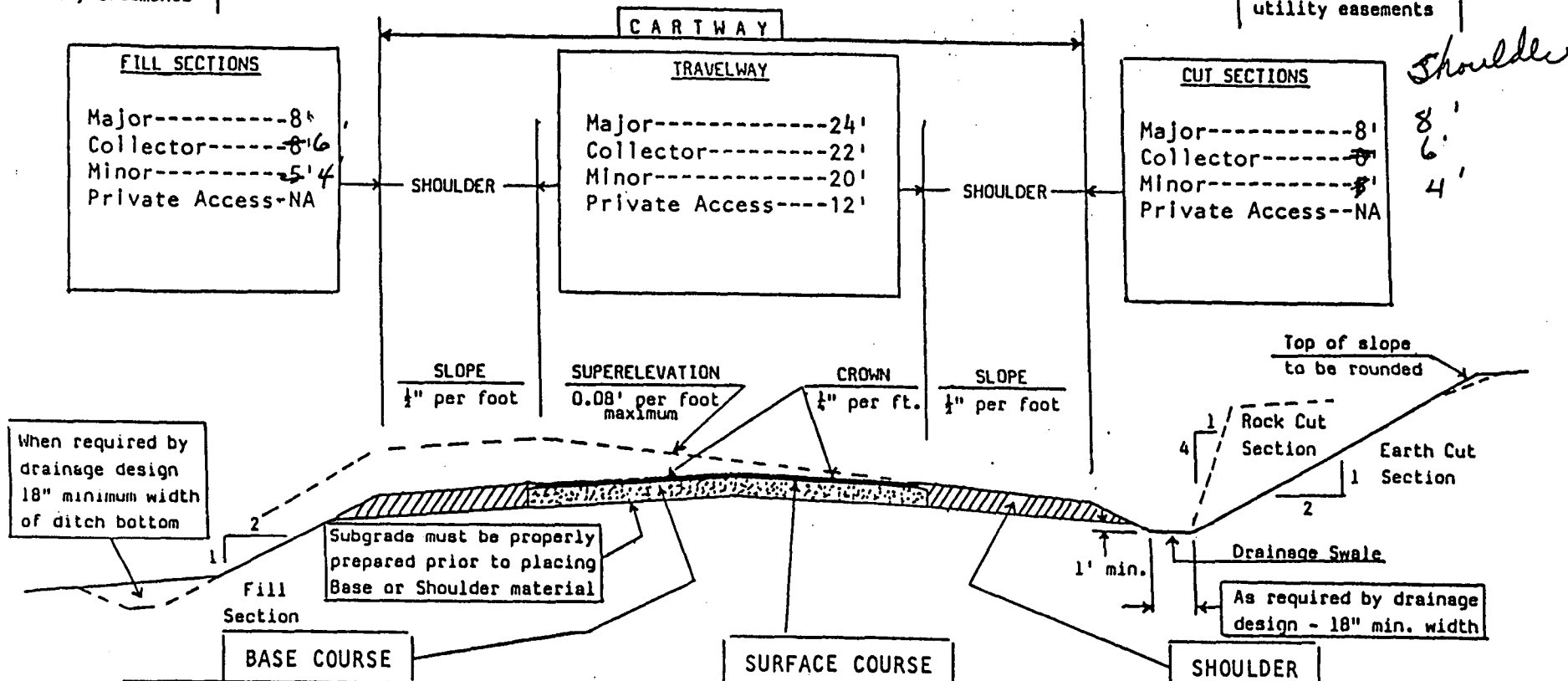
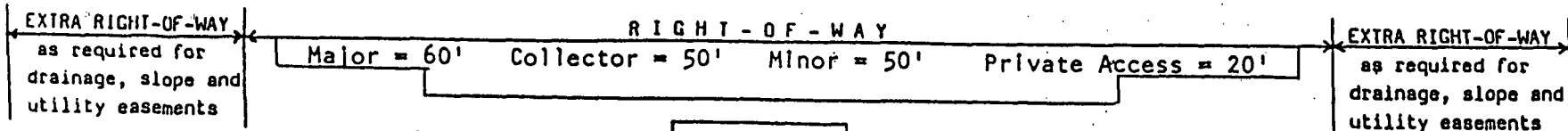
1. The system design shall follow good engineering practice and the guidelines of D.E.R. and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of 25 psi at curb stops.
2. Pipe classes shall be consistent with design pressures.
3. Before being placed into service, the system must be tested and chlorinated by procedures established by D.E.R.
4. The proposed utility shall provide for adequate flow of water for the subdivision supplied, by interconnecting two or more wells or by providing storage for a minimum of one (1) day's demand.
5. Service connections shall be a minimum of 3/4 inch diameter.

D. Flow Rates

1. Distribution systems serving residential developments shall provide for a minimum flow rate of at least one and one-fourth (1.25) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
2. Distribution systems serving commercial or industrial developments shall provide for a minimum flow rate of at least twenty-five (25) times the projected average daily flow rate.
3. Distribution systems intended to provide for fire flow shall provide for minimum flow rates in accordance with the standards of the National Fire Underwriters.

TABLE V-2

RIGHT-OF-WAY



CLASS	DEPTH	MATERIAL	CLASS	DEPTH	BINDER	WEARING	DEPTH	MATERIAL	CLASS	DEPTH	MATERIAL
Major-----	16"	Crushed	Major-----	2.5"	1.5"	ID2Bitum			Major-----	5"	Type 4
Collector-----	12"	aggregate	Collector-----	2.5"	1.5"	ID2Bitum			Collector-----	4"	Type 4
Minor-----	10"	to PennDOT	Minor-----	1.5"	1.5"	2A Aggre*			Minor-----	4"	2A Aggre*
Private Access--	8"	specifica.	Priv. Acc.--	NA	NA	NA			Priv. Acc.--	NA	NA
Base course shall be placed to full width of cartway											

All material must meet PennDOT specifications

*2A Aggre=2A Coarse Aggregate treated with MC-30 prime oil for dust control at an application rate of 0.35 gallons per square yard to PennDOT specifications

p. 254
PennDOT spec
TYPE 4
IF DEDICATED

TYPICAL STREET CROSS SECTION

TABLE V-I
DESIGN STANDARDS FOR STREETS

DESIGN SPECIFICATION	MAJOR	COLLECTOR	MINOR	PRIVATE ACCESS
Right-of-way width (ft)	60 (a)	50 (a)	50 (a)	20
Cartway width (ft)	40	38	30	NA
Travelway width (ft)	24	22	20	12
Minimum centerline radii (ft) (b)	500	300	150	75
Minimum sight distance (ft)	400	300	200	60
Maximum grade (%)	10	8 (c)	12 (d)	16
Shoulder width (ft) (cut or fill)	10 8	8 6	8 4	NA

Notes:

- a. Right-of-way width does not include slope, drainage or utility easements.
- b. Larger radii may be required as determined by alignment to provide required sight distances.
- c. 12% for up to 500 feet in distance.
- d. 14% for up to 500 feet in distance.
- e. The maximum grades in c. and d. above may be repeated if separated by distances of five hundred (500) feet meeting the standard grade requirements for the class of road.

607.4 On-lot Sewage Disposal - All on-lot sewage disposal systems shall comply with the applicable PA D.E.R. standards and all Township Ordinances. All residential lots in developments proposing the use of on-lot sewage disposal shall contain an area suitable for such a disposal system, with such areas indicated on the plan.

607.5 Central Sewage Disposal System

- A. All central sewage disposal systems shall be consistent with the sewage feasibility studies and plans of the Township.
- B. All sewage collection and treatment facilities shall be designed and constructed in accordance with regulations and requirements of D.E.R. (as set forth in the Sewerage Manual prepared by the Bureau of Water Quality Management) and/or the Township. In the case of relatively small Community Sewage Systems (as defined in Chapter 73 of the Department regulations), the developer may submit a written request for a waiver from such requirements together with justification thereof.
- C. All central sewage disposal systems shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development. The Township may also require that any sanitary sewer be designed and constructed to provide for service to adjacent or nearby properties. In such instances, developers shall be financially responsible solely for those costs associated with their individual development.
- D. All central sewage disposal systems using subsurface or land application of sewage effluent shall be designed and constructed in accord with applicable PA D.E.R. standards; and, a suitable replacement area for the effluent disposal area shall be provided.

608 Commercial and Industrial Subdivision and Land Developments

608.1 Access Roads - Access roads serving commercial and industrial subdivisions and land developments shall be designed and constructed to collector street standards.

608.2 Ingress and Egress

- A. Driveways shall not be permitted to have direct access to major or collector streets unless approved by the Township and/or the Pennsylvania Department of Transportation through issuance of a highway occupancy permit.
- B. In order to provide safe and convenient means of access, grades on driveways shall not exceed eight percent (8%).
- C. Ingress and egress shall be restricted to one common access driveway located as follows: (if the tract exceeds four hundred (400) feet in road frontage, two such access points shall be permitted)
 - 1. Centerline of the driveway shall be a minimum of thirty-five (35) feet from any side property line. (sixty (60) feet if abutting a residential zone)
 - 2. Future driveways which are to be constructed adjacent to a street intersection shall be indicated on all preliminary and final plans and shall have the following distances between the centerline of the driveway and the right-of-way line of the nearest intersecting street or road:
 - a. Major streets - 300 feet.
 - b. Collector streets - 200 feet.
 - c. Minor streets - 150 feet.
 - d. Other driveways - 75 feet.

Note: nearest intersection street shall be construed as being on the same or the opposite side of the street on which the tract is located.

- 3. Curbing or traffic barriers shall be installed along the remainder of the road frontage to restrict ingress and egress to the approved access point.
- D. The width and design of all access driveways shall be in accordance with the Pennsylvania Department of Transportation specifications and/or the requirements of Milford Township.

609 Multi-Family Dwellings

In addition to the applicable regulations and standards of this Ordinance, multi-family dwelling subdivisions and/or land developments shall comply with the standards contained in Section 409 of the Milford Township Zoning Ordinance.

610 Cluster Development

In addition to the applicable regulations and standards of this Ordinance, cluster developments shall comply with the standards contained in Section 404 of the Milford Township Zoning Ordinance.

611 Mobile Home Parks

In addition to the applicable regulations and standards of this Ordinance, mobile home parks shall comply with the standards contained in Milford Township Ordinance 20, Mobile Home Parks.

612 Recreational Vehicle Parks and Campgrounds

612.1 - In addition to the applicable regulations and standards of this Ordinance, recreational vehicle parks and campgrounds shall comply with the standards contained in Section 403.2 of the Milford Township Zoning Ordinance.

612.2 - Access and interior roads of recreational vehicle parks and campgrounds shall comply with the standards for streets as provided by this Ordinance, such standard based upon the traffic capacity of the proposed street.

MILFORD TOWNSHIP
SUBDIVISION ORDINANCE
ARTICLE VII
ADMINISTRATION

701 General

This section outlines the procedures for enforcement and amendment of this Ordinance.

702 Amendment

Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

703 Waivers/Modifications

703.1 Intent

The provisions of this Ordinance are intended as a minimum standard for the protection of the public health, safety, and welfare. If the literal compliance with any mandatory provision of these regulations is shown by the applicant, to the satisfaction of the Township, to be unreasonable or to cause undue hardship as it applies to a particular property, or if the applicant shows that an alternative proposal will allow for equal or better results, the Township may grant a waiver from such mandatory provision, so that substantial justice may be done and the public interest secured while permitting the reasonable utilization of the property. However, the granting of a waiver/modification shall not have the effect of making null and void the intent and purpose of this Ordinance.

703.2 Conditions

In granting waivers/modifications the Township may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements of this Ordinance.

703.3 Procedure

All requests for waivers/modifications shall be in writing and shall include:

- A. The specific Section of this Ordinance in question.

B. Provisions prepared as an alternate to the requirements.

C. Justification for the waiver/modification.

803.4 Action

If the Township denies the request, the applicant shall be notified, in writing, of the reasons for denial. If the Township grants the request, the final record plan shall include a note which identifies the waiver/modification as granted.

804 Penalties for Violations

Any person, partnership, or corporation who or which being the owner or agent of any lot, tract, or parcel of land shall not lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon; and shall not sell, transfer or agree or enter into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plan has been prepared in full compliance with the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and this Ordinance, and said final plan has been recorded as provided in this Ordinance. Any violation of the provisions herein shall be a misdemeanor and upon conviction thereof, such person or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation shall pay a fine not exceeding one thousand dollars (\$1,000.00) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the Township and deposited in the general fund of the Township.

The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

704.1 In addition to the criminal penalties, in the event of violations, the Township may also initiate appropriate legal proceedings in law or in equity before any Court of competent jurisdiction to enjoin the transfer, sale, conveyance or entering into any agreement of sale for any lots, and for the additional purposes, including but not limited to, requiring

compliance with all applicable provisions of this Ordinance, including the requirement of submitting the plans in compliance with the provisions of this Ordinance.

704.2 No applicant shall proceed with any site grading or construction of improvements prior to recordation of a Final Plan, unless such grading or construction is undertaken in accordance with Article V. No deeds shall be executed or recorded for lots, nor shall the construction of any structure be initiated, before the Township has approved the Final Plan and such Plan is filed with the Pike County Recorder of Deeds.

705 Records

The Township shall keep an accurate public record of its findings, decisions, and recommendations relevant to all applications filed for review or approval.

706 Validity

Should any section, subsection or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, such decisions shall not affect the validity of the Ordinance as a whole, or of any other part thereof.

707 Conflicts

Whenever there is a difference between the minimum applicable standard specified herein and those included in other applicable municipal regulations, the more stringent requirement shall apply.

The Milford Township Subdivision Ordinance of 1976 enacted on December 22, 1976, as amended, is hereby repealed in total; provided however that the repeal shall in no manner be construed as a waiver, release or relinquishment of the right to initiate, pursue, or prosecute, as the case may be, any proceedings, pertaining to any act done which would have constituted a violation of the Milford Township Subdivision Ordinance of 1976, or its applicable predecessor ordinances and regulations, and all provisions of said repealed ordinances shall remain in full effect and force, and not be repealed hereby, as they pertain to said acts.

708 Adoption

This Ordinance ordained and enacted this _____ day of _____, _____, by the Board of Supervisors of Milford Township, to be effective the _____ day of _____, _____.

Certification

I, Viola K. Canouse, Secretary of the Township of Milford, do hereby certify that the foregoing Milford Township Subdivision Ordinance was duly adopted at a properly convened meeting of the Board of Supervisors of Milford Township held on November 2, 1957 at which meeting a quorum was present and voted in favor thereof. I furthermore certify that adoption of said Ordinance was preceded by a public hearing as required by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, which hearing was advertised in accordance with the provisions of said Act.

Viola K. Canouse

Secretary of the Township of Milford

James Inyden

Edw. W. Green

W. H. Hill

Milford Township, Pike County, Pennsylvania
Subdivision and Land Development Ordinance Amendment

AN ORDINANCE OF MILFORD TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, AMENDING ITS SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TO REVISE AND UPDATE STREET SPECIFICATIONS.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Milford Township, Pike County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code as follows:

- 1) Revise Section 603.16.B to read as follows:

"Grades on private driveways shall, to ensure safe and convenient access, not exceed twelve (12%) percent within seventy-five (75) feet of the intersecting street."

- 2) Replace Tables V-1 and V-2 with the attached new tables.
- 3) Reverse the definitions of "Cartway (Roadway)" and "Travelway" to substitute each for the other.

BE IT HEREBY ENACTED AND ORDAINED THIS 16th DAY OF June, 2003 by the Board of Supervisors of Milford Township, Pike County, Pennsylvania.

Attest:

Tisha K. Canouse
Milford Township
Secretary

Harry M. Williams
Scott J. Janche
Phyllis B. Bristle

**TABLE VI
DESIGN STANDARDS FOR STREETS**

Design Specification	Major Street	Collector Street	Minor Street	Private Access
Right-of-way	60'	50'	50'	20'
Travelway width	40'	38'	30'	N/A
Cartway width	24'	22'	20'	12'
Minimum centerline radii	500'	300'	150'	75'
Minimum sight distance	400'	300'	200'	60'
Maximum grade	8%	8%	10%	12%
Minimum shoulder width	8'	6'	4'	N/A

Notes:

- (a) Right-of-way width does not include slope, drainage or utility easements
- (b) Larger radii may be required, based on alignment, to achieve sight distances
- (c) Collector streets may be up to 10% grade for up to 500 feet
- (d) Minor streets may be up to 12% grade for up to 500 feet
- (e) Grades provided for in (c) and (d) above may be repeated if separated by 500 feet

RIGHT-OF-WAY
Major = 60' Collector = 50' Minor = 50' Private Access = 20'

EXTRA RIGHT-OF-WAY
as required for drainage, slope and utility easements

Travelway

Cartway
Major-----24'
Collector-----22'
Minor-----20'
Private Access----12'

SHOULDER

FILL SECTIONS
Major-----8'
Collector-----6'
Minor-----4'
Private Access--NA

CUT SECTIONS
Major-----8'
Collector-----6'
Minor-----4'
Private Access--NA

SLOPE
1/2" per foot

SUPERELEVATION
0.08' per foot maximum

CROWN
1/2" per ft.

SLOPE
1/2" per foot

Top of slope to be rounded

Rock Cut Section

Earth Cut Section

Drainage Saddle
1' min.

As required by drainage design - 18" min. width

Subgrade must be properly prepared prior to placing Base or Shoulder material

When required by drainage design 18" minimum width of ditch bottom

BASE COURSE

SURFACE COURSE

SHOULDER

CLASS	DEPTH	MATERIAL	CLASS	DEPTH	DEPTH	MATERIAL	CLASS	DEPTH	MATERIAL
Major-----	14"	Crushed aggregate to PennDOT specifica.	Major-----	2.5"	1.5"	102 Bitum	Major-----	5"	Type 4
Collector----	12"		Collector--	2.0"	1.0"	102 Bitum	Collector--	4"	Type 4
Minor-----	10"		Minor-----	1.5"	1.0"	2A Aggre*	Minor-----	4"	2A Aggre*
Private Access--	8"		Priv. Acc.-	NA	NA	NA	Priv. Acc.-	NA	NA

Base course shall be placed to full width of cartway

All material must meet PennDOT specifications

*2A Aggre=2A Coarse Aggregate treated with MC-30 prime oil for dust control at an application rate of 0.35 gallons per square yard to PennDOT specifications

TYPICAL STREET CROSS SECTION

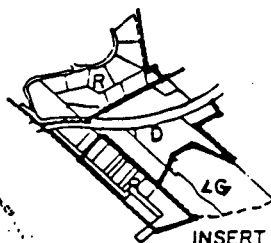
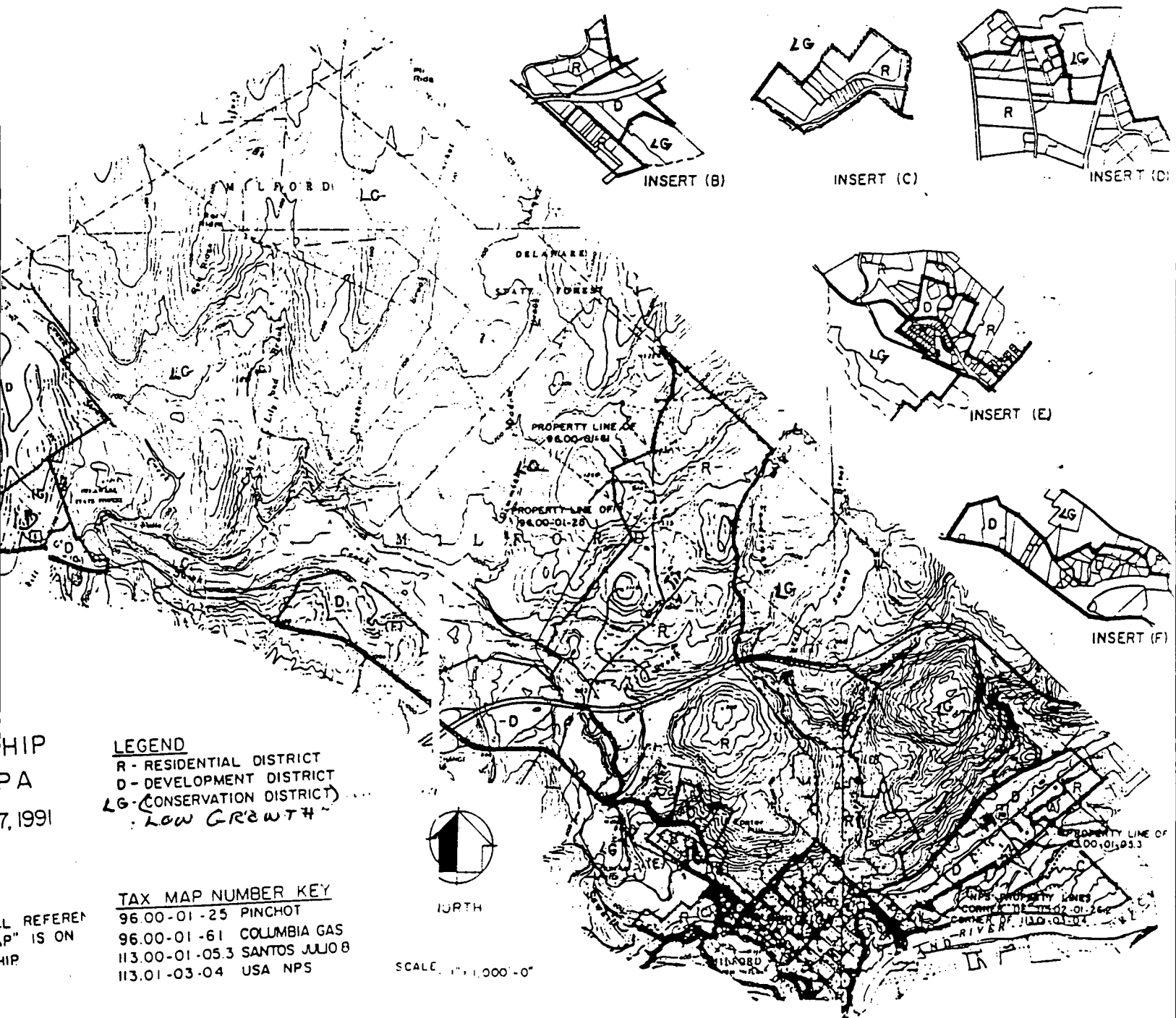
SHIP
PA
7, 1991

L REFEREN
P" IS ON
SHIP

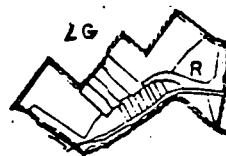
LEGEND
R - RESIDENTIAL DISTRICT
D - DEVELOPMENT DISTRICT
LG - CONSERVATION DISTRICT
LOW GROWTH

TAX MAP NUMBER KEY
96.00-01-25 PINCHOT
96.00-01-61 COLUMBIA GAS
113.00-01-05.3 SANTOS JULIO 8
113.01-03-04 USA NPS

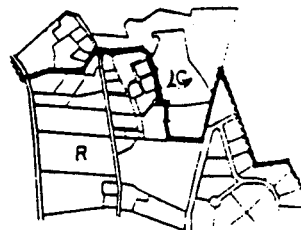
SCALE 1" = 1,000'-0"



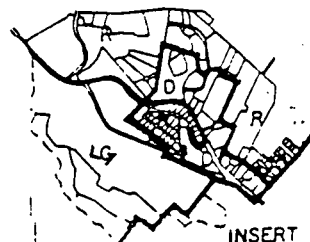
INSERT (B)



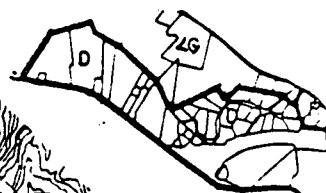
INSERT (C)



INSERT (D)



INSERT (E)



INSERT (F)

MILFORD TOWNSHIP
Pike County, Pennsylvania

ZONING ORDINANCE

As amended
June 5, 2017

www.shepstone.net/MilfordZoning.pdf

Milford Township Zoning Ordinance

TABLE OF CONTENTS

	Page No.
<u>ARTICLE I - GENERAL PROVISIONS</u>	1
101 Title and Short Title	
102 Purpose	
103 Community Development Objectives	
104 Interpretation	
<u>ARTICLE II - DEFINITIONS</u>	3
<u>ARTICLE III - ESTABLISHMENTS OF DISTRICTS</u>	14
301 General Districts	
302 Official Zoning Map	
303 District Boundaries	
304 District Regulations	
305 Zoning Permits	
306 Uses Not Provided For	
307 Minimum Development Standards	
308 Minor Impact Uses	
SCHEDULE OF DISTRICT REGULATIONS	
<u>ARTICLE IV - SUPPLEMENTARY REGULATIONS</u>	19
401 Home-based Businesses	
402 Accessory Uses or Structures	
403 Mobile Home and RV Parks	
404 Conservation Subdivisions	
405 Junk Yards	
406 Special Lot Provisions	
407 Commercial, Manufacturing and Other Non-Residential Uses	
408 Parking, Loading, Access and Traffic Standards	
409 Multi-Family Dwellings	
410 Landscaping Standards	
411 Sign Regulations	
412 Floodplain Development Standards	
413 Stables and Kennels	
414 Lot Coverage in Development Districts	
415 Communications Structures	
416 Independent Retirement or Nursing Homes	
417 Commercial/Industrial Site Design Guidelines	
418 Housekeeping Cottages and Lodging Facilities	
419 Standards for Bed & Breakfast Establishments	
420 Adult Stores	
421 Natural Resource Uses	
422 Buffer For Waterbodies	
423 Wind Energy Facilities	
424 Flea Markets, Produce Stands, Tent Sales and Yard Sales	
425 Christmas Tree and Decoration Sales	
426 Reserved	
427 Reserved	
428 Outdoor Recreation and Facilities	
429 Reserved	
430 Earth Disturbance and Clearcutting Permit	

Milford Township Zoning Ordinance

TABLE OF CONTENTS (continued)

Page No.

ARTICLE V - NON-CONFORMING USES AND STRUCTURES

60

- 501 Definition
- 502 Normal Maintenance and Repair Activities
- 503 Changes and Additions
- 504 Establishment
- 505 Restoration or Reconstruction
- 506 Non-Conforming Lots of Record
- 507 Certification of Non-Conformance

ARTICLE VI - ADMINISTRATION

63

- 601 Authority
- 602 Permits
- 603 Fees
- 604 Inspection
- 605 Certificate of Use
- 606 Violations
- 607 Penalties and Remedies
- 608 Conditional Uses
- 609 Zoning Hearing Board
- 610 Appeals to Court and Other Administrative Proceedings
- 611 Amendments
- 612 Severability

ZONING MAP (Available at Township Building)

Milford Township Zoning Ordinance

BE IT HEREBY ORDAINED AND ENACTED by the Board of Township Supervisors of the Township of Milford, Pike County, by authority of and pursuant to the provisions of Act No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," and any amendments and supplements thereto, as follows:

ARTICLE I - GENERAL PROVISIONS

100 Repealer

This Zoning Ordinance, as adopted herein and as may be duly amended by the Township Board of Supervisors, shall repeal and replace in total the Milford Township Zoning Ordinance of July 7, 1986, as amended.

101 Title and Short Title

This Zoning Ordinance is an ordinance permitting, prohibiting, regulating, restricting, and determining the uses of land, watercourses, and other bodies of water; the size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; the areas and dimensions of land and bodies of water to be occupied by uses and structures as well as courts, yards, and other open spaces and distances to be left unoccupied by uses and structures; the density of population and intensity of use; creating zoning districts and establishing the boundaries thereof; establishing the office of Zoning Officer; creating a Zoning Hearing Board; and providing for the administration, amendment, and enforcement of the ordinance, including the imposition of penalties. This Ordinance shall be known and may be cited as the "'Milford Township Zoning Ordinance.'

102 Purpose

This Ordinance is enacted for the following purposes:

- 102.1 To promote, protect and facilitate one or more of the following: the public health, safety, morals, general welfare; coordinated and practical community development; density of population; civil defense and disaster evacuation, airports, and national defense facilities; the provisions of adequate light and air; police protection; vehicle parking and loading space; transportation; natural resources, agricultural land and uses; reliable, safe and adequate water supplies; sewerage, schools, public grounds and other public requirements and other purposes set forth in the Pennsylvania Municipalities Planning Code.
- 102.2 To prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. This Ordinance is adopted in accordance with an overall land use control program and with consideration for the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

103 Community Development Objectives

The Community Development Objectives of this Ordinance shall be identical to goals and objectives for Milford Township as expressed in the Milford Township Comprehensive Plan, as adopted by the Milford Township Board of Supervisors.

This Ordinance is also intended:

- 103.1 To provide the opportunity for safe, decent, sanitary housing and living environments, with the maximum range of choice in type and location for all families and individuals.
- 103.2 To recognize the constraints of the Township's physical environment by appropriate regulation of steep slopes and flood plain development.
- 103.3 To maintain large areas of the Township as permanent open space to meet future recreation and water supply and other community needs.
- 103.4 To recognize portions of the Township as the natural expansion area for Milford Borough.
- 103.5 To provide opportunities for the growth of commerce and the expansion of Milford Township's economic and tax base.

Milford Township Zoning Ordinance

104 Interpretation

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and the general welfare of the Township and its citizens.

Milford Township Zoning Ordinance

ARTICLE II - DEFINITIONS

For the purposes of this Ordinance, the following words, terms and phrases shall have the meaning indicated herein:

Accessory Building or Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Adult Stores: A use of a building or land for a business which has obscene materials as a significant portion of its stock-in-trade. Obscene materials include any literature, book, magazine, pamphlet, newspaper, paper, comic book, drawing, photograph, figure, image, motion picture, sound recording, article, instrument or any other written or recorded matter which depicts or describes, sexual conduct and which, taken as a whole, does not have serious literary, artistic, political or scientific value.

Agriculture: The use of any parcel of land for economic gain in the raising of agricultural products, livestock, poultry and/or dairy products. It includes necessary structures within the limits of the parcel and the storage of equipment necessary for production. It excludes intensive livestock operations, riding academies, livery or boarding stables and dog kennels; and excluding the disposal or use of sludge, septage or similar waste products.

Agricultural Products Processing: An industry that involves the processing of raw agricultural products; and transforming those products into a more refined, prepared or marketable state. Includes, but is not limited to, such uses as sawmills, dairies and food canning and freezing operations.

Agricultural Service Establishment: Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, veterinary and other animal services and farm labor and management services, and farm machinery dealers.

Alterations: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

Amusement Park: A commercially operated park or facility with various devices for entertainment including but not limited to rides, games, electronic games and similar devices, food stands and other associated facilities.

Animal Hospital: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

Applicant: See "Person"

Assisted Living: Housing units intended for occupancy by elderly individuals requiring some assistance with the activities of daily living, but not skilled nursing, where meals are generally provided on a congregate basis.

Bed and Breakfast: An owner-occupied principal structure in which more than three persons either individually or as families are housed or lodged for hire with at least one (1) meal normally included as a part of the services rendered.

Boarding or Tourist Home: Any dwelling in which more than three persons either individually or as families are housed or lodged for hire with meals normally but not necessarily included as a part of the services rendered.

Buffer: A part of a required setback area (yard) which is used to provide separation between incompatible uses to effect a visual barrier, block physical passage between uses, and reduce noise, dust and litter. The separation may be effected by fencing, dense vegetative planting, the provision of additional setback distances, berms or a combination thereof; and, in general, widths of buffers are increased as the density or opaqueness of the barrier decreases.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, services, goods or materials of any kind or nature.

Building Height: The vertical distance measured from the average elevation of the finished grade within ten (10) feet of the structure to the highest point of the structure.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Milford Township Zoning Ordinance

Bulk Fuel Storage Facility: Any facility where fuel, including but not limited to kerosene, home heating oil, gasoline, and propane, is stored in tanks for distribution to wholesale establishments or individual users..

Bus Terminal: An area and/or building where buses are stored or parked on a regular basis with or without bus maintenance and repair facilities.

Campground or Recreational Vehicle (RV) Park: A plot of ground upon which two or more campsites are located, established or maintained for temporary occupancy by persons using tents or recreational vehicles.

Car Wash: Any building or premises or portions thereof used for washing automobiles for commercial purposes.

Child Care Center: Any establishment enrolling four or more children five (5) years of age or younger and where tuition, fees, or other forms of compensation for the care of the children is charged.

Church: A building used for public worship.

Clear Cutting: A type of timber harvest which removes all or most trees of any commercial value from a stand of trees.

Clear Sight Triangle: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way lines.

Club/Lodge, Private: An establishment operated for social, athletic, recreational or educational purposes but open only to members and not generally open to the general public.

Cluster Development, Residential: A form of development for single-family residential and/or commercial subdivisions that permits a reduction in lot area and certain development standards provided unit densities permitted under a conventional subdivision are maintained and the resultant land area is devoted to common open space.

Commercial Vehicle: Any motor vehicle which is required by law to bear any license plate other than that issued for private passenger car use and any motor vehicle, including passenger cars, which by reason of a characteristic coloring or marking exceeding one square foot in area, is identified or commonly associated with any business, industry or public agency, shall be considered a commercial vehicle within the terms of the Zoning Ordinance.

Commission: The Planning Commission of Milford Township

Community Well: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

Comprehensive Plan: The Milford Township Comprehensive Plan including all maps, charts and textual matter.

Conditional Use: A use which is not appropriate to a particular zone district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Township Board of Supervisors after recommendations by the Planning Commission.

Contracting Businesses and Trades: Any commercial activity which is associated with the construction or erection of buildings or structures at a project site, including but not limited to, excavators, builders, plumbers, electricians, painters, well drillers, masons, and similar trades. This definition shall not prevent smaller contracting businesses and trades from operating as home-based businesses provided they comply with §401 hereof.

Convenience Store: A one-story, retail store containing less than 2,000 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"), it may also include the sale of gasoline but shall not include the repair or service of vehicles.

Corral: An enclosure for confining livestock and which is typically attached to or situated in close proximity to a stable or barn; as contrasted to a pasture.

Milford Township Zoning Ordinance

Country Club: A recreational property owned and managed by membership organization and including recreational facilities, restaurant and meeting rooms.

Deck: An elevated (more than 6 inches) accessory structure constructed of wood with no walls or roof.

Detention Basin: A facility constructed or modified to restrict the flow of stormwater to a prescribed maximum rate, and to concurrently detain the excess waters that accumulate behind the outlet. Detention basins reduce peak discharges by detaining stormwater runoffs for relatively short periods of time.

Detention Storage: The temporary detaining or storage of stormwater in storage basins, on rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

Developer: Any landowner, agent of such owner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

Dwelling: A structure or portion thereof which is used exclusively for human habitation.

Dwelling Unit: One (1) or more rooms in a dwelling structure, including a kitchen, sleeping facilities, bath and toilet, designed as a household unit for extended periods of occupancy for living and sleeping purposes by not more than one (1) family at a time.

Dwelling Structure, Multi-family: A building or buildings designed for occupancy by three (3) or more families living independently of each other in separate dwelling units. The term "multi-family dwelling" shall include condominium as well as non-condominium housing units including the following construction types:

- A. **Residential Conversion to Apartments:** Conversion of an existing single-family detached dwelling into three (3) to five (5) dwelling units and not exceeding two and one-half (2 1/2) stories in height.
- B. **Garden Apartment.** Multi-family dwellings originally designed as such; containing three or more dwelling units and not exceeding two and one-half (2 1/2) stories in height, not including townhouses.
- C. **Townhouse.** Multi-family dwelling of three (3) or more dwelling units of no more than two and one-half (2 1/2) stories in height in which each unit has its own front and rear accesses to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire resistant walls.
- D. **Apartment Building.** Multi-family dwellings of more than two and one half (2-1/2) stories but not exceeding the height limitations (in feet) of this Ordinance.

Dwelling, Single-Family: A dwelling unit detached from any other dwelling unit accommodating a single family and having two (2) side yards.

Dwelling, Two-Family: Dwelling accommodating two families either with units which are attached side by side through the use of a party wall, and having one side yard adjacent to each dwelling unit; or upstairs/downstairs units.

Earth Disturbance Activity: Any construction or other activity which disturbs the surface of the land including but not limited to excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

Electronic Message Sign: A sign capable, regardless of power source, of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means including, but not limited to, light emitting diode signs and all types of digital signs, such as plasma display panels, liquid crystal displays, computer monitors, and televisions.

Essential Services: Public utility, facilities that do not require enclosure in a building, including the construction or maintenance, of gas, electrical, steam, telephone, sewage treatment plants and collection systems, or water distribution systems; including equipment such as poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment.

Milford Township Zoning Ordinance

Family: A group of persons living together as a single, permanent and stable nonprofit housekeeping unit, using all rooms in the dwelling and housekeeping facilities in common and having such meals as they may eat at home generally prepared and eaten together with sharing of food, rent, utilities or other household expenses.

Farm Residence: A single family dwelling associated and on the same parcel with an agricultural use, the occupants of which are members of the immediate family (mother/father, sister/brother, daughter/son) owning the agricultural use or are fully employed by the agricultural use; and such dwelling is not rented or otherwise used for non-agricultural, income producing purposes.

Fast Food/Drive Through Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off-premises and which may include facilities that enable customers to obtain food while remaining in their vehicles.

First Flush: That initial period of a storm event where the concentration of pollutants which are carried by the sediments in the stormwater is the highest with said concentrations decreasing as the length of the storm increases. Concentration peaks and pollutant decay will vary from site to site depending on land use, the pollutant of interest and site characteristics.

Forestry Enterprises: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services including the operation of a sawmill but excluding other wood manufacturing businesses.

Garage, Private Parking: A building or portion thereof used only for the storage of automobiles by the families resident upon the premises or by individuals residing in the immediate vicinity of such storage facilities.

Garage, Public Parking: A structure or portion thereof, other than a private garage, used for the storage, sale, hire, care, repair or refinishing of vehicles.

Garden Center, Retail: A retail establishment engaged in the sale of ornamental trees, shrubs and plants and supplies for gardening and landscaping.

Gasoline Service Station: A structure, building, or area of land or any portion thereof that is used for the sale of gasoline and oil or any other motor vehicle fuel and/or other lubricating substance, which may or may not include facilities for lubricating, washing, sale of accessories, and otherwise servicing motor vehicles, but not including the painting and/or body work thereof. Any business or industry dispensing gasoline and servicing vehicles only for its own use will not be deemed to be a gasoline service station.

Golf Course: A tract of land for playing golf, improved with trees, greens, fairways, hazards, and which may include clubhouses; but does not include miniature golf courses or golf ball driving ranges.

Group Care Facility: A facility or dwelling unit housing persons unrelated by blood or marriage and operating as a group family household. Any facility housing six or more individuals, including staff, shall be considered a health facility.

Group Family Household: A group of not more than six individuals including staff, not related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Health Facilities: Establishments primarily engaged in providing services for human health maintenance including hospital facilities, nursing and adult homes, assisted living and personal care facilities and medical and dental clinics and offices whether publicly or privately operated.

Home-based Business: Any activity carried out for gain by a resident and conducted as an accessory use to the residential occupancy of a lot.

Horse: Any animal of, or resembling a horse or the horse family including horses, ponies, donkeys and mules.

Hotel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, and providing additional services such as restaurants, meeting rooms and limited recreational facilities.

Milford Township Zoning Ordinance

Housekeeping Cottages: Small detached dwelling units rented out for occasional use on a daily, weekly or monthly basis.

Impervious Surface: Any material which reduces and/or prevents absorption of storm water into previously undeveloped land.

Independent Living: Kitchen-equipped housing units intended for occupancy by persons requiring minimal assistance with the activities of daily living.

Infiltration: The passage or movement of water into the soil.

Infiltration Structure: A structure designed to direct the flow of rainwater run-off into the soil, such as French drains, seepage pits or seepage trenches.

Intensive Livestock Operation: The fattening or raising of beef cattle, hogs, poultry or other animals for the purposes of obtaining meat, eggs or wool for marketing. Any livestock operation which involves the keeping of more than 10 cows or beef cattle, or 10 hogs, or 10 sheep, or 10 goats, or any combined total of 10 said animals, or 50 fur bearing animals or 100 poultry shall be considered intensive; and which shall not be conducted on parcels of less than five (5) acres in size.

Junk: Any scrap, waste, reclaimable material or debris, vehicles or parts thereof, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

Junk Yard: An area of land, with or without buildings, used for the storage, outside a completely enclosed building, of used and discarded materials, including but not limited to, waste paper, rags, metal, building materials, house furnishings, machines, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The outside storage or deposit on a lot of two or more inoperable vehicles which do not have current licenses shall be considered a junk yard. Agricultural vehicles such as tractors, mowers, etc. which are utilized as part of an active on-going farming operation and contractors construction equipment shall be exempt from this provision. Automobile sales lots managed by licensed automobile dealers and storage areas for antique autos shall be also exempt from this provision.

Kennel: The keeping of four (4) or more dogs that are more than six (6) months of age.

Land Development: Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accord with Section 503 (1.1) of the Pennsylvania Municipalities Planning Code.

Landscaping Strip: A buffer area consisting of a combination of trees, shrubs and other vegetation.

Lodging Facility: Any building used to house transients such as tourists, travelers or vacationers typically on a daily or weekly basis for temporary periods and including bed and breakfasts, boarding and tourist homes, hotels, housekeeping cottages and motels; but not including any permanent residences.

Lot: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this Ordinance, having

Milford Township Zoning Ordinance

not less than the minimum area and width required by this Ordinance, and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a zoning permit for a building on such land.

Lot Area: The total number of square feet in the lot less any area included in any rights-of-way affecting the lot.

Lot, Corner: A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty-five (135) degrees.

Lot Coverage: That percentage of the lot area which is covered by buildings; all roads, driveways, parking areas and walkways; and impervious surfaces. All areas reserved for parking pursuant to Section 410.5 of this Ordinance shall also be included in the lot coverage area.

Lot Depth: The average horizontal distance between the front lot line and the rear lot line.

Lot Line, Front: The line separating the lot from a street.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line.

Lot Width: The average of the width of a lot at the building setback line as required by this Ordinance (or as may be established by restrictive covenant to meet the lot width requirement) and the rear lot line.

Manufactured Building: A transportable, building intended for residential or commercial occupancy, office or place of assembly, contained in one or more sections, which arrives at a site complete and ready for installation except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation; including, but not limited to mobile homes and modular homes.

Manufacturing, Research and Development: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, fabrication of products, textile and clothing manufacturing, warehousing, distribution centers, wood products industries and the like; and research, engineering or testing laboratories.

Mini-Warehouse Facility: A building or buildings containing separated spaces to be leased or rented to individuals and/or business for the storage of personal belongings, goods or supplies.

Mobile Home: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobile Home Lot: Land occupied or to be occupied by a mobile home in a mobile home park, improved with the necessary utility connections and other appurtenances; and, said lot being specifically designated by survey from other lots in the mobile home park.

Mobile Home Park: A parcel or contiguous parcels of land under single ownership which has been planned and improved for the placement of two (2) or more mobile homes placed on rented mobile home pads or lots.

Model Home: A residential structure associated with a principal permitted commercial use and not intended for permanent occupancy; and used solely for demonstration purposes to inform potential purchasers of the types of homes available from the seller.

Motel: A facility offering temporary (generally for periods of two weeks or less) lodging accommodations to the general public, typically on the basis of daily or weekly rentals, with at least 25% of the rooms having direct access to the outside.

Multi-Family Project: Any development of a single parcel of property that includes one or more buildings containing

Milford Township Zoning Ordinance

two (2) or more dwelling units; and that includes common open space and facilities. One, two-family dwelling on a single parcel shall not be considered a multi-family project.

Multiple Occupant Commercial Building: A building containing two (2) or more independent, non-residential uses; such uses also being permitted in the District where the multiple occupant building is proposed.

Natural Resource Use: The mining, removal or recovery by any means whatsoever (including, but not limited to open excavations and quarries, and subsurface mining) of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water, land, on or beneath the surface thereof; said substances including but not limited to coal, limestone, shale, dolomite, sandstone, sand, clay, gravel, rock, stone, earth, ore, peat, soil, or other mineral.

Natural Resources Processing: The refinement of minerals to specifications for sale including, but not limited to, the crushing, screening, washing or grading of minerals; and the use of minerals in any manufacturing process such as, but not limited to, concrete or cement batching plants, asphalt plants and manufacture of concrete and clay products.

Non-conforming Lot: Any lot which does not conform with the minimum width, depth and area dimensions specified for the district where such a lot is situated, such lot having been created prior to the enactment of this Ordinance or any amendments thereto.

Non-conforming Structure: A structure or part of a structure which does not comply with the applicable use or extent of the use provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of this Ordinance or amendments hereto; and including, but not limited to non-conforming signs.

Non-Conforming Use: A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendments hereto, where such use was lawfully in existence prior to the enactment of this Ordinance. Such non-conforming uses include, but are not limited to, non-conforming signs and other structures.

Nursery, Commercial: A parcel of property including buildings on which trees, shrubs and other plants are raised for wholesale to retail distributors; but not including a garden center.

Nursing Home: Any premises containing sleeping rooms used by persons who are lodged and furnished with meals and nursing care.

Office Building: A building used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity.

Open Space: An area of land or water, essentially unimproved except for recreational facilities, that is set aside, dedicated, designated or reserved for public or common private use or enjoyment by owners and occupants of land adjoining or neighboring such land or water areas.

Open Space: All areas of a multi-family development or cluster development not conveyed to individual owners and not occupied by buildings and required or proposed improvements shall be dedicated as permanent open space for the benefit and enjoyment of the residents of the particular units being proposed. Such open space shall be part of the same parcel and contiguous.

Parking Area, Private: An open area for the same uses as a private garage.

Parking Area, Public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Patio: An open recreational area or structure, constructed no higher than six (6) inches from the ground level and resting directly on the ground. It may be attached to or detached from the principal building and may be constructed using wood, masonry, pavement, stone, or other material suitable for that purpose.

Permanent Foundation: A cement, concrete, treated wood or cinder block walled foundation erected on a poured concrete footer. A solid concrete slab will also be considered a permanent foundation.

Person: An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization or other entity acting as a unit.

Planting Strip: A buffer area planted to grass or other vegetation.

Milford Township Zoning Ordinance

Porch: An attached roofed patio or deck. With the exception of the wall adjoining the principal structure, all walls must be open or screened with a wall no higher than four (4) feet above the floor level. A porch is considered an attached accessory structure and must meet those setback requirements for principal structures.

Principal Permitted Use: A primary or predominant use of a lot that is permitted as a matter of right by application to the Zoning Officer.

Private Recreational Facilities: Outdoor or indoor areas or structures, operated by private non-profit or private commercial entities, open to the public, which contain entertainment and amusement devices or attractions including animal farms, zoological parks, tennis and racquetball courts, ski areas, golf courses and the like, but excluding theaters, public parks and playgrounds.

Private School: An institution, not owned by a public agency, which offers to its students formal education, including but not limited to classes in arts, athletics, crafts, exercise, health, religion and basic education, provided such facility enrolls ten (10) or more students.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Public Notice: Notice published once each week for two consecutive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Public or Semi-Public Use: Any structure or use which is owned and operated by a municipality or body/group appointed by a municipal body; or which is owned and operated by a non-profit organization or which is owned and operated by a public utility; and such structure or use fulfills a community need or provides a public service; including but not limited to municipal buildings and facilities; public schools, public libraries, churches, synagogues and volunteer fire and ambulance facilities.

Public Service or Congratulatory Message: A message issued by or in cooperation with a public or semi-public entity to inform the general public of matters of community-wide interest as opposed to advertising or promoting a particular commercial product or service.

Recreation Vehicle: A vehicle with or without motor power which may be towed on the public highways by a passenger automobile or truck without a special hauling permit, or which may be driven under its own power. This definition includes, but is not limited to campers, travel trailers, buses, camping trailers, pick-up trucks with slide-in campers, recreational vehicle homes and motor homes.

Recreational Vehicle Park: See Campground

Restaurant: An establishment where food and drink is prepared, served and consumed primarily within the principal building.

Retail Business: An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Retention Basin: A basin in which the runoff from a given storm event is stored and is not discharged into the downstream drainage system during the storm event.

Right-of-Way: Land reserved for use as a street, drainage facility or other public or community use.

Seepage Pit: A broad area of excavated earth, filled with loose stone or other particles, to which surface water is directed for infiltration into geologic storage.

Seepage Trench: A linear excavation of the earth, filled with loose stone or similar materials, to which surface water is directed for infiltration to geologic storage.

Semi-Public Building or Use: Buildings or uses operated by non-profit, community-based organizations for the general use of Township residents, including churches, fire houses, ambulance buildings, libraries and the like, but

Milford Township Zoning Ordinance

excluding institutional uses such as nursing homes, hospitals, sanitariums and clinics.

Senior Housing: A form of multi-family development limited to independent or assisted living units of one and two bedrooms in size or efficiency units restricted to occupancy by individuals who are fifty-five (55) years of age or older and their spouses or disabled relatives dependent on their care.

Service Establishment: Establishments engaged in providing services involving the care or needs of a person or his or her apparel such as cleaning and garment services, beauty and barber shops, shoe repair, dry cleaning and laundries, photographic studios, etc.

Set Back: An open unoccupied space, except for such accessory activities and uses as may be otherwise permitted, which shall extend the full depth or width of a lot and which shall not be occupied by any portion of any building. Front set backs shall be measured from the edge of the highway right-of-way and other set backs from property lines.

Sewage Disposal, Central: A sanitary sewage collection and treatment system in which sewage is carried from individual lots or dwelling units by a system of pipes to a central treatment and disposal facility or system which may be publicly or privately owned and operated. A system designed to serve a two-family dwelling or two dwelling units located on the same property or adjacent properties shall not be considered as off-site sewerage and in such a case all development standards will apply the same for each dwelling or unit as any single family unit.

Sewage Disposal, On-site: A single system of piping, tanks or other facilities serving only a single lot and disposing of sewage in whole or in part into the soil.

Shopping Center or Mall: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign: Any device, facade, fixture, material or structure that uses any particular form, graphic, picture, symbol, lighting or writing to specifically advertise, announce, declare or identify a purpose or entity or to communicate information of any kind to the public. This shall not include accent stripes or outline lighting not part of the message area, although such features shall be subject to review in the case of conditional uses.

Signs: See Section 411 hereof.

Small Wind Turbine: A stand-alone wind energy facility intended primarily to reduce consumption of utility power in connection with residential, farm, institutional or business uses on the same parcel and which has a rated capacity of not more than 100 kW, excluding appliances and equipment relying upon wind for power, which shall be permitted everywhere.

Solid Waste or Waste: Any garbage, refuse, industrial, lunchroom or office waste or other material including solid, liquid, semi-solid or contained gaseous material, resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities. The term shall also include any garbage, refuse, other discarded material or other waste. Including solid, liquid, semi-solid or containing gaseous materials resulting from industrial, mining, agricultural operations, local facilities or any other by-product or effluent from an industrial, mining or agricultural water supply treatment facility, waste water treatment facility or air pollution control facility.

Solid Waste Facility, Commercial: Any facility operated by a private individual or firm pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste.

Solid Waste Facility, Public: Any facility operated by a public entity pursuant to the laws of the Commonwealth of Pennsylvania governing the management and disposal of solid waste including, but not limited to, liquid, solid, toxic, hazardous and medical waste.

Solid Waste Staging Area: Any parcel of property used for the transfer of solid waste from one vehicle to another vehicle for transport to a solid waste facility; or which is used for the parking or storage of vehicles and/or containers used to transport solid waste.

Special Exception: A use allowed, with permission granted by the Zoning Hearing Board, to occupy and use land

Milford Township Zoning Ordinance

and/or a building for specific purposes in accord with this Ordinance.

Specialty Shops: Establishments primarily engaged in providing services involving the care of a person or his or her apparel or specializing in a specific type or class of foods such as a bakery, butcher shop, fish store or similar shops.

Stable (Commercial): A structure or area used for the shelter, care and/or riding of donkeys, horses, mules or other equine for hire, remuneration or sale.

Stable (Private): An accessory structure or use which involves the keeping of donkeys, horses, mules or other equine not for hire, remuneration or sale.

Staging Area: Any area where vehicles containing solid waste are parked or located prior to depositing said solid waste at a solid waste disposal facility.

Street: A public or private thoroughfare which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley. "Public rights-of-way" shall be those open to the general use of the public, not necessarily publicly dedicated.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure, Permanent: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

Structure, Portable: Anything constructed that is not permanently affixed to the ground but is designed to be moved from place to place.

Structural Alteration: Any change in the structural members of a building, such as walls, columns, beams or girders, or any addition to any structure.

Supervisors: The Board of Supervisors of Milford Township.

Tourist Recreational Facility: A recreational facility designed to provide overnight accommodations in permanently constructed buildings in combination with a variety of generally passive recreational opportunities such as golf, hiking, swimming, etc.. Also including restaurants and specialty shops which are primarily for guests of the facility but which may also serve the general public; but not including campgrounds or RV parks.

Township: The Milford Township Board of Supervisors with the recommendation of the Milford Township Planning Commission.

Transient Use: Occupancy of a dwelling by three or more families at separate times over the course of a year; not including three or more unrelated individuals who may, during such period, be temporarily staying at the location as a guests of the principal occupant.

Trip Ends: The total of the trips entering and leaving a specific land use or site over a designated period of time.

Truck Stop: Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicles is conducted or rendered including the dispensing of motor fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities solely for the use of truck crews.

Truck Terminal: A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Truck Wash: Any building or premises or portion thereof used for washing trucks with a gross vehicle weight exceeding five thousand (5,000) lbs.

Use: The specific purpose for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming

Milford Township Zoning Ordinance

use.

Variance: Relief granted pursuant to the provisions of 608.3 of this Ordinance and Articles VI and IX of the Pennsylvania Municipalities Planning Code.

Vehicle and Equipment Sales Operation: The use of any building, land area or other premise for the display and sale of new and used automobiles of operable condition; panel trucks or vans; mobile homes or trailers; recreation vehicles; or farm or construction equipment including any warranty repair work and other repair service as an accessory use. No business or facility which generates less than fifty (50) percent of its gross sales from the actual sale of new or used vehicles or equipment of the type herein described (excluding parts and repairs) shall be considered a vehicle and equipment sales operation.

Vehicle or Equipment Repair Operation: An establishment engaged in the service and/or repair of any motor vehicle as its principal use, including but not limited to auto body shops, repair garages, truck repair garages and agriculture equipment repair.

Walk Way: A narrow passageway, no wider than six (6) feet, extending from the entrance or patio of the principle building at or no more than six (6) inches above ground level, out to and including encroachment of the front yard but not encroaching on any road right-of-way. Construction material may consist of wood, stone, masonry, pavement, or other similar material suitable for that purpose provided Pennsylvania state standards for accessibility are met where applicable. (Note: If constructed above six (6) inches from the ground - see deck.)

Warehouse: Terminal facilities operated for a specific commercial establishment or group of establishments in a particular industrial or economic field and used for the storage of goods and materials.

Water Supply, Central: A public or private utility system designed to supply and transmit drinking water from a common source to two or more dwelling units or uses in compliance with Pennsylvania Department of Environmental Resources regulations.

Water Supply, On-site: A system for supplying and transmitting drinking water to a single dwelling or other use from a source on the same lot.

Wind Energy Facility: An electric generation facility, whose main purpose is to supply electricity, consisting of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities. The term does not include small wind turbines as defined herein.

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator and includes the nacelle, rotor, tower and pad turbine, if any.

Wholesale Business: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard: An open unoccupied space which shall extend the full depth or width of a lot and which shall not be occupied by any building. Front yards shall be measured from the edge of the road right-of-way and other yards from property lines. (See also "Setback".)

Yard Sale: An individual private family sale of used or excess goods from a yard, garage or similar non-commercial venue.

Yard Sale, Multi-Family: A sale of used or excess goods by multiple families from a single yard, garage or similar non-commercial venue.

Zoning Officer: The administrative officer charged with the duty of enforcing the provision of this Ordinance.

The above definitions are also supplemented by those contained in other Township Ordinances. Where there is any conflict between definitions or provisions contained in this Ordinance and other Ordinances, the definitions or provisions contained herein shall apply insofar as they affect this Zoning Ordinance.

Milford Township Zoning Ordinance

ARTICLE III - ESTABLISHMENTS OF DISTRICTS

301 General Districts

For the purposes of this Ordinance, Milford Township is hereby divided into three (3) Zoning Districts, as follows:

- RD - Residential District
- DD - Development District
- LG - Low Growth District

An additional classification is hereby made for the purpose of regulating floodplains as designated by the Federal Emergency Management Agency and the U.S.D.A. Soil Conservation Service.

302 Official Zoning Map

The location and boundaries of said districts are hereby established as shown on the Official Zoning Map of Milford Township; which is hereby adopted by reference and declared to be a part of this Ordinance together with all amendments thereto.

303 District Boundaries

District boundary lines are intended to follow or be parallel to the center line of streets, streams and railroads, and lot or property lines as they exist on a recorded deed or plan of record in the Pike County Recorder of Deed's Office and on the Pike County Tax Maps at the time of the enactment of this Ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map. In any case of uncertainty the Milford Township Board of Supervisors in consultation with the Planning Commission shall interpret the intent of the map as to location of District boundaries.

304 District Regulations

The restrictions and controls intended to regulate development in each district are set forth in the following Schedule of District Regulations which is then supplemented by other sections of this Ordinance and other ordinances of Milford Township. Any use identified as a Principal Permitted Use shall be permitted as a matter of right upon application to the Code Enforcement Officer, provided the proposed use is in compliance with these regulations. Conditional Uses are subject to Planning Commission review and Board of Supervisors approval as prerequisites to the Code Enforcement Officer issuing a permit for their establishment. Accessory Uses are permitted to accompany those Principal Permitted and Conditional Uses granted and are issued directly by the Code Enforcement Officer.

305 Zoning Permits

Whenever any owner or occupant of any property in Milford Township shall establish a new use, change an existing use, erect a new building or move, alter, add to or enlarge any land use or building for any purpose or in any manner or clear or improve a property for these purposes, such owner or occupant shall first comply with the requirements of this Ordinance and obtain a zoning permit, unless specifically exempted herefrom. A zoning permit shall also be required whenever a change in land use occurs, regardless whether any new construction is involved or not.

306 Uses Not Provided For

If a proposed use is not specifically listed in any category of uses or within any zoning district on the Schedule of District Regulations, the Planning Commission shall render a formal determination as to whether or not the use is permitted in a given district and if the use is permitted, it shall then process the application as a Conditional Use. The Planning Commission shall make its determination on the basis of similarities of the use to other specifically listed uses within various districts, taking into consideration the impacts of the use on the community and the neighborhood in which it is proposed. This shall not permit the Planning Commission to reclassify uses which are already listed nor shall the Planning Commission allow any use which is not listed in a particular district if that use is already permitted in another district.

307 Minimum Development Standards

The development standards contained herein, including for yards, are minimums and shall apply to each dwelling unit

Milford Township Zoning Ordinance

unless otherwise specifically provided. A new two-family dwelling shall, for example, require the equivalent of two minimum sized lots insofar as lot area, and yards, as will any two dwelling units on the same property. An exception may be granted as a Conditional Use, however, when the second unit is restricted to the occupancy of a parent, child or other family member requiring assistance with the activities of daily living. Minimum lot areas applicable to non-residential uses shall be based on equivalent dwelling units using anticipated sewage flows as a basis for conversion of these activities to dwelling units. Conversions into equivalent dwelling units shall be made by reference to the table below and Chapter 73 of the Regulations of the Pennsylvania Department of Environmental Protection where the table provides insufficient information.

Commercial Use Units Equal to One Dwelling Unit

Beauty shop	0.5 per shop
Hotels/motels	1 per 4 rooms
Offices	1 per 40 employees
Retail/service enterprises	1 per toilet
Restaurant	1 per 40 employees/patrons
Warehouses	1 per 10 employees

308 Minor Impact Uses

308.1 Within the LG and DD Districts, Minor Impact Uses shall be processed as Principal Permitted Uses, notwithstanding their classification on the Schedule of District Regulations and provided the uses are allowed in the district as Conditional Uses. The following factors shall be applied to determine if a use will qualify as a Minor Impact Use. The determination shall be made by the Code Enforcement Officer in consultation with the Township Planning Commission should he choose.

- A. The proposed activity shall use less than 2,500 square feet of building floor area.
- B. The proposed use shall not involve the outside storage of materials or supplies except for minor incidentals and a maximum of three (3) vehicles used in everyday service on behalf of the business.
- C. Regardless of its classification, the proposed use shall comply with landscaping, parking, sign and other performance standards.
- D. The activity shall not cause a nuisance to surrounding property owners; adversely impact the peace, health, or safety of neighborhood residents; or cause a deviation from the character of the neighborhood. Factors for evaluating this standard shall be:
 1. Traffic - whether or not the business is generating traffic that is excessive and/or detrimental to the neighborhood. A Minor Impact Use will be allowed to generate no greater than one-hundred (100) vehicle trips per day, based on estimates provided by the Institute of Transportation Engineers. However, based on the characteristics of a specific neighborhood, these amounts may be lowered or raised, at the discretion of the Planning Commission. The factors which shall be used for such a determination include, but are not limited to, pertinent characteristics of the neighborhood such as width of properties, width of the streets, hills, curves, the number of children present and the ability to secure a highway occupancy permit.
 2. Parking - whether or not parking problems could result from the use. Factors shall include, but not be limited to: 1) except for special gatherings, parking required for the business shall be provided on-site or be limited to the area along the frontage of the property on the street; 2) parking on the property shall be on a surface equal in quality to the paving surface of any existing driveway unless there is no surface other than the ground, in which case a gravel surface shall be provided; and 3) no Minor Impact Use shall be permitted which requires parking of tractor-trailer combinations along the street on a continuing basis.
 3. Nuisance - whether or not the use is causing a nuisance to surrounding property owners or is deviating from the character or appearance of the neighborhood.

Milford Township Zoning Ordinance

308.2 No Minor Impact Use, having once been permitted or established, shall be added to, expanded, enlarged or otherwise increased or changed substantially in character without complying with this Ordinance. Any addition or expansion which takes a use above the upper limits established for a Minor Impact Use shall be processed as a Conditional Use.

309 Exceptions to Dimensional Requirements.

309.1 Projections into Yards

Bay windows, fireplaces, fire escapes, uncovered stairs and landings, balconies and cornices, canopies, eaves, and other architectural features not required for structural support may project into the required side, front, or rear yard not more than a total of three feet (3).

309.2 Height Limitations

Height limitations specified by district shall not apply to church spires, belfries, cupolas, domes, monuments, water towers, chimneys, smokestacks, silos, flag poles, radio and TV towers, masts and aerials, public utility poles and towers, and parapet walks that extend not more than four feet (4') above the limiting height of the building.

Milford Township Zoning Ordinance

Milford Township Zoning Ordinance - Schedule of District Regulations				
District Intent	Principal Permitted Uses	Conditional Uses (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see § 308)	Accessory Uses	Development Standards
RD Residential District: This district is intended to promote and maintain a sound living environment and to provide the opportunity for housing for all social and income groups.	Agricultural activities, excluding intensive livestock operations Conservation subdivisions Forestry enterprises, except sawmills Single-family detached dwellings Two-family dwellings (provided the lot area is twice the minimum required for a single-family detached dwelling)	Bed and breakfast establishments Cemeteries Child care facilities Churches Commercial nurseries Craft shops of 200 sq. ft. or less in gross floor area Farm stands Golf courses, excluding miniature golf and driving ranges Group care facilities Housekeeping cottages Private schools Professional offices of 1,500 sq. ft. or less in gross floor area Public and semi-public uses	Carports Customary accessory uses and structures Essential services Home gardening, nurseries & greenhouses Home-based businesses Private parking areas and garages Private stables Private swimming pools Signs as provided hereunder TV satellite dishes	Minimum lot area: Lots with central water & sewage: 30,000 sq. ft. 1 acre With on-site water or sewage: Minimum average lot depth/width: Lots with central water & sewage: 100 feet 150 feet With on-site water or sewage: Minimum yards: Front 35 feet Side 20 feet Rear 20 feet Maximum lot depth to lot width ratio: 3:1 Maximum building height: 45 feet Maximum lot coverage: 25%
LG Low Growth District: This district is intended to preserve open space while allowing for lower density housing and other compatible uses, employing conditional use review in the case of certain uses allowed to ensure environmental and community protection.	Agricultural activities, excluding intensive livestock operations Conservation subdivisions Farm stands Minor Impact Uses Single-family detached dwellings Two-family dwellings (provided the lot area is twice the minimum required for a single-family detached dwelling)	Airports Assisted living and senior housing Bed and breakfast establishments Campgrounds & recreational vehicle parks Child care facilities Commercial nurseries and greenhouses Commercial stables Communications towers Contracting businesses & trades Country clubs Garden centers Group care facilities Housekeeping cottages Intensive livestock operations Kennels Manufacturers with less than 5,000 sq. ft. in gross floor area Mini-warehouses Mobile home parks Multi-family dwellings Natural resource uses Private recreation facilities Professional offices Public and semi-public uses Restaurants, not including fast-food or drive-through facilities Tourist recreation & lodging facilities Warehouses & wholesale businesses with <250 trip-ends/day	Carports Customary accessory uses and structures Essential services Home gardening, nurseries & greenhouses Home-based businesses Private parking areas and garages Private stables Private swimming pools Signs as provided hereunder TV satellite dishes	Minimum lot area: 2 acres Minimum average lot depth/width: 200 feet Minimum yards: Front 50 feet Side 40 feet Rear 50 feet Maximum lot depth to lot width ratio: 3:1 Maximum building height: 45 feet Maximum lot coverage: 25% Note: The minimum lot area for commercial uses shall be one (1) acre per equivalent dwelling unit based on sewage flows, provided a minimum of one (1) acre in total land area is provided. The minimum average lot depth/width applicable to commercial uses shall be 150 feet and where such uses adjoin other commercial uses the minimum front yard shall be 35 feet and the minimum rear and side yards shall be 25 feet.

Milford Township Zoning Ordinance

Milford Township Zoning Ordinance - Schedule of District Regulations				
District Intent	Principal Permitted Uses	Conditional Uses (Activities qualifying as Minor Impact Uses will be allowed as Principal Permitted Uses - see § 308)	Accessory Uses	Development Standards
DD Development District: This district is intended to provide for the normal growth of business and services to meet the needs of area residents and to provide for the development of light manufacturing.	Conservation subdivisions Farm stands Forestry enterprises, except sawmills Minor Impact Uses Personal service shops Professional offices Single-family detached dwellings Specialty shops Studios Two-family dwellings (see § 409.7) Undertaking establishments	Adult stores Agricultural activities Animal hospitals Assisted living and senior housing Bed and breakfast establishments Bulk fuel storage facilities Bus terminals Car and truck washes Child care centers Club houses, lodges and country clubs Commercial nurseries & greenhouses Commercial stables Communications towers Contracting businesses & trades Garden centers Gasoline service stations Group care facilities Health facilities Hotels, motels & other tourist lodging Junkyards Kennels Manufacturing Mini-warehouses Mobile home parks Multi-family dwellings Natural resource processing Private recreational facilities Private schools Public and semi-public uses Research and development facilities Restaurants Retail and service establishments Sawmills Solid wastes disposal/staging facilities Tourist recreational facilities Truck stops and terminals Vehicle sales, supply & service facilities Warehouses & wholesale businesses	Carports Customary accessory uses and structures Essential services Home gardening, nurseries & greenhouses Home-based businesses Private parking areas and garages Private stables Private swimming pools Signs as provided hereunder TV satellite dishes	Minimum lot area: Lots with central water & sewage: With on-site water or sewage: Minimum average lot depth/width: Lots with central water & sewage: With on-site water or sewage: Minimum yards: Front Side Side adjoining DD District lot Rear Maximum lot depth to lot width ratio: Maximum building height: Maximum lot coverage: (See Section 414 for lot coverage criteria applicable to non-residential uses - up to 65% permitted) 30,000 sq. ft. 1 acre 100 feet 150 feet 35 feet 25 feet 20 feet 25 feet 3:1 45 feet 25%

Nothing in the Milford Township Zoning Ordinance shall be construed to supersede Pennsylvania law regarding rights to farm.

Milford Township Zoning Ordinance

ARTICLE IV - SUPPLEMENTARY REGULATIONS

401 Home-based Businesses

401.1 Home-based businesses are permitted as Accessory Uses in all districts, provided they do not detract from the residential character or appearance of the neighborhood in which the business is located. Because of the need these types of businesses may have for advertising and display, and the unpredictability of traffic generation, owners of such businesses must be very cautious about how they operate their business to ensure they do not adversely impact the surrounding neighborhood. The following factors shall be used to determine if a home-based business will comply with or is in violation of this ordinance. The determination can be made on any one, or a combination, of these factors and shall be made by the Code Enforcement Officer in consultation with the Township Planning Commission should he choose.

- A. Extent of the business - whether or not the residential use is still the primary use of the property. Factors that shall be used to determine the primary use of the property shall include, but are not limited to, the area of the property used for the business and the amount of time the business is operated on a daily basis.
- B. Appearance from an adjacent street - whether or not the use of the property as a business is distinguishable from an adjacent street. Except for a non-illuminated, identification sign no larger than four (4) square feet in size attached to the principle structure, nothing shall occur on the property that can be observed from adjacent streets that make it readily apparent that a business is being operated on the premises. In cases where the principal structure is obscured from the street, or the structure is setback more than fifty (50) feet from the property line, a non-illuminated ground sign not to exceed four (4) square feet may be used. Factors for evaluating this standard shall be that the residential dwelling not be altered to change its residential appearance, and no activity related to the conduct of the home -based business shall be permitted to occur in such a manner as to be obtrusive to the neighborhood, attract attention to the business or adversely impact the residential character of the neighborhood.
- C. Impact on the neighborhood - whether or not the business activity is causing a nuisance to surrounding property owners; is adversely impacting the peace, health, or safety of neighborhood residents; and/or is causing a deviation from the residential character of the neighborhood. Factors for evaluating this standard shall be:
 - 1. Traffic - whether or not the business is generating traffic that is excessive and/or detrimental to the neighborhood. A home-based business will be allowed to generate no greater than twenty-four (24) vehicle trips per day, based on estimates provided by the Institute of Transportation Engineers. However, based on the characteristics of a specific neighborhood, these amounts may be lowered or raised, at the discretion of the Planning Commission. The factors which shall be used for such a determination include, but are not limited to, pertinent characteristics of the neighborhood such as width of properties, width of the streets, hills, curves, and the number of children present.
 - 2. Parking - whether or not parking problems could result from the use. Factors shall include, but not be limited to: 1) except for special gatherings, parking required for the business shall be provided on-site or be limited to the area along the frontage of the property on the street; 2) parking on the property shall be on a surface equal in quality to the paving surface of any existing driveway unless there is no surface other than the ground, in which case a gravel surface shall be provided; and 3) no home-based business shall be permitted which requires parking of tractor-trailer combinations along the street for other than short-term delivery purposes.
 - 3. Nuisance - whether or not the use is causing a nuisance to surrounding property owners or is deviating from the residential character or appearance of the neighborhood.

401.2 No home-based business, having once been permitted or established, shall be added to, expanded, enlarged or otherwise increased or changed substantially in character without complying with this law and such permission or establishment shall not be a basis for a later application to establish a principal commercial use. Moreover, the conversion of a residence with a home-based business to a commercial use by the

Milford Township Zoning Ordinance

abandonment of the residence or sale, rent or transfer of the business to a party which does not reside on-site is strictly prohibited unless the business is then moved off-site.

- 401.3 Nothing herein shall be construed to prevent smaller contracting businesses and trades from operating as home-based businesses provided they comply with this §401.

402 Accessory Structures and Uses

All accessory structures shall conform to the minimum setback regulations established in Article IV except as permitted below.

402.1 Unattached Structures Accessory to Residential Buildings

Structures accessory to residential buildings which are not attached to a principal structure and do not exceed eight (8) feet in height and two-hundred (200) square feet in total floor area may be erected within the required side and rear yards of a principal structure, provided that no side yard is reduced to less than ten (10) feet. This setback reduction shall be permitted only for one such accessory structure per parcel. In the case of corner lots, the full front yards as required for the District shall be maintained.

402.2 Attached Accessory Structures

An accessory structure attached to a principal building shall be considered to be a part of the principal building and shall conform to the setbacks for principal structures.

402.3 Accessory Structures to Non-Residential Buildings

Unattached accessory structures for other than residential structures or uses shall comply with front, side: and rear setback requirements for the principal structure, except as follows:

- A. Parking and landscaping may extend into required yards of DD Development Districts, provided no less than ten (10) feet of separation is maintained from the property line.
- B. Parking and landscaping with respect to non-residential uses permitted by either Conditional Use or Special Exception in zoning districts other than DD, or a DD non-residential use abutting a residential use adjoining the DD District, shall meet the standards of Section 410.5.E hereof.

402.4 Private Outdoor Swimming Pools

A single private outdoor swimming pool per dwelling unit is permitted as an accessory structure to a residential structure, provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests, and provided that the pool is not located closer than ten (10) feet to any property line and that a fence not less than four (4) feet high and of a design (i.e., chain link, wire mesh, solid picket, etc.) to restrict access shall completely surround the area of any ground level swimming pool. Access to all pools shall be restricted when the pool is not in use.

402.5 Fences

Fences shall be limited to eight (8) feet in height excepting that fences surrounding tennis courts or similar recreational facilities may extend to ten (10) feet in height. The Township may, in conjunction with approval of a land development plan, require a setback of up to three (3) feet for maintenance purposes.

402.6 Energy Devices

Nothing herein shall be construed to limit the rights of any landowner or group of adjacent landowners to erect wind energy or other alternative energy devices for the purposes of generating electricity, heat, cooling or other forms of energy for on-site consumption, excepting energy sold back to utility companies and provided the commercial and industrial performance standards and other development standards contained herein are met in full. Industrial wind turbines shall be limited to Development Districts and 150 feet in height and otherwise comply with standards for small wind turbines as provided below. All wind turbine applications shall be processed as Conditional Uses. The Township may approve small wind turbine applications designed

Milford Township Zoning Ordinance

for residential, farm, institutional and business use on the same parcel. All small wind turbines shall comply with the following standards and, to the maximum extent practicable, with all other requirements of this law not in conflict herewith:

- A. A system shall be located on a lot of five acres minimum lot area. However, this requirement can be met by multiple owners submitting a joint application.
- B. Only one small wind turbine per legal lot shall be allowed, unless there are multiple applicants, in which their joint lots shall be treated as one site for purposes of this law.
- C. Small wind turbines shall be used primarily to reduce the on-site consumption of electricity, excepting energy sold back to utility companies.
- D. Total height shall be a maximum of 100 feet. All turbines shall be setback from the property line no less than 150 feet.
- E. The maximum turbine power output is limited to 100 kW.
- F. Tower-climbing apparatus shall be located no closer than 12 feet from the ground, a locked anti-climb device shall be installed on the tower or a locked, protective fence of at least six feet in height that encloses the tower, shall be installed to restrict tower access.
- G. Anchor points for any guy wires for a system tower shall be located within the property upon which the system is located and not on or across any above-ground electric transmission or distribution lines.
- H. All turbines shall comply with commercial performance standards so as to ensure noise at any given time shall not exceed 5 decibels above the ambient noise level measured at the property lines.
- I. The Township shall require a financial guarantee to ensure removal of turbines no longer in active use.

402.7 Clothing and Donation Bins

Clothing and donation bins where used goods are collected for later pick-up, processing and redistribution or sale shall be permitted as accessory uses to a commercial use provided they are not used for advertising off-site businesses or enterprises and are limited to listing the ownership and directions for using the bins. Such bins shall also be limited to four per lot and shall not be located within any required yard areas applicable to principal uses. Such bins shall be limited to DD Districts and subject to such placement restrictions as the Zoning Officer shall determine necessary to address safety and visibility issues.

403 Mobile Home and RV Parks

403.1 Mobile Home Parks

Mobile home parks shall comply fully with the requirements of the Milford Township Mobile Home Park Ordinance and the Milford Township Subdivision Regulations prior to the issuance of any zoning or occupancy permits relating to the same.

403.2 Recreational Vehicle Parks and Campgrounds

Recreational Vehicle Parks and Campgrounds shall be considered recreational land developments for the purposes of this Section.

- A. A campground or RV Park subdivision or development shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.
- B. Landscaping shall be provided in accord with the requirements of Section 410 hereof, provided that the Township shall be authorized to require additional landscaping and screening as may be required

Milford Township Zoning Ordinance

to achieve effective buffering of particular uses from adjoining properties, so as to ensure impacts across property lines are minimized.

- C. Recreational land development lots or camping sites shall be at least fifty (50) feet wide and one-hundred (100) feet deep, excepting transient recreational land developments which may be clustered. Gross density, however, shall not exceed a total of eight (8) sites per acre for the development. Frontages on cul-de-sacs may be varied.
- D. Individual recreational land development lots or camping sites shall be separated from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet. Also, notwithstanding the requirements of Section 402 above, no recreational vehicle or tent platform shall be located closer than twenty-five (25) feet to the street right-of-way; closer than twenty five (25) feet to any other recreational vehicle or tent platform; or one-hundred (100) feet to any adjacent property line.
- E. At least two (2) off-street parking spaces shall be provided for each site. At least one (1) such off-street parking space shall be provided on each lot as required.
- F. The residential street design standards contained in Article III of this Ordinance shall apply to streets within non-transient recreational land developments.
- G. Transient recreational land development street shall be not less than thirty-three (33) feet in right-of-way width, and shall be cleared, graded and constructed as required by the Township Board of Supervisors, based upon the size of the development, site conditions and type of development proposed (i.e. primitive tent camping or RV camping).
- H. No individual on-site sewage or water supply shall be permitted, and all community system for the common use of campsite occupants shall fully comply, as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Resources and Milford Township.
- I. The following additional regulations shall apply to all recreational land developments:
 - 1. Appurtenances - No permanent external appurtenances, such as carports, decks, cabanas or patios, may be attached to any travel trailer or other recreational vehicle parked in a recreational land development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited.
 - 2. Location - A recreational land development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per one-half acre, nor require movement of traffic from the park through such an area to obtain access to a public highway.
 - 3. Common Use Areas - A minimum of 10% of the gross site area of the recreational land development shall be set aside and developed as common use areas for open and enclosed recreational facilities. No recreational vehicle site, required buffer strip, street right-of-way, cartway, storage area or utility site shall be counted as meeting this requirement.
 - 4. Entrances and Exits - Entrances and exits to recreational land developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle, for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Township highway shall be located where less than five-hundred (500) feet of sight distance exists in either direction along the State or Township road, nor shall such intersection be located within one-hundred fifty (150) feet of any other intersection. Such distance shall be measured from centerline to centerline.
 - 5. Parking Areas - In connection with the use of any recreational land development, no

Milford Township Zoning Ordinance

parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds; or any private grounds not part of the recreational land development, unless the owner has given written permission for such use. Each recreational land development operator shall provide off-street parking, loading and maneuvering space located and sized so the prohibitions above may be observed, and shall be responsible for violations of these requirements.

6. **Occupancy - Campsites** shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. Any action toward removal of wheels or to attach the recreational vehicle to the ground for stabilizing purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than eleven (11) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. The Township may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal within the immediately preceding eleven (11) months. These requirements shall be attached to each campsite sale or membership in non-transient recreational land developments by restrictive covenant.
7. **Records** - The management of every recreational land development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include associations of property owners when such are responsible for maintenance and operation of common facilities. The township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Township Board of Supervisors shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a recreational development until the owners and/or management provide evidence of compliance with these provisions.
8. **Sanitary Waste Disposal** - No owner or occupant of any campsite or recreational land development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any individual campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the recreational land development shall be connected to the sewage disposal system for the development. Sanitary facilities, including toilets, urinals and showers, shall be provided within six hundred (600) feet of each lot or campsite.
9. **Fences** - All property and/or lot lines within the development shall be kept free and open; and no fences, except as may be required by this Ordinance for screening purposes or may exist naturally, hedges or walls, shall be permitted thereon. This shall not, however, preclude the erection of fences around the perimeter of the development.
10. **Nuisances** - No noxious or offensive activities or nuisances shall be permitted in any recreational land development.
11. **Animals** - No animals shall be kept or maintained in any recreational land development, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.
12. **Garbage and Refuse Disposal** - No person shall burn trash, garbage or other like refuse in any recreational land development. All such refuse shall be placed and kept in airtight receptacles for the same. No owner or occupant shall permit the accumulation of litter or refuse or junk vehicles in any recreational land development.
13. **Camping Accessories** - Picnic tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.

Milford Township Zoning Ordinance

14. Ditches and Swales - Each individual owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite.
 15. Drilling and Mining - No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite.
 16. Vehicle Parking - No vehicle shall be parked on any street or roadway within the development.
 17. Fire Rims - Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.
 18. Water Supply - Potable water drinking fountains shall be provided within three hundred (300) feet of each campsite.
- J. The operational standards contained in this section shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient recreational developments and shall be made part of a management plan for any transient recreational developments, which covenants and/or plan shall be approved by the Township Board of Supervisors in its review of preliminary and final plans for the recreational development. A management plan shall be required for all recreational land developments and restrictive covenants incorporating the standards of this section shall be required of all non-transient recreational developments. This shall be in addition to the submission requirements contained in the Township Subdivision Ordinance. A plan or set of covenants which does not adequately provide for conformance with this section shall not be approved. The plan and/or covenant shall also provide the Township with the option (but not the obligation) of being a part to their enforcement and include a right for the Township to periodically inspect the development for continued compliance with the plan and/or covenants.

404 Conservation Subdivisions.

The Township shall be authorized, simultaneously with the approval of plans under the Milford Township Subdivision and Land Development Ordinance, to modify applicable provisions of this Zoning Law so as to accommodate conservation subdivision projects. Also known as "cluster development", conservation subdivisions offer flexibility in design, facilitate the economical provision of streets and utilities and preserve open space. They shall be allowed anywhere within Milford Township and be processed pursuant to Section 610 of the Milford Township Subdivision and Land Development Ordinance.

405 Junk Yards

Junk yards shall be considered conditional uses in the LG District only and shall be subject to the following restrictions, which shall apply to both existing and proposed junk yards:

405.1 Federal Regulations

Any junk yard located adjacent to a Federal Aid Highway shall comply with all regulations of the Federal Highway Administration.

405.2 Right-of-way Setback

No junk yard created after the effective date of this Ordinance shall be located closer than one-thousand (1000) feet to an existing public right-of-way.

405.3 Enclosure

The surrounding wall or fence of any junkyard located adjacent to a public street or residential area shall be a minimum twenty-five (25) feet from the edge of any public street right-of-way and fifty (50) feet from the

Milford Township Zoning Ordinance

boundary line thereof of any residential property and be adequate to screen all portions of the junk yard from view from the public street or from residential areas. The Township shall also be authorized to require additional landscaping and screening or otherwise modify this standard as may be required to achieve effective buffering from adjoining properties, so as to ensure impacts across property lines are minimized.

405.4 Trash

The area used for a junk yard shall not be used as a dump area nor as a place for the burning and disposal of trash.

405.5 Junkyard Ordinance

All existing and proposed junkyards shall fully comply with the provisions of the Milford Township Junkyard Ordinance, Ordinance #15 of 1975.

406 Special Lot Provisions

406.1 Yards

All yards abutting a street line or corner lots shall meet district requirements for front yards.

406.2 Reduced Front Yard

When an improved lot is situated between two improved lots with front yards less than those required for the District, the front yard required may be reduced to the average of the two existing yards but in no case shall be less than fifty (50) percent of the yard normally required.

406.3 Clear Sight Triangle

A clear sight triangle of not less than seventy-five (75) feet in either direction from the intersection shall be maintained on all corner lots.

407 Commercial, Manufacturing and Other Non-Residential Uses

The following performance standards shall apply to all commercial, manufacturing and other non-residential uses. (Note - This section shall not apply to agricultural uses):

407.1 Reserved

407.2 Operations and Storage

All facilities and operations of the principal use including the storage of raw material, finished products, fuel, machinery and equipment and any other materials or supplies shall be enclosed and carried out within a building; or shall, as required by the Township, be provided with larger setbacks and/or buffers to afford protection to adjoining uses and any public road rights-of-way. Storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. However, not more than two (2) licensed trailers, maintained in good condition, shall be permitted for such storage over the course of a construction project, not to exceed two (2) years. The placement of said trailers shall also require a permit from the Township, shall meet the setback requirements of this Ordinance and shall not be used for the storage of any flammable or hazardous material.

407.3 Fire and Explosion Hazards

All activities involving any manufacturing, production, storage transfer or disposal of, inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be required. Burning of waste materials in open fires is prohibited. The relevant provisions of Federal, State and local laws and regulations shall also apply. Details of the potential hazards and details of planned safety and accident response actions shall be provided by the developer for review by the local fire company(s). All buildings shall comply with the most current BOCA or NFPA standards as required by the Township.

Milford Township Zoning Ordinance

Additional buffer areas or fencing may be required by the Township if the nature of the proposed use as determined by the Township so requires.

407.4 Radioactivity or Electric Disturbance

No activities shall be permitted which exceed federal standards for radioactivity emissions, or electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance. All applicable Federal regulations shall apply.

407.5 Noise

The maximum sound pressure level radiated by any use or facility at any lot line shall not exceed five (5) dB(A) above the ambient noise level or sixty (60) dB(A), whichever is less. The ambient noise level shall, in the absence of a professional study documenting generally prevailing noise in the immediate vicinity of the proposed activity, be assumed to be 45 dB(A). The sound pressure level shall be measured with a Sound Level Meter conforming to standards prescribed by the American Standards Association. The Township may require additional setbacks, buffers and fencing, or limit the hours of operation to mitigate any potential noise impacts of any proposed use.

- A. Maximum Levels - The maximum permissible sound pressure levels at the lot line for noise radiated shall apply to noise made continuously from any facility or activity between the hours of 9:00 p.m. and 7:00 a.m..
- B. Corrections - If the noise is not smooth and continuous, and is not radiated between the hours of 9:00 p.m. and 7:00 a.m., the decibel level may be increased by five (5) decibels.
- C. Exemptions - The maximum permissible sound levels of this Section 605.5 shall not apply to any of the following noise sources:
 - 1. Sound needed to alert people about an emergency or building, equipment, or facility security alarms.
 - 2. Repair or construction work to provide electricity, water or other public utilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
 - 3. Construction operations (including occasional blasting in construction) and repairs of public facilities between the hours of 7:00 a.m. and 9:00 p.m., except for emergency repairs which shall not be restricted by time.
 - 4. Agricultural activities.
 - 5. Motor vehicles when used on public streets in accord with state regulations.
 - 6. Railroads and aircraft.
 - 7. Public celebrations, specifically authorized by the Town, the County, state or federal government body or agency.
 - 8. Unamplified human voices.
 - 9. Routine ringing of bells or chimes by a place of worship or municipal clock.

407.6 Vibration

No vibration shall be permitted which is detectable without instruments at the property line.

407.7 Lighting and Glare

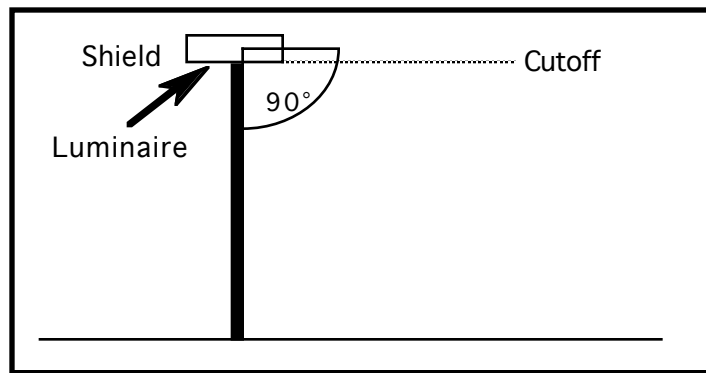
No light source shall be exposed to the eye except those covered by globes or defusers. Other lighting shall

Milford Township Zoning Ordinance

be indirect or surrounded by a shade to hide visibility of the light source. Lighting design should be an inherent part of the architectural design. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. Appropriate lighting fixtures shall be provided for walkways and to identify steps, ramps, and directional signs. The applicant shall provide the specifications of the proposed lighting and its arrangement on the site; and all required lighting shall be considered improvements for the purpose of regulation by the Township Subdivision and Land Development Ordinance.

All lighting shall be designed so as to avoid unnecessary or unsafe spillover of light and glare onto operators of motor vehicles, pedestrians and land uses in proximity to the light source. Light sources shall comply with the following standards:

Type of Light Source	Maximum Illumination Permitted at Property Line	Maximum Permitted Height of Light
Globe light	0.20 Footcandles	15 Feet
>90% Cutoff	0.75 Footcandles	25 Feet
<90% Cutoff	2.00 Footcandles	30 Feet



No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or other sources, so as to be visible at the property line on a regular or continuing basis, shall be permitted.

407.8 Smoke

No emission shall be permitted from any chimney or otherwise, of visible gray smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyright 1954.

407.9 Odors

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable without instruments at the property line of the parcel from which the odors are emitted.

407.10 Other Forms of Air Pollution

No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling.

407.11 Surface and Ground Water Protection

All activities involving the possible contamination of surface or ground water shall be provided with adequate safety devices to prevent such contamination. Details of the potential hazards (including the groundwater characteristics of the area in which the use is proposed) and details of planned safety devices and contamination response actions shall be provided by the developer. The Township may require a plan to be submitted for review and approval and may require security for insuring contamination response. Monitoring

Milford Township Zoning Ordinance

wells and water quality testing may also be required by the Township.

The developer shall also provide details about the use of ground water and any processes that could result in the depletion of ground water supplies. No use shall be permitted which would result in the depletion of ground water supplies.

In cases where the use is of such a nature that large volumes of ground water are required the developer shall provide appropriate hydro-geologic studies which clearly establish that the proposed use will not cause a reduction in the quantity or the quality of ground water supplies available to other properties located within one-thousand (1,000) feet of any portion of the property where the proposed use will be located.

407.12 Reserved

407.13 Stormwater Management and Soil Erosion Control

A stormwater management plan and soil erosion control plan shall be provided to the Township for review and approval. Said plan shall be prepared and implemented pursuant to the standards contained in Sections 605 and 606, respectively, of the Township Subdivision Ordinance; and County Conservation District standards.

The protection of the quality of ground water and surface water shall be an integral part of all proposed stormwater management practices; and all stormwater management plans shall include an element specifically addressing water quality. The plan shall provide for the minimization of the discharge of "first flush" sediments off the project site or directly to infiltration structures. Containment of "first flush" sediments shall be accomplished by accepted and proven engineering design and practice, including but not limited to the use of grass buffer/filter strips, grass swales, detention basins, sediment traps, and special inlet devices.

407.14 Waste Materials

No liquid, solid, toxic or hazardous waste shall be stored or disposed in any commercial area, either above or below ground level, except for the temporary storage thereof pending removal from the premises. Such temporary storage and handling of waste shall be in a designated area and shall be conducted in compliance with all applicable state and federal regulations in order to prevent any water, soil or air contamination and shall be screened from view of adjoining properties and any public road right-of-way by fencing or other buffers. The Township may, for these purposes, require an applicant to document how and where such is removed and disposed and to make available on a regular basis reports thereof. In addition, no waste discharge is permitted into any reservoir, sewage or stormwater disposal system, stream, open body of water or onto the ground.

407.15 Sewage Disposal

Sewage disposal shall be provided by a system meeting the requirements of the Pennsylvania Department of Environmental Resources. Discharge to such system shall be limited to human wastes. No discharge of wastes or materials in any way associated with a production process shall be permitted to any sewage system.

407.16 Other Regulations

Documentation shall be provided by the applicant demonstrating that the project complies with all other applicable local, state and federal regulations, and said proposal has obtained all required permits, certifications and authorizations, including but not limited to the PA Department of Transportation, the PA Department of Environmental Resources, the PA Department of Labor and Industry, the Federal Emergency Management Agency and the U.S. Environmental Protection Agency.

408 Parking, Loading, Access and Traffic Standards

408.1 Off-street parking, loading and unloading facilities shall be provided as necessary in connection with every use. Single-family and two-family residential uses shall be provided with two (2) off-street parking spaces per dwelling unit. Parking and loading area needs with respect to all other uses shall be determined in conjunction with site plan review. The amount of parking required shall be based on the following factors:

Milford Township Zoning Ordinance

- A. Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Planning Commission or the Code Enforcement Officer, as the case may be, may require the developer or applicant to gather and submit such data in support of its proposed parking provisions. The National Parking Association and the Urban Land Institute are examples of such industry sources.
- B. The characteristics of the proposed customers, residents, occupants or visitors to a given facility. Housing for the elderly would, for example, require fewer spaces per dwelling unit than time-shared recreational units, though the number of dwelling units might be the same.
- C. The expected occupancy rates, traffic levels and numbers of employees in connection with any enterprise and the degree to which these directly relate to parking requirements.
- D. Recommendations, if any, from other public agencies or information sources which suggest, based on experience, the appropriate amount of parking in connection with a given use.
- E. The likelihood that parking will be shared with adjoining facilities, the impact of daily peak visitation or use periods on demand and the hours of operation as compared to other neighborhood activities.
- F. Where industry standards are inadequate for the particular use or site involved or such standards are unavailable, the following parking standards may be applied by the Planning Commission or the Code Enforcement Officer, as the case may be:

Land Use	Parking Spaces
Home-based businesses	1 space per 100 sq. ft. of gross floor area in use
Hotels/motels	1 per employee (largest shift) plus 1 space per rental room
Industrial uses	1 space per 400 sq. ft. gross floor area
Places of public assembly	1 space per 3 seats
Offices	1 space per 175 sq. ft. gross floor area
Restaurants	1 space per 50 sq. ft. gross floor area
Auto service stations	8 spaces plus 1 per employee
Grocery stores	1 space per 100 sq. ft. gross floor area
Convenience stores	10 spaces plus 1 space per 150 sq. ft. gross floor area
Fast food restaurant	1 space per 40 sq. ft. gross floor area
Other retail or commercial	1 space per 150 sq. ft. gross floor area

The Township may, where industry studies accepted by it suggest lower amounts of parking than the above, require the difference be reserved as a future parking area, the Township having the right, as a condition of approval, to order improvement of such area for parking use, in the event of need as shall be determined in the discretion of the Board of Supervisors. The Township may also require greater amounts of parking to meet specific needs identified during the application review process.

- 408.2 Each parking space shall consist of not less than an average of three-hundred (300) square feet of usable area for each motor vehicle, including a designated parking space of no less than ten (10) feet in width and twenty (20) feet in length plus interior driveways, driveways connecting the garage, or parking space, with a street or alley. Interior driveways separating rows of parking spaces shall be not less than twenty-five (25) feet in width so as to provide adequate maneuvering area for vehicles entering or leaving a parking space. This distance may be reduced to 20 feet for 60 degree angle parking, 15 feet for 45 degree angle parking and 13 feet for 30 degree angle parking. Garages, carports, and driveways not in the public right-of-way may be considered parking spaces.
- 408.3 Any lighting used to illuminate off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways.
- 408.4 All parking areas which are designed to accommodate sixty (60) or more vehicles shall be landscaped using materials of sufficient growth and height to aesthetically balance the impact of the open paved area and provide effective stormwater control. The following minimum layout standards shall apply:
 - A. No more than twelve (12) parking spaces shall be allowed in a continuous row uninterrupted by

Milford Township Zoning Ordinance

landscaping. Raised planting beds shall be located at intervals of twelve (12) spaces and at the end of each row. Such beds shall be a minimum of five (5) feet in width and each planted with at least one (1) shade tree of 3 inch caliper. The remainder of the bed shall be surfaced with flowers, grass, groundcover, low maintenance shrubs and/or mulches (no crushed stone or chips).

- B. Planting beds meeting the above standards with at least one (1) shade tree of 3 inch caliper for every thirty (30) lineal feet of bed shall also be required along the perimeter of all parking areas and between parking areas and buildings. The area between a parking area and any building shall be a minimum of ten (10) feet in width, however. No less than ten percent (10%) of any parking area over one-thousand (1,000) square feet in size shall be landscaped with vegetation approved by the Township Planning Commission.
 - C. No parking areas shall be designed such that a vehicle might directly back out onto a public highway or through road within the development. Traffic flows through a parking area shall be minimized and limited to connections from one lot to another and to the public highway or through road.
 - D. All parking spaces associated with commercial uses shall be located not more than three-hundred (300) feet distant from the nearest entrance to the inside of the structure wherein the enterprise is situated.
 - E. Parking areas along main streets shall be located in the rear yard of any use, with the principal building situated at or near the front lot line. This is for the purpose of maintaining the continuity of the building line along any highway and avoiding the effective merger of parking areas along a highway into one mass of pavement where entrances and exits become difficult to identify. This principle shall also be applied in areas of the Township, where practical.
- 408.5 Any building erected, converted or enlarged for commercial, office, manufacturing, wholesale, institutional or similar uses shall, in addition to the off-street parking space required above, provide adequate off-street areas for loading and unloading of vehicles. Commercial, manufacturing and wholesale facilities shall provide a minimum of one off-street loading space, plus one additional off-street loading space for each full 40,000 square feet of floor area, provided that the Township Planning Commission may modify this standard based upon the factors set forth in Section 408.1.A through 408.1.E above. Public rights-of-way shall, under no circumstance, be used for loading or unloading of materials. The minimum size loading space shall be seventy-five (75) feet in depth and fifteen (15) feet in width, with an overhead clearance of fourteen (14) feet.
- 408.6 Access to and from all off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well defined separate or common entrances and exits and shall comply with the following provisions:
- A. Access drives shall not open upon any public right-of-way within one-hundred (100) feet of any intersecting public street or highway, measured centerline to centerline, or where the sight distance in either direction would be less than two-hundred (200) feet. Access drives onto state highways shall be subject to Pennsylvania Department of Transportation standards.
 - B. There shall be no more than one entrance and one exit to any business or parking area on any one highway unless safety considerations should demand it. Each entrance and exit shall be clearly defined with curbing, fencing or vegetative screening so as to prevent access to the area from other than the defined entrance and exits and all landscaping shall meet standards contained herein. In no case shall one entrance and exit be located within 100 feet of any other on the same property or adjoining property along the same public right-of-way. Such distance shall be measured from centerline to centerline. Non-conforming lots, however, shall be exempt from this requirement. The Township Board of Supervisors may also waive this requirement where one or both of the access drives will carry less than 100 trip-ends of traffic per day.
- 408.7 All non-residential parking and loading areas and parallel circulation and service lanes shall be separated from the paving edge of a public thoroughfare or adjoining property lines by a planting strip at least ten (10) feet in depth. See also Section 402.3.
- 408.8 The Planning Commission, at its discretion, may require a traffic impact study with any Conditional Use application involving an activity likely to generate more than five-hundred (500) trip-ends per day based on the

Milford Township Zoning Ordinance

following daily rates:

Land Use	Trip Generation
Residential uses	9.6 trip-ends per dwelling unit
Industrial uses	3.3 trip-ends per employee
Restaurants	7.9 trip-ends per seat
Fast-food restaurant	23.9 trip-ends per seat
Convenience market	605.6 trip-ends per 1,000 sq. ft. gross gross floor area
Supermarket	177.6 trip-ends per 1,000 sq. ft. gross gross floor area
Car wash	108.0 trip-ends per car stall
Offices	6.0 trip-end per employee
Other commercial uses	50.0 trip-ends per 1,000 sq. ft. gross gross floor area
Institutional uses	4.0 trip-ends per employee
Other uses	See "Trip Generation" - Institute of Transportation Engineers

The study shall examine existing and projected traffic flows before and after development and generally follow the guidelines set forth for such studies by the Institute of Transportation Engineers. Its purpose shall be to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access to the site from the network. It shall identify solutions to potential problems and any improvements needed. The scope of the study shall be approved in advance by the Planning Commission.

409 Multi-Family Dwellings

Multi-family dwelling projects are considered conditional uses in certain Districts in order to provide the opportunity for the development of a variety of housing types in the Township. In addition to the Conditional Use Standards set forth in Section 608 of this Ordinance and the Township Building Code, the following standards shall apply to multi-family developments.

409.1 Procedure

Multi-family dwelling projects shall be considered major subdivisions and land developments subject to the Township Subdivision and Land Development Regulations. This "major subdivision" classification shall apply to all subdivision of property in connection with the development, regardless of whether or not the same are connected with building development, and the approvals required shall be requested and acted upon concurrently as one subdivision. Application for preliminary approval of multi-family dwelling projects, accordingly, will be made to the Township Planning Commission in the manner provided in the Subdivision Regulations. The developer shall also submit all information required by said Regulations in addition to the following additional information:

- A. An application for multi-family dwelling conditional use by a letter or brief from the developer indicating how the development will specifically meet the conditional use standards contained in Section 509 of this Ordinance.
- B. A proposed plot plan showing all necessary information to include at a minimum, location of all buildings and improvements including roads, parking areas, planting strips, signs, storm drainage facilities, water supply and distribution systems, sewage treatment and collection systems and the specific areas provided as open space pursuant to the requirements of this Ordinance. Building layouts, floor plans and profiles shall also be provided indicating building dimensions, numbers, and sizes of units, common ownership or use areas, lighting and such other information as shall be required to determine compliance with the design standards contained herein and any other building standards which may be applicable in the Township. Setbacks from property lines, improvements, and other buildings shall also be specifically shown.
- C. A schedule or plan, and proposed agreement(s) either with the Township or a property owners, association for the purpose of dedicating, in perpetuity, the exclusive use and/or ownership of the open space required by this Ordinance to the prospective dwelling owners or occupants. Such agreement may be incorporated in the applicant's proposed covenants and restrictions, but shall in any event, provide to the satisfaction of the Township that maintenance and use of the property,

Milford Township Zoning Ordinance

- regardless of ownership, be restricted to either (1) activities intended for the sole benefit of the occupants of the particular project proposed or, (2) permanent open space as hereinafter provided.
- D. The application package shall be processed on a schedule concurrent with requirements for review and approval of other Preliminary Plans pursuant to the Township Subdivision Regulations including providing the County Planning Commission with a thirty (30) day opportunity to review copies of the entire package. The Township Planning Commission shall report its findings together with a recommendation indicating whether the conditional use criteria contained in Section 509 will be satisfied.

The Board of Supervisors shall act on the Preliminary Plan, conditional use, and "Planning Module for Land Development" concurrently, making the Preliminary Plan approval, if one shall be given, subject to approval Planning Module by the Pennsylvania Department of Environmental Resources (DEP).

No building permit shall be issued to the applicant until all conditions attached to the approval of any Preliminary Plan, including DEP approval of the "Planning Module", shall have been satisfied and nothing herein shall be construed as permitting the issuance of a building permit prior to Preliminary Plan approval. If the Preliminary Plan shall be rejected no conditional use, building or zoning permit shall be granted.

Following Preliminary Plan approval, the developer shall provide for the installation of all required or proposed improvements including but not limited to streets, parking areas, storm drainage facilities, recreational facilities and lighting. Building improvements shall also be completed or guaranteed prior to the applicant's request for Final Approval. No Certificate of Use shall, however, be issued until such time as (1) Final Plan approval shall have been granted pursuant to the Subdivision Regulations, and (2) buildings have been completed and inspected by the Zoning Officer and a valid certificate of approval from the Pennsylvania Department of Labor and Industry where required is provided by the applicant.

No person shall sell, transfer, lease or agree or enter into an agreement to sell or lease any land and/or buildings or interests in the individual dwelling units to be created, or erect any building thereon except in accord with the provisions of this Ordinance, and unless and until Final Plan approval and a Certificate of Use shall have been granted and the Plan has been recorded in the Office of the County Recorder of Deeds.

409.2 Parcel Size and Density

All land proposed for a multi-family dwelling project shall be contiguous.

The total number of dwelling units permitted shall be calculated by taking the total acreage of the development (including all areas to be devoted to open space), deducting the following acreage:

- A. Land contained within public rights-of-way
- B. Land contained within the rights-of-way of existing or proposed private streets. Where formal rights-of-way are not involved, the width of the street shall be assumed as fifty (50) feet.
- C. Land contained within the boundaries of easements previously granted to public utility corporations providing electric or telephone service, and any petroleum products pipeline rights-of-way.
- D. The area of waterbodies including lakes, ponds and streams (measured to the normal high water mark on each side); wetlands; quarries; areas with slope in excess of twenty-four (24) percent or greater; and areas used for improvements;

and then dividing the remainder by thirty thousand (30,000) square feet per dwelling unit.

409.3 Open Space

All areas of a development not conveyed to individual owners; and not occupied by buildings and required or proposed improvements shall remain as permanent open space or be dedicated to recreation area to be used for the sole benefit and enjoyment of the residents of the particular units being proposed. Such open space

Milford Township Zoning Ordinance

shall be part of the same parcel and contiguous and shall be subject to the following regulations:

- A. Recreation areas shall be immediately adjacent to the proposed units and freely and safely accessible to all residents of the development and shall not be used to fulfill open space requirements or provide recreational areas for residents of other units.
- B. Land designated as open space shall be maintained as open space and may not be separately sold, used to meet open space or recreation area requirements for other developments, subdivided or developed excepting that a holding zone may be reserved for future development pursuant to density and other zoning requirements as they presently exist, provided such lands are specifically defined and indicated as "reserved for future development" on all plats. Such lands shall not be included in calculating permitted density for the proposed development. These provisions, however, shall not be construed as granting or reserving to the developer any rights or privileges to develop on the basis of a "pre-approved plan" if density or other zoning requirements shall have been modified to preclude such development.
- C. Open space areas shall be maintained so that their use and enjoyment as are not diminished or destroyed. Such areas may be owned, and maintained by either one or both of the following mechanisms:
 - 1. Dedication to a property owners association which assumes full responsibility for maintenance of the open space.
 - 2. Deed-restricted private ownership which shall prevent development of the open space, provide for its maintenance and protect the rights of owners or occupants of dwelling units to use and enjoy, in perpetuity, the open space as shall have been dedicated to recreation area for the project.

Whichever mechanism(s) may be used, the developer shall provide, to the satisfaction of the Township and prior to the granting of any Final Plan approval, for the perpetual maintenance of the open space and also the use and enjoyment of the recreation area by residents of the units being approved. No lots shall be sold nor shall any building be occupied until and unless such arrangements or agreements have been finalized and recorded.
- D. At least fifty (50) percent of the designated recreation area shall be usable for active recreational activities and shall not include swamps, quarries, slopes over twenty-four (24) percent in grade, or acreage used for improvements. Storm drainage facilities are considered improvements.
- E. Developments of fifty (50) units or more shall also include parks and playgrounds according to the following formula; one-half acre per fifty (50) units.

409.4 Design Criteria

The following design criteria shall apply to multi-family developments:

- A. There shall be no more than ten (10) dwelling units in each multi-family building.
- B. No structure shall be constructed within fifty (50) feet of any access road to or through the development or within ten (10) feet of the edge of any parking area.
- C. Access roads through the development shall comply with the street requirements of the Township Subdivision Regulations for minor roads.
- D. No multi-family development shall be served by more than one access from any public highway, unless topographic or other physical circumstances dictate the use of more than one access for safety reasons.
- E. Parking shall be provided in accord with the requirements of Section 408 hereof.
- F. All multi-family structures shall be separated by a distance at least equal to the height of the highest

Milford Township Zoning Ordinance

adjoining structure.

- G. All multi-family structures, improvements and any effluent disposal areas shall be a minimum of fifty (50) feet from any exterior property lines and any public road right-of-way.
- H. Landscaping shall be provided in accord with the requirements of Section 410 hereof.
- I. Multi-family developments shall be subject to the stormwater management requirements of the Township Subdivision Regulations.
- J. Sidewalks shall be provided from all buildings and/or units to their respective parking area and shall be of a design approved by the Township and shall be a minimum of three (3) feet in width improved to a mudfree condition.
- K. Exterior storage areas for trash and rubbish shall be screened from public view on three sides and shall be contained in covered, vermin-proof containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion. The Township shall authorize to require specific placement so as to ensure such storage areas are hidden to the maximum extent practicable.

409.5 Water and Sewage

All multi-family developments shall be served with off-site sewage facilities and water supplies (as defined in the Township Subdivision Ordinance). Developers proposing the use of either community sub-surface sewage disposal or treatment involving a stream discharge shall have first investigated and determined that land application of effluent is not feasible. Effluent disposal areas shall be subject to the setback requirements applicable to other multi-family buildings and structures. Developments using sub-surface or land application sewage disposal shall identify on the development plan reserve areas suitable for similar sewage disposal to be used in the case of the malfunction of the primary system.

409.6 Non-Residential Use

Non-residential uses shall not be permitted in a multi-family development. Such ancillary facilities as laundry areas, service buildings recreational facilities and the like for the use of the residents of the project shall be permitted. Where a developer proposes to construct multi-family units on property on which there are existing or proposed non-residential uses (other than ancillary facilities and open space uses) there shall be a minimum setback of the multi-family structures from such uses of two-hundred (200) feet and the parcels shall be clearly segregate.

409.7 Conversions of Existing Structures

Conversions of existing structures for two-family or multi-family dwelling uses or mixed commercial and residential use, regardless whether or not such conversions involve structural alterations, shall be subject to this Section 409 with the following exceptions:

- A. The minimum lot area per dwelling unit in Development Districts shall be reduced to 10,000 square feet per bedroom or efficiency apartment, provided no more than four (4) dwelling units are established per acre of land.
- B. The Township Planning Commission shall be authorized, with the subsequent approval of the Board of Supervisors, to waive any procedural standards contained in this Section 409 insofar as their applicability to existing structures or the redevelopment of existing uses and shall instead rely upon the standards of Sections 500-507 (to the extent these are applicable) and 608 hereof.
- C. Non-residential uses may be mixed with residential to the extent other provisions of this Ordinance so permit. Minimum development standards applicable to such activities shall be based on sub-section A above and equivalent dwelling units determined from anticipated sewage flows (see Section 307).

409.8 Common Property Ownership and Maintenance

Milford Township Zoning Ordinance

In cases where the ownership of common property is involved, evidence of arrangements for the continuous ownership and maintenance of same shall be provided by the developer for approval by the Township. This shall specifically include, but not be limited to, provisions dealing with the ownership and maintenance of open space, improvements and utilities. Said arrangement shall indemnify the Township of any responsibility associated with same; and shall be prepared in accord with the Township Subdivision and Land Development Ordinance. The developer shall also submit evidence of compliance with the PA Condominium Law or an attorney's opinion that said Law does not apply to the subject project.

410 Landscaping Standards

- 410.1 So as to provide buffer between adjacent residential and non-residential uses and create a healthy, safe and aesthetically pleasing environment, the Planning Commission, shall require a landscape plan be prepared as part of any Conditional Use application. Such a plan shall also be required whenever any non-residential use is proposed in any district so as to buffer parking areas and buildings from the highway, each other and other uses.
- 410.2 The landscape plan shall specify locations of all mature shade trees or other species of six (6) inch caliper or greater and indicate existing vegetation to be removed or preserved. It shall demonstrate how building materials, colors, and textures will be blended with the natural and man-made landscape. It shall also include visual depictions of the proposed landscape from the perspective of persons who will view the site from the highway or adjoining properties. Specific locations, varieties, sizes, winter hardiness, and schedules for all proposed plantings shall, too, be provided as part of the plan.
- 410.3 Landscape plans shall be prepared by a licensed landscape architect or other design professional qualified to perform such services and include consideration of all man-made and natural features, including signs.
- 410.4 The Planning Commission, in reviewing a landscape plan, may employ the assistance of design professionals and seek the non-binding advice of interested civic organizations concerned with community beautification. They shall also specifically consider the following before approving, approving with modifications or disapproving the use:
- A. The plan should promote attractive development, preserve existing vegetation to the maximum extent possible, enhance the appearance of the property and complement the character of the surrounding area.
 - B. The plan should use landscaping to delineate or define vehicular and pedestrian ways and open space.
 - C. The plant material selected should be of complementary character to buildings, structures and native plant species and be of sufficient size and quality to accomplish its intended purposes.
 - D. The plan should effectively buffer the activity from adjoining land uses as may be necessary and soften the impact of other site development as contrasted with the natural environment.
 - E. The plan should be realistic in terms of maintenance and use materials which, as a minimum, are winter hardy to Zone 4.
- 410.5 Landscaping Standards. All new landscaping required shall meet the following minimum specifications:
- A. The minimum branching height for all shade trees shall be eight (8) feet.
 - B. Shade trees shall have a minimum caliper of three (3) inches (measured 4 feet above grade) and be at least twelve (12) feet in height when planted.
 - C. Evergreen trees shall be a minimum of eight (8) feet in height when planted.
 - D. Shrubs shall be a minimum of 24" in height when planted. Hedges shall form a continuous visual screen within two (2) years after planting.

Milford Township Zoning Ordinance

- E. A buffer screen at least twenty-five (25) feet in width along any residential lot line shall be provided in the case of any Conditional Use or Special Exception. It shall include, at a minimum, one (1) evergreen tree for every fifteen (15) linear feet of property line. An additional row of evergreens meeting these standards and off-set such that each row serves to place trees between the gaps of the other, shall be permitted as a substitute for the stockade fence. The width of this buffer may be reduced along the rear and side lot lines for good cause, but not along the front lot line or to less than ten (10) feet. Other yard areas not adjoining residences shall be subject to sub-section F below.
 - F. A landscape strip at least twenty-five (25) feet in width, that includes at least one (1) deciduous tree for every thirty (30) linear feet of perimeter lot line shall be required for any non-residential Conditional Use or Special Exception. Such deciduous trees shall also be accompanied by smaller shrubs and ground cover as may be required to effectively separate and buffer the activity from the highway but still allow for visibility of the use. The width of this buffer may be reduced along the rear and side lot lines for good cause, but not along the front lot line or to less than ten (10) feet. See also Section 402.3.
 - G. All lot area (except where existing vegetation is preserved) shall be landscaped with grass, ground cover, shrubs, or other appropriate cover. All landscaped areas shall be protected from salt runoff using appropriate edge treatments.
 - H. The preservation of mature shade trees shall be required unless there is no alternative but to remove them. These may be used to meet requirements of this section provided the Code Enforcement Officer or Planning Commission, as the case may be, determines the purpose of this section is achieved.
- 410.6 Where it is determined that a proposed use would not have a significant impact on the natural environment, adjoining landowners or the view from a public highway, these requirements may be appropriately modified.
- 410.7 A performance guarantee in the amount of one-hundred-twenty-five percent (125%) of the cost of materials and installation may be required to assure that all landscaping survives in a healthy condition one (1) full year. The Code Enforcement Officer or Planning Commission, as the case may be, shall determine the amount of the guarantee. The Code Enforcement Officer shall have the right to enter upon the property to inspect the landscaping and, after notifying the owner of any deficiencies, to require that the guarantee be used to pay for the replacement of any dead, dying, diseased, stunned or infested plant materials.
- 410.8 All applicable requirements of these landscaping regulations shall be fully met prior to the Code Enforcement Officer granting a Certificate of Occupancy for a new building or use.
- 411 Sign Regulations
- 411.1 Purposes
- These regulations are enacted for the following purposes:
- A. The major highways of Milford Township have experienced sign proliferation which has produced visual clutter detrimental to the scenery of this recreational area and to the ability of businesses to communicate with the traveling public using signs. The design, size, numbers and maintenance of signs have all contributed to this situation.
 - B. It is intended to encourage signs which help people find what they need without difficulty or confusion; to preserve and, where necessary, improve the appearance of the Township; and to promote public safety by regulating the location, quality, construction and maintenance of signs.
 - C. Property values are protected and enhanced when signs are designed with these principles in mind. It is for this reason that these sign regulations also provide incentives for preferred design and quality construction.
- 411.2 Definitions
- A. Sign: Any device, facade, fixture, material or structure that uses any particular form, graphic, picture,

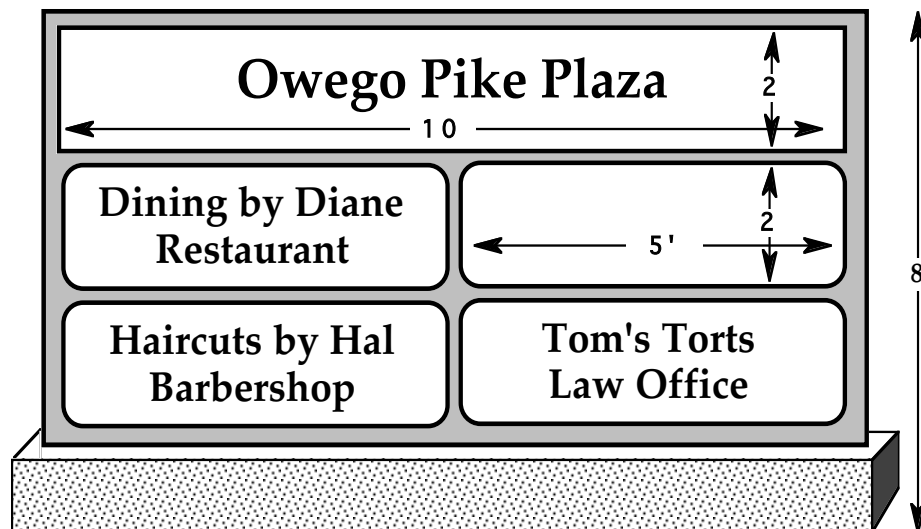
Milford Township Zoning Ordinance

symbol, lighting or writing to specifically advertise, announce, declare or identify a purpose or entity or to communicate information of any kind to the public. This shall not include accent stripes or outline lighting not part of the message area, although such features shall be subject to review in the case of conditional uses.

- B. **Surface area** - The size of any sign, computed by multiplying its greatest length by its greatest height. Sign poles and supports or ground sign foundations not exceeding three (3) feet in height which do not bear advertising material or are not in the form of a symbol shall not be included in the computation of surface area. In the case of signs with no definable edges (e.g., raised letters attached to a facade), the surface area shall be that area within the perimeter of a single line enclosing the extreme limits of the advertising material, excepting that messages or words separated by six (6) feet or more shall be considered individual sign surfaces. Each sign surface area shall be considered a separate sign for purposes of regulation so that double-sided signs count as two signs, for example.

C. **Types of Signs**

1. **Billboard** - A free-standing off-premises sign of more than (50) square feet in surface area.
2. **[RESERVED]**
3. **Business or Institutional Identification Sign** - A sign advertising an institution or identifying the business or profession of the owner or occupant of the property on which it is placed.
4. **Canopy and Awning Sign** - A sign integrated into a canopy or awning and not extending above the structural wall of the building to which it is attached.
5. **Commercial Directory Sign** - A combination, on a single structure not exceeding eight (8) feet in height, of a ground sign identifying a business complex with other smaller uniform signs listing services or businesses on the property. Such signs shall replace any free-standing signs which the advertisers would otherwise have rights to place on the property and not use more than twenty (20) square feet in surface area on each side to identify a business complex or more than ten (10) square feet on each side to identify a specific business or service. (See example below)



6. **Contractor Sign** - A sign of a builder, contractor, mechanic, painter or other artisan which is erected and maintained during the period such persons are working on a property and immediately removed when the work is complete.

Milford Township Zoning Ordinance

7. **Farm Products Sign** - A temporary sign advertising the availability of fresh farm products largely produced on premises and displayed only when such products are on sale.
8. **Freestanding Sign** - A pole sign or ground sign.
9. **Ground Sign** - A separate sign rising up from a ground foundation and not over eight (8) feet in height from average ground level to the top of the sign.
10. **Home Occupation Sign** - A sign located in a residential area which only serves to direct persons to goods or service legally offered on the premises.
11. **Incidental Commercial Sign** - An advertising sign of no more than two (2) square feet in sign area on which is located a simple message directed only to persons on the lot, such as a gas pump sign, credit card sign or pricing sign placed in a window or on a door.
12. **Marquee Sign** - A permanently placed free-standing or wall sign with manually or electronically changeable copy used to advertise movies or other regular changing entertainment.
13. **Neon Sign** - A sign that is illuminated using colored gases or liquids circulating through glass or plastic tubing. Other neon features such as building accent stripes or outline lighting independent of the sign message area shall not be counted as signage but shall be subject to review in the case of conditional uses.
14. **Off-premises Advertising Sign** - A sign advertising a business, product, service, commodity or activity located off the premises on which the sign is located, not including business and institutional identification signs otherwise permitted.
15. **Pole Sign** - A sign supported by a poles(s) as a separate structure.
16. **Portable Sign** - A sign not permanently attached to the ground or a structure or designed to be transported, including signs on wheels or any other movable device or vehicle.
17. **Real Estate Sign** - A sign which advertises the availability of land, buildings or spaces within buildings as being for sale or rent and which is immediately removed upon the completion of a sale or lease.
18. **Roof Sign** - A sign painted on or attached to a roof or extending by any means, including the use of canopies, porches or artificially heightened walls, above the structural wall of a building.
19. **Sandwich Board Sign** - An A-frame shaped portable sign with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign and which is placed so as to sit on the ground.
20. **Temporary Signs or Event Advertising Banners** - Signs of twenty-four (24) square feet or less in surface area which advertise a particular event and which are constructed of plastic, vinyl, cloth, cardboard or other material which is not designed to withstand the elements for any extended period of time. Two temporary or event advertising signs of twenty-four (24) sq. ft. maximum (both sides combined) restricted to forty-five (45) days per event with a maximum of four (4) events per year shall be permitted.
21. **Traffic Directional Sign** - An informational sign on which is located a simple directive incidental to the main use of a lot and directed only to persons on the lot such as a "no parking" sign.
22. **Trespassing Sign** - A sign fastened to tree and poles with nails or staples and typically made of paper, plastic or a malleable metal to indicate lands are private and no trespassing is allowed.

Milford Township Zoning Ordinance

- 23. Wall Sign - A sign painted on or attached flush with a structural wall of a building, including window signs occupying more than 25% of the window or door surface.
- 24. Window Sign - A sign which is attached to a window or door or positioned in such a manner that its sole purpose is to communicate with persons on the outside of a door or window.

411.3 Procedures

- A. All signs shall comply with the standards provided on the attached Milford Township Schedule of Sign Regulations and with those additional requirements found below.
- B. An application for a permit to install or relocate a sign shall be submitted on a form obtained from the Zoning Officer, together with the fee required. Every application shall include a graphic presentation of the placement and appearance of the proposed sign. This presentation shall depict the location of the sign in relation to buildings and property features, any method of illumination, the graphic design (including symbols, letter, materials and colors) and the visual message, text copy or content. Written consent of the property owner shall also be provided.
- C. The following signs shall be exempt from all regulation by the Township:
 - 1. Flags or insignia of any nation, state, city, religious, fraternal or civic organization which are not allowed to deteriorate or fall into ill repair.
 - 2. Merchandise and pictures or models placed in a window for display.
 - 3. Works of art which do not identify a product or service.
 - 4. Advertising used on athletic fields for sponsorships or in connection with storekeeping.
 - 5. Painting and maintenance of signs, provided this provision shall not be construed to limit the right of the Township to order such maintenance as may be required.
 - 6. Signs placed inside a structure except for window signs as defined above.
- D. Signs which are not specifically permitted, denied, regulated or exempted by this Ordinance shall be subject to classification by the Township Board of Supervisors and regulated accordingly. Interpretations as to the meaning of any provision of this section shall also be rendered by the Board of Supervisors.

411.4 General sign standards

- A. A vehicle which is not regularly and customarily used to transport persons or property for a business shall not be parked or used so as to convey a message in conjunction with any business or enterprise.
- B. Signs other than official traffic signs shall comply with side yard setbacks as established for principal structures in the District where the sign is located.
- C. No sign, except a public sign, visible from a public street, shall use the words "stop," "danger," or any other word, phrase, symbol or character which could be interpreted by a motorist as being a public safety warning or traffic sign.
- D. No light shall be permitted, in connection with a sign, that by reason of intensity, color, location, movement or directions of its beam may interfere with public safety or the enjoyment of neighboring residential premises. Moreover, except for time and transportation indicators, signs shall be illuminated only by a steady, stationary light source directed solely at the sign or integral to it.
- E. No sign or advertising material or merchandise displayed for such purpose shall be attached to any tree, pole, public structure or other object not intended for such use.

Milford Township Zoning Ordinance

- F. No sign attached to a building shall project out from the building facade more than twenty-four (24) inches.
- G. No sign shall exceed in height one-half its distance from the highway right-of-way, notwithstanding any other height limitation which may also be applicable.
- H. All non-conforming portable, flashing, or public safety-interfering signs and all signs advertising a non-existent business or product shall be removed within six (6) months. Any non-conforming sign connected with a change of business shall be immediately removed. Likewise any sign abandoned for sign purposes for more than forty-five (45) days shall be immediately removed and any sign damaged to the extent of one-third or more of the sign area, shall be immediately removed.
- I. No owner of any sign or lessee or owner of any land upon which the sign is located shall permit such sign to become unsightly or in disrepair so as to endanger the public or to become a public nuisance.
- J. In the event a sign is not repaired or removed within thirty (30) days after written notice has been given to the owner of the sign or lessee of the land upon which the sign is located, the Zoning Officer shall institute appropriate legal action to end the violation, abate the nuisance and assess the costs associated therewith to the violator.
- K. Temporary signs and event advertising banners shall be limited per property as provided on the Schedule of Sign Regulations, shall be placed no sooner than forty-five (45) days prior to the event and shall be removed within (15) days of completion of the event. The Board of Supervisors may also, by resolution, establish requirements for financial guarantees to ensure removal. Property owners may use temporary signs where permitted and in such numbers as permitted. Such signs shall be limited to advertising of on-premises activities, regularly replaced and continue at all times to be in good condition. Temporary signs shall not be used to replace a permanent sign, however, or continue to present a substantially similar message. See Section 411.6 for standards regarding political signs.
- L. Canopy and awning signs shall be permitted subject to maximum surface area and other requirements applicable to wall signs.
- M. Marquee signs shall be treated in the same manner as other free-standing or wall signs, as the case may be.

411.5 Preferred sign standards

Signs which meet the criteria below relative to the appropriateness and compatibility of design, shape, materials, colors, illumination, legibility, location and size shall be known as preferred signs and the Township Zoning Officer, after giving the Township Planning Commission and Board of Supervisors an opportunity to comment and make recommendations may approve, approve with conditions, or disapprove such signs using conditional use procedures.

- A. Signs should be a subordinate part of the landscape viewed from the road;
- B. Signs within a given area should exhibit visual continuity, complementing each other rather than competing for attention;
- C. Multiple signs should be combined into one to avoid clutter;
- D. Signs should be as close to the ground as possible and pole signs shall not be allowed;
- E. A sign's design should be consistent with the architectural character of the building on which it is placed and not cover any architectural features on the building. It should be sized and located in proportion to the building to preserve a human perspective.
- F. Sign materials and design should be compatible with the surrounding natural landscape and garish colors and materials should be avoided.

Milford Township Zoning Ordinance

- G. The sign should be located so as to not interfere in any way with the seventy-five (75) feet clear-sight triangles required for public safety by highway travelers or pedestrians.
- H. The sign must not be an overhead danger or obstacle to persons below.
- I. The size of the sign should be the minimum which will achieve ready visibility without becoming an unnecessary distraction from the highway view or detriment to the highway scenery.
- J. The sign should never block the view of any other signs or substantially interfere with the views to and from other enterprises or residences.
- K. The sign should be of good construction quality that is easy to maintain in safe condition and good appearance.
- L. Free-standing signs approved hereunder shall generally require landscaping around the base of the sign. The size of the landscape area shall be approved as part of the sign permit. Landscape plans shall be submitted and shall include the size, species, location and spacing of plant materials, method of separating the planter from the adjacent area and the irrigation plan for maintaining the landscape materials.
- O. Business and property owners submitting Conditional Use applications for principal uses shall provide Master Signage Plans for their properties. Master Signage Plans shall specify the location, dimensions, type, design and number of all signs to be erected on the property upon approval or in the future. Such plans shall be prepared by a landscape architect, architect, sign designer, engineer or other qualified professional and be adopted by the property owners. Owners shall agree that all signs to be constructed by them or any of their tenants or occupants, upon Conditional Use application approval or in the future, shall comply with the standards set forth in their Plans. A Master Signage Plan may also be submitted for multiple properties provided they are contiguous and may be required by the Township in those instances where multiple commercial uses are proposed on a single property. Signs included in Master Signage Plans shall be considered pre-approved and require no further permits.

411.6 Repealed

411.7 Billboards

One (1) billboard per property shall be permitted provided the sign faces Route 6 or Route 209 and is located no closer than one-thousand (1,000) feet to any other billboard or five-hundred (500) feet to any residence, place of worship, public school, or Township, Borough, County, State or Federal park or recreation area. Billboards shall not exceed three-hundred (300) sq. ft. or thirty (30) feet in height and shall be no closer than one-hundred (100) feet to any side nor more than seventy-five (75) foot setback from the front lot line.

411.8 Electronic Message Signs

Electronic Message Signs may be permitted by the Code Enforcement Officer following review of the permit application by the Township Board of Supervisors. Such signs shall comply with the following additional standards and shall not qualify as preferred signs hereunder:

- A. Electronic Message Signs shall be on-premise signs permitted in DD Development Districts only. Only one Electronic Message Sign shall be allowed on any single tract of land.
- B. Electronic Message Signs shall be contained within a frame made of solid material of a solid color extending out from the message screen a minimum of six (6) inches on all sides, but at no time shall the screen consist of more than seventy-five (75) percent of the total sign area.
- C. Electronic Message Signs shall not flash and motion shall be limited to the transition from one message to another.
- D. Electronic Message Signs shall be equipped with light sensors capable of measuring ambient light

Milford Township Zoning Ordinance

levels and dimming devices that shall lower the brightness of the sign based on the measured ambient light to minimize the brightness level required to make the sign visible. The dimming device shall minimize the illumination used to the lowest level necessary to make the sign conspicuous and visible during both daytime and night time hours. At no time shall the brightness level of any Electronic Message Sign constitute glare.

- E. Electronic Message Signs shall only display graphics for commercial, industrial, institutional, service or entertainment purposes, products, uses or services conducted, sold or offered upon the same premises or messages from the Township, County or local emergency management agencies for public safety or emergency purposes or a public service or congratulatory message.
- F. No Electronic Message Sign may be located within two-hundred (200) feet of any other Electronic Message Sign or within fifty (50) feet of any other illuminated sign within the property where the Electronic Message Sign is located.
- G. The screen for any Electronic Message Sign shall not exceed thirty (30) square feet in area (display area shall be limited to fifty [50] percent of this area) on any one side and not be excessively bright so as to distract driver views of other objects.
- H. Transitions for Electronic Message Signs shall take no longer than two (2) seconds to occur.
- I. All such signs shall include landscaping as provided herein.
- J. Electronic Message Signs shall only be permitted along roads controlled by PennDOT, and must comply with all applicable PennDOT regulations.
- K. Electronic Message Signs may not exceed fifteen (15) feet in height and shall be monument or freestanding signs.
- L. Electronic Message Signs shall be approved only through the consolidation of existing or otherwise legally permitted signs, with one existing or otherwise legally permitted sign being removed, replaced or substituted for each message display on the Electronic Message Sign.
- M. No electronic message sign shall be designed or operated in such fashion as to appear to be an official highway sign or light or cause confusion with respect to official signage or lighting.

Milford Township Zoning Ordinance

MILFORD TOWNSHIP SCHEDULE OF SIGN REGULATIONS					
	Prohibited Signs	Signs Allowed Without Permits	Signs Allowed with Standard Permits from Zoning Officer (see note below)	Maximum Sign Surface Area for All Signs Permitted	
				Freestanding	Wall Signs
LG - LOW GROWTH DISTRICT AND RD - RESIDENTIAL DISTRICTS	Roof signs Signs extending above the top or the end of exterior walls by any means including canopies Freestanding signs over 10 feet in height from grade level Portable signs other than sandwich board signs as permitted Signs extending over public rights-of-way except for permitted temporary signs Signs resembling traffic signals or official traffic signs Signs not related to a permitted use on the same property except for permitted directional signs Signs not specifically allowed or permitted in this district Flashing, oscillating and neon signs and signs with spotlights directed away from the sign Revolving or moving signs except for barber poles.	Two (2) non-illuminated real estate signs of twelve (12) sq. ft. per front lot line Trespassing signs of two (2) sq. ft. Traffic directional signs of two (2) sq. ft. Two (2) contractors' signs of twelve (12) sq. ft. per property Two (2) farm products or yard sale signs of twelve (12) sq. ft. One (1) portable sandwich board sign of twelve (12) sq. ft. per side (unless part of a Master Signage Plan per § 411.5.0 in which case more signs may be allowed)	One (1) home occupation sign of four (4) sq. ft. One (1) residential development sign of twenty (20) sq. ft. plus one (1) building number sign of one (1) sq. ft. One (1) freestanding sign and one (1) wall sign per property of twenty (20) square feet each identifying a business or institution Two (2) off-premises advertising signs of twenty (20) sq. ft. each Two temporary or event advertising signs of twenty-four (24) sq. ft. maximum (both sides combined) restricted to forty-five (45) days per event with a maximum of four (4) events per year Wall signs subject to maximum surface area requirement (see "Wall Signs" column). Free-standing signs permitted above are similarly limited (see "Freestanding" column).	One (1) sq. ft. per five (5) feet of lot frontage or fifty (50) sq. ft. total for both sides combined for all signs, whichever is less. Corner lots shall only use the longest border to determine signage allowed.	Ten percent (10%) of the building facade area or fifty (50) sq. ft., whichever is less
					Preferred Signs Preferred signs subjected to review and recommendation by the Planning Commission and reviewed under § 411.5 may be permitted by the Milford Township Zoning Officer without regard to limits on size or number provided the total surface area for all signs, other than those allowed without permits, does not exceed one-hundred (100) sq. ft. total, and such signs replace otherwise permitted signs and are not in addition to them.
DD - DEVELOPMENT DISTRICT	Roof signs Signs extending above the top or the end of exterior walls by any means including canopies Freestanding signs over 20 feet in height from grade level or more than twelve (12) feet above the grade level of the road crown Portable signs other than sandwich board signs as permitted Signs extending over public rights-of-way except for permitted temporary signs Signs resembling traffic signals or official traffic signs Signs not related to a permitted use on the same property except for permitted directional signs Signs not specifically allowed or permitted in this district Flashing and oscillating signs and signs with spotlights directed away from the sign Revolving or moving signs except for barber poles. Re-use or re-messaging of an existing, non-conforming sign by a new enterprise (not including simple changes in ownership where the name and specific nature of the business remain the same).	Two (2) non-illuminated real estate signs of twelve (12) sq. ft. per front lot line Trespassing signs of two (2) sq. ft. Traffic directional signs of two (2) sq. ft. Two (2) contractors' signs of twelve (12) sq. ft. per property Two (2) farm products or yard sale signs of twelve (12) sq. ft. One (1) portable sandwich board sign of twelve (12) sq. ft. per side (unless part of a Master Signage Plan per § 411.5.0 in which case more signs may be allowed) Incidental commercial signs of one (1) sq. ft. Replacement banners erected under Master Signage Plan	One (1) home occupation sign of four (4) sq. ft. One (1) residential development sign of twenty (20) sq. ft. plus one (1) building number sign of one (1) sq. ft. One (1) freestanding sign and one (1) wall sign per property of fifty (50) square feet each identifying a business or institution Wall signs subject to maximum surface area requirement (see "Wall Signs" column) Free-standing signs permitted herein are similarly limited (see "Freestanding" column). One commercial directory sign of twenty (20) sq. ft. per side plus individual business signs of ten (10) sq. ft. Not to exceed eight (8) feet high and replaces other freestanding signs but not wall signs. Two (2) off-premises advertising signs of fifty (50) sq. ft. each if the enterprise is not already listed as part of a commercial directory on Route 6 and/or Route 209, and provided the signs are limited to placement on Routes 6 and/or 209. Two temporary or event advertising signs of twenty-four (24) sq. ft. maximum (both sides combined) restricted to forty-five (45) days per event with a maximum of four (4) events per year Billboards (see § 411.7)	One (1) sq. ft. per two (2) feet of lot frontage or one-hundred (100) sq. ft. for both sides combined for all signs, whichever is less, and provided no individual sign face exceeds fifty (50) sq. ft. in sign area. Corner lots shall only use the longest border to determine signage allowed. These limits shall not apply to billboards.	Ten percent (10%) of the building facade area or fifty (50) sq. ft., whichever is less, provided that multiple business locations on a single property with a commercial directory shall be limited to twenty (20) sq. ft. each
					Preferred Signs Preferred signs subjected to review and recommendation by the Planning Commission and reviewed under § 411.5 may be permitted by the Milford Township Zoning Officer without regard to limits on size or number provided the total surface area for all signs, other than those allowed without permits, does not exceed two-hundred (200) sq. ft. total and such signs replace otherwise permitted signs and are not in addition to them. Neon or brightly painted strips or building borders which are used to highlight or extend a sign shall not be counted in the sign surface area but shall be subject to conditional use review.
NOTE: Signs allowed with standard permits from the Zoning Officer are permitted in substitution of preferred signs, not in addition to them. Likewise, either off-premises or on-premises signs are permitted, not both, on the same parcel.					

Milford Township Zoning Ordinance

412 Floodplain Development Standards

There is hereby created a Special Zoning District, the boundaries of which shall be congruent with those areas identified as Special Flood Hazard Areas (Zones A and AE) in the Flood Insurance Study and Flood Insurance Rate Maps as issued and/or amended by the Federal Insurance Administration, or its successor agencies, and currently dated October 6, 2000 for Milford Township (Community 422642).

413 Stables and Kennels

413.1 Stables, Private

Private stables are permitted in any District subject to the following conditions:

- A. A minimum parcel of two (2) acres shall be required for the residence and stable.
- B. No more than two (2) horses shall be kept except that one additional horse may be kept for each additional one-half (0.5) acre of land.
- C. One-hundred (100) square feet of stable building area shall be provided for each horse kept on the property where there is no existing natural or other shelter.
- D. No stable building shall be located within thirty-five (35) feet of any adjoining property line and all manure storage areas shall be a minimum of seventy (70) feet from any adjoining property line.
- E. All horses shall be restricted from grazing or intruding upon any adjoining property.

413.2 Reserved

413.3 Kennels

Kennels are considered a conditional use in any LG District subject to Section 608 and all applicable standards of this Ordinance and the following standards:

- A. A minimum parcel of three (3) acres shall be required.
- B. No structure used for the keeping of dogs shall be located closer than one-hundred twenty-five (125) feet to any property line or one hundred (100) feet to any public or private road.
- C. Parking shall be provided in accord with the requirements of Section 408 hereof.
- D. A noise barrier consisting of a solid fence not less than six (6) feet in height or a dense vegetative planting of not less than six (6) feet in height shall be provided at a distance not to exceed fifteen (15) feet and fully encircling all kennel areas not enclosed in a building.
- E. Dogs shall be restricted from using kennel areas not fully enclosed in a building from 8:00 p.m. to 8:00 a.m.

413.4 Keeping of Other Animals

The keeping of animals such as cows, steers, goats, sheep, swine, and other similar domesticated animals shall be permitted as an accessory use to a single-family residence in any district in accord with the following criteria:

- A. A minimum parcel of two (2) acres shall be required.
- B. The keeping of any such animal on a parcel of less than five (5) acres in any District except the CD District shall be considered a conditional use and the Township may, in addition to the setbacks required in this Section 413, require additional setbacks and/or buffers in accord with Section 608 of this Ordinance and guidelines as may be promulgated by the PennState Cooperative Extension Service.

Milford Township Zoning Ordinance

- C. All animals shall be restricted from grazing or intruding upon any adjoining property.
- D. No swine shall, in any case or manner, be kept less than two-hundred (200) feet from any adjoining property line and one-hundred fifty (150) feet from any public or private road.
- E. Nothing in the Milford Township Zoning Ordinance shall be construed to supersede Pennsylvania law regarding rights to farm.

413.5 Wild Animals

No person shall keep any wild or dangerous animal within the Township. A wild and dangerous animal is one that is not normally considered to be a domestic animal (a species normally needing people to provide it with food, shelter or other care) or is capable of inflicting severe bodily harm to humans due to its undomesticated nature, including but not limited to the following species:

A. Class mammalia.

1. African buffaloes, elephants, rhinoceroses, hippopotamuses and similar species
2. Canines such as wolves, coyotes, dingoes, foxes and jackals, except domesticated dogs
3. Hyenas, including all species except aardwolves
4. Badgers, wolverines and similar species
5. Bears and similar species
6. Lions, jaguars, leopards, tigers, cheetahs, leopards, cougars and other undomesticated felines.
7. Gibbons, orangutans, chimpanzees, gorillas, baboons, macaques and similar species

B. Class reptilia.

1. Gavials, crocodiles, alligators and similar species
2. Cobras, coral snakes, sea snakes,adders, vipers, pit vipers and all venomous rear-fanged species of snakes.
3. Constricting snakes over eight feet in length including boa constrictors, anacondas, pythons and similar species.
4. Gila monsters, beaded lizards and similar species.
5. Komodo dragons and similar species.

- C. Any other animal that by its size, vicious nature or other characteristic is dangerous to human beings or that that because of its odors, sounds or other characteristics is not compatible with residential living.

413.6 Nuisances

Nothing herein shall be construed to allow the continuance of any nuisance or threat to health, safety and welfare that might be created by keeping of animals regardless of conformity with these regulations. Such nuisances, as defined by the Second Class Township Code, are hereby prohibited and nothing herein shall limit the right of the Township under said Code to eliminate such nuisances or the right of adjoining property owners to pursue civil remedies.

Milford Township Zoning Ordinance

414 Lot Coverage in Development Districts

The intent of this Section 414 is to provide for the flexibility of design of drainage facilities serving non-residential uses in the DD District thereby allowing larger lot coverage percentages.

414.1 Conditional Use

Applications proposing an increase in lot coverage above that provided for the DD District in the Schedule of Development Standards shall be considered conditional uses subject to the standards in this Section 414, in addition to all other applicable standards. Based upon the particular site characteristics, the Township shall also attach any other reasonable conditions necessary to accomplish the stormwater and erosion control required by this Section 414.

414.2 Stormwater and Soil Erosion Control

The stormwater control plan and soil erosion control plan required by Section 407, Subsection 11 of this Ordinance shall be based on a storm frequency of twenty-five (25) years and the post-development, peak rate of stormwater discharge from the parcel being developed shall not exceed the pre-development, peak rate of stormwater discharge from the parcel being developed.

414.3 Methods of Control

Detailed site and soil characteristics, and design specifications of all proposed control facilities necessary for engineering review by the Township shall be submitted with the stormwater and soil erosion control plans.

Stormwater shall be controlled by on-site detention or infiltration methods designed to meet the particular characteristics of the subject site; and, shall be based on accepted and proven engineering design and practice including but not limited to the following:

- A. Detention basins. Detention basins may be utilized to meet a portion or all detention storage requirements. All design elements shall be provided as part of the application including floor and outlet specifications.
- B. Rooftop storage. Detention storage requirements may be met either in total or in part by detention on flat roofs. Design specifications of such detention shall be a part of the application. These specifications shall include the depth and volume of storage, design of outlet devices and down drains, elevations of overflow scuppers, design loadings for the roof structure, and emergency overflow provisions and all other necessary specifications. Rooftop storage shall not be permitted to drain directly into sanitary sewers or streets.
- C. Parking lot storage. Parking lots may be designed to provide temporary detention storage of stormwater on a portion of their surfaces not to exceed twenty-five (25) percent. Outlets shall be designed to empty the stored waters slowly, and depths of storage must be limited so as to prevent damage to parked vehicles. Storage areas shall be posted with warning signs and shall be designed to fill to maximum depth in not less than two (2) hours.
- D. Underground storage. All or a portion of the detention storage may also be provided in underground detention facilities and all design specifications shall be included with the application.
- E. Pervious parking surfaces. The use of parking areas with surface materials that are pervious to stormwater, such as concrete lattice blocks, is encouraged. The accepted porosity coefficient of said material shall be used in the calculation of the post-development, peak rate of stormwater discharged pursuant to Section 414.2 above.
- F. Retention basins. Basins designed to retain stormwater on the project parcel and provide for infiltration following the storm event may be considered as an infiltration method to the extent of the percentage of the design storm which is retained in said basin and ultimately infiltrates on site.
- G. Seepage pits and seepage trenches. All design elements shall be provided regarding the

Milford Township Zoning Ordinance

assimilative capacity of the infiltration structure (which is the sum of storage plus infiltration in cubic feet); the porosity of the gravel or rock to be used; and the infiltration rate of the soil.

- H. Cisterns and other storage facilities. These structures may be used in conjunction with detention and infiltration facilities and all design specifications shall be provided. All such facilities shall be designed to divert overflows to appropriate areas of discharge.

414.4 Permitted Lot Coverage

Lot coverage for non-residential projects in DD Districts that comply with this Section 414 may be increased as follows, provided the accompanying minimum yards are maintained along all property lines:

<u>Lot Area</u>	<u>Permitted Lot Coverage</u>	<u>Minimum Yards</u>
0-5 acres	65%	30 feet
5-10 acres	65%	40 feet
10-20 acres	65%	75 feet
20-50 acres	65%	100 feet
50+ acres	50%	150 feet

The Township Board of Supervisors may reduce the front yard to maintain continuity of building lines with existing structures, provided a minimum of thirty (30) feet is maintained. See, also, Section 417.13. The lot coverage set forth above may be increased to 75% upon good cause shown to the Board of Supervisors and the Supervisors' approval after a public hearing.

415 Communication Structures.

415.1 Special Definitions.

Antenna - A device of forty-five (45) or more feet in height used to collect or transmit telecommunications or radio signals. Examples are: panels, microwave dishes, and single pole known as whips. This definition is not meant to include home television or amateur radio apparatus.

Telecommunications Facility - Consists of the equipment and structures involved in receiving or transmitting telecommunication or radio signals, but limited to those facilities with respect to which the State and Federal governments have not, under public utility laws, strictly pre-empted the Township from regulating.

Telecommunications Equipment Building - The building in which the electronic receiving and relay equipment for a telecommunications facility is housed.

Tower - A structure that is intended to support equipment used to transmit and/or receive telecommunications signals. Examples of such structures includes monopoles and lattice construction steel structures.

415.2 Design and location standards. The following design and location standards shall apply to all telecommunications facilities:

- A. The location of the tower and equipment building shall comply with all natural resource protection standards of this ordinance.
- B. An evergreen screen consisting of a row of evergreen trees planted ten (10) feet on center maximum, shall be located around the perimeter of the security fence. The Township may, however, modify or waive screening requirements if the site is entirely or partially wooded so as to provide existing screening.
- C. An eight (8) foot high security fence shall completely surround the tower (and guy wires if used) and equipment building.
- D. The tower and antenna shall be designed and constructed to all applicable standards of the American National Standards Institute, TAI/EIA-222-F manual, as amended, and withstand wind gusts of up to

Milford Township Zoning Ordinance

100 miles per hour.

- E. A soil report prepared by a Professional Engineer shall be submitted to the Township to support the design specifications of the foundation for the tower, and anchors for the guy wires, if used.
 - F. An antenna may not be located on a building or structure that is listed on a historic register or within five-hundred (500) feet of such a structure.
 - G. Telecommunications facilities shall be permitted as a sole use on any lot in a LG Low Growth or DD Development District subject to Conditional Use procedures and the following:
 - 1. Minimum lot size. Five (5) acres
 - 2. Minimum yard setback requirements. Tower height plus twenty-five (25) feet
 - 3. Maximum height. Tower - Two-hundred-fifty (250) feet
Equipment building - Thirty (30) feet
 - H. A telecommunications facility shall be permitted on a property with an existing use subject to the following conditions:
 - 1. The telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
 - 2. Minimum lot area. The five (5) acre minimum lot area required above shall apply to the area designated for tower use and land remaining for accommodation of the principal use on the lot shall also comply with the minimum lot area for the district.
 - 3. Minimum setbacks. The two-hundred (200) feet minimum yard required above shall apply to the area designated for tower use and the land remaining for accommodation of the principal use on the lot shall also comply with the minimum yards for the district.
 - 4. Access. The vehicular access to the equipment building shall, whenever feasible, be provided along the circulation driveways of the existing use.
 - 5. Maximum height: Tower - Two-hundred (200) feet
Equipment building - Thirty (30) feet
 - I. Where an antenna for a telecommunications facility is to be attached to an existing structure or building it shall be subject to the following conditions:
 - 1. Maximum height. Fifty (50) feet above the existing building or structure.
 - 2. If the applicant proposes to locate the telecommunications equipment in a separate building, the building shall comply with the minimum setback requirements for the subject zoning district, an eight (8) foot high security fence shall surround the building, a buffer yard shall be planted as required above and vehicular access to the building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 - 3. Elevations of existing and proposed structures showing width, depth, and height, use statistical data on the antenna and support structure shall be presented.
 - 4. The antenna shall be camouflaged or otherwise designed to be aesthetically compatible with the existing architectural and natural environment.
 - J. Reserved.
- 415.3 Plan Review Criteria. Communications facilities shall be subject to all the ordinary review criteria applicable to Conditional Uses, the Land Development procedures and standards under the Township's Subdivision and Land Development Ordinance plus the following:

Milford Township Zoning Ordinance

- A. The applicant shall demonstrate that the tower for the communications facility is the minimum height necessary for the service area and that the site chosen is the one which will afford the opportunity to construct the lowest height communications tower possible, taking into consideration all lands available within a reasonable distance including those which may lie within adjoining municipalities.
- B. The applicant shall present documentation that the tower is designed in accordance with the standards of this Ordinance for communications towers.
- C. The applicant shall demonstrate that the proposed tower adequately addresses all aspects of aviation safety in view of known local aviation traffic as well as FAA requirements.
- D. The need for additional buffer yard treatment shall be evaluated. Proximity of the communications structure to existing or platted residential properties shall be considered in applying such requirements. Existing trees on the site which serve to provide a natural buffer shall be preserved unless absolutely required to be removed for purposes of access or safety.
- E. The applicant shall provide visual depictions or studies to indicate how the communications facility will appear once constructed in relation to the surrounding natural environment and from the perspective of adjacent or nearby residents as well as travelers.
- F. Where the telecommunication facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement for the proposed facility and that vehicular access is provided to the facility.
- G. Free-standing pole-type communications structures shall be given preference over towers supported by guy wires.
- H. All communications structures shall be lighted for safety, if required, in a manner consistent with industry best practices and additional setbacks may be imposed to shield adjacent properties from the effects of such lighting.
- I. All property owners and adjacent municipalities within one-thousand (1,000) feet of the outside perimeter of the communications structure, including guy wires, shall be notified by certified mail at least three (3) weeks prior to the Planning Commission making a recommendation on an application for Conditional Use approval for such a structure. Wherever a proposed tower will be visible to homeowners, however, this distance shall be increased to fifteen (1,500) feet. This responsibility shall be the applicant's and such applicant shall provide proof of notification as part of their final application.
- J. Should any tower cease to be used as a communications facility, the owner or operator or then owner of the land on which the tower is located, shall be required to remove the same within one (1) year from the abandonment of use. Failure to do so shall authorize the Township to remove the facility and charge back the cost of removal to the foregoing parties. The Township may also file a municipal lien against the land to recover the costs of removal and attorney's fees.
- K. An applicant for approval of a communications structure shall include with the application evidence of written contact with all wireless service providers who supply service within the Township for the purpose of assessing the feasibility of co-located facilities and co-location shall be mandatory wherever physically feasible. Should co-location not be feasible, the applicant shall demonstrate that a good faith effort has been made to mount the antenna on an existing building or structure, including proof of contacts, building investigations and similar evidence. Should such efforts fail to result in a suitable site, a new communications tower may be permitted, but shall be constructed to provide available capacity for other providers should there be a future additional need for such facilities, including provision of the necessary tower height to accommodate such other users without adding additional height in the future. Where co-location is proposed, the different companies using the facility shall also work from common maintenance and service buildings, if the same are located on the site.
- L. The Township may, to reduce the impacts of the tower intrusion on a residential landscape, require either greater setbacks and/or lower tower height in cases where proposed towers would be located

Milford Township Zoning Ordinance

adjacent to Residential Districts.

- M. The Township may require an applicant to provide accessibility to its facilities for emergency purposes by community organizations responsible for emergency communications.
- N. The Township may consider any other factor relative to public health, safety and welfare in reviewing an application and may impose conditions with respect to screening, noise generation, traffic, lighting or any other criteria contained herein as they apply to conditional uses or generally.

416 Independent Retirement or Nursing Homes

416.1 Definition

Independent Retirement or Nursing Home - Any premises containing sleeping rooms, with or without kitchens, or living units used by persons who are lodged and furnished with optional meals, health care or other supportive services connected with the activities of daily living; including nursing homes, assisted and independent living projects, rest homes, adult boarding homes and other similar uses primarily intended for the elderly or infirm; and not including group homes, hospitals, clinics or alcohol and drug rehabilitation facilities.

416.2 Special Standards

Independent Retirement and Nursing Homes shall be permitted in LG and DD districts. The minimum size parcel required for the development of these land uses shall be two (2) acres or three-thousand (3,000) square feet for each residential accommodation or living unit within the establishment, whichever is greater. However, elevator-served projects restricted to occupancy by persons of fifty-five (55) years or more in age and less than 80% of the median household income of the County shall only be required to provide two-thousand (2,000) square feet of land area per unit. Site plans for such projects shall be submitted to the Township for review, pursuant to the Township Subdivision and Land Development Ordinance and prior to issuance of building permits, for purposes of ensuring the project provides adequate landscaping, storm drainage, sewer and water facilities, parking and buffering of adjoining properties. Such projects shall also meet the following development standards:

Minimum Lot Width	200 feet
Minimum Front Yard	50 feet
Minimum Rear Yard	50 feet
Minimum Side Yard	30 feet
Maximum Building Height	40 feet
Maximum Lot Coverage	LG District - 65% DD District - 75%
Maximum Building Coverage	LG District - 50% DD District - 65%
Parking Spaces Required	1 space per unit

417 Commercial/Industrial Site Design Guidelines

The Township Planning Commission and Board of Supervisors, in reviewing the site plan for any proposed commercial or industrial conditional use application, shall consider its conformity to the Milford Township Comprehensive Plan and the various other plans, regulations and ordinances of the Township. Conservation features, aesthetics, landscaping and impact on surrounding development as well as on the entire Township shall be part of the review. Traffic flow, circulation and parking shall be reviewed to ensure the safety of the public and of the users of the facility and to ensure that there is no unreasonable interference with traffic on surrounding streets. The Board of Supervisors shall further consider the following specific factors:

- 417.1 Building design and location. Building design and location should be suitable for the use intended and compatible with natural and man-made surroundings. New buildings, for example, should generally be placed along the edges and not in the middle of open fields. They should also be sited so as to not protrude above treetops or the crestlines of hills seen from public places and busy highways. Building color, materials and design should be adapted to surroundings as opposed to adaptation of the site to the building or the building to an arbitrary national franchise concept.

Milford Township Zoning Ordinance

417.2 [Repealed]

417.3 Large commercial buildings. Commercial facades of more than one-hundred (100) feet in length should incorporate recesses and projections, such as windows, awnings and arcades, along 20% of the facade length. Variations in roof lines should be added to reduce the massive scale of these structures and add interest. All facades of such a building that are visible from adjoining streets or properties should exhibit features comparable in character to the front so as to better integrate with the community. Where such facades face adjacent residential uses, earthen berms planted with evergreen trees should be provided. Loading docks and accessory facilities should be incorporated in the building design and screened with materials comparable in quality to the principal structure. Sidewalks should be provided along the full length of any facade with a customer entrance and integrated into a system of internal landscape defined pedestrian walkways breaking up all parking areas.

417.4 Lighting and signage. Improvements made to the property should not detract from the character of the neighborhood by producing excessive lighting or unnecessary sign proliferation. Recessed lighting and landscaped ground signs are preferred.

417.5 Parking and accessory buildings. Parking areas should be placed in the rear whenever possible and provide for connections with adjoining lots. Accessory buildings should also be located in the rear with access from rear alleys. If placement in the rear is not possible, parking lots should be located to the side with screening from the street.

417.6 Drainage systems. Storm drainage, flooding and erosion and sedimentation controls should be employed to prevent injury to persons, water damage to property and siltation to streams and other water bodies.

417.7 Landscape preservation. Trees, shrubs and other landscaping should be used to buffer or soften a use in terms of visual or other impacts on adjoining property owners. Impacts on other Township residents and visitors, on whom the local economy often depends, should also be considered. Existing landscape features such as stone walls, hedgerows, tree borders and individual large trees should be retained for this purpose and removal should be limited to the area of building or driveway construction unless additional sight-distance is required.

417.8 Driveway and road construction. Whenever feasible, existing roads onto or across properties should be retained and reused instead of building new, so as to maximize the use of present features such as stone walls and tree borders and avoid unnecessary destruction of landscape and tree canopy. Developers building new driveways or roads through wooded areas should reduce removal of tree canopy by restricting clearing and pavement width to the minimum required for safely accommodating anticipated traffic flows.

417.9 Construction on slopes. The crossing of steep slopes with roads and driveways should be minimized and building which does take place on slopes should be multi-storied with entrances at different levels as opposed to regrading the site flat.

417.10 Tree borders. New driveways onto principal thoroughfares should be minimized for both traffic safety and aesthetic purposes and interior access drives that preserve tree borders along highways should be used as an alternative. Developers who preserve tree borders should be permitted to recover density on the interior of their property through use of clustering.

417.11 Development at intersections. Building sites at prominent intersections of new developments should be reserved for equally prominent buildings or features which will appropriately terminate the street vistas. All street corners should be defined with buildings, trees or sidewalks.

417.12 Streets and sidewalks. Roads and drives that connect to existing streets on both ends are generally preferable to cul-de-sac and dead-end streets and shall ordinarily be used unless traffic safety issues will be mitigated by the use of a cul-de-sac or dead-end street. Streets within more densely developed residential areas (two or more units per acre) should be accompanied by on-street parking and a sidewalk on at least one side of the street. Sidewalks should also be provided in connection with new commercial development adjacent to residential areas and pedestrian access should be encouraged.

417.13 Setbacks. New buildings on a street should conform to the dominant setback line and be aligned parallel to

Milford Township Zoning Ordinance

the street so as to create a defined edge to the public space. Where commercial or industrial uses of substantial size (not a Minor Impact Use) adjoin residential properties or districts, the Township may require greater setbacks and landscaped buffered areas than otherwise required herein for purposes of transitioning from one use to the other and protecting the integrity of residential uses.

- 417.14 **Utilities.** The impact of the proposed use on the capacities of existing sewer and water utilities shall be thoroughly evaluated in terms of both quality and quantity. Where the impact of the proposed new use would substantially consume existing capacities and leave inadequate reserve capacity to deal with seasonal or other needs or pose a threat to the health and safety of any existing water supply, the Township may require the applicant to mitigate the impacts by providing supplementary capacities or taking alternative measures to provide for these needs. The Township may also require the applicant to post performance guarantees in the manner provided in the Township Subdivision and Land Development Ordinance to ensure that the proper protection mechanisms are in place and will be maintained in the future. Where mitigation is not possible the use shall be denied.

418 Housekeeping Cottages and Lodging Facilities

Housekeeping cottages and lodging facilities, where permitted, shall not be occupied for more than eleven (11) months per calendar year by any one household, individual or party, excepting that units may be reserved or rented for longer periods for use by a succession of unrelated households, individuals or parties who each occupy the unit for less than eleven (11) months.

419 Standards for Bed & Breakfast Establishments

All Bed & Breakfast Establishments shall be subject to the following minimum standards:

- 419.1 The Applicant(s) shall provide adequate off-street parking for the use. Adequacy shall be measured as follows: one space for each room capable of being rented; one space for each non-resident employee; and two spaces for the property owner(s).
- 419.2 There shall be an adequate and approved sewage disposal system for the Bed & Breakfast use in accordance with Pennsylvania Department of Environmental Protection Regulations and Milford Township Ordinances. The sewage system shall be inspected and approved by the Milford Township Sewage Enforcement Officer.
- 419.3 No Bed & Breakfast Establishment may rent more than five (5) rooms.
- 419.4 The owner or manager of the Bed & Breakfast Establishment must reside on the premises and all occupants other than the owner or manager must be transient and nonpermanent in nature.
- 419.5. No more than two (2) nonresident employees shall be permitted upon the premises.
- 419.6 Any proposal for Bed & Breakfast shall prior to an application provide to the Township that there are no restrictions upon the property or premises which would prohibit the operation as a Bed & Breakfast Establishment.
- 419.7 The Board of Supervisors may establish additional reasonable conditions after a Conditional Use Hearing.

420 Adult Stores

Adult stores shall be considered conditional uses in the DD District and shall only be permitted in accord with the following standards and all other applicable standards in this Ordinance. The intent of this section is to minimize the adverse, secondary impacts of such establishments on the community.

- 420.1 **Parcel Size.** A minimum parcel size of four (4) acres shall be required.
- 420.2 **Buffer Area.** No structure housing an adult store or any sign identifying same, shall be located less than one thousand (1000) feet from any residential, public or semi-public property, building or use; or less than five hundred (500) feet from any property line or public road right-of-way.
- 420.3 **Advertising.** No exterior display or interior display which is visible from the exterior of the store, or any other advertising material, except an approved sign shall be permitted.

Milford Township Zoning Ordinance

421 Natural Resources Uses

421.1 Vibrations. Machines or operations which cause vibrations shall be permitted, but in no case shall any such vibrations be perceptible along any adjoining or adjacent property in different ownership or public right-of-way.

421.2 Emissions. The emissions of dust, smoke, refuse matter, odor, gas, fumes, noise or similar substances or conditions which can cause any soiling, staining, irritation, or damage to persons or property at any point beyond the property line of the use creating the emission are hereby prohibited.

421.3 Fencing. The applicant shall submit to the Township for approval by the Board of Supervisors a fencing plan which shall provide for the protection of the public health safety and general welfare by restricting public access from areas of steep slopes, ponds, and/or other hazards. The Township shall determine the type and extent of fencing required as part of the conditional use process. However, in no case shall any fence be less than six (6) feet in height and all required fencing shall be of such design to restrict access. In all cases, fencing shall be required wherever the natural resource use abuts a public road right-of-way.

421.4 Setbacks/Buffer. The setbacks and buffers in this Section shall be considered the minimum requirements. The Township shall require larger setbacks, buffers or fencing in cases where the size of the operation, the topography, vegetation, or other physical features of the site, uses on adjoining properties or other public concerns dictate same.

A. Property Lines - No part, except the required fence, of any natural resource use operation shall be less than one-hundred fifty (150) feet from any adjoining property line.

B. Street - No part, except the required fence, of any natural resource use operation shall be less than one-hundred (100) feet from the right-of-way line of a public street or highway. Where both sides of the right-of-way are within a natural resource use operation in single ownership, the required street setback may be reduced to fifty (50) feet on each side of the right-of-way. However, in no case shall an open excavation be closer than one-hundred (100) feet to any public road right-of-way.

421.5 General Provisions

A. In no case shall any use impede the flow of natural watercourses.

B. All uses of land or processes which pollute natural watercourses shall be prohibited.

422 Buffer For Waterbodies

422.1 Plans

All waterbodies and streams shall be accurately shown on any plan submitted with any application for zoning approval.

422.2 Waterbodies

For the purposes of protecting water quality a buffer zone/building setback of not less than fifty (50) feet shall be maintained from the high water mark of any body of water or from the normal high water mark on each side of any stream. No buildings, structures (except uncovered docks), roads, parking areas, sewage disposal systems or other earth disturbances or impervious surfaces shall be constructed or placed within this buffer zone, except for approved stream crossings and accessory structures less than one-hundred forty-four (144) square feet in area. In residential subdivisions this strip shall be protected via a protective easement. Additional setbacks and buffers may be required by the Township as deemed necessary by the Township to meet the intent of this Ordinance and to otherwise protect the public health safety and welfare. In cases where Township Flood Plain Regulations require larger buffers, such regulations shall control.

423 Wind Energy Facilities

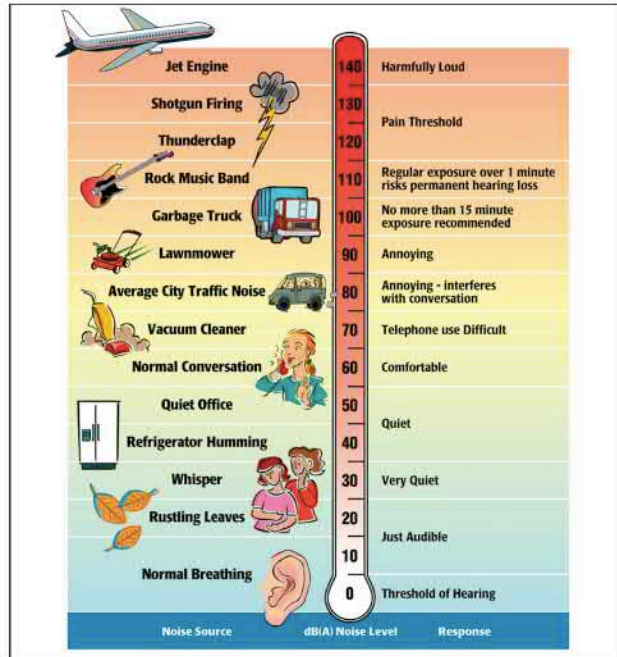
Milford Township Zoning Ordinance

- 423.1 The following standards shall apply to wind energy facilities, which shall be permitted in any LG Low Growth or DD Development District as a Conditional Use. Small wind turbines shall be permitted in all districts.
- A. All power transmission lines from the tower to any building or other structure shall be located underground to the maximum extent practicable.
 - B. No television, radio or other communication antennas may be affixed or otherwise made part of any wind turbine, except with approval by the Township Board of Supervisors. Applications may be jointly submitted for wind turbine and telecommunications facilities.
 - C. No advertising signs are allowed on any part of the wind energy facility, including fencing and support structures.
 - D. No tower shall be lit except to comply with Federal Aviation Administration (FAA) requirements. Minimum security lighting for ground level facilities shall be allowed as approved on the wind energy facility development plan.
 - E. All applicants shall use measures to reduce the visual impact of wind turbines to the extent possible. Wind turbines shall use tubular towers without guy wires. All structures in a project shall be finished in a single, non-reflective matte finished color or a camouflage scheme. Wind turbines within a multiple wind turbine project shall be generally uniform in size geometry, and rotational speeds. No lettering, company insignia, advertising, or graphics shall be on any part of the tower, hub, or blades.
 - F. No wind turbine shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antenna for radio, television, or wireless phone or other communication systems would produce electromagnetic interference with signal transmission or reception. If it is determined a wind turbine is causing electromagnetic interference, the operator shall take necessary corrective action to eliminate this interference including relocation or removal of the facilities, or resolution of issues with the affected parties. Failure to remedy electromagnetic interference is grounds for revocation of the Wind Energy Facility Permit for the specific wind turbine or wind turbines causing the interference.
 - G. No shadow flicker shall be permitted to extend beyond the property line.
 - H. Wind energy facilities shall be gated or fenced to prevent unrestricted public access to the facilities and reduce any attractive nuisance aspects of the use.

Milford Township Zoning Ordinance

- I. The statistical sound pressure level generated by a wind turbine shall not exceed L10 - 30 dBA (equivalent to a whisper - see table) measured at the property line and nearest residence. Sites can include more than one piece of property and the requirement shall apply to the combined properties. Independent verification by an acoustical engineer certified with the Institute of Noise Control Engineering shall be provided before and after construction demonstrating compliance with this requirement.

Should the ambient noise level (exclusive of the development in question) exceed this standard, the applicable standard shall ambient dBA plus 5 dBA to a maximum of L10 - 50 dBA. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than six (6) minutes per hour. Ambient noise levels shall be measured at the property line and nearest residence. Ambient noise level measurements shall be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operation.



SOURCE: Melville C. Branch and R. Dale Bellard, *Outdoor Noise in the Metropolitan Environment*, 1970. Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety* (EPA/600/R-74-004), March 1974.

An applicant may, with approval of the Board of Supervisors, meet noise and setback standards by obtaining written consents from affected property owners stating they are aware of the wind energy facility and the noise and/or setback limitations imposed by this law, and that consent is granted to allow noise levels to exceed the maximum limits provided herein or reduce setbacks to less than required. Such consents shall be in the form required for easements and be recorded in the County Recorder of Deeds Office describing the benefited and burdened properties. No such easement shall permit noise levels at any other location within or outside the areas prescribed to exceed the limitations of this law.

- J. No climbing pegs or tower ladders shall be located closer than 15 feet to the ground level at the base of the structure for freestanding single pole or guyed towers.
- K. The minimum distance between the ground and any part of the rotor or blade system shall be 30 feet.
- L. Wind turbines shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked at all times.
- M. The applicant is responsible for remediation of damaged roads upon completion of the installation or maintenance of a wind turbine. A public improvement bond may be required prior to the issuance of any building permit in an amount, determined by the Township Board of Supervisors, sufficient to compensate the Township for any damage to Township roads if any of these roads will be among the designated traffic routes.
- N. Each wind turbine shall be set back a distance of 500 feet from any property line. No wind turbine shall be located within its own total height of a site boundary line. The maximum height from the ground to the tip of the extended wind blade shall not exceed 200 feet,
- O. Warning signs shall be posted at the entrances to the wind energy facility and at base of each tower warning of electrical shock or high voltage and containing emergency contact information.
- P. The Township Board of Supervisors shall require a financial guarantee to ensure the removal of all

Milford Township Zoning Ordinance

wind energy facilities other than small wind turbines within two (2) years of any discontinuance of use.

Q. The Township Board of Supervisors may approve, approve with conditions, or disapprove small wind turbine applications designed for residential, farm, institutional and business use on the same parcel. Such applications shall be processed in the same manner as those prescribed above for all wind energy facilities, but standards may be appropriately modified by the Board of Supervisors to reflect the scale of the proposed facility. All small wind turbines shall comply with the following standards and, to the maximum extent practicable, with all other requirements of this ordinance not in conflict herewith:

1. A system shall be located on a lot a minimum of one acre in size; however, this requirement can be met by multiple owners submitting a joint application.
2. Only one small wind turbine per legal lot shall be allowed, unless there are multiple applicants, in which case their joint lots shall be treated as one site for purposes of this law.
3. Small wind turbine shall be used primarily to reduce the on-site consumption of electricity.
4. Total heights (measured as provided in §§N above) shall be a maximum of 100 feet on parcels between one and five acres and 150 feet or less on parcels of five or more acres.
5. The maximum turbine power output is limited to 100 kW.
6. Tower-climbing apparatus shall be located no closer than 15 feet from the ground, a locked anti-climb device shall be installed on the tower or a locked, protective fence of at least six feet in height that encloses the tower shall be installed to restrict tower access.
7. All small wind turbines shall be setback a distance no less than their height plus twenty-five (25) feet from any lot line or seventy-five (75) feet, whichever is greater and sited to minimize visual impacts on adjoining properties.

424 Flea Markets, Produce Stands, Tent Sales and Yard Sales

424.1 Yard Sales

A. Individual private family yard sales are a permitted use in all zoning districts and shall be subject to the following specific regulations and requirements:

1. Each individual property location may have a maximum of three (3) yard sales during any one (1) calendar year. Each sale shall last a maximum of three (3) consecutive days.
2. All items shall be placed and offered for sale within the confines of the property described in the permit.
3. Yard sales are meant to allow individuals to offer for sale accumulated normal household items or arts and crafts; and the buying and selling of commercial or surplus material shall be considered a commercial operation and shall be prohibited.

B. Multi-family yard sales shall be permitted in all districts subject to the following standards:

1. No residential property shall be the site of more than one (1) multi-family yard sale during any one (1) calendar year. Each sale shall be limited to a maximum of three (3) consecutive days and other wise comply with the requirements of sub-section A above.
2. A multi-family yard sale shall require a permit from the Township, the application for which shall be made at least fourteen (14) days in advance of the proposed sale. The application shall identify the participating households and include a sketch plan indicating the location of the proposed sales area, any proposed signs and off-street parking.

Milford Township Zoning Ordinance

3. Off-street parking in the amount of one space per participating household shall be provided for any multi-family yard sale, provided such parking may consist of designated grass parking areas as well as driveway and garage space. The Township Code Enforcement Officer may require modifications of such sketch plan to address traffic safety and parking issues.
4. Households participating in multi-family yard sales shall be limited to a maximum of two (2) other individual yard sales per calendar year as provided above.

424.2 Flea Markets and Tent Sales

Property owners within LG and DD Districts may conduct flea markets and tent sales from lots on which is located at permanent place of business provided no more than three (3) such sales shall be conducted per calendar year and each sale is limited to ten (10) days in length. A permanent place of business is hereby defined as one from which a business operates throughout the year from inside an enclosed structure. A flea market is hereby defined for these purposes as an occasional or periodic market held in an open area or structure where individual sellers or groups of sellers offer goods for sale to the public on a commercial basis. The enterprise shall not be conducted within required yards, on public rights-of-way or without otherwise complying with the requirements of this Ordinance pertaining to parking, lighting or signage. Permits shall be required for this purpose and shall be issued by the Zoning Officer.

424.3 Food and Produce Stands

Temporary food and produce stands used to sell garden or farm produce (not including flower tents or similar enterprises) or dispense other food items shall be permitted within LG and DD Districts provided these activities only take place between April 1 and October 31 and are limited to 200 square feet or less in display area. No permanent structures shall be permitted in connection with such uses. The enterprise shall also not be conducted within required yards, on public rights-of-way or without otherwise complying with the requirements of this Ordinance pertaining to parking, lighting or signage. Permits shall be required for this purpose and shall be issued by the Zoning Officer.

425 Christmas Tree, Flower, Decoration, Fireworks and Other Temporary or Seasonal Sales

Christmas tree, flower, decoration, fireworks and other temporary or seasonal sales not otherwise connected with an existing or proposed new year-round business taking place inside an enclosed permanent structure shall require a permit from the Township Zoning Officer and co-application by the property owner. No sales shall be permitted within required yard areas or within the right of way of the highway. Such sales shall be limited to one event for a total of 30 days per year on any one property and be subject to normally applicable requirements pertaining to signage, parking, access and other safety aspects of the operation. All sales, except for Christmas trees, shall take place inside a permanent structure. A financial deposit of no less than \$200 shall be required to ensure removal of all signs upon completion of sales. A valid sales tax license shall be prominently displayed and a copy filed with the application for such sales. The Township may deny applications by applicants who previously failed to comply with Township or permit requirements. No fireworks sales shall be located within two-hundred feet of any residence, day care center, church, school or similar place of public assembly.

426 Reserved

427 Reserved

428 Outdoor Recreation and Facilities

All outdoor recreation areas and facilities including golf courses, miniature golf courses, golf driving ranges, public pools, public tennis courts, outdoor shooting ranges, outdoor archery ranges and other similar outdoor recreational facilities and uses are considered conditional uses in certain districts and, in addition to all other applicable standards, shall be subject to the following specific regulations and requirements:

428.1 Golf Courses

- A. All golf courses shall be kept in a neat and well maintained condition.

Milford Township Zoning Ordinance

- B. Ownership and maintenance responsibilities shall be outlined and stated on the plan and a guarantee and certification of such maintenance responsibilities shall be submitted with the zoning permit application.
- C. A fifty (50) foot buffer strip shall be required along all property lines.
- D. All walkways and paths shall have at least an all weather surface.
- F. Existing trees and vegetation shall be preserved whenever possible.
- G. Buffering may be required to protect adjacent uses from stray balls.

428.2 Miniature Golf Courses

- A. No commercial miniature golf course shall be situated within one-hundred (100) feet of any property line abutting an existing residence or within one-hundred (100) feet of any RD District.
- B. Fencing shall be provided to protect adjacent uses from stray balls.

428.3 Golf Driving Ranges

- A. No golf driving range shall be situated within two-hundred (200) feet of any property line or within one-hundred (100) feet of any road or street right-of-way line.
- B. Fencing shall be provided to protect adjacent uses from stray balls.

428.4 Swimming Pools (Public)

- A. Security fencing of such design to restrict access, at least six (6) feet in height shall be provided along all boundaries of the swimming pool area.
- B. No public swimming pool shall be situated within one-hundred (100) feet of any property line or road or street right-of-way line. When a public swimming pool is abutted on a side or rear property line by an existing residence within one-hundred (100) feet of the property line or by a RD or LG District buffers may be required in accord with Section 407.

428.5 Outdoor Shooting Ranges

Commercial and public outdoor shooting ranges shall be considered conditional uses in the LG District only and all applicable standards and the following standards shall apply.

- A. All outdoor shooting ranges shall be situated a minimum of three-hundred (300) feet from any property line or public road right-of-way.
- B. All outdoor shooting ranges shall be designed and constructed with sufficient safety facilities to prevent wild or ricocheting bullets.
- C. Safety devices such as fencing, signs, or other security measures shall be placed around the perimeter of the range to prevent accidental intrusion into the shooting area.
- D. All shooting shall be confined to the hours of 8:00 a.m. and 7:00 p.m. , but in no case after sunset.

428.6 Outdoor Archery Ranges

Commercial and public outdoor archery ranges shall be considered conditional uses in the LG District only and all applicable standards and the following standards shall apply.

- A. All archery ranges shall be situated a minimum of fifty (50) feet from all property lines and public

Milford Township Zoning Ordinance

roads rights-of-way.

- B. All archery ranges shall be designed and constructed to protect the public from wild or stray arrows.
- C. Safety devices such as fencing, signs, or other security measures shall be placed around the perimeter of the range to prevent accidental intrusion into the archery area.

429 Reserved

430 Earth Disturbance and Clearcutting Permit

430.1 Intent

The intent of this Section is to regulate earth disturbance activities in order to assure compliance with Section 421, Buffers For Waterbodies and Wetlands, of this Ordinance, and to protect soil resources and water quality.

430.2 Permit

- A. Except in cases where zoning or subdivision and land development approval has been otherwise granted, any activity that will result in the initial or cumulative earth disturbance or clear cut timber harvest of more than one-half acre of land area for purposes of land development shall require a zoning permit and/or other applicable approvals for such land development prior to any earth disturbance or clear-cutting. This provision, however, shall not be construed to limit the rights of any landowner to clear land for purposes of continued lawn use, farm, forestry or wildlife management over an extended period of time where no other land development is proposed.

- B. Reserved.

430.3 Plan

The Applicant shall include with the application for a zoning permit a plan setting forth the details of the earth disturbance or clearcutting activity in accord with Section 602.2 of this Ordinance; and including any additional information deemed necessary by the Township.

430.4 Soil Erosion and Sedimentation and Stormwater Control

Any earth disturbance or clearcutting activity shall comply with Section 407.14 of this Ordinance and no earth disturbance or clearcutting shall be permitted within fifty (50) feet of any waterbody or stream.

430.5 Revegetation/Reforestation

The plan shall include provisions for the revegetation and/or reforestation of any disturbed or clearcut areas.

430.6 Exemption

The provisions of this Section 430 shall not apply to the following:

- A. Agricultural Operations Exclusion - Any land disturbance associated with agricultural activities operated in accordance with a Conservation Plan or a Soil Erosion and Sedimentation Control Plan approved by the County Conservation District is exempt from the Earth Disturbance Permit requirement of this Section of the Ordinance.
- B. Forest Management Operations Exclusion - Any land disturbance with any forest management operations which is following the PA DEP's management practices contained in DEP Publication "Soil Erosion and Sedimentation Control Guidelines for Forestry" and is operating under a Conservation Plan and Forest Management Plan is exempt from the Earth Disturbance Permit requirements of this Section of this Ordinance.

Milford Township Zoning Ordinance

ARTICLE V - NON-CONFORMING USES AND STRUCTURES

It is the purpose of this section to limit the injurious impact of non-conforming uses and/or structures on other adjacent properties within a particular district and the community as a whole, while recognizing that alterations, continuations and extensions of non-conforming uses and/or structures may not be contrary to the public interest of the general purpose of this zoning ordinance, and when failure to allow such alteration, continuation or extension would itself lead to neighborhood or district deterioration. It is further the purpose of this Section to prescribe those standards which are to be applied by the Township in determining the reasonableness of a proposal to alter, continue or extend a non-conforming use. The following are regulations which shall apply to the alteration, continuation or extension of nonconforming uses:

501 Definition

A non-conforming use or building shall be a building, structure, or use legally existing at the effective date of this Ordinance, or any amendment thereto; or a building structure or use, planned and under construction in compliance with existing laws prior to the effective date of this Ordinance, or any amendment thereto, and completed within a one-year period after the effective date of this Ordinance or Amendment thereto; and which does not conform with the use regulations of the district in which located. A building, structure or use allowed by variance in a district where it is non-conforming with any regulations of this Ordinance shall also be considered a non-conforming use.

502 Normal Maintenance and Repair Activities

Normal maintenance and repair activities, such as painting, replacing a roof, etc., are permitted, as well as alterations and interior renovations that do not structurally alter the building or area or result in increased use of the building or area, or a different nature of use than that existing at the present time, or otherwise create more incompatibility with the surrounding permitted uses.

503 Changes and Additions

All changes and additions to non-conforming uses and structures, excepting those identified in Section 502 above, shall be considered conditional uses, and permits for alterations, changes in use or additions shall be granted only after a determination by the Township that the following conditions have been, or will be, satisfied.

503.1 Storage of Materials

There shall be no increase in the amount of materials, supplies and/or products that are stored outside a non-conforming facility, as on a lot in a nonconforming use, excepting those types of uses outlined in Section 502.

503.2 Screening

Where the non-conforming activity is one which necessarily results in the storage of large quantities of material, supplies or products outside (e.g. sawmill, equipment dealer, etc.), the use may only be expanded if a landscaped buffer meeting the requirements of Section 410 can be established.

503.3 Yards and Setbacks

No addition, change or expansion of a non-conforming use or structure shall further violate setback and/or height regulations of the district in which it is located.

503.4 Stormwater

There shall be no increase in the amount of storm water runoff from the site over what was existing as of the date of the enactment of this Ordinance. The U.S.D.A. Soil Conservation Service may be relied on to recommend appropriate measures to control storm water runoff which may be attached as conditions of approval by the Township.

503.5 Parking and Traffic

In no case will a change, addition, or expansion of a non-conforming use or structure be allowed that would

Milford Township Zoning Ordinance

result in the diversion of traffic, or relocation of a driveway on the site to any point nearer a residential property, or result in violation of any of the parking and unloading requirements of this Ordinance. If the total number of parking spaces for the site is to be increased more than twenty-five (25) percent over those available as of the date of this Ordinance, the Township may require vegetative screening of the parking area from nearby residential areas.

503.6 Extension Onto Other Properties

The non-conforming use or structure may only be expanded or extended onto another property of record, if that property is immediately adjacent to the lot on which the original structure or use was located as of the effective date of this Ordinance or amendments hereto; the owner has clearly exhausted the alternatives available for expansion on the existing property.

503.7 Prohibited Expansions

Should the non-conforming use or structure proposed for expansion or extension be one which is specifically prohibited as a new use in the Township or is a use judged by the Board of Supervisors with the advice of the Planning Commission to be one similar to such a use or of such nature as to impose health, safety or welfare concerns which cannot be satisfied by the imposition of the conditions permitted under this Ordinance, the requested expansion or extension shall be denied.

504 Establishment

A non-conforming use or structure may be re-established within a period of eighteen (18) months after it has been discontinued or vacated, with an extension in time allowable where proven necessary.

505 Restoration or Reconstruction

If less than seventy-five (75) percent of the floor area of any non-conforming structure or seventy-five (75) percent of any non-conforming use is damaged, it may be restored or reconstructed within eighteen (18) months of the date of the damage. The Township may also, by Conditional Use, allow such restoration or reconstruction in cases where these amounts are exceeded.

506 Non-Conforming Lots of Record

506.1 A single family dwelling and customary accessory structures may be erected on a non-conforming lot of record provided:

- A. A sewage permit meeting the requirements of the Pennsylvania Department of Environmental Resources can be properly issued.
- B. Setbacks for side and rear yards shall be maintained as near as possible to the required District setbacks; but, in no case shall said setbacks be less than fifty (50) percent of the setback normally required in the District.
- C. No front yards shall be reduced to less than twenty-five (25) feet.
- D. Buffers set forth in Section 422 shall be maintained.
- E. No unattached accessory building shall be located closer to any property line than the height of the accessory building but in no case less than the setbacks required by Subsections B and C above.

506.2 In cases where two or more contiguous lots must be combined to meet the setbacks and buffers required in Subsection 506.1 above, or where the on-site sewage system is not wholly contained on the lot with the dwelling; said non-conforming lots shall be combined by "lot improvement" pursuant to the Township Subdivision and Land Development Ordinance.

507 Certification of Non-Conformance

In order to administer this Ordinance, the Zoning Officer shall prepare a complete list of all non-conforming uses, signs,

Milford Township Zoning Ordinance

buildings, and lots in existence as of the effective date of this Ordinance or amendments thereto. The Zoning Officer shall also issue, upon request, a Certificate of Non-Conformance to any property owner who so requests.

Milford Township Zoning Ordinance

ARTICLE VI - ADMINISTRATION

601 Authority

601.1 Zoning Officer

It shall be the duty of a Zoning Officer, to be appointed by the Township Board of Supervisors, to enforce the provisions of this Ordinance. The Zoning Officer shall examine all applications for permits, issue permits for construction and uses which are in accordance with the requirements of this Ordinance, record and file all applications for permits with accompanying plans and documents and make such reports as the Township Supervisors may require.

601.2 Conditional Uses

Permits for construction or uses which are conditional uses shall be issued only upon written order of the Township Supervisors subsequent to the recommendation of the Planning Commission. Permits for construction and uses that necessitate variances from the requirements of this Ordinance shall be issued only upon written order of the Zoning Hearing Board.

602 Permits

602.1 Requirements of Permits

A building and/or zoning permit shall be required prior to the erection, addition, or alteration of any building or structure or portion thereof; prior to the use or change in use of a building or land; and prior to the change or extension of a non-conforming use. It shall be unlawful for any person to commence work for the erection or alteration of any building or for a change in land use, until a permit has been duly issued therefore. No Zoning Permit shall be required in cases of normal maintenance activities, minor repairs or alterations which do not structurally change a building or structure.

602.2 Applications for Permits

All applications for permits shall be accompanied by plot sketch in duplicate, drawn to show the actual shape and dimensions of the lot to be built upon, the exact size and location of any buildings existing on the lot, the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or dwelling units the building is designed to accommodate and such other information deemed necessary by the Township to determine compliance with this Ordinance and all other pertinent ordinances. Applications for variances and conditional uses shall include the tax map number of the project parcel and a list of property owners, and the mailing address of each, located within two hundred (200) feet of the project parcel; and, the applicant shall mail notice of any required meeting to such neighboring property owners and provide proof of service of same at the public hearing. All applications with accompanying plans and documents shall become a public record after a permit is issued or denied.

602.3 Subdivision Approval

Applications for uses which also necessitate approvals under the Township Subdivision Ordinance shall be processed in the manner provided for plat approval under that Ordinance. Such applications shall also contain all information or data normally required for a submission under the Subdivision Ordinance. A Zoning Permit shall not be issued until the proposed use has been granted a Preliminary Approval under the Subdivision Ordinance. However, no building or property shall be occupied or used until final subdivision approval has been granted and a Certificate of Use has been properly issued pursuant to Section 605 of this Ordinance.

602.4 Issuance of Permits

No permit shall be issued until the Zoning Officer has certified that the proposed use, building, addition or alteration, complies with all the provisions of this Ordinance as well as with all the provisions of other applicable regulations.

Milford Township Zoning Ordinance

602.5 Temporary Permit

A temporary permit may be issued by the Board of Supervisors for any non-conforming structure or use which it deems necessary to provide for the needs of the community, provided such structure or use is completely removed prior to expiration of the permit and the area is restored to its original condition. All such permits shall be of specified limited duration to be set forth by the Board of Supervisors in granting the permit. This shall not, however, prevent any party from reapplying on a regular basis for permits for recurring activities, provided such uses are neither permanent nor continuing in nature.

603 Fees

As authorized by Section 617.2(e) and Section 908(1.1) of the Pennsylvania Municipalities Planning Code, the Board of Supervisors shall establish a uniform schedule of fees, charges and expenses, as well as a collection procedure, for zoning permits, conditional use permits, Zoning Hearing Board proceedings and other matters pertaining to this Ordinance.

Permits and variances shall be issued only after fees have been paid in full, and the Zoning Hearing Board shall take no action on appeals until all fees have been paid in full.

The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or shall be paid by the person appealing the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.

604 Inspection

604.1 Inspection by the Zoning Officer

It shall be the duty of the Zoning Officer to make the following minimum number of inspections on property for which a permit has been issued:

- A. At the beginning of construction: A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the construction with plans submitted with the application for the building. If the actual construction does not conform to the application, a written notice of the violation shall be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, construction shall proceed.
- B. At the completion of construction: A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to the issuance of a Certificate of Use. Nothing contained in this Ordinance shall impose or imply any responsibility upon the Township or its officials or agents for the quality of workmanship or materials employed in construction.

605 Certificate of Use

605.1 Definition

A Certificate of Use shall be a statement issued by the Zoning Officer setting forth either that a building, structure or parcel of land complies with the provisions of this Ordinance; or that a building or structure lawfully may be employed for specified uses under the provisions of this Ordinance, or both.

605.2 Required

No vacant land shall be occupied or used, and no structure or part of a structure, hereafter erected, structurally altered or changed in use shall be occupied or used, until a Certificate of Use shall have been issued therefore by the Zoning Officer.

Milford Township Zoning Ordinance

605.3 New Structures and Alterations

A Certificate of Use, either for the whole or part of a new building or for the alteration of an existing building, shall be applied for co-incident with the application for a building permit, and shall be issued within fifteen (15) days after the erection or alteration of such building or part shall have been completed in conformity with the provisions of this Ordinance.

605.4 Change In Use

A Certificate of Use for the use or occupancy of vacant land or for a change in the use of land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used or such land or building changed in use, and such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.

605.5 Non-Conforming Uses

A Certificate of Use for changing or extending a non-conforming use, existing at the time of the passage of this Ordinance or of an amendment thereto, shall be applied for and issued before any such non-conforming use shall be changed or extended. Such Certificate shall be issued within fifteen (15) days after application has been made, provided such proposed change or extension is in conformity with the provisions of this Ordinance.

605.6 Records

A record of all Certificates of Use shall be kept on file in the office of the Zoning Officer and a copy shall be furnished on request to any person having a proprietary or tenancy interest in the building or land affected.

606 Violations

Failure to comply with any provision of this Ordinance, failure to secure or comply with a decision of the Board of Supervisors or Zoning Hearing Board or the failure to secure a permit, when required, prior to or (when ordered) after the erection, construction, extension, or addition to a building or prior to or after the use or change of use of land; or failure to secure a Certificate of Use Permit, shall be violations of this Ordinance. When written notice of a violation of any of the provisions of this Ordinance shall be served by the Zoning Officer, personally or by certified mail, in the manner prescribed by Section 616.1 of the Pennsylvania Municipalities Planning Code and such violation shall be discontinued or corrected as set forth in said notice.

607 Penalties and Remedies

Any person, partnership or corporation who or which has violated or permitted the violation of any of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$1,000 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem pending a final adjudication of the violation and judgment.

Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the

Milford Township Zoning Ordinance

Township, the right to commence any action for enforcement pursuant to this section.

In case any building, structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any provisions of this Ordinance, the Board of Supervisors or, with the approval of the Board of Supervisors, an officer of the municipality, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute (in the name of the Township) any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Board of Supervisors. No such action may be maintained until such notice has been given.

608 Conditional Uses

608.1 Procedure

Uses specified as conditional uses shall be permitted only after review and approval pursuant to the express standards as provided for specific conditional uses in this Ordinance and in Section 608.3; and as required by the Pennsylvania Municipalities Planning Code.

Upon determining that an application for a specific use may only be granted as a conditional use under the terms of this Ordinance, the Zoning Officer shall forward a copy of said application, along with the required supporting data, to the Township Planning Commission. The Planning Commission shall review the application within thirty (30) days following its next regular meeting, and may hold a public hearing pursuant to public notice to receive comment on the proposed use.

The Planning Commission shall report its findings, together with a recommendation indicating whether the criteria listed above and any applicable performance standards have been satisfied. Upon receipt of the conditional use application and the recommendation of the Planning Commission, the Township Board of Supervisors shall conduct a public hearing pursuant to public notice and shall grant or deny the application. If the application is granted, the Board of Supervisors shall attach such reasonable conditions and safeguards as the Board deems necessary to protect the public health, safety and welfare and implement the purposes of this Ordinance; and shall direct the Zoning Officer, in writing, to issue a permit for the same. If the application is denied, the applicant shall be notified within five (5) days of the action in person or by certified mail; such notice including reasons for denial.

608.2 Reserved

608.3 Expansions and Additions to Conditional Uses

Any expansion of or addition to a use or structure classified as a "Conditional Use" shall also be considered a Conditional Use unless the expansion or addition shall qualify as an Accessory Use or still meet the Minor Impact Use definition when considered together with previous property improvements.

608.4 Standards and Criteria

The standards and criteria applied to conditional uses are intended to ensure that the proposed use will be in harmony with the purposes, goals, objectives and standards of this Ordinance and other ordinances of Milford Township. In addition to all the applicable standards provided in this Ordinance for specific conditional uses, the following standards and criteria shall be applied in the review of applications for conditional uses.

- A. There shall be a community need for the proposed use at the proposed location. Need shall be assessed in light of existing and proposed use of a similar nature in the area and an objective to provide or maintain a proper mix of uses within the Township and, more specifically, that portion of the Township in the immediate area of the proposed use. The proposed use in the proposed location shall not result in either a detrimental over-concentration of a particular use within the Township or within the immediate area. The location chosen shall not be one demonstratively better suited or likely to be needed for uses which are permitted as a matter of right in the District. The proposal shall also be evaluated as to the degree to which the proposed location may be particularly suitable or unsuitable for the proposed use in light of other potential sites in the immediate area including those which might exist in adjacent communities.

Milford Township Zoning Ordinance

- B. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, adjacent property values, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of this Ordinance, or any other plan, program, map or ordinance of the Township or other government agency having jurisdiction to guide growth and development.
- C. The proposed use shall not impose an undue burden on any of the improvements, facilities, utilities, and services of the Township, whether such services are provided by the Township or some other entity. The applicant shall be wholly responsible for providing such improvements, facilities, utilities, or services as may be required to adequately serve the proposed use when the same are not available or are inadequate to serve the proposed use in the proposed location. As part of the application and as a condition of approval of the proposed use the applicant shall be responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with this and other ordinances of the Township. The permit approval shall be so conditioned.
- D. In reviewing an application, the following additional factors shall be considered:
1. Location, arrangement, size, design and general site compatibility of buildings, lighting and signs.
 2. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls.
 3. Location, arrangement, appearance and sufficiency of off-street parking and loading.
 4. Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience.
 5. Adequacy of stormwater and drainage facilities. Stormwater leaving any site shall not exceed predevelopment levels and shall otherwise comply with Sections 407.13 and 414.2 of this Ordinance and Sections 605 and 606 of the Milford Township Subdivision and Land Development Ordinance.
 6. Adequacy of water supply and sewage disposal facilities.
 7. Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's and adjoining lands, including the maximum retention of existing vegetation.
 8. Adequacy of fire lanes and other emergency zones and the provision of fire hydrants.
 9. Special attention to the adequacy and impact of structures, roadways and landscaping in areas with susceptibility to ponding, flooding and/or erosion.
- F. No application shall be approved unless it is found that, in addition to complying with each of the standards enumerated above, any of the applicable standards contained in this Ordinance shall be met. In instances where the supplemental standards contained herein do not adequately protect the general health, safety and welfare of parties affected, all conditions necessary to protect the general health, safety and welfare shall be imposed as conditions of approval. Conditions which might be imposed shall include (but not be limited to) provisions for additional parking, traffic control, submission of landscaping plans for screening, setbacks, special measures addressing sales period activities, hours of operation, environmental controls and other measures which mitigate any potential adverse impact the use may have on adjoining uses. The applicant shall supply evidence regarding compliance with the express standards and criteria contained herein; and data or evidence may be accepted from protestants. Such evidence shall be evaluated relative to the injurious impact on the health, safety and welfare of the Township; and the proposed use shall be

Milford Township Zoning Ordinance

609 approved with appropriate conditions or denied based on said evaluation.
Zoning Hearing Board

609.1 Jurisdiction

The Township Board of Supervisors shall appoint a Zoning Hearing Board, which shall have the number of members of such powers and authority as set forth in Article IX of the Pennsylvania Municipalities Planning Code as enacted or hereafter amended. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters:

- A. Substantive challenges to the validity of any land use ordinance, except those brought before the governing body pursuant to sections 609.1 (Curative Amendments) and 916.1(a) (2) (Ordinance Validity) of the Pennsylvania Municipalities Planning Code.
- B. Challenges to the validity of a land use ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within 30 days after the effective date of said ordinance. Where the ordinance appealed from is the initial zoning ordinance of the municipality and a zoning hearing board has not been previously established, the appeal raising procedural questions shall be taken directly to court.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
- D. Applications for variances from the terms of the Zoning Ordinance pursuant to Section 910.2 of the Pennsylvania Municipalities Planning Code.
- E. Reserved.
- F. Appeals from the Zoning Officer's determination under Section 916.2 (Preliminary Opinion) of the Pennsylvania Municipalities Planning Code.
- G. Appeals from the determination of the Zoning Officer or municipal engineer in the administration of any land use ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Subdivision and Land Development applications.

The Zoning Hearing Board shall not, under any circumstances, have the authority to order any specific change in or amendment to the Zoning Map or to allow any use of property substantially different from those permitted under the Schedule of Use Regulations for the particular district.

In all its actions, the Zoning Hearing Board shall follow procedures as provided in the Pennsylvania Municipalities Planning Code.

609.2 Zoning Hearing Board Applications

Application to the Zoning Hearing Board shall be made in writing to the Chairman of the Zoning Hearing Board and shall state:

- A. The name and address of the applicant.
- B. The name and address of the owner of the real estate to be affected by such proposed exception, or variance.
- C. A brief description and location of real estate to be affected by such proposed change.
- D. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present use thereof.
- E. A statement of the section of this Ordinance under which the application is being requested and the

Milford Township Zoning Ordinance

reasons why it should be granted.

- F. Any reasonably accurate description of the present improvements, and the additions intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real estate to be affected, as required to accompany applications for building permits, indicating the location and size of the lot, and size of improvements now erected, and proposed to be erected thereon.
- G. Any other information the applicant deems appropriate.

If the Zoning Hearing Board finds the appeal or request outside its scope of jurisdiction, it shall return the application for the same to the Zoning Officer for proper processing. Zoning Hearing Board matters shall otherwise be processed in conformance with the requirements of the Pennsylvania Municipalities Planning Code.

609.3 Variances

The Zoning Hearing Board shall have the right to authorize such variances from this Ordinance as are permitted under Section 910.2 of the Pennsylvania Municipalities Planning Code. The Board may grant a variance provided the following findings are made where relevant in a given case:

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unnecessary hardship has not been created by the applicant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, not substantially or permanently impair the appropriate use or development of adjacent property, not to be detrimental to the public welfare; and
- E. That the variance, if authorized, will represent the minimum variance that would, in fact, afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of Article VI and the Zoning Ordinance.

This authority shall not include the right to grant a use variance that would, in fact, alter the Zoning Map and thus constitute a rezoning.

610 Appeals to Court and other Administrative Proceedings

Appeals to court and other administrative proceedings shall be governed by Article X-A and Article IX of the Pennsylvania Municipalities Planning Code, respectively.

611 Amendments

The Township Supervisors may amend the Zoning Ordinance by complying with the requirements set forth in Article VI of the Pennsylvania Municipalities Planning Code.

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided on as provided in Sections 609.1 and 916.1 of the Pennsylvania Municipalities Planning Code.

Milford Township Zoning Ordinance

612 Severability

In the event that any provision, section, sentence, or clause of this Ordinance shall be held to be unconstitutional, such invalidity shall not affect or impair any remaining part of this Ordinance, it being the intent of the Township that such remainder shall be and shall remain in full force and effect.

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

WESTFALL TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

Ordinance # 133

November 1, 2007



This project was assisted by a grant from the
Upper Delaware Council, Narrowsburg, NY 12764

Logo is copyrighted by the Upper Delaware Council. All rights reserved.
This logo may not be copied or reproduced without written permission from the UDC.

TABLE OF CONTENTS

PAGE

ARTICLE I GENERAL PROVISIONS

101	TITLE	I-1
102	LEGISLATIVE AUTHORITY	I-1
103	APPLICABILITY	I-1
104	PURPOSE	I-1
105	CONFLICT AND SEVERABILITY	I-1
106	REPEALER	I-2
107	MODIFICATIONS, EXCEPTIONS AND DEFERRALS	I-2
108	AMENDMENTS	I-5
109	REMEDIES AND PENALTIES	I-5
110	EFFECTIVE DATE	I-7
111	ADOPTION	I-7

ARTICLE II DEFINITIONS

201	INCLUSIONS	II-1
202	DEFINITIONS	II-1

ARTICLE III PLAN SUBMISSION AND REVIEW PROCEDURES

301	GENERAL PROCEDURES	III-1
302	SKETCH PLAN SUBMISSION AND REVIEW	III-1
303	PRELIMINARY PLAN SUBMISSION AND REVIEW	III-2
304	FINAL PLAN SUBMISSION AND REVIEW	III-5
305	PROCEDURE FOR INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS	III-7
306	APPROVAL OF FINAL PLAN FOR RECORDING	III-12
307	RECORDING OF FINAL PLAN	III-12
308	RECORDS, REVISIONS AND RE-SUBDIVISIONS	III-12
309	COMBINATIONS (MERGERS) OF EXISTING LOTS	III-12
310	TRAFFIC IMPACT STUDIES	III-13

ARTICLE IV PLAN REQUIREMENTS

401	SUBMISSION OF SKETCH PLANS	IV-1
402	SUBMISSION OF PRELIMINARY PLAN	IV-2
403	SUBMISSION OF FINAL PLANS FOR MAJOR SUBDIVISIONS	IV-8
404	SUBMISSION OF FINAL PLANS FOR MINOR SUBDIVISIONS	IV-12

TABLE OF CONTENTS (Cont.)

	<u>PAGE</u>
405 SUBMISSION OF LAND DEVELOPMENT PLANS	IV-14
 ARTICLE V <u>DESIGN STANDARDS</u>	
501 APPLICATION	V-1
502 DESIGN STANDARDS APPLICABLE TO ALL TYPES OF DEVELOPMENT	V-1
503 RESIDENTIAL DESIGN STANDARDS	V-29
504 APARTMENT DWELLING STANDARDS	V-38
505 COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS TABLE 5-1 – DESIGN STANDARDS FOR STREETS	V-38
 ARTICLE VI <u>REQUIRED IMPROVEMENTS AND CONSTRUCTION STANDARDS</u>	
601 APPLICATION	VI-1
602 SUMMARY OF REQUIRED IMPROVEMENTS	VI-1
603 MONUMENTS AND MARKERS	VI-1
604 STREETS	VI-2
605 CURBS AND GUTTERS	VI-5
606 DRIVEWAY ENTRANCES	VI-5
607 PRIVATE ACCESS DRIVE	VI-5
608 SIDEWALKS AND BIKEPATHS	VI-6
609 STREET NAME SIGNS	VI-7
610 LIGHTING	VI-8
611 TRAFFIC SIGNALS AND SIGNS	VI-8
612 LANDSCAPING	VI-8
613 GROUND COVER REQUIREMENTS	VI-8
614 SEWER AND WATER FACILITIES	VI-8
615 WATER SUPPLY AND FIREFIGHTING	VI-9
TABLE 6-1 – SCHEDULE OF REQUIRED IMPROVEMENTS	
TABLE 6-2 – REQUIRED ROAD IMPROVEMENTS	
 ARTICLE VII <u>MOBILE/MANUFACTURED HOME PARK STANDARDS</u>	
701 APPLICATION	VII-1
702 GENERAL STANDARDS AND REQUIREMENTS	VII-1
703 SUBMISSION OF APPLICATION AND COMPLIANCE	VII-2
704 DESIGN STANDARDS	VII-2
705 EXCEPTIONS	VII-5

TABLE OF CONTENTS (Cont.)

	<u>PAGE</u>
ARTICLE VIII	
<u>CAMPGROUND STANDARDS</u>	
<u>AND REQUIRED IMPROVEMENTS</u>	
801 APPLICATION	VIII-1
802 GENERAL STANDARDS AND REQUIREMENTS	VIII-1
803 SUBMISSION, APPLICATION AND COMPLIANCE	VIII-2
804 DESIGN STANDARDS	VIII-2
APPENDIX A	
CENTRAL WATER SYSTEM DEVELOPMENT PROCEDURES AND REQUIREMENTS	A-1
APPENDIX B	
STORM WATER DRAINAGE RUNOFF CALCULATIONS	B-1
APPENDIX C	
CENTRALIZED SEWAGE DISPOSAL SYSTEM PROCEDURES AND REQUIREMENTS	C-1
APPENDIX D	
ON-LOT SEWAGE DISPOSAL SYSTEMS	D-1
APPENDIX E	
DEVELOPMENT AGREEMENT – SAMPLE FORM	E-1
APPENDIX F	
LIGHTING STANDARDS	F-1
APPENDIX G	
STORMWATER OPERATION AND MAINTENANCE AGREEMENT	G-1

ARTICLE I GENERAL PROVISIONS

101. TITLE

This is an Ordinance providing for the regulation of land subdivisions and land developments within the Township of Westfall, Pike County, Pennsylvania. It shall be known and may be cited as "The **2007** Subdivision and Land Development Ordinance of Westfall Township."

102. LEGISLATIVE AUTHORITY

This Ordinance is enacted pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code, as amended.

103. APPLICABILITY

This Ordinance shall apply to all "subdivisions" and "land developments" (as defined by this Ordinance), or portions thereof, located within the Township limits which are subdivided, developed and/or submitted after the effective date of this Ordinance. This Ordinance shall also apply to all subdivisions previously approved by the Township or County when the required improvements and other approved or required aspects of the subdivision in accordance with the terms of such approval have not been substantially completed within 5 years of their preliminary plan approval date.

No subdivision or land development of any lot, tract or parcel of land shall be made; no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Ordinance.

104. PURPOSE

This Ordinance has been adopted for the purpose of providing for conditions favorable to the health, safety, general welfare, convenience, economy and preservation of the environment for the citizens of the Township through regulations that will ensure the harmonious development of the community. Township growth should be orderly and consistent with the overall Westfall Township Comprehensive Plan. This Ordinance is also intended to carry out the purposes that are listed for a Subdivision and Land Development Ordinance in the Pennsylvania Municipalities Planning Code.

105. CONFLICT AND SEVERABILITY

105.1 Conflict with Other Ordinances: Whenever there is a difference between minimum standards or dimensions specified herein and those contained in

Zoning Ordinance or other official regulations, the highest standards shall apply. Where a provision of this Subdivision and Land Development Ordinance (SALDO) and the Zoning Ordinance apply to the same matter, the most restrictive provision upon development or use of the land shall apply, unless specifically stated otherwise.

- 105.2 Severability: If any article, section, subsection, sentence, clause, or phase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

106. **REPEALER**

This Ordinance repeals all provisions of the pre-existing 1989 Westfall Township Subdivision and Land Development Ordinance, as amended, except that Westfall Township reserves its power to enforce and prosecute any violations of all these Ordinances previously in effect.

107. **MODIFICATIONS, EXCEPTIONS AND DEFERRALS**

- 107.1. An applicant seeking a modification or exception to this Ordinance shall submit to the Township staff a request in writing that states a) the specific Ordinance section(s) involved and b) the reasons for the request. The staff shall provide the request to the Planning Commission for a recommendation. After the Planning Commission has had an opportunity for review at a meeting, the Board of Supervisors may in writing grant a waiver or modifications to the specific requirements of this Ordinance.

- 107.2. The applicant must prove that the request will meet one or more of the following conditions:

- 107.2.1. Avoid an undue hardship that was not self-created and that results from the peculiar and uncommon conditions of the property, or
- 107.2.2. Avoid a clearly unreasonable requirement that would not serve any valid public purpose, or
- 107.2.3. Allow an alternative standard that is clearly proven by the applicant to provide equal or better results, or
- 107.2.4. Allow a layout or improvements that would clearly be more in the public interest than what would occur if the modification were not granted or

- 107.2.5. Remove a requirement that is not applicable, especially because of the small size of the proposed subdivision or land development, or
- 107.2.6. Recognize that individual lots within a proposed commercial or industrial subdivision will require future land development approvals, and that certain engineering matters can be deferred until specific land development plans are later submitted.

107.3. Modification of Requirements for Open Space Development.

- 107.3.1. In addition to the authority granted in Section 107.2., the Board of Supervisors shall have the authority to modify specific requirements of this Ordinance for an application approved as an Open Space Development under the Zoning Ordinance in any of the following cases.
 - (a) To result in a higher quality site design, including a design that is more pedestrian-friendly, encourages lower speed traffic on residential streets and/or promotes patterns of development similar to traditional villages.
 - (b) To minimize adverse impacts upon important natural features, scenic views and historic buildings.

- 107.3.2. Allowed Modifications. A modification under this Section 107.3. shall not be primarily intended to result in the allowance of a higher number of lots/dwelling units on a tract than would otherwise be possible. A modification under this Section 107.3. may include, but is not limited to, the following:
 - (a) Reduction in the minimum horizontal curve radius of streets to promote lower-speed traffic.
 - (b) Variations in the design of cul-de-sac street ends.
 - (c) Reduction of street cartway widths and provisions for alleys to provide rear access to properties, considering the expected traffic volumes, on-street parking and traffic speeds.
 - (d) Allowance of roadside drainage swales without curbing where curbing is not necessary for storm water management reasons.
 - (e) Variations in landscaping and buffer yard requirements that still achieve a similar effect to what would otherwise be required.

- (f) Allowance of a private access drive, serving a maximum of 2 dwelling units, where necessary to minimize impacts upon natural resources and to manage traffic access onto through-streets.
- (g) Allowance of flag lots where necessary to minimize impacts upon natural resources.

107.3.3. Deferral of Submission Requirements. For an application for an Open Space Development, an applicant may defer the submittal of the following specific detailed engineering information until the Final Plan submission if the applicant commits to not construct any improvements, conduct substantial grading or remove forested areas until after Final Plan approval. This provision shall not restrict routine soil testing and well drilling.

- (a) The applicant shall submit a written list of the information that is proposed to be deferred and the draft text of an agreement to carry out this subsection. The agreement shall be in a legally binding document that is acceptable to the Township Solicitor. The list of information that is deferred shall require written approval by the Planning Commission but shall not require approval by the Board of Supervisors. The agreement shall be prepared in a manner that is binding upon all of the applicant's heirs, successors and assigns.
- (b) This deferral of submission requirements may include detailed road profiles (except that the applicant shall be required to show that slope requirements will be met), road data, utility profiles, grading plans, storm water calculations and improvement construction details.
- (c) In place of submitting this information at the Preliminary Plan stage, an applicant shall submit sufficient information at the Preliminary Plan stage to prove the feasibility of proposed development. The Township Engineer, Planning Commission or Board of Supervisors may require that specific information be provided to show this feasibility. This shall include proving the ability of all Final Plan stages to fully function in a coordinated manner, even if all stages are not completed.

108. **AMENDMENTS**

The Board of Supervisors may, after public hearing, amend the provisions of this Ordinance, pursuant to the provisions of the Pennsylvania Municipalities Planning Code as amended.

109. **REMEDIES AND PENALTIES**

109.1 Enforcement Notice. If the Township has reason to believe that a violation of this Ordinance has occurred, the Township Staff shall issue a written enforcement notice to the landowner and/or developer. This enforcement notice shall state the nature of the violation, one or more applicable section numbers, and a contact person for the Township. The Enforcement Notice shall provide a time deadline for the landowner and/or developer to come into compliance with the Ordinance. A Cease and Desist Order may also be issued by the Township.

109.1.1 The Township may then file an enforcement proceeding with the District Magistrate, with written notice provided to the landowner and/or developer.

109.2 Preventive Remedies:

109.2.1 In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

109.2.2 The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following applicants:

- (1) The owner of record at the time of such violation.
- (2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

- (3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual constructive knowledge of the violation.
- (4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

109.2.3 As an additional condition for issuance of a permit or the granting of an approval to any such owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

109.3 Enforcement Remedies: Any person, partnership, corporation or other entity who or which has violated the provisions of any subdivision or land development ordinance enacted under this act or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant the applicable rules of civil procedure.

- a. Violations. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- b. Fines. All fines collected for such violations shall be paid over to the general fund of the Township.

110. **EFFECTIVE DATE**

This Ordinance shall become effective 5 calendar days after the date of its adoption by the Township Board of Supervisors.

111. **ADOPTION**

This Ordinance was duly adopted at a public meeting of the Township Board of Supervisors held on after a public hearing, properly advertised, held on _____.

Adopted this _____, day _____.

BOARD OF SUPERVISORS OF WESTFALL
TOWNSHIP, PIKE COUNTY

Attest, Township Secretary

ARTICLE II

DEFINITIONS

201. Inclusions

As used in these regulations, words expressed in the singular include their plural meanings and words expressed in the plural include their singular meanings. The word "person" includes a corporation, unincorporated association, and a partnership, as well as an individual. The words "building" and "street" are used generally and shall be construed as if followed by the phrase "or part thereof". The word "may" is permissive, the words "shall" and "will" are mandatory.

202. Definitions

The following words or phrases, when used in these regulations, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning. If any term is not defined in this Ordinance, but is defined in the Township Zoning Ordinance, then such Zoning Ordinance definition shall also apply to this Ordinance.

1. AGENT: Any person other than the subdivider who, acting for the subdivider, submits subdivision plans to the Commission and Board for the purpose of obtaining approval thereof.
2. AGRICULTURAL ACTIVITY: The work of producing crops including tillage, land clearing, plowing, disking, harrowing, planting, harvesting crops, or pasturing and raising of livestock and installation of conservation measures. Construction of new buildings or impervious area is not considered an Agricultural Activity.
3. APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.
4. BERM OR SHOULDER: That portion of a roadway between the outer edge of the traveled way or pavement and the point of intersection of the slope lines at the outer edge of the roadway, for the accommodation of stopped vehicles and for lateral support.
5. BLOCK: A tract of land or a lot or group of lots bounded by streets, public parks, railroad right-of-way, watercourses, bodies of water, boundary lines of the Township, or by any combination of the above.
6. BMP (BEST MANAGEMENT PRACTICE): Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "non-

structural". In this ordinance, non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural SWM BMPs are permanent appurtenances to the project site.

7. BOARD: The Westfall Township Board of Supervisors.
8. BUILDING: The definition in the Zoning Ordinance shall apply.
9. CAMPGROUND: The definition in the Zoning Ordinance shall apply.
10. CAMPSITE: A lot within a campground used for tent camping or as a site for recreational vehicles; or a tract of land otherwise offered by the developer or operator through sale, lease, rent, membership or other means, for camping purposes.
11. CARTWAY: The graded portion of a street or service drive, including travelway and shoulders.
12. CLEAR SIGHT TRIANGLE: An area of unobstructed vision at a street intersection(s), defined by lines of sight between points at a given distance from the intersecting street right-of-way line.
13. COMMISSION: The Westfall Township Planning Commission.
14. COMMONWEALTH OR STATE: The Commonwealth of Pennsylvania and any of its departments or agencies.
15. COMMON OPEN SPACE: The definition in the Zoning Ordinance shall apply.
16. COMMON PROPERTY: All of the land and improvements part of a subdivision or land development which is to be jointly owned and maintained by the lot owners, lessees and/or members of the development and identified as such by the subdivider on any plan offered to the Township for approval.
17. CONSERVATION DISTRICT: (Pike County Conservation District) A conservation district, as defined in section 3(c) of the Conservation District Law (3 P. S. § 851(c)), which has the authority under a delegation agreement executed with the Department to administer and enforce all or a portion of the erosion and sediment control program in this Commonwealth.

18. COUNTY: The County of Pike, Pennsylvania, and its Planning Commission.
19. DEDICATION: The deliberate appropriation, by its owner, of land for any general or public uses. This shall not be construed as acceptance by the Township of responsibility for maintenance and/or ownership of such land and attendant facilities, except where appropriate legal documents specifically relating to the same have been executed.
20. DEP: The Pennsylvania Department of Environmental Protection.
21. DESIGN STORM: The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g. a 5-year storm) and duration (e.g. 24-hours), used in the design and evaluation of stormwater management systems.
22. DETENTION: The volume of runoff that is captured and released into the Waters of this Commonwealth at a controlled rate.
23. DEVELOPER: Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made, a subdivision of land or a land development. The term "developer" is intended to include the term "subdivider."
24. DEVELOPMENT SITE (SITE): See Project Site.
25. DIRECTLY CONNECTED IMPERVIOUS AREA (DCIA): An impervious or impermeable surface, which is directly connected to a stormwater drainage or conveyance system.
26. DISCONNECTED IMPERVIOUS AREA (DCA): An impervious or impermeable surface which is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area which allow for infiltration, filtration, and increased time of concentration as specified in Appendix B, Disconnected Impervious Area.
27. DISTURBED AREA: An un-stabilized land area where an Earth Disturbance is occurring or has occurred.
28. DRIVEWAY: A defined private access from an individual lot to a public or approved private right-of-way.
29. DWELLING: The definitions in the Zoning Ordinance shall apply.
30. EARTH DISTURBANCE: A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing; grading;

excavations; embankments; road maintenance; building construction; the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

31. EASEMENT: A limited right of use granted in private land for public or quasi-public purpose.
32. ENGINEER: A professional engineer licensed by the state of Pennsylvania.
33. EROSION: The removal of soil or soil material by the action of wind or water.
34. EXISTING CONDITION: The dominant land cover during the five (5) year period immediately preceding a proposed Regulated Activity.
35. FLOODPLAIN: A relatively flat or low land area adjoining a river, stream or water course which is subject to partial or complete inundation or flooding. Floodplain boundaries have been delineated for floods having recurrence intervals of 100 and 500 years by FEMA.
36. FLOODWAY: The channel of the watercourse and those portions of the adjoining floodplains that is reasonably required to carry and discharge the 100-year flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year floodway, it is assumed - absent evidence to the contrary - that the floodway extends from the stream to 50 feet from the top of the bank of the stream.
37. FOREST MANAGEMENT/TIMBER OPERATIONS: Planning and activities necessary for the management of forestland. These include timber inventory and preparation of forest management plans, silvicultural treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation and reforestation.
38. FUTURE RIGHT-OF-WAY:
 - a. The right-of-way width required for expansion of existing streets to accommodate anticipated future traffic loads
 - b. A right-of-way established to provide future access to or through undeveloped land.
39. HALF OR PARTIAL STREET: A street parallel and adjacent to a property line having a lesser right-of-way width than required for satisfactory improvement and use of the street.
40. HIGHWAY: Same as street.

41. **HYDROLOGIC SOILS GROUP (HSG):** Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSG's (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the US Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D.
42. **IMPERVIOUS SURFACE (IMPERVIOUS AREA):** A surface that prevents the infiltration of water into the ground. Impervious surfaces (or covers) shall include, but not be limited to, roofs, additional indoor living spaces, patios, garages, storage sheds and similar structures, and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration.
43. **KARST:** A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles / uneven bedrock surface, underground drainage and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.
44. **LAND DEVELOPMENT:**
- a. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (I) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a non-residential building on a lot or lots regardless of the number of occupants or tenure; or,
 - (ii) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
 - b. The following shall be excluded from review and approval as a Land Development under this Ordinance:
 - (I) The addition of the first accessory building on a lot or lots subordinate to an existing principal residential building on a residential use lot.
 - c. A subdivision of land.
45. **LANDOWNER:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase, a lessee if he is authorized under the

lease to exercise the rights of the landowner, or other persons having a proprietary interest in the land.

46. LOT: The definitions in the Zoning Ordinance shall apply.
47. LOT LINE: The definitions in the Zoning Ordinance shall apply.
48. MOBILE/MANUFACTURED HOME: The definition in the Zoning Ordinance shall apply.
49. MOBILE/MANUFACTURED HOME SPACE: An area of land in a mobile/manufactured home park that is improved with the necessary utility connections and other appurtenances for the erection thereon of mobile homes.
50. MPC or PLANNING CODE. The Pennsylvania Municipalities Planning Code, as amended.
51. MUNICIPALITY: Westfall Township, Pike County, Pennsylvania.
52. NRCS: Natural Resources Conservation Service (previously SCS).
53. PEAK DISCHARGE: The maximum rate of stormwater runoff from a specific storm event.
54. PENNDOT: The Pennsylvania Department of Transportation.
55. PERSON: Any individual, firm, trust, partnership, public or private association or corporation, or other entity.
56. PERVIOUS AREA: Any area not defined as impervious.
57. PLAN OR PLOT: A map or chart indicating the subdivision or re-subdivision of land, which in its various stages of preparation can include the following:
 - a. Sketch Plan - An informal plan, identified as such with the title "Sketch Plan" on the map indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development, to be used as a basis for consideration by the Township.
 - b. Preliminary Plan - A complete plan signed and sealed by a registered professional engineer or registered surveyor, identified as such with the wording "Preliminary Plan" in the title, accurately showing proposed streets and lot layout and such other information as required by this Ordinance.
 - c. Final Plan - A complete and exact plan, identified as such with the wording, "Final Plan" in the title, with professional engineer's or registered surveyor's seal affixed, and prepared for official recording as required by this

Ordinance, to define property rights and proposed streets and other improvements.

- 58. PLANNING COMMISSION: The Westfall Township Planning Commission.
- 59. PROFESSIONAL ENGINEER: A person registered and licensed to practice engineering with the Commonwealth of Pennsylvania. The Township Engineer shall be an engineer officially retained by the Township Board of Supervisors.
- 60. PROJECT SITE: The specific area of land where any Regulated Activities in the Municipality are planned, conducted or maintained.
- 61. QUALIFIED PROFESSIONAL: Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by the Ordinance.
- 62. REGULATED ACTIVITIES: Any Earth Disturbances or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.
- 63. REGULATED EARTH DISTURBANCE ACTIVITY: Activity involving Earth Disturbance subject to regulation under 25 Pa. Code Chapters 92, Chapter 102, or the Clean Streams Law.
- 64. RETENTION / REMOVAL: The volume of runoff that is captured and not released directly into the surface Waters of this Commonwealth during or after a storm event.
- 65. RETURN PERIOD: The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every twenty-five years.
- 66. RIGHT-OF-WAY: Land reserved for use as a street, service drive, or for other means of travel. The right-of-way shall not be considered as land area when computing lot size. See also "Future Right-of-Way" in this Section.
- 67. RUNOFF: Any part of precipitation that flows over the land.
- 68. SECRETARY: The Westfall Township Secretary to the Board of Supervisors.
- 69. SEDIMENT: Soils or other materials transported by surface water as a product of erosion.
- 70. SEO: The Sewage Enforcement Officer for Westfall Township, as appointed by the Board of Supervisors.

71. SET BACK OR BUILDING LINE: The definition in the Zoning Ordinance shall apply.
72. SEWAGE DISPOSAL SYSTEM:
- a. Centralized Sewage Disposal System - A publicly or privately owned and operated utility system or other system designed to collect, centrally treat with a sewage treatment plant, and dispose of sewage from users in compliance with regulations of the appropriate state agency and of the Township.
 - b. Community Sewage Disposal System - A publicly or privately owned and operated utility system or other system designed for the collection of sewage from two or more lots and for the treatment and disposal of the sewage on one or more lots or at any other site, by on-site subsurface (into the soil) disposal systems and techniques in compliance with regulations of the appropriate state agency and of the Township.
 - c. Individual Sewage Disposal System - A utility system or other system designed for the collection, treatment and disposal of sewage from a single lot into the soil or into the waters of the Commonwealth or for conveyance to another site for final disposal.
73. SIGHT DISTANCE: The length of street, measured along the centerline, which is continuously visible from any point 3.75 feet above the centerline to an object 6 inches above the road surface.
74. STATE WATER QUALITY REQUIREMENTS: The regulatory requirements to protect, maintain, reclaim, and restore water quality under Pennsylvania Code Title 25 and the Clean Streams Law.
75. STORMWATER: Drainage runoff from the surface of the land resulting from precipitation or snow or ice melts.
76. STORMWATER MANAGEMENT FACILITY: Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.
77. STORMWATER MANAGEMENT SITE PLAN: The plan prepared by the Developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Ordinance.
78. STREET OR ROAD: A strip of land including the entire legal right-of-way intended for vehicular circulation, and which may also include portions of the right-of-way that are used for pedestrian circulation, utilities and stormwater runoff.

- a. Expressway - A high-speed divided highway upon which traffic is only allowed to access the highway at controlled access interchanges.
- b. Arterial Street - Arterial streets are designed primarily to carry traffic and generally should not provide access to land, which would interfere with their primary traffic functions. An arterial may be designated a "partial" access controlled street. Arterial streets serve an unlimited number of dwelling units and unlimited average daily traffic.
- c. Connector Street - Connector streets collect traffic from minor, local access and collector streets and also provide a connection to arterial streets and expressways and between connector streets and serve an unlimited average daily traffic.
- d. Collector Street: - Collector streets gather traffic from minor and local access streets and they feed this traffic to connector and arterial streets and expressways. Collector streets carry heavier traffic volumes than local streets although they also provide direct access to individual uses located along them. Collector streets serve up to an ultimate 500 dwelling units or up to an ultimate average daily traffic count of 4000 vehicles.
- e. Minor Street - Minor streets provide direct access to individual uses or gather traffic from local access streets and feed this traffic to collector streets. Minor streets serve up to an ultimate 150 dwelling units or up to an average daily traffic count of 1250 vehicles.
- f. Local Access Street - Local access streets primarily provide direct access to individual uses. They serve to provide the connecting link between the beginning or end point of a trip and the higher categories of streets. Local Access streets are further classified as:
 - (i) Cul-De-Sac: A cul-de-sac street is permanently terminated at one end by a vehicular turnaround and intersects another street at the other end. Cul-de-sac streets shall not exceed the maximum length established in the street requirements of this Ordinance. If a cul-de-sac is intended to service commercial properties it shall not be permitted if the reasonable anticipated traffic count is in excess of 200 vehicles daily.
 - (ii) Loop Road: A loop street intersects other streets on each end and may intersect a cul-de-sac street at some point between each end. A loop shall not ultimately furnish access to more than 75 dwelling units or ultimately have an average daily traffic count in excess of 600 vehicles.

- g. Marginal Access Street - Marginal access streets are minor streets parallel and adjacent to major traffic streets. They provide access to abutting properties and control of intersections with major traffic streets.
 - h. Private Access Drive - A private access drive provides access to no more than two residential lots, from an approved street where the residential lot does not have frontage on an approved street. The private access drive shall have a minimum right-of-way of 50 feet. Construction and maintenance of private access drive shall be the sole responsibility of owners benefitting by the use thereof and shall never be offered or accepted by the Township for public maintenance. See Section 503.7.
79. **STRUCTURE:** The definition in the Zoning Ordinance shall apply.
80. **SUBDIVISION:** The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. As defined in the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247.
81. **SUBDIVISION - MINOR:** Subdivision of land under any of the following conditions:
- a. A subdivision which contains no more than 5 lots which each have frontage on an existing public road or approved private street and which does not involve the new construction or extension of a street or extension of central sewer lines.
 - b. A subdivision of any parcel of land to create a single lot which involves no new road or street or improvement of an existing road or street other than a private access drive as defined by this Ordinance.
 - c. A division of any parcel of land for the purpose of joining or annexing a lot to an adjacent existing lot, parcel or tract of land providing a covenant running with the parcel to be conveyed joins it with and makes it an inseparable part of the parcel to which it is joined.
82. **SUBDIVISION - MAJOR:** Any subdivision or land development that does not meet the definition of a "Minor Subdivision." In addition, whenever a new street is created or an existing street is extended or the central sewage lines are extended, such proposal shall be considered a Major Subdivision.
83. **SURVEYOR:** A professional surveyor licensed by the State of Pennsylvania.

- 84. TRAVELWAY OR CARTWAY: That portion of a street or road which is intended for vehicular traffic.
- 85. TOWNSHIP: Westfall Township, Pike County, Pennsylvania.
- 86. TOWNSHIP ENGINEER: A Professional Engineer licensed as such by the Commonwealth and appointed or hired on a consulting basis to provide engineering advice to the Township.
- 87. WATERCOURSE: A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring (s) and be permanent in nature, or it may originate from temporary sources such as runoff from rain or melting snow.
- 88. WATER FACILITY: Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.
- 89. WATERS OF THIS COMMONWEALTH: Rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs and other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.
- 90. WATERSHED: Region or area drained by a river, watercourse or other body of water, whether natural or artificial.
- 91. WETLAND: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, fens, and similar areas.
- 92. YARD: The definitions in the Zoning Ordinance shall apply.
- 93. ZONING ORDINANCE: The officially adopted Zoning Ordinance as enacted by the Westfall Township Board of Supervisors, including any and all amendments thereto.

**ARTICLE III
PLAN SUBMISSION AND REVIEW PROCEDURES**

301. GENERAL PROCEDURES

- 301.1 Required Plans: Preliminary and Final plans and required fees and supporting data for all proposed subdivisions and land development of land lying within Westfall Township limits shall be submitted by the applicant for review. Submission of a sketch plan is encouraged but shall not be considered a required plan. A preliminary plan shall not be required for minor subdivisions and minor land developments.
- 301.2 Submission Requirements: All plans, applications and supporting data shall be submitted by certified mail or delivered in person to the Township Secretary.
- 301.3 Submission Date: The date of submission of any preliminary or final subdivision or land development plan shall be the regular meeting date of the Commission next following the date of receipt of complete plans by the Township Secretary excepting that should the next regular meeting occur more than 30 days following receipt of the plans, the submission date shall be the 30th day following the day of receipt by the Township Secretary.
- 301.4 Fees: Preliminary and final subdivision and land development plans shall be accompanied by an application fee as shall be set in a fee schedule as adopted by resolution of the Board of Supervisors. The applicant shall also be required to pay to the Township the actual costs of any reasonable and necessary charges by the Township's professional consultants or engineer or Sewage Enforcement Officer for plan review and report thereon to the Township.

302. SKETCH PLAN SUBMISSION AND REVIEW

The developer may, at his option submit a Sketch Plan to the Township Planning Commission before submitting preliminary or final plans. It is recommended that the subdivider or developer submit 5 copies of the Sketch Plan including the items of information required in Article IV to allow prompt review. The purpose of a Sketch Plan is to allow the applicant an opportunity to informally discuss in advance his overall objectives and the extent to which the plan conforms with this Ordinance and any pending changes to this Ordinance. The Sketch Plan procedure is intended to be a fast and inexpensive method for the applicant to make preliminary determinations on the feasibility of his plan in terms of this Ordinance. Sketch plan review and comment does not constitute formal submittal of a proposed development or subdivision nor any approval or disapproval of the proposed project.

There shall be no fee charged for the Commission's review of a Sketch Plan. The Commission will normally comment on the Sketch Plan during the meeting at which it is presented or not later than the next regularly scheduled meeting if questions of legal or engineering interpretation require longer deliberation.

303. **PRELIMINARY PLAN SUBMISSION AND REVIEW**

303.1 Preliminary Plan Submission:

- a. Applicants shall submit 7 copies of the preliminary plan and application. The preliminary plan submission shall include all items of information and supporting data required in Article IV. The, preliminary plan submission shall be accompanied by any required reviewed fees.
- b. All applications shall be submitted to the Township Secretary by certified mail or delivered in person to the Township office at least 20 days prior to the date of the regularly scheduled meeting of the Township Planning Commission.
- c. The Applicant shall concurrently submit copies of the proposed preliminary plan and applicable supporting data and any required fees to:

The Township Sewage Enforcement Officer (SEO)
Pike County Planning Commission (with a copy of the receipt
returned by the applicant to the Township)
Pike County Conservation District
PennDOT (if applicable)

- d. The Applicant shall provide evidence of submission of the plans, supportive data and any fees to these parties to the Township Planning Commission at its first meeting following submission of the plans. The Township SEO shall sign one copy of the proposed preliminary plan as evidence of review of sewage disposal aspects of the plan.

303.2 Referrals:

- a. Upon receipt of any Preliminary Plan and supporting data the Planning Commission shall refer the plan and appropriate supporting data as follows:

One copy to the Township Supervisors
One copy to the Township Zoning Officer

- b. Within 5 days following the submission date (the first Commission meeting following receipt of a complete plan) the Commission may direct the plan and supportive data be referred to the following if appropriate:

- One copy to the Township Engineer
- One copy to the Township Solicitor
- One copy to the Water Authority (if applicable)
- One copy to the applicable fire company
- One copy to others as applicable

303.3 Planning Commission Review:

- a. Preliminary subdivision and land development plans and supporting data submitted to the Township shall be considered at the Planning Commission's next regularly scheduled meeting for completeness of submission. If the plans and supporting data, as submitted, are incomplete in that they do not meet the preliminary plan requirements specified in Article IV of this Ordinance, the Planning Commission shall have authority to disapprove the plan as incomplete and advise the Planning Commission Secretary to return the plan to the applicant with a list of required items or supportive materials missing from the submission.
- b. The Planning Commission, upon determining that a preliminary plan submission is complete shall issue a Submission Receipt to the applicant specifying the Submission Date of the complete plan.
- c. Upon receipt of a complete preliminary plan and issuance of a submission receipt, the Planning Commission shall review the Preliminary Plan to ascertain whether it complies with the standards and criteria of this Ordinance. It shall consider the comments of the above referral agencies if received on a timely basis and may request additional information of the applicant if necessary for review.
- d. The Planning Commission shall recommend to the Board of Supervisors approval, approval subject to modification, or disapproval of the plan, while leaving sufficient time for the Board of Supervisors to make a decision within the time limits of State law. The recommendation shall be in letter form. If recommending approval, the Planning Commission should also submit 5 signed copies of the preliminary plan and accompanying planning module for land development to the Board of Supervisors. The Planning Commission shall retain a copy of the recommendation and all pertinent documentation for its files.

303.4 Board of Supervisors Review:

- a. The Board of Supervisors shall review the Preliminary Plan for compliance with the standards and criteria of this Ordinance and shall consider the recommendations of the Planning Commission and comments of any referral agency if received on a timely basis.
- b. After such review, the Board of Supervisors shall determine the extent to which the plan complies with this Ordinance and shall make a decision whether to approve the plan entirely, approve the plan conditionally or to disapprove the plan.
- c. In those instances where the Board of Supervisors approves a preliminary plan with specific conditions or required changes, the applicant shall communicate his acceptance or rejection of the subject conditions or required changes in writing to the Township office within 7 calendar days of receipt of the decision of the Board. Failure of the applicant to submit written notice of acceptance of the subject conditions or required changes within 7 calendar days following receipt of the Board's written decision shall result in the automatic rescinding of the Board's approval of the preliminary plan.
- d. In those instances where a preliminary plan is approved with conditions or required changes or disapproved the Board shall, in communicating its decision to the applicant, specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of this Ordinance relied upon.
- e. The Board shall make its review, render its decision and communicate it to the applicant within the time limitations of the State Municipalities Planning Code. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision. If the decision is communicated by mail, the decision shall be deemed to be communicated when postmarked.
- f. Failure of the Board to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communications of the decision, in which case, failure to meet the extended time or change in manner of communication shall have like effect.
- g. The Board shall concurrently make its decision with respect to the Planning Module for Land Development to revise or supplement its

Official Plan and, if approval is granted, said revision or supplement will promptly be forwarded to DEP. Preliminary approval shall be conditional upon DEP acceptance of the proposed revision or supplement.

- h. No Preliminary Plan (or portions of such Plan) shall remain valid for development of Final Plans after a period of 5 years from Preliminary Approval and no Final Plans will be accepted for any subdivision or land development for which DEP has not approved the necessary revision to the Official Wastewater Disposal Plan.

304. **FINAL PLAN SUBMISSION AND REVIEW**

304.1 Final Plan Submission:

- a. Applicants shall submit 7 copies of the final plan and application for major subdivisions and land developments or 7 copies of the final plan and application for minor subdivisions and land developments. The final plan submission shall include all items of information and supportive data and required in Article IV of this Ordinance and shall be accompanied by any required review fees. The applicant shall provide 2 reproducible prints of the approved final plan on stable base mylar for signatures by the Township for recording purposes.
- b. All applications and plans shall be submitted to the Township Secretary by certified mail or delivered in person to the Secretary at least 20 days prior to the date of Planning Commission's regularly scheduled meeting.

304.2 Submission by Stages:

- a. If requested by the Applicant, the Township Planning Commission, at their discretion, may permit the undertaking of the required improvements and may permit the Final Plan to be completed in a series of sections or stages, each covering a portion of the proposed subdivision as shown on the Preliminary Plan. If the Final Plan is submitted in sections or stages; each section or stage shall relate logically to provide continuity of access, extension of utilities and availability of amenities. The Board shall approve both the boundaries and configuration of stages or sections of a development.

304.3 Referrals: Upon receipt of any Final Plan and supportive data, referrals thereof shall be made by the Applicant and Planning Commission in a manner similar to referrals of Preliminary Plans.

304.4 Review by Planning Commission:

- a. The Planning Commission shall review the Final Plan application to determine that it conforms in all important respects with the approved Preliminary Plan and incorporates modifications and revisions specified by the Board in its approval of the Preliminary Plan. Otherwise, the Plan shall be considered as a revised Preliminary Plan.
- b. The Township SEO shall review the submitted final plans and shall sign one mylar copy and one paper copy certifying that the proposed sewage disposal systems and information conforms with the approved preliminary plan.
- c. The Final Plan and supporting data shall comply with the provisions of Article IV of this Ordinance. The Plan shall comply with any Zoning Ordinance or other applicable regulations adopted by the Township.
- d. The Commission shall review the recommendations of plan referral agencies. The Planning Commission shall review final plans of subdivisions and land developments and make its recommendations in writing to the Board of Supervisors, while leaving sufficient time for the Board of Supervisors to make a decision within the time limitations of State law.

304.5 Review and Action by the Board of Supervisors: The Board of Supervisors shall review and make the final decision on all Final Plans for subdivisions and land developments, within the time limit established by the State Municipalities Planning Code. The Board shall consider the recommendations of the Commission, and other referral agencies in making its decision to approve or disapprove final plans. The Board shall complete its review and communicate its decision to the applicant within 15 days of making its decision and within 90 days following the Final Plan submission date.

- a. Failure of the Board to render a decision within the time set forth above and in the manner specified shall be deemed an approval of the Final Plan as presented unless the applicant has agreed in writing to an extension of time or change of the prescribed manner of notification.
- b. The Board shall not sign any Final Plan until all required improvements have been installed or until the applicant has entered into a Development Agreement with the Board of Supervisors specifying the time and manner in which required improvements will be completed and deposit with the Board of Supervisors a suitable financial security in an amount sufficient to cover the costs of the required improvements.

305. **PROCEDURE FOR INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS**

305.1 Improvements to be provided by Applicant: In all cases the subdivider or land developer shall be responsible for the installation of all required and developer-promised improvements in the manner specified below.

- a. All required permits shall be secured and copies shall be provided to the Township Board of Supervisors prior to signature of the final plans and prior to initiation of installation of any improvements or any site alterations.
- b. The Township Engineer or the Township's designee shall make such inspections of the required improvements, and at such intervals, as may be reasonably necessary to assure compliance with the provisions of this Ordinance. The reasonable cost of such inspections shall be borne by the subdivider or land developer. The required improvements and the design standards for constructing them are set forth in this Ordinance.

305.2 Method of providing improvements: No final subdivision plan or land development plan will be approved for signature by the Board of Supervisors unless the streets shown on the plan have been improved to a mud-free and permanently passable condition. As used herein, the phrase "mud-free and permanently passable condition" shall refer to the street design standards of Section 502.8, Table 5-1 and the street Construction standards of Section 604 referred to therein; provided, however, that phrase shall not refer to the obligation under Section 604.204 to install surface course road paving.

- a. Nor shall any Final Plan (land development, major or minor subdivision) be approved for signature unless all other required improvements (including the surface course road paving) and promised improvements have been installed to the satisfaction of the Board of Supervisors; provided, however, in lieu of completion of the improvements mentioned in the preceding clause of this sentence, the Board of Supervisors will accept Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such financial institutions or other financial security acceptable to the Board of Supervisors (hereafter referred to as Performance Guarantee) accompanied by a signed Development Agreement in a satisfactory form.
- b. Where submission of a Final Plan by sections or stages has been approved, the Board of Supervisors may require construction of, or guarantee of, improvements in future sections or stages before

granting final approval to the plan under consideration, if such future improvements are essential for the protection of the stage or section under consideration.

305.3 Performance Guarantee/Financial Security:

- a. The developer shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the Board's formal action of approval or in the executed Developers Agreement for completion of the improvements.
- b. The amount of financial security to be posted shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- c. The obligation shall be in favor of, and enforceable by, the Board of Supervisors and the ultimate grantees, lessees or licensees of the developer.
- d. The guarantee shall be secured by the credit of any of the following: a qualified corporate surety; the unconditional letter of credit of a lending institution; a restrictive or escrow account in a lending institution; or other financial security acceptable to the Board of Supervisors.
 - (1) The precise form of the security acceptable as a performance guarantee will depend upon what improvements have not been completed when the Final Plan is submitted; their anticipated cost; whether they are required or promised improvements; and the Supervisor's evaluation of the financial risk of non-performance.
- e. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of

such cost. The Township, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown.

- (1) If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Township Board and the applicant or developer. The estimate certified by the third shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.
- (2) If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10 % for each one year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 % of the cost of completing the required improvements as re-established on or about the expiration of the preceding 1 year period by using the above bidding procedure.

305.4 Development Agreement: All applicants proposing any subdivision or land development requiring the installation of improvements upon the plot map, shall be required to enter into a legally binding Development Agreement with the Township of Westfall guaranteeing the installation of the improvements in accordance with all Township requirements prior to Final Plan approval for signature.

The Development Agreement (a form of which is attached as Appendix E) shall be in a form suitable for execution by the Board of Supervisors and it shall consist of the following, where applicable:

- a. The construction depicted upon the plan in itemized format.
- b. Construction of streets with related curbs, street signs, drainage facilities and related improvements.
- c. Installation of utility lines.
- d. Dedication of streets, transfer of water and sewer lines and easements. In the event public water or sewer lines are offered for transfer to the Township or a municipal authority, there shall be no charge, cost, or payment of any nature imposed upon the Township or municipal authority. In the event streets are offered for dedication to the Township, the developer shall bear all reasonable cost of the

Township's inspection before acceptance of the offer of dedication and all costs of document preparation and recording.

- e. Prevention of erosion, sedimentation and water damage to the subject and adjacent properties.
- f. Developer's responsibilities for damage to other property.
- g. A work schedule setting forth the beginning and ending and such other details as the Township deems fit and appropriate for the improvements covered by the Development Agreement.
- h. The estimated cost of the improvements not yet completed, including a detailed breakdown in a form acceptable to the Board of Supervisors, and the amount of the Performance Guarantee.
- i. Security, in the form of a maintenance bond or escrow deposit for the repair or reconstruction of improvements which are found by the Township Engineer to be defective within one (1) year from the date on which the engineer certified them to have been completed, shall be included together with provisions for disbursement thereof.
- j. The developer shall provide the Township with a set of reproducible "AS BUILT" plans prepared by and certified by a professional engineer of all storm and sanitary sewers and water distribution facilities.
- k. Provisions for remedy of any violation of the development agreement.
- l. That Developer shall secure or maintain public liability insurance for the duration of improvements construction. A copy or other evidence of coverage shall be submitted to the Township.
- m. A save harmless clause to protect the Township from liability.
- n. Following construction, the developer shall provide the Township with a certified statement prepared by a professional engineer to the effect that the sanitary sewers, sewage treatment facilities, and water supply and distribution facilities comply with the approved plans and have been constructed in accordance with all applicable rules and regulations.
- o. The developer shall be responsible for all reasonable engineering and legal costs and expenses for inspections, consultations, and preparation of agreements, to the extent that such costs and

expenses exceed the monies paid by the developer in accordance with the Westfall Township fee schedule.

305.5 Method of Approving Required Improvements: The developer shall notify the Township Board of Supervisors, with a copy thereof to the Township Engineer, by certified or registered mail, that the required improvements have been made. Within 10 days of receiving this notice, the Board of Supervisors shall direct the Engineer to inspect all of the aforesaid improvements. The Engineer shall make his inspection and file a report to the Board of Supervisors, the Planning Commission and the developer within 30 days of the date which the developer's notification was received by the Board of Supervisors. If the Engineer finds any or all improvements to be not as required, he shall include a statement of reasons for their rejection in his report to the Board and to the developer.

- a. Where appropriate, the Township may require that periodic inspections be made of the aforesaid improvements, in which case the developer's failure to comply with that schedule of inspections shall be grounds for disapproval. The developer shall notify the Township of the progress of construction to enable the Township Engineer to make such inspections.
- b. The Board of Supervisors shall consider the Engineer's report and recommendations of the Planning Commission and render a decision to the developer by certified or registered mail within 15 days of receipt of the engineer's report.

305.6 Maintenance Bond: A maintenance bond or other suitable security shall accompany the Final Plan being submitted to the Commission. Said maintenance bond shall be in the form approved by the Township, to guarantee maintenance and repair of the streets and other improvements in the subdivision for one year after completion of construction and acceptance thereof by the Township. The amount of said maintenance bond or security shall be determined by the Township but will generally not exceed 10 percent of the estimated costs of all required improvements. After the expiration of one year from the date of formal acceptance of said improvements, the Township shall release said maintenance bond or security to the subdivider or developer or party posting said maintenance bond or security.

- a. When the Board of Supervisors accept dedication of any improvements following completion, the Supervisors shall require posting of a maintenance bond or other suitable security to the secure structural integrity of the dedicated improvements in the amount of 15% of the actual cost of installation for a period of 18 months from date of dedication.

306. APPROVAL OF FINAL PLAN FOR RECORDING

Following review and approval of the Final Plan submission and completion of required improvements or deposit of satisfactory guarantee and arrangement of Development Agreement for completion of required improvements the Final Plan reproducible drawings submitted shall be approved for recording by the signatures of all members of the Board of Supervisors.

307. RECORDING OF FINAL PLAN

Upon the signing of an approved final plan, the applicant shall, within 90 days of such approval, unless an extension has been granted in writing by the Board of Supervisors, record such plan in the Office of the Recorder of Deeds of the County. Any approved subdivision plans not filed in accordance with the provisions stated herein become null and void.

308. RECORDS, REVISIONS AND RE-SUBDIVISIONS

308.1 Revisions and Re-subdivisions: A revision or re-subdivision of a recorded plan of an approved Final Plan shall be considered as a new subdivision and shall come under the jurisdiction of this Ordinance. (A submission to correct erroneous data or omissions on recorded plans shall not be construed to be a revision or re-subdivision).

308.2 Township Records: The Planning Commission shall make a record of its findings, decisions, and recommendations relative to all subdivision plans recommended for action by the Township Board of Supervisors. Such records shall be open to the public for review.

- a. The Secretary of the Board of Supervisors shall also keep a record of the findings, decisions and recommendations relative to all subdivision plans filed for action by the Board of Supervisors.

309. COMBINATIONS (MERGERS) OF EXISTING LOTS

309.1. Contiguous previously subdivided lots currently owned by the same person or entity are qualified to be combined as one integral and unified property.

309.2. The owner thereof shall submit to the Planning Commission for its review the following:

- a. A copy of the subdivision map depicting the lots to be combined.
- b. A copy of the current deed or deeds for the lots to be combined.
- c. A copy of the proposed deed for the combined property containing a good and sufficient metes and bounds perimeter description of the combined lots.

- d. The proposed deed and map shall contain in bold face type the following covenant or restriction:

"The herein described real property shall henceforth be and be deemed to be one integral and single piece, parcel or lot of land and no portion thereof shall at any time in the future be conveyed or transferred separate from the remainder thereof except under and in accordance with the applicable ordinances of Westfall Township, in effect at the time of any such proposed or contemplated conveyance or transfer."

309.3. Nothing contained in this qualification and procedure shall be deemed to effect in any manner any private rights of contract.

310. TRAFFIC IMPACT STUDIES

310.1. Purposes: To enable the Township to assess the impact of a proposed development on the transportation system. To ensure that proposed developments do not adversely affect the transportation network. To identify any traffic problems associated with access from the site to the existing transportation network. To delineate solutions to potential problems and propose improvements to be incorporated into the proposed development.

310.2. Applicability:

- a. A traffic impact study shall be required for any subdivision or land development that at build-out after completion of all phases is projected to generate 500 or more average daily trip ends. "Trip ends" shall mean the total number of trips both entering and exiting the proposed development. These projected trip ends shall be based on the latest edition of the publication titled *Trip Generation*, published by the Institute of Transportation Engineers, or upon traffic studies conducted within the last 5 years at comparable developments.
- b. If a development is proposed to be submitted in phases, the initial traffic study shall consider a reasonable estimate of the likely development in later phases, in addition to the current phase.
- c. The boundaries of the study area to be analyzed shall include those existing and proposed streets and intersections which may be affected by the proposed subdivision or land development. If there is any dispute as to whether existing and proposed streets and intersections may be affected or not, the final discretion shall rest with the Township Engineer or designated Traffic Engineer.
- d. In lieu of submitting a traffic impact study, under the waiver and modifications provisions of Section 107, the Board of Supervisors may approve a modification to accept a fee from an applicant to be put towards the cost of a larger more comprehensive traffic study or

to accept a developer making an improvement to a street that otherwise would not be required by the Township or PennDOT.

310.3. Traffic Impact Study Contents:

- a. Site Description. This section shall include the location, proposed land uses, acreage, construction staging and completion date of the proposed land development. Types of dwelling units and number of bedrooms shall be included for residential developments, and gross and usable floor area for non-residential developments. A brief description of surrounding land uses and other proposed land developments within the study area shall be provided. A study area map should also be included.
- b. Transportation Facilities Description.
 - 1) The study shall describe the proposed internal transportation system, including vehicular, bicycle, bus and pedestrian circulation, all internal roadway widths and rights-of-way, parking conditions, traffic channelizations and any traffic controls within the site.
 - 2) The study shall describe location and design of proposed access, including sight distance limitations and distance from adjacent driveways and intersections.
 - 3) The report shall describe the external roadway system within the study area. Major intersections in the study area shall be identified and mapped. All proposed or approved roadway improvements within the study area shall be noted.
- c. Existing Traffic Conditions. Existing traffic conditions shall be documented for all streets and intersections in the study area. Traffic volumes shall be recorded for existing average daily traffic, existing peak hour traffic and for traffic during the development's peak hour. Complete traffic counts at all intersections in the study area shall be conducted, encompassing the peak hours of the development and roadway. A volume capacity analysis using the procedures of the current *Highway Capacity Manual* and based upon existing volumes shall be performed during the peak hour(s) of the development for the peak hour(s) of all roadways and major intersections in the study area. Levels of service shall be determined for each location.
- d. Traffic impact of the Development. Estimation of vehicular trips to result from the proposal shall be completed for the peak hour(s) of both the street system and the development. Acceptable source(s) and methodology shall be followed. These generated volumes shall be distributed to the study area and assigned to the existing streets and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to all access points. Safety issues for any pedestrian crossings shall be described. Any characteristics of the site that will cause unusual trip generation rates and/or traffic flows shall be noted.

- e. Analysis of Traffic impact. The total future traffic demand based on full occupancy of the proposed subdivision or land development shall be calculated for the existing and proposed streets and intersections. This demand shall consist of the combination of the existing traffic expanded to the completion year through the use of an accepted background growth rate, the development-generated traffic, and the traffic generated by other proposed developments in the study area. A volume/capacity analysis shall also be conducted using the total future demand and the future roadway capacity. This analysis shall be performed using the peak hour(s) for all streets and major intersections in the study area. The Township Engineer may also require this analysis to be conducted for the peak hour(s) of the development. Volume/ capacity calculations shall be completed for all movements at major intersections. Levels of service for all streets and intersections shall be listed.
- f. Conclusions and Recommended Improvements.
 - 1) Any movements on streets and intersections within the study area showing a Level of Service E, or worse, based on the latest edition of the *Highway Capacity Manual*, shall be considered deficient. Specific recommendations for the elimination of these problems shall be listed. For unsignalized intersections where the traffic impact of the development causes the side street approach to degrade to a Level of Service D or lower, the intersection shall be evaluated for a signal warrant. Highway capacity evaluations shall consider not only the overall intersection level of service, but also each approach and movement to identify any substandard values which need to be improved.
 - 2) All locations where the level of service for the completion year of the development is deficient without the proposed development, the study shall determine improvements which would provide a level of service and delay no worse than conditions without the subject development. These improvements may include street and intersection design and improvements, traffic signal installation and operation, traffic signal timing and other improvements. The study shall also provide an analysis to determine improvements which would eliminate all deficient levels of service.
 - 3) The listing of recommended improvements for both streets and transit shall include, for each improvement, the party responsible for the improvement, a preliminary cost estimate and funding of the improvement, and the phase of development during which the improvement is proposed to be completed. Any roadway improvement which requires increased right-of-way shall be identified.
 - 4) The traffic impact study may be used as a basis for a Township requirement under this Ordinance.

- 5) Approval of a site access plan by PADOT does not guarantee approval by the Township.
- g. Preparation and Review. The preparer of the traffic impact study shall be a professional engineer or transportation planner. The developer shall reimburse the Township for reasonable fees and expenses incurred by the Township Engineer or Traffic Engineer for the review of the developer's traffic impact study and plans.

ARTICLE IV PLAN REQUIREMENTS

Preliminary and Final Plans submitted for approval shall meet the requirements outlined in the following sections. (NOTE: Sketch plans are optional. They do not have to be prepared by a professional. The following criteria is suggested to make the sketch plan review meaningful.)

401. SUBMISSION OF SKETCH PLANS

401.1 The Sketch Plan should show:

1. Proposed subdivision name, location, land owner and developer's name and address. Names and addresses of corporation officers and major shareholders or partners. Designation of zoning district. Location map at a scale of 1"=2000'. Show major roads, points of interest and Township boundaries within 1000 feet. Give name under which the subdivision is to be recorded. Identify the plan as Sketch Plan.
2. North arrow, true or magnetic, graphic scale (1"=50' or 1"=100' preferred) and date.
3. Names of adjoining property owners including those across adjacent roads.
4. Proposed and existing streets, water/sewer, gas, power and other utility lines existing and proposed buildings and lot layout on immediately adjoining tracts, including name and right-of-way widths that fall within 500 feet distance from the project boundary lines.
5. Water courses, lake, and wetland locations and names (if any), rock outcrops and stone fields. Give location and description of any certified historic site or structure or certified natural feature.
6. Identify the location of all soils as mapped by the U.S. Natural Resource Conservation Service (formerly "SCS"), with soils identified that are poorly drained or have an expected seasonal high water table less than 20 inches from the land surface.
7. Lot layout and existing topography (general). Lot width, depth, and area (typical). Lot layout, lot width, depth and area and lot identification by number system. Street lines and names, lot lines, right-of-way, easements, community or public areas and areas to be dedicated.

8. Site data: Acreage, number of lots, average lot size, lineal feet of new roads.
9. Proposed uses of the various areas of the proposed subdivision or land development.
10. Location and type of rights-of-way, easements or other restrictive covenants which might affect development.

401.2 The following supportive information should be submitted with the Sketch Plan:

1. The latest U.S.G.S. Quadrangle map or portion thereof with the perimeter of the development accurately plotted thereon.
2. A map of the entire contiguous holdings of owner or developer showing sketch plan for roads and the location of the portion to be subdivided or developed.
3. The Planning Commission shall, at its discretion, require that evidence be presented indicating the manner in which the Environmental Protection Requirements described in Section 502.3 and the Zoning Ordinance are to be met.

402. **SUBMISSION OF PRELIMINARY PLAN**

402.1 Preliminary Plans for Major Subdivisions and Major Land Developments shall be drawn at a scale of one inch equals 50 or 100 feet provided all bearings, distances and other information can be legibly and accurately presented on the plan. Plans shall be prepared on a standard sheet of 12 inch by 18 inch, 18 inch by 24 inch, or 24 inch by 36 inch, except when the Commission approves other size plans. Identify the plan as Preliminary Plan. Preliminary Plans shall be signed and sealed by a professional engineer or licensed surveyor as defined in Article 2 of this Ordinance. In addition, a licensed surveyor shall certify any plan that involves a new lot.

402.2 Preliminary Plans shall show:

1. Proposed subdivision name, location, land owner and developer's name and address. Names and addresses of corporation officers and major shareholders or partners. Designation of zoning district. Location map at scale of 1"=2000'. Show major roads, points of interest and Township boundaries within 1000 feet. Give name under which the subdivision is to be recorded. The name shall not duplicate any other record subdivision in Pike County.

2. North arrow, true or magnetic, graphic scale (1"=50' or 1"=100' preferred) and date.
3. Names and tax parcel numbers of adjoining property owners including those across adjacent roads.
4. Proposed and existing streets, proposed and existing buildings and lot layout on immediately adjoining tracts, including name and right-of-way widths that fall within 300 feet distance from the project boundary lines.
5. Water course, lake and other surface water bodies, rock outcrops and stone fields. Give location and description of any certified historic site or structure or certified natural feature. Wetland areas locations as delineated by a trained and competent professional or as certified by the appropriate state and federal agencies.
6. Identify the location of all soils as mapped by the U.S. Natural Resource Conservation Service (formerly SCS), with soils highlighted that are classified as poorly drained or have an expected seasonal high water table less than 20 inches from the land surface.
7. Lot layout, lot width, depth and area (typical). Lot identification by number system. Street lines and names, lot lines, right-of-way, easements, community or public areas and areas to be dedicated.
8. Site data: Acreage, number of lots, average lot size, lineal feet of new roads.
9. Tract boundaries with bearings in degrees, minutes and seconds and distances in feet and hundredths. These boundaries shall be determined by accurate field survey, closed with an error not to exceed one in five thousand and balanced.
10. Location and log of soil test pits and soil percolation tests results, including locations of unsuccessful test sites.
11. Location, purpose and nature of any existing right-of-way or other easement. Location, purpose and nature and width of proposed easements. Location of existing sanitary sewers, public water mains, storm sewers, electric power and transmission lines, gas lines and all other utility facilities above or below ground with direction of flow and pressure.
12. Dimensions of streets, lots and proposed community areas. Sufficient bearings, lengths of lines, radii, arc lengths, street widths, rights-of-way, easements and community or public areas, to

accurately and completely reproduce each and every course on the ground.

13. Proposed street names, road profiles, including grades, points of vertical curvature and tangency and length of vertical curve; typical cross sections and specifications for streets.
14. Proposed areas for location of wells and sub-surface sewage disposal fields (if applicable).
15. Designs for sanitary sewer systems, water systems and storm water system improvements.
16. Building setback lines and lot width at the front building setback line.
17. A place on the plan for review by the Planning Commission, and Township SEO, and a place for approval by the Board of Supervisors, including space for the dates thereof. Space reserved for noting plan revisions.
18. All applicable zoning data.
19. Approximate final grades in areas of cut or fill.
20. Any lots designated for use other than residential shall be indicated.
21. Parcels to be dedicated to the public or reserved for their use, or to be reserved by covenant for residents shall be shown and marked as such.
22. Contour lines shall be shown at intervals of not more than 2 feet for land with an average natural slope of 4 percent or less and of not more than 5 feet for land with an average natural slope of more than 4 percent. The Township reserves the right to require greater detail when the slope or nature of the development demands the same.
23. Designs and location of proposed bridges and road culverts.
24. Any proposed landscaping including trees and other plantings and screening or buffer areas.
25. The seal and signature of the Professional Engineer or Registered Surveyor responsible for preparation of the plan.

402.3 The following supportive documents and information shall be submitted with Preliminary Plans for land development or major subdivisions.

1. Copies of the proposed deed restrictions, protective and restrictive covenants referenced to the drawing.
2. Proposed offers of dedication and reservation of rights-of-way and land areas with conditions attached.
3. If the developer proposes to install private amenities or facilities (for example, private roads, recreation facilities, open spaces, central sewer or water system, etc.) the developer must submit a narrative description of how responsibility for maintenance and care and ownership of those amenities or facilities will be transferred to the persons or organization which will own them. If the developer proposes to dedicate all or some portion of the amenities or facilities to the Township at some future date, the developer must submit a narrative description of how responsibility for maintenance and care of these amenities or facilities will be handled during the period before the offer of dedication to the Township. In no event will the Township accept a dedication of such amenities or facilities if, at the time of the dedication, they do not meet the then existing standards of the Township.
4. Certification of central water supply system:
 - a. Public: When the subdivision is to be served with water by an existing water company or authority, the developer shall submit two (2) copies of a letter from the water company or authority which states that the company or authority can adequately serve the subdivision.
 - b. Private: When the subdivision is to be served by a private central water supply system.
 - (i) The developer shall submit a preliminary plan of the proposed system showing all pertinent features and meeting the requirements specified in Appendix A of this Ordinance.
 - (ii) The approval of the subdivision shall be conditioned upon the receipt by the township of the approval of the appropriate agencies prior to Final Plan submission.
 - (iii) Failure to submit the approval of the system by the appropriate agencies shall render any conditional Preliminary Plan approval null and void.
 - (iv) The Commission and Board of Supervisors shall have the right to review any such preliminary and final plans to determine the overall adequacy of the proposed system.
5. Certification of a central sewage disposal system:

- a. Public: When the subdivision is to be served by an existing sewer company or authority the developer shall:
 - (I) Submit a preliminary plan of the proposed sewage system showing all pertinent features.
 - (ii) Submit 2 copies of a letter from the company or authority which states that the company or authority can adequately serve the subdivision or development, including any conditions and/or costs imposed by the sewer company or authority.
 - (iii) The Commission and Board of Supervisors shall have the right to review any such preliminary and final plans to determine compliance and compatibility of the same with any Township plans or studies and the overall adequacy of the proposed system.
 - (iv) Submit proof of the approval of the design of the system by the appropriate agency prior to the final plan submission. Preliminary approval will be conditional until this requirement is met.

- b. Private or Community: When the subdivision is to be served by a private central sewage disposal system or community subsurface sewage disposal system:
 - (I) The developer shall submit a preliminary plan of the sewage and treatment systems showing all pertinent features.
 - (ii) The developer shall submit 4 copies of a complete Planning Module for Land Development concurrent with the Preliminary Plan.
 - (iii) The approval of the subdivision shall be conditioned upon the receipt by the Township of the approval of the sewage and treatment system by the appropriate agencies prior to final Plan submission.
 - (iv) Failure to submit the approvals of the Land Planning Modules and of the sewage and treatment systems shall render any conditional Preliminary Plan approval null and void.
 - (v) The Commission and Board of Supervisors and Township SEO shall have the right to review any such preliminary and final plans to determine compliance and compatibility of the same with any Township plans or studies and the overall adequacy of the proposed system.

6. Certification of on-lot sewage system: When the subdivision is to be served by individual on-lot sewage disposal systems:
 - a. The developer shall submit 7 copies of a completed Planning Module for Land Development concurrent with the Preliminary Plan.
 - b. The approval of the subdivision shall be conditioned upon the receipt by the Township of the approval of the Land Planning Module by the appropriate agencies.
 - c. Failure to submit the approvals of the Land Planning Modules by the appropriate agencies shall render any conditional Preliminary Plan approval null and void.
7. The Planning Commission or Board of Supervisors may, at its discretion, require that evidence be presented indicating the manner in which the Environmental Protection Requirements described in Section 502.3 and the Zoning Ordinance are to be met. Soil erosion and sedimentation control plans shall be prepared in cooperation with the County Conservation District.
8. Map of entire contiguous holdings and all other holdings of the owner within 2000 feet, indicating area of proposed subdivision. A sketch plan of the proposed road system will be required for any contiguous area not included in the Preliminary Plan.
9. A storm water drainage plan consisting of location, type and character of storm sewers, culverts, natural water courses, drainage easements, impoundment areas, existing and proposed topographic contours shall be prepared in compliance with methods specified in Appendix B and in cooperation with the District.
10. A properly executed Application on a form provided by the Board.
11. In those cases where proposed subdivision roads or proposed lots abut or access directly to state highways the applicant shall submit an application to Penn DOT for a state highway access permit at the time preliminary subdivision or land development plans are submitted to the Township. A copy of this application shall be submitted to the Township with the preliminary plans along with evidence of submission of the application to Penn DOT.

PennDOT approval of an access permit, where applicable, is required for preliminary plan approval.

403. **SUBMISSION OF FINAL PLANS FOR MAJOR SUBDIVISIONS**

403.1 Final Plans for Major Subdivisions shall be drawn at a scale of one inch equals 50 or 100 feet provided all bearings, distances and other information can be legibly and accurately presented on the plan. Plans shall be prepared on a standard sheet of 12" x 18", 18" x 24", or 24" x 36", except when the Commission approves other size plans. The plan for recording shall be a clear, legible, reproducible original or print on stable base mylar or comparable quality material. Identify the plan as Final Plan. Final plans shall be prepared by a professional engineer or registered surveyor as defined in Article 2 of this Ordinance.

403.2 The Final Plan for Subdivision and Land Development shall show:

1. Proposed subdivision name, location, land owner and developer's name and address. Names and addresses of corporation officers and major shareholders or partners. Designation of zoning district. Location map at scale of 1"=2000'. Showing major roads, points of interest and Township boundaries within 1000 feet. Give name under which the subdivision is to be recorded.
2. North arrow, true or magnetic, graphic scale (1"=50' or 1"=100' preferred) and date.
3. Names of adjoining property owners including those across adjacent roads.
4. Proposed and existing streets, existing and proposed buildings and lot layout on immediately adjoining tracts, including name and right-of-way widths that fall within 300 feet distance from the project boundary lines.
5. Water course, lakes and other surface water bodies, outcrops and stone fields. Give location and description of any certified historic site or certified natural feature. Wetland area locations as delineated by a trained and competent professional and by the appropriate state and federal agencies.
 - a. The Township may require a written certification by a trained and competent professional that no wetlands exist on the site when no wetlands are shown on the plans.
6. Identify the location of all soils as mapped by the U.S. Natural Resource Conservation Service (formerly SCS), which are classified as poorly drained soils or have an expected seasonal high water table less than 20 inches from the land surface.

7. Lot layout. Lot width, depth and area and lot identification by number system. Street lines and names, lot lines, right-of-way, easements, community or public areas and areas to be dedicated.
8. Site data: Acreage, number of lots, average lot size, lineal feet of new roads.
9. Tract boundaries with bearings in degrees, minutes and seconds and distances in feet and hundredths.
 - a. The boundaries of lots (other than a residual lot of at least 10 acres) shall be determined by accurate field survey by a professional Pennsylvania-licensed surveyor, closed with an error not to exceed 1 in 10,000 and balanced. However, the boundaries of any residual tract that is not proposed for additional development and which is greater than 10 acres may be determined by deed.
10. Location and extent of various soil types, location and log of soil test pits and soil preclusion tests results.
11. Location, purpose and nature of any existing right-of-way or other easement. Location, purpose and nature and width of proposed easements, utilities and improvements.
12. Dimensions of streets, lots and proposed community areas. Sufficient bearings, lengths of lines, radii, arc lengths, street widths, rights-of-way, easements and community or public areas, to accurately and completely reproduce each and every course on the ground.
13. Proposed areas for location of wells subsurface disposal fields (if appropriate).
14. Designs for sanitary sewer systems, water systems and storm water system improvements.
15. Building setback lines.
16. A place on the plan for review signatures of the Planning Commission, and Township SEO, and a place for approval by the Board of Supervisors, including a space for the dates thereof. A space to note plan revisions. A place for notation of review by the Pike County Planning Commission.
17. Contour lines shall be shown at intervals of not more than 2 feet for land with an average natural slope of 4 percent or less and of not more than 5 feet for land with an average natural slope of more than

4 percent. The Township reserves the right to require greater detail when the slope or nature of the development demands the same.

18. Designs and locations of proposed bridges and road culverts.
19. Excepted parcels or sections shall be marked "not included in this plat" and their boundary completely indicated by bearings and distances.
20. The total tract boundary lines of the area being subdivided, with accurate distances to hundredths of a foot and bearings to one second of arc. These boundaries shall be determined by accurate survey in the field; provided, however, that the boundary(s) of adjoining additional unplatted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated.
21. Block and lot numbers.
22. Location and type of permanent monuments and markers which have been set in place.
23. Lot area - size of each lot in square feet or acres.
24. The Deed Book Volume and page number, as entered by the County Recorder, reference to the latest source of title to the land being subdivided.
25. The seal and signature of the Professional Engineer or Registered Surveyor responsible for preparation of the plan.
26. Proposed landscaping including trees and other plantings and screening or buffer areas.
27. Zoning District.

403.3 The following items shall be on all Final Plans in the form of protective covenants:

1. Building setbacks.
2. Corner lot sight easements.
3. Utility, drainage and slope easements.

4. "Well and sewage disposal systems shall be constructed in accordance with recommended standards of the PA. Department of Environmental Protection" (if applicable).
5. "Individual owners of lots must apply to the Township for a sewage permit prior to undertaking the construction of an on-lot sewage disposal system" (if applicable).
6. "The Planning Commission and the Board of Supervisors have not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage disposal system" (if applicable).
7. Subdivision and Land Development Final Plans requiring access to a highway under the jurisdiction of the PennDOT shall contain the following notice: "The plan requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation and a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before any driveway access to a state highway is permitted." Final plans shall also be noted to indicate that access to the State Highway shall be only as authorized by a highway occupancy permit.

403.4 The following information shall supplement the Final Plan:

1. Final Profiles, cross-sections and specifications for street improvements. Final designs of bridges and road culverts.
2. Final Plans of drainage, storm sewer, sanitary sewer and water distribution system.
3. Final grading and finish contours for proposed commercial or industrial development which grading shall be consistent with **Section 502.301**.
4. Approval by the appropriate agencies for the water supply, sewage, storm water runoff, and soil and erosion control plans.
5. Proof of the formation of any property owners association, or similar organizations, which is to assume responsibility for maintenance and care of the amenities and facilities. Also, a narrative description of how control of the owners association will pass to the lot purchasers.
6. A final version of all restrictions and covenants, if any, the developer intends to place in the deeds to the lots in the subdivision. If no such

restrictions or covenants are to be imposed, a statement to that effect shall be included.

7. Evidence of actual arrangements and legal agreements with utility Companies or Authorities for providing services to each lot in the subdivision or to the land development.
8. In those cases where Final Plans propose water supply to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall provide evidence with the Final Plan that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
9. In those cases where subdivision or land development roads or proposed lots abut or access directly to state highways, the applicant shall secure from PennDOT a state highway access permit as a requirement for final plan approval. A copy of the approved permit shall be submitted to the Township with the final plan.

403.5 After all signatures have been affixed to the reproducible print of the Final Plan, the developer shall supply one reproducible mylar copy and four black line or blue line prints to the Township. The developer or subdivider shall also provide one reproducible mylar copy and one paper print to the county mapping office. The Township and/or the County may also require an electronic copy.

403.6 The following general note shall be on all Final Plans if applicable:

"All roads shall remain private, not open to public travel, and shall not in the future be offered for dedication to Westfall Township by the subdivider, heirs, successors or assigns, unless all requirements of Township Ordinance No. 64, or any amendment thereto, shall have been installed."

404. **SUBMISSION OF FINAL PLAN FOR MINOR SUBDIVISION**

404.1 Final plans for Minor Subdivisions shall be drawn at a scale of one inch equals 50 or 100 feet provided all bearings, distances and other information can be legibly and accurately presented on the plan. Plans shall be prepared on a standard sheet of 12" x 18", 18" x 24", or 24" x 36" except when the Commission approves other size plans. The plan for recording

shall be a clear, legible, reproducible original or print on stable base mylar or comparable quality material. The plan shall be identified as Minor Subdivision Final Plan.

Final plans shall be prepared by a professional engineer or registered surveyor as defined in Article 2 of this Ordinance.

404.2 A final plan for a minor subdivision or minor land development shall show or include all applicable items of information required for final plans in Section 403.2 of this Ordinance with the following additions:

1. Sufficient data, acceptable to the Township Engineer shall be submitted to readily determine the location, bearing and length of every boundary, street and proposed lot line and the accurate location of each proposed lot or parcel or land development feature within and in relation to the boundaries of the entire original tract being subdivided or developed (based upon an accurate field survey, closed with an error not to exceed one in 5,000 and balanced).
2. All dimensions shall be shown in feet and hundredths of a foot with all bearings shown to the nearest one second of arc. **The area of each proposed lot or parcel.**
3. **The location and boundaries of any land areas having a slope of thirty (30%) percent or greater shall be highlighted.**

404.3 A final plan for a minor subdivision or minor land development shall include all applicable protective covenants listed in Section 403.3 and supplemental information listed in Section 403.4 of this Ordinance and the following if applicable:

1. In the event the Subdivision incorporates a private access drive as defined in this Ordinance, the following: "The improvement and maintenance of the private access drive shall be the sole responsibility of those persons benefitting by the use thereof."
2. In the event the Subdivision qualifies under Subparagraph C. of the definition "Minor Subdivision" in this Ordinance, the following: "Lot number _____ shall be joined to and become an inseparable part of lands of _____ as recorded in Deed Book Volume _____, page _____, and cannot be subdivided or conveyed separately or apart therefrom without Township approval."
3. In the event the subdivision incorporates a private access drive, as defined in this Ordinance, which serves as access to a parcel, two or more, then the design of such drive shall conform to the requirements set forth in Table 5-1 and Table 6-2. Typical cross-

sections shall be submitted for all private access drives, the design of which shall be adequate for the anticipated traffic. The Commission may at its discretion, require that center-line profiles, together with all vertical curve data, be submitted.

405. SUBMISSION OF LAND DEVELOPMENT PLANS

405.1 Land development plans proposing new construction or change of use residential developments of 5 dwelling units or less or for public services, commercial or industrial uses involving 2,500 square feet of gross building floor space or less or any proposed changes of use of land not involving any buildings or structures shall meet all applicable requirements of Section 404 for the Submission of Final Plans for Minor Subdivisions. These Land Development Plans shall be identified in the plan title block as "Minor Land Development Plans".

405.2 Land development plans submitted for residential developments of 6 dwelling units or more and for public services, commercial or industrial uses involving more than 2,500 square feet of gross building floor space shall meet all applicable requirements of Section 402 and 403 for Preliminary and Final Plans for Major Subdivisions.

These Land Development Plans shall be identified in the plan title block as "Major Land Development Plans."

ARTICLE V DESIGN STANDARDS

501. APPLICATION

The design standards and requirements set forth in this Article shall be observed as minimums by the subdivider or developer of each subdivision and land development within Westfall Township. Table 5-1 at the end of this Article is a part of the design standards within this Article V. The Township may require more restrictive standards where necessary to protect health, safety and welfare of the public and the environment and where unique site or design conditions so dictate.

502. DESIGN STANDARDS APPLICABLE TO ALL TYPES OF DEVELOPMENT

502.1 General Standards: Land shall be suited to the purpose for which it is to be subdivided. Land subject to hazards against life, health, or property shall not be subdivided or developed unless adequate safeguards are provided as approved by the Board of Supervisors, based upon reviews by the Planning Commission and fire officials. The subdivision or land development shall fully comply with the provisions of the Township Zoning Ordinance.

- a. In addition to the Zoning Ordinance and Comprehensive Plan, information for determining and evaluating potential hazards may include references to historical records, soil evaluations, engineering studies, expert opinions, established standards used by registered insurance companies, and Federal, State, or local policies, such as, but not limited to, established flood plain lines.
- b. All portions of a tract being subdivided shall be taken up in lots, streets, public lands, or other proposed uses, so that remnants and land-locked areas shall not be created. The layout of a subdivision shall also be planned with consideration to existing nearby developments or neighborhoods, so that the development is coordinated in terms of traffic movement, drainage, and other reasonable considerations.
- c. Wherever possible, lot lines shall follow municipal and county boundary lines rather than cross them, and reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands are prohibited.

502.2 Land Requirements:

- 502.201 Minimum lot or parcel area and dimensional requirements for residential and nonresidential subdivisions and land

developments shall be as set forth in the Westfall Township Zoning Ordinance.

- 502.202 See the definition of "Lot Width" in the Zoning Ordinance, which includes certain exceptions.
- 502.203 See Section 310 of the Zoning Ordinance concerning land with slopes of 15 percent or greater.
- 502.204 The minimum required lot area shall generally be designed and plotted as a contiguous area of land not separated or interrupted by permanent drainage or utility rights-of-way or street rights-of-way. Separation or interruption of this required minimum contiguous lot area by drainage or utility rights-of-way or street rights-of-way shall be avoided wherever possible and shall be permitted in all subdivisions and land developments only upon grant of a modification by the Board of Supervisors upon written request by the applicant.

502.3 Natural and Historic Feature Preservation: The Planning Commission and the Board of Supervisors shall, at their discretion, require that the design and development of all subdivisions shall preserve insofar as possible, all natural, scenic, and historic features, which will add attractiveness by providing parks, adequate open space for recreation, light and air by proper distribution of population thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens and for the harmonious development of the Township. Some of these features are the natural terrain and natural drainage, large trees or groves, water courses and falls, historic areas and structures, exceptional scenic views and landmarks, and other community assets. Land subject to hazardous conditions such as open quarries, unconsolidated fill, floods, excessive erosion, precipices, and water supply shall not be subdivided until the hazards have been eliminated or overcome by the subdivision and proposed construction.

- 502.301 Soil Protection: If required by regulations of the DEP, a developer shall submit with the preliminary plan an "Erosion and Sedimentation Control Plan" prepared by a person trained and experienced in erosion and sedimentation control methods and techniques as provided for under Title 25 Rules and Regulations, Chapter 102, issued by DEP. Such plans shall be submitted by the Applicant to the County Conservation District for review and recommendation of the District directors. Three (3) copies of the "Erosion and Sedimentation Control Plan" with any required approval or permit by the appropriate agency shall be submitted to the Township Planning Commission with the Preliminary Plan. Regardless of the requirements of the DEP, if the subdivision or land development will require excavation or

fill in excess of 3 feet in depth, the developer shall be required to submit to the Township Planning Commission with the preliminary plan, an "Erosion and Sedimentation Control Plan" prepared by persons trained and experienced in erosion and sedimentation control methods and techniques.

- a. A submittal to the Township may also be required under Section 501 of the Zoning Ordinance.

502.302 Uninhabitable Land: Land subject to flooding or subsidence, hazardous excessive erosion, precipices and land deemed by the Commission or the Board of Supervisors to be uninhabitable for other reasons shall not be plotted for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard; but, such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or will not produce unsatisfactory living conditions; such land may be incorporated as additional areas in plotted lots.

502.303 Water and Wetland Areas: Bodies of surface water and wetland areas defined and designated by federal and state agencies shall not be utilized in the calculations of, or used to meet required minimum lot sizes for any proposed residential or non-residential use nor utilized to calculate or to meet the minimum total parcel areas required for a residential unit or other nonresidential activity. The Township shall require that significant designated wetlands or surface water areas be retained in a single ownership common area rather than incorporated as additional area in plotted lots to facilitate current or future management of surface waters or wetlands for maintenance of environmental quality.

- a. Damming, filling, relocating or other interference with the flow of surface water along any surface water drainage channel or natural water course shall not be permitted except with the approval of the Township and, where appropriate, the Pennsylvania DEP.

502.4 Water Supply and Sewage Disposal Requirements: All subdivision and land developments shall be served with an adequate water supply and sewage system, either on lot, public, or private central systems. All such systems shall be acceptable to the Pennsylvania DEP and to the Board of Supervisors. All residential lots shall contain a suitable area for on-lot sewage disposal system or be served by an approved community or central sewage disposal system. In those cases where Final Plans propose water supply to be provided by means other than by private wells owned and

maintained by the individual owners of lots within the subdivision or development, applicants shall provide evidence with the Final Plan that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility.

- a. All suppliers of non-municipally owned central or community sewage disposal facilities shall be organized as a certified public utility or a bona fide cooperative association of lot owners in a manner which is acceptable to the Board of Supervisors.
- b. In the event any such central water and/or central sewer system is transferred to the Township or a municipal authority, neither the developer nor the developer's assignee shall be entitled to receive compensation or payment thereof, and in no event shall the Township or municipal authority be obligated to accept such system by virtue of the terms of this Ordinance.
- c. One copy of all correspondence, supporting documentation, applications for permits, and certificates for operation submitted to DEP and/or Pennsylvania Public Utility Commission for the right to provide such services shall be forwarded to the Township as a part of the public record. One copy of the permit and/or certificate of convenience issued by DEP and the PUC authorizing such services shall be forwarded upon receipt to the Township as a part of the public record.
- d. Plans and specifications for central or community water and/or sewage systems (i.e. extension of an existing or new proposed utility) shall be prepared by a registered professional engineer well versed in the design of such systems and duly licensed to practice within the Commonwealth of Pennsylvania. A minimum of 4 complete sets of preliminary plans for such systems shall be submitted to the Planning Commission, with the application for review of preliminary plans. A minimum of 4 complete sets of approved plans and specifications shall be submitted to the Planning Commission with the application for review of the Final Plan.
- e. Four copies of a completed Planning Module for Land Development shall be submitted concurrent with the Preliminary Plan. The Board of Supervisors will submit copies of the module and necessary documentation to the Pennsylvania DEP for review. DEP approval of the module and any required Township Official Sewage Facilities Plan revision or supplement will be required prior to Final Plan approval.

502.401 Public or Private Central Water System: Where a public water supply is available to the proposed residential development, the subdivider shall construct a system of water mains and connect with such system and provide a connection for each

lot. Regardless of this requirement, all subdivisions and land developments shall be served with an adequate water supply. Plans and specifications for off-site water systems (i.e. extension of an existing system or a proposed new facility) shall be prepared by a professional Engineer and shall conform to accepted engineering practices. The system shall be designed to furnish adequate water supply including flow and pressure, main sizes and fire hydrants located to meet the specifications of the National Fire Protection Association and the Westfall Township Fire Department or the Mill Rift Fire Department. Suitable agreements shall also be established for the design, specifications, construction, ownership and maintenance of such distribution system.

- 502.402 Central Sewers: Subdividers or land developers shall provide sewer connections to a public sewer system if such sewer system is reasonable to the proposed subdivision or development.
- a. If a county plan, regional plan, municipal plan, or subdivision requirement indicates that construction of sanitary sewers will serve the site within approximately 5 years, then capped sewers shall be required. When public sanitary sewer systems may not be available within 10 years, then a central sewage treatment and disposal system (commonly called a package treatment plant) or a community subsurface sewage disposal system may be installed by the developer. Central sewers or community systems are required for all residential lots and non-residential developments where the Board of Supervisors determines upon review of competent data and information that on-site soil conditions are unsuitable for on-lot subsurface disposal systems. In those cases where community subsurface disposal systems are proposed, a replacement area which has been properly tested and meets current state and Township standards for subsurface sewage disposal shall be provided for the subsurface sewage disposal field.
 - b. Design standards, materials, and specifications shall be as outlined in the current Pennsylvania DEP Sewerage Manual, Publication No. 1, as amended or revised, and all other requirements either Federal or State necessary to secure the requisite permits from such agencies.
- 502.403. Well and Septic System Locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or

septic system shall designate the proposed well and a primary and an alternate septic system locations.

- 502.403.1. Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA DEP regulations between a well and septic systems on the subject lot and all adjacent lots.
- 502.403.2. A plan may show the outer extent of potential well locations, instead of one exact location, provided all of the potential area would still meet the isolation distance.
- 502.403.3. If the well or septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
- 502.403.4. It is requested that well sites be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The intent is to minimize the visibility of any septic mound systems. In addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property-owners to meet minimum separation distances between septic systems and wells.

502.404. Water Studies.

- 502.404.1. Purposes. To provide the Township with information to properly evaluate the impact a proposed development will have upon groundwater resources. To make sure that adequate water supplies will be available to service a proposed development without negatively impacting adjacent uses dependent upon the same water source.
- 502.404.2. A hydrogeologic study shall be required to be submitted by the applicant whenever a proposed use, subdivision or land development will involve total average water usage of groundwater or spring water after build-out exceeding 10,000 gallons per day.
- 502.404.3. See also the provisions of Section 306 and 402 of the Zoning Ordinance concerning withdrawals of spring water and groundwater for off-site use.
- 502.404.4. Credentials. The study shall be prepared by a professional geologist or professional engineer with substantial experience in preparing similar studies.

502.404.5. The hydrogeologic study at a minimum shall include the following:

- (a) A location map for the proposed development showing proximity to waterways, lakes and major roads.
- (b) A proposed 30 day average rate and maximum daily rate of groundwater or spring water withdrawal from each water source.
- (c) A map showing water withdrawal points.
- (d) An analysis of the impacts of the water withdrawal upon the groundwater supply and upon uses and creek levels within a one-half mile radius of the project, including agricultural activities.
- (e) Consideration of the impacts during both normal conditions and drought conditions.

502.5 On-Lot Water and Sewer System: Where neither connection to a centralized water or sewer system is required, on-lot water and sewer systems shall be constructed in accordance with criteria set forth by the Pennsylvania DEP. The Township Sewage Enforcement Officer's site and soils investigation and favorable report is required prior to unconditional Preliminary Plan approval. An adequate number of test pits and soil percolation tests, as determined by the Sewage Enforcement Officer, shall be undertaken to determine the general suitability of soils throughout the subdivision or development for on-lot subsurface sewage disposal.

502.6 Stormwater Management & Drainage:

502.601 Statement of Findings

The Board of Supervisors finds that:

- (a) Inadequate management of accelerated runoff of stormwater resulting from development throughout a watershed increases flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control stormwater, undermines floodplain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases non-point source pollution of water resources.
- (b) A comprehensive program of stormwater management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public

health, safety, and welfare and the protection of people of the Commonwealth, their resources, and the environment.

- (c) Stormwater is an important water resource, which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- (d) Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).

502.602 Purpose

The purpose of this Section is to promote health, safety, and welfare within the Township and its watersheds by minimizing the harms and maximizing the benefits described in Section 502.601 through provisions designed to:

- (a) Meet legal water quality requirements under state law, including regulations at 25 Pa. Code, Chapter 93 to protect, maintain, reclaim, and restore the existing and designated uses.
- (b) Preserve natural drainage systems as much as possible.
- (c) Manage stormwater runoff close to the source.
- (d) Provide procedures and performance standards for stormwater planning and management.
- (e) Maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- (f) Prevent scour and erosion of stream banks and streambeds.
- (g) Provide proper operations and maintenance of all permanent Stormwater Management BMPs that are implemented within the Township.
- (h) Provide standards to meet NPDES permit requirements.

502.603 General Requirements

- (a) No Regulated Activities shall commence until the Township approves a plan, which demonstrates compliance with the requirements of this Section.
- (b) Plans approved by the Township shall be on site throughout the duration of the Regulated Activity.
- (c) The Township may, after consultation with DEP, approve measures for meeting the State Water Quality Requirements other than those in this Section, provided that they meet the minimum requirements of, and do not conflict with State law including but not limited to the Clean Streams Law.
- (d) For all Regulated Earth Disturbance Activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the Regulated Earth Disturbance Activities (e.g., during construction), to meet the purposes and requirements of this Section and to meet all requirements under Pennsylvania Code Title 25 and the Clean Streams Law. Various BMPs and their design standards are listed in the *Erosion and Sediment Pollution Control Program Manual* (E&S Manual), Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008 (2000), as amended and updated.
- (e) Discharges onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without permission of the adjacent property owner(s).
- (f) All regulated activities shall include such measures as necessary to:
 - (1) Protect health, safety, and property.
 - (2) Meet State Water Quality Requirements.
 - (3) Meet the water quality goals of this Section by implementing measures to:
 - a. Minimize disturbance to floodplains, wetlands, natural slopes over 15%, and existing native vegetation.
 - b. Preserve and maintain trees and woodlands. Maintain or extend riparian buffers and protect existing forested buffer. Provide trees and

woodlands adjacent to impervious areas whenever feasible.

- c. Establish and maintain non-erosive flow conditions in natural flow pathways.
 - d. Minimize soil disturbance and soil compaction. Cover disturbed areas with topsoil having a minimum depth of 4 inches. Use tracked equipment for grading when feasible.
 - e. Disconnect impervious surfaces by directing runoff to pervious areas.
- (4) Incorporate the techniques for Low Impact Development Practices described in *The Pennsylvania Stormwater Best Management Practices Manual*.
- (g) The design of all facilities over Karst shall include an evaluation of measures to minimize adverse effects.
 - (h) Infiltration BMPs should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Section.
 - (i) Storage facilities should completely drain both the volume control and rate control capacities over a period of time not less than 24 hours and not more than 72 hours from the end of the design storm.
 - (j) The design storm volumes to be used in the analysis of peak rates of discharge should be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, US Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland, 20910. NOAA's Atlas 14 can be accessed at Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.
 - (k) For all Regulated Activities, stormwater management BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Section and to meet all requirements under Pennsylvania Code Title 25, the Clean Streams Law, and the Storm Water Management Act.

- (l) Various BMPs and their design standards are listed in *The Pennsylvania Stormwater Best Management Practices Manual*.

502.604 Drainage Requirements

- (a) Lots shall be laid out and graded to prevent cross lot drainage and to provide positive drainage away from proposed building areas. Natural drainage courses shall be maintained. The drainage easements may be incorporated into lots or established separately and apart therefrom. To minimize sheet flow of stormwater across lots located on the lower side of roads or streets, and to divert flow away from building areas, the cross-section of the street as constructed shall provide for parallel ditches or swales or curbing on the upper side which shall discharge only at drainage easements and may also be required on the lower side in situations where site conditions or design indicate a need.
- (b) All lots shall be laid out and graded to prevent cross lot drainage, to provide positive drainage away from proposed building locations, and any primary or alternate septic system locations, on or off of the site.
- (c) No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structure on other private properties or public lands, without complete approval of provisions being made by the developer for properly handling such conditions, including water runoff impoundments, if necessary.
- (d) Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the same watershed is fully developed.
- (e) Drainage structures that are located on state highway rights-of-way shall be approved by the PennDOT, and a letter from that office indicating such approval shall be directed to the Township Planning Commission prior to final approval.
- (f) All streets shall be designed as to provide for the discharge of surface water from their right-of-way.

- (g) All proposed surface drainage structures shall be indicated on the Stormwater Management Site Plan.
- (h) Interceptors for stormwater runoff along streets shall be spaced and designed to intercept 80% of the peak runoff from the design storm.
- (i) Stormwater Management Site Plans shall include all appropriate designs, details, and dimensions necessary to clearly explain proposed construction materials and elevations.
- (j) Whenever storm drains are required by the Commission and Board of Supervisors, such storm sewer system shall be separate from the sanitary sewer system. Storm drains or storm sewer facilities may be required in any development situation where the Township Planning Commission and Supervisors determine that surface drainage facilities are inadequate to prevent excessive erosion and lot or road maintenance problems.
- (k) Properly designed open swales and other surface drainage facilities shall be used where feasible. If determined by the Board of Supervisors to be necessary, based upon the recommendation of the Township Engineer, then an adequate storm sewer system consisting of inlets and underground drainage pipes with approved outlets shall be constructed by the developer. The Township may determine whether an underground storm drainage is needed based upon the expected velocity and depth of the stormwater flows (including depths in the street) and the proximity of dwellings.

502.605 Exemptions

- (a) Disconnected Regulated Activities equal to or less than 2,000 square feet are exempt from the Volume Controls, Rate Controls, and the Stormwater Management Site Plan preparation requirements.
- (b) Agricultural Plowing and Tilling are exempt from the Volume Controls, Rate Controls, and Stormwater Management Site Plan preparation requirements, provided the activities are performed according to the requirements of 25 Pa. Code, Chapter 102.
- (c) Forest Management and Timber Operations are exempt from the Volume Controls, Rate Controls, and Stormwater

Management Site Plan preparation requirements provided the activities are performed according to the requirements of 25 Pa. Code, Chapter 102.

502.606 Volume Controls

The Low Impact Development practices provided in *The Pennsylvania Stormwater Best Management Practices Manual* shall be utilized for all Regulated Activities to the maximum extent practicable.

(a) Areas Tributary to Special Protection Waters

- (1) All Regulated Activities occurring in drainage areas tributary to waters designated High Quality or Exceptional Value pursuant to 25 Pa. Code, Chapter 93, shall not change any biological, chemical, or physical characteristic, including volume, rate, velocity, course, current, cross-section, or temperature of the Special Protection Waters.

(b) Areas Not Tributary to Special Protection Waters

- (1) For Regulated Activities in drainage areas that are not tributary to Special Protection Waters, water quality controls shall be implemented using *The Design Storm Method* or *The Simplified Method*. For Regulated Activity areas equal or less than 1 acre that do not require hydrologic routing to design the stormwater facilities, this Section establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.

- a. *The Design Storm Method* (CG-1 in *The Pennsylvania Stormwater Best Management Practices Manual*) is applicable to any size of Regulated Activity. This method requires detailed modeling based on site conditions.

1. Do not increase the post-development total runoff volume for all storms equal to or less than the 2-year, 24-hour duration

rainfall.

2. For modeling purposes:

- i. Existing (pre-development) non-forested pervious areas must be considered meadow or its equivalent.
 - ii. 20% of existing disturbed impervious area, when present, shall be considered meadow in the model for existing conditions.
- b. *The Simplified Method* (CG-2 in *The Pennsylvania Stormwater Best Management Practices Manual*) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to Regulated Activities greater than 1 acre or for projects that require design of stormwater storage facilities.

For new impervious surfaces:

- i. Stormwater facilities shall be sized to capture at least the first 2.0 inches of runoff from all new impervious surfaces.
- ii. At least the first 1.0 inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow — i.e. it shall not be released into the surface Waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.
- iii. Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the 0.5 inch of the permanently

removed runoff should be infiltrated.

- iv. This method is exempt from the requirements of 502.607, Rate Controls.

502.607 Rate Controls

- (a) Areas not covered by a Release Rate Map from an approved Act 167 Stormwater Management Plan:
 - (1) Post-development discharge rates shall not exceed the pre-development discharge rates for the 1-, 2-, 5-, 10-, 25-, 50-, and 100-year storms. If it is shown, that the peak rates of discharge indicated by the post-development analysis are less than or equal to the peak rates of discharge indicated by the pre-development analysis for 1-, 2-, 5-, 10-, 25-, 50-, and 100-year, 24-hour storms, then the requirements of this Section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.
- (b) Runoff that is detained shall be held and released at a pre determined controlled rate by appropriately installed devices. The release shall be in the same manner as the natural or pre-development means of discharge from a site (such as point discharge or sheet flow).
- (c) All stormwater management methods are subject to approval by the Township Engineer, including all outlet locations.
- (d) If it can reasonably be anticipated that there will be an increase in the flow of water onto the property of some other person as a result of action, a drainage release shall be submitted with the application. The drainage release(s) will be obtained, by and at the expense of the applicant, from all property owners over whose land additional drainage will flow. All drainage releases shall be notarized and recorded, by and at the expense of the applicant, in the County Office of the Recorder of Deeds.

502.608 Velocity Controls

- (a) The Board of Supervisors, based upon the recommendations of the Township Engineer, may require specific sizes or types of stormwater velocity control measures based upon both the

need to control the velocity and upon long-term maintenance concerns.

502.609 Stormwater Management Site Plan Contents

The Applicant shall furnish 3 copies of a Stormwater Management Site Plan and associated calculations to the Commission for review and analysis. Said plan shall also meet the State of Pennsylvania Title 25, Pa. Code, Chapter 102, DEP requirements for an Erosion and Sedimentation Control Plan. The Commission shall submit one copy of the Stormwater Management Site Plan to the Township Engineer for review and comment. See Appendix B of this Ordinance which contains methods and coefficients for calculating storm water runoff.

The following items shall be included in the Stormwater Management Site Plan:

- (a) Provisions for a permanent access or maintenance easement for all physical Stormwater Management BMPs, such as ponds and infiltration structures.
- (b) The overall stormwater management concept for the project.
- (c) A determination of Site Conditions in accordance with *The Pennsylvania Stormwater Best Management Practices Manual*. A detailed site evaluation shall be completed for projects proposed in karst topography.
- (d) Stormwater runoff computations, design computations, and documentation as specified in this Section, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Section.
- (e) Expected project time schedule.
- (f) A soil erosion and sedimentation control plan, where applicable, as prepared for and submitted to the approval authority.
- (g) The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.

- (h) Plan and profile drawings of all Stormwater Management BMPs including open channel and swales. Drawings shall indicate hydraulic facility.
- (i) Stormwater Management Site Plan shall show the locations of existing and proposed septic tank infiltration areas and wells.
- (j) The Stormwater Management Site Plan shall include an Operation and Maintenance (O&M) plan/narrative for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for operation and maintenance as well as schedules and costs for O&M activities.

502.610 Stormwater Runoff Calculations

- (a) The stormwater calculations shall include the following:
 - (1) Pre- and post-development drainage maps showing existing and proposed grades and including any off-site tributary area.
 - (2) Pre- and post-development runoff calculations.
 - (3) Detention basin design calculations (as applicable).
 - (4) Pipe and swale sizing calculations.
 - (5) Such information as the Township Engineer determines is needed to determine compliance with this Ordinance, including, but not limited to, slopes, proposed elevations, typical cross sections and details.
- (b) Impervious Areas:
 - (1) The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in stages.
 - (2) For development taking place in stages, the entire development plan must be used in determining conformance with this Section.
 - (3) For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Section.

502.611 Drainage Design Standards

- (a) Open pipe ends must be fitted with concrete endwalls, prefabricated end sections, rip-rap and/or energy dissipaters if necessary to meet the velocity standards in the latest published version of the State DEP Erosion and Sediment Pollution Control Program Manual, or its successor publication.
- (b) Drainage pipes shall have a minimum slope of 0.5% and drainage swales not designed for stormwater detention shall have a minimum slope of 1%. As a minimum, the tops of all pipes should be at the same elevation when changing pipe sizes.
- (c) Manholes or inlets shall be used at all changes in horizontal alignment, at changes of vertical grade and at all pipe intersections. No run of pipe shall exceed 400 feet in length, without appropriate measures to allow clean out. Trash racks shall be placed on all stormwater entrance structures.
- (d) Grating. Appropriate bicycle-safe safety grates shall be attached to all catch basins, stormwater inlets, pipe openings and other stormwater receiving structures, as needed, to ensure that maximum openings do not exceed 25 square inches.
- (e) Storm Sewer Outfalls. Storm sewer outfalls shall be designed, with respect to the elevation of the invert or other features, that when the receiving watercourse is inundated with a 50-year design storm, the storm sewer system will continue to drain the area it is designed to serve.
- (f) The maximum side slopes of swales shall be 2:1 unless otherwise approved by the Board of Supervisors. "V" shaped or parabolic swales are preferred.

502.612 Detention Basins Standards

- (a) Perforated risers, staggered orifices, V notch weirs, or other outlet structures as approved by the Township, may be permitted to control the outflow.
- (b) All outflow structures from storage facilities shall be equipped with a regulatory device that will permit modification to

regulate the amount of outflow. Suitable anti-vortex and/or velocity retarders shall be used.

- (c) All stormwater detention facilities, including detention basins, shall contain an emergency spillway and be designed to pass the 100-year design storm with a minimum 1.0 foot freeboard.
- (d) The downstream slope of the emergency spillway shall, at a minimum, extend to the toe of the berm embankment. The edge of the basin grading shall be within the subject property.
- (e) The emergency spillway and the outfall of the detention basin shall be lined with rip-rap designed to comply with State DEP standards and which is acceptable to the Pike County Conservation District.
- (f) All detention basin outflow structures shall be designed with trash racks over the outflows.
- (g) Entrances to stormwater pipes, including outflow pipes in detention basins, shall have childproof grates or similar devices.
- (h) The minimum top width of a detention basin berm shall be 10 feet, unless the Township determines that a differing width is needed for maintenance and structural purposes.
- (i) In order to provide proper drainage, a minimum grade of 1%, directed toward the outlet structure, shall be maintained across the basin floor. Concrete low flow channels are discouraged because they may need footings below the frost-line to be effective and because they do not provide for infiltration. The minimum grade of 1% may not be applicable if the stormwater control facility is also being used to provide infiltration.
- (j) Slopes of Basins. The maximum inside and outside slope of earth detention basin embankments shall be 3 horizontal to 1 vertical.
- (k) Landscaped Screening of Detention Basins
 - (1) A detention basin designed to have a water depth of greater than 20 inches shall be screened by landscaping from view of existing dwellings, a residential zoning district, or a public street, unless the basin would meet one of the following conditions:

- a. The basin would have an average slope of less than 4 to 1 on the inside of the berm of the basin and both the inside and outside of the basin would be planted in grass and intended to be mowed or planted in other attractive vegetative ground cover.
 - b. The basin is a retention basin that is designed to closely resemble a natural pond.
- (2) Any required screening shall meet the "buffer yard" standards of the Township Zoning Ordinance, unless the Board of Supervisors approves alternate landscaping that serves the same purposes. This landscaping shall not be required along an area where natural vegetation will be maintained that will completely fulfill this purpose or where landscaping is not feasible (such as the overflow).
 - (3) Thorny and prickly shrubs (that are also attractive) are encouraged to be used around detention basins to discourage entry by children. If a fence is used, it shall be placed on the inside of landscaping.

(I) Fencing of Basins

- (1) A detention basin shall be surrounded by a fence if any of the following situations apply:
 - a. The maximum depth of water in the basin after a 10-year or 25-year storm is greater than 30 inches for more than 1 hour, or
 - b. The basin is to be dedicated to the Township and the Township requires that it be fenced.
- (2) The fencing shall be secure and have a minimum height of 4 feet. The design of the fence shall be approved by the Township. Vinyl clad chain link metal, vinyl picket or vinyl post fences are recommended.

502.613 Construction Standards

- (a) Construction and materials of storm drainage and control facilities (including pipes) and erosion control facilities shall be in accordance with the approved plans and any accompanying specifications. The construction details and

standards of the following publications, or their successor publications, in their most recent revision shall be used:

(1) PennDOT, Form 408, Specifications.

(2) PennDOT, RC Series, Roadway Construction Standards.

502.614 Sequence of Construction

- (a) No substantial grading shall occur and no building permits shall be issued for any building unless any detention basin, siltation basin, or improved major swale approved to handle the resulting runoff is in place. Any detention basin shall be seeded and stabilized and have an installed outlet structure prior to the construction of any streets or buildings within that drainage basin.

502.615 Phasing

- (a) The phasing of a development shall ensure that all stormwater facilities needed to manage runoff from a phase are in place and functioning adequately prior to and after the construction of buildings in that phase. This shall, for example, include the extension of the main outfall line. This may require the use of temporary structures, which shall be shown on submitted plans. If the development occurs in phases, the entire system shall be shown as part of the preliminary plan submission.

502.616 Ownership and Maintenance of Stormwater Facilities

- (a) A system for the ownership and maintenance responsibilities of all temporary and permanent storm water facilities and erosion and sedimentation control facilities that is satisfactory to the Board of Supervisors shall be established prior to Final Plan approval.
- (b) The Stormwater Management Site Plan shall include a narrative stating the proposed methods and schedules of maintenance of stormwater facilities to ensure their proper operation. The method of ownership and maintenance responsibilities of stormwater facilities shall be subject to approval by the Board of Supervisors.
- (c) At its discretion, the Township may require that stormwater facilities be dedicated to the Township for maintenance. However, the Township is under no obligation to accept dedication or maintenance responsibilities. If the Township

accepts maintenance responsibilities, it may require the developer to fund an account to pay for on-going maintenance.

- (d) The Township may require that maintenance responsibilities be handled through a property-owners association with all owners legally obligated to fund their share of the costs.
- (e) If stormwater facilities that require proper maintenance are to be privately owned, legal mechanisms shall be established prior to property conveyance to require the owner and his/her successor and assigns to properly maintain the facilities in a safe, functional and attractive manner in accordance with the approved maintenance schedule.
- (f) If stormwater facilities will not be municipally owned, the developer shall establish a legal right of the Township to access the facilities for periodic inspections and maintenance at the Township's discretion. However, the Township is under no obligation to perform such inspections and maintenance. The Township may require that the entity responsible for maintenance of stormwater facilities reimburse the Township for costs of maintenance and repair of stormwater facilities if that entity fails to perform its duties.
- (g) Stormwater facilities shall be designed to require minimal maintenance. Before any basin or other stormwater facility is transferred to the Township or a property-owner association, it shall be in maintainable condition. This includes having adequate topsoil for areas that are planted, and to have vegetation planted where it was required. An entryway shall be provided that is suitable (including slope and drainage) for the type of equipment that will perform the maintenance (such as a tractor with a mowing attachment). Invasive vegetation shall be removed. The plans shall fully describe the types of plantings and the amount of maintenance that will be required.
- (h) All storm drainage facilities shall be properly maintained by the party designated as responsible on the final subdivision or land development plan, unless the Board of Supervisors agree to accept a change in the party responsible or the party owning the facility.

502.617 Drainage Easements

Drainage easements shall be provided as follows:

- (a) Where a subdivision is traversed by a water course, a drainage easement shall be provided conforming substantially to the line of such watercourse of such width as will be adequate to preserve the unimpeded flow of natural drainage.
- (b) Drainage easements shall be provided adjacent to street rights-of-way as indicated and required by the Stormwater Management Site Plan.
- (c) Drainage easements a minimum of 10 feet in width shall be provided along side and rear lot lines. Such easements shall, to the fullest extent possible, either immediately adjoin or be centered on such lot lines.

502.618 Prohibitions

(a) Prohibited Discharges and Connections

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water to enter the Waters of this Commonwealth is prohibited.
- (2) No person shall allow, or cause to allow, discharges into surface Waters of the Commonwealth which are not composed entirely of stormwater, except
 - a. As provided in subsection 502.618(a)(3) below, and
 - b. Discharges allowed under a state or federal permit.
- (3) The following discharges are authorized unless they are determined to be significant contributors to pollution to the Waters of this Commonwealth:

-Discharges from fire fighting activities	-Flows from riparian habitats and wetlands
-Potable water sources including water line flushing	-Uncontaminated water from foundations or from footing drains
-Irrigation drainage	-Lawn watering
-Air conditioning condensate	-Dechlorinated swimming pool discharges

-Springs	-Uncontaminated groundwater
-Water from crawl space pumps	-Water from individual residential car washing
-Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used	-Routine external building wash down (which does not use detergents or other compounds)

- (4) In the event that the Township or DEP determines that any of the discharges identified in subsection 502.618(a)(3), significantly contribute to pollution of the Waters of this Commonwealth, the Township or DEP will notify the responsible person(s) to cease the discharge.

(b) Roof Drains

- (1) Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs to the maximum extent practicable.

(c) Alteration of BMPs

- (1) No person shall modify, remove, fill, landscape, or alter any Stormwater Management BMPs without the written approval of the Township.

502.7 Drainage Easements: Drainage easements shall be provided as follows:

- 502.701 Drainage easements shall be provided adjacent to street rights-of-way as indicated and required by the drainage plans.
- 502.702 Drainage easements a minimum of ten (10) feet in width shall be provided along side and rear lot lines. Such easements shall, to the fullest extent possible, either immediately adjoin or be centered on such lot lines.

502.8 Streets.

- 502.801 Access to Proposed Subdivisions and Land Developments: No subdivision or land development application shall be approved where the existing private road providing access to the subdivision lots or land development has a right-of-way width less than 40 feet. All proposed subdivisions and land

developments shall have adequate access to the public highway system. Existing private roads providing access to proposed subdivisions and land developments shall have adequate right-of-way width and be adequately designed and constructed to provide safe and convenient access to the proposed subdivision or land development. The Board of Supervisors, upon review and report of the Township Engineer and recommendations of the Planning Commission, shall determine the adequacy of such existing private access roads and may require such improvements as they find necessary to provide safe and convenient access to the proposed subdivision or land development prior to final plan approval, or may disapprove the submitted plans if such existing private roads cannot be improved to provide safe and convenient access.

502.802 Streets and Topography: Proposed streets shall be adjusted to the contour of the land so as to produce usable and accessible lots and streets of reasonable gradient. Proposed streets serving subdivisions utilizing central sewage facilities or in areas of the Township in which public sewage systems are proposed shall, to the greatest extent possible, be located such that gravity sewers can be utilized and the necessity of pumping stations be minimized.

502.803 Street Continuations: Right-of-way of proposed streets shall be extended to exterior property lines to ultimately provide access to adjoining lands; provided, however, that the Commission may not normally require more than one such right-of-way to each adjoining tract. Any dead end street of a temporary nature, if longer than 200 feet shall have a surfaced turning area equal in diameter to the right-of-way of the street. Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided or developed the remainder of said street or alley to the prescribed width shall be platted within the proposed development where this would not adversely affect the proposed subdivision or development. Where a subdivision or development abuts or contains an existing municipal or private street of inadequate right-of-way width, additional right-of-way width in conformance with Table 5-1 "Design Standards for Streets", shall be required in the case of land abutting a municipal street, or additional setback and easement for right-of-way shall be provided in the case of land abutting private streets.

502.804 Alleys: Alleys shall not be used in residential developments. Private service drives may be included in commercial or

industrial developments for loading and unloading or access purposes.

- 502.805 Intersections: The center-lines of streets shall intersect as nearly at right angles as possible. Intersections of more than two streets at one point shall be avoided. Where streets intersect other streets, offsets shall not be created. The minimum offset or distance between center-lines of parallel or approximately parallel streets intersecting a cross-street from opposite directions shall be 150 feet for minor and local access streets, 400 feet for collector and connector streets and 800 feet for arterial streets.

At intersections of streets and/or alleys the property line shall be rounded by arcs with radii of not less than 25 feet. For streets other than minor and local access streets, the Township may require a larger radius. Minimum curb or pavement edge radii at street intersections shall be 30 feet.

- 502.806 Arterial, Connector and Collector Street Frontage: Where a subdivision abuts or contains an existing or proposed major traffic street or a railroad, the Commission and the Board of Supervisors may require marginal access streets, rear service access, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the major street, and separation of local and through traffic. The Township may also require interconnection of streets, marginal access streets, rear service drives and other such access treatments between adjacent subdivisions and land developments for improved vehicular and pedestrian movement. The required buffer strips may be provided by establishing an easement on lots or may be established separately and apart therefrom.

- 502.807 Street Right-of-way and Travelway Widths: Minimum street right-of-way widths, measured from the lot lines and minimum pavement widths shall be as shown on Table 5-1.

- 502.808 Easements: Easements shall be provided adjacent to street rights-of-way as follows:

1. Drainage easements shall be provided as indicated and required by the drainage plans.
2. Slope easements shall be provided as indicated by the required cuts and fills.

3. Utility easements a minimum of 10 feet in width shall be provided.

502.809 Curbs, Gutters and/or Drainage Swales: Curbs and paved gutters and/or paved or stoned drainage swales shall be provided where excessive water flow velocities occur and where they are needed to facilitate proper drainage. Curbs and paved or stoned gutters shall be required throughout commercial and industrial development.

502.810 Street Alignment:

1. Whenever street lines are deflected in excess of 5 degrees, within 100 feet, connection shall be made by horizontal curves.
2. Streets shall be so laid out to provide unobstructed sight distances along the center-lines thereof. Minimum horizontal sight distances shall be as set forth in Table 5-1 measured from a point 3.75 feet above the road surface to a point 6 inches above the road surface.
3. Between reversed curves on arterial streets, a tangent of not less than 200 feet shall be provided, on connector and collector streets such a tangent shall be not less than 100 feet.

502.811 Street Grades:

1. Center-line grades shall not exceed the grades set forth in Table 5-1.
2. Crest vertical curves shall be used at changes of grade exceeding one percent and shall be designed in relation to the design speed to provide vertical sight distance consistent with the horizontal sight distances specified above except for crest curves on a subordinate street at the intersection with a predominant street where the vertical curve length shall be in conformance with Section 502.811 4.C.
3. Sag vertical curves shall be used at changes of grade exceeding one percent and shall be designed as follows:
 - a. On minor streets and local access streets, sag vertical curves on through streets shall have a minimum length of 15 feet for each one percent algebraic difference in tangent grade with an absolute minimum length of 75 feet, (i.e. 1% to 5% - 75' v.c.; 5.1% to 6% - 90' v.c.; etc.).

- b. Except on minor streets and local access streets, sag vertical curves on through streets shall have a minimum length of 25 feet for each one percent algebraic difference in tangent grade with an absolute minimum length of 100 feet. (i.e. 1% to 4% 100' v.c.; 4.1% to 5% - 125' v.c.; etc.).
 4. A leveling area for all street intersections shall be provided as follows:
 - a. The tangent grade of the through street at the point of intersection of the center-lines of the two streets shall not exceed 8 percent. Crest and sag vertical curves shall be provided in accordance with Section 3 of this subparagraph.
 - b. The tangent grade of a connector or arterial street intersecting another street shall not exceed 2 percent within the right-of-way lines of the through street. Crest or sag vertical curves shall be provided in accordance with Section 3 of this subparagraph. The point of vertical curvature or tangency shall not be within the through street right-of-way.
 - c. The tangent grade of a connecting marginal access, local access, minor or collector street intersecting another street shall not exceed 2 percent within the right-of-way lines of the through street. The point of vertical curvature or tangency of any vertical curve of the subordinate street shall not be within the through street right-of-way and any such vertical curve shall have a minimum length as follows:

Street Classification	Minimum Sag Curve Length in Feet	Minimum Crest Curve Length in Feet
Marginal & Local Access	100	80
Minor	130	100
Collector	200	160

- d. Speed limit signs, "Stop Ahead" signs and stop signs shall be installed on all subordinate streets at the approach to the intersection regardless of the vertical alignment and available sight distance of the subordinate street. The location of all such signs shall be as approved by the Township Engineer.

5. The maximum grade across the turnaround in a cul-de-sac shall not exceed 8 percent.
6. To provide for adequate drainage, the minimum grade of any paved street gutter shall be not less than 0.5 percent and the acceptable minimum centerline grade of any street shall be 0.5 percent. The minimum size culvert pipe beneath any street or driveway shall be 15 inch diameter.

502.812 Clear Sight Triangle: At an intersection, a triangle area shall be graded and/or other sight obstructions removed in such a manner as not to obscure vision between a height of from two to ten feet above the center-line grades of the intersecting streets. Furthermore, by deed restriction, by lease restriction, or by plan amendment, whichever method is applicable, vegetation shall not be planted or allowed to grow in such a manner as to obscure vision between a height of from two to ten feet above the centerline grades of the intersecting streets. Such triangular area shall be determined by the intersecting street center-lines and a diagonal connecting two points, one at each center-line, each of which points is:

1. Two hundred fifty (250) feet from the intersection of such street center-lines, if either street is an arterial street.
2. One hundred (100) feet from the intersection of such street center-line of either street is a collector or connector street.
3. Seventy-five (75) feet from the intersection of such street center-lines, if both streets are minor or local access streets. Where a local street is approaching a stop sign or a traffic signal, the length of the length of the leg of the triangle may be reduced to 50 feet.

502.813 Modifications: The Board of Supervisors recognize that the preceding subparagraphs of this Section may not be applicable in all circumstances because of unusual topography or lot layout and will consider deviations or variations therefrom on an individual basis (such as divided cartways or one-way loop streets) provided the basic purpose and intent set forth in subparagraph A is complied with. In granting a request for such modification, the Board of Supervisors may impose such requirements and conditions they deem fit and proper.

503. RESIDENTIAL DESIGN STANDARDS

503.1 Application: All subdivisions and land developments proposed for residential use, shall conform with the provisions of this Section.

503.2 Blocks:

- 503.201 Residential blocks shall not normally exceed 2000 feet in length in subdivisions having an average lot size one acre or larger and shall not normally exceed 1,500 feet in length in subdivisions having an average lot size less than one acre.
- 503.202 Blocks normally shall be of sufficient width to permit two tiers of lots except where access limited by virtue of adjoining arterial or connector streets or by virtue of topographic limitations.

503.3 Lots: The minimum lot sizes, lot widths and yard requirements shall be as set forth in the Township Zoning Ordinance and further shall conform to the following:

- 503.301 All lots shall front on a public street or private street, approved under provisions of this Ordinance and constructed in accordance with the standards of this Ordinance, except as provided for private access drives.
- 503.302 Side lines of lots shall be at right angles to straight streets and on radial lines to curved streets. At the discretion of the Commission some variation from this rule will be permitted but pointed or very irregular lots shall be avoided.
- 503.303 Double frontage lots shall ordinarily not be platted except as specifically provided herein. In the event such lots are platted as provided, the lot shall be increased 20 feet in depth to provide for a planting strip along the back of the lot.
- 503.304 If remnants of land other than rights-of-way or buffer strips exist after subdividing, they shall be incorporated in existing or proposed lots unless proposed and suitable for common open space or recreation uses.
- 503.305 The building site on each residential lot shall be accessible from the existing or proposed street by means of a driveway or private access drive having a maximum grade of 15 percent.

503.4 Cul-de-sac streets:

- 503.401 Cul-de-sac streets, permanently designed as such, within residential developments shall not exceed 1,200 feet in length, and shall furnish access to not more than 12 dwelling units. The length of a cul-de-sac street shall be measured from the point of center-line intersection with an approved through road

that has an alternate access to an existing public road to the center-line point of radius of the cul-de-sac turnaround curve.

503.402 A cul-de-sac street shall terminate with a circular turn-around with a minimum paved radius of 40 feet to the outer pavement edge or curb line. The street right-of-way shall be located so as to maintain a minimum distance of at least 10 feet between the pavement edge or curb line and the right-of-way line.

(a) The Township may require a snow storage easement at the end of a cul-de-sac to assist in snowplowing. In such case, the storage area shall be free of driveways, be aligned with the direction of snowplowing, and be designed with adequate drainage.

503.403 The circular right-of-way of the cul-de-sac shall be connected to the approach right-of-way by an arc having a radius of not less than 30 feet.

503.404 The circular paving of the cul-de-sac shall be connected to the approach paving by an arc having a radius of not less than 40 feet.

503.405 The Board of Supervisors recognize that geometric configurations other than that set forth in subsections above may function satisfactorily and, upon recommendation of the Planning Commission, will consider a request for a modification of the requirements under appropriate circumstances.

503.5 Off-Street Parking: Every type of residential land development or subdivision shall provide for off-street parking space for at least two vehicles for each proposed dwelling unit. Two off-street parking spaces shall be provided in addition to any individual garage or carport within a driveway or in a common parking area convenient to the dwelling units to be served and shall be installed concurrently with the construction of the dwelling units.

503.6 Driveways: Driveways shall not be permitted to have direct access to arterial, connector or collector streets unless authorized by the Township, and/or the PennDOT through issuance of a highway occupancy permit.

Future driveways which are to be constructed adjacent to a street intersection shall be indicated on the preliminary plan. The minimum distance between a driveway or point of access to a street shall be as follows:

Type of Subdivision or Land Development	Distance Between Center lines Driveways and Nearest Intersection		
	Road by Type of Intersecting Road		
	Arterial	Collector & Connector	Minor
Residential	150 ft.	100 ft.	75 ft.
Non-residential	300 ft.	200 ft.	150 ft.

NOTE: Nearest intersecting street shall be construed as being on the same or the opposite side of the street on which the lot is located.

503.7 Private Access Drives: Private access drives may be utilized to provide access to residential lots in a minor subdivision which does not abut or have frontage on a public or approved private road. A private access drive may serve a maximum of 2 dwelling units. Private access drives shall have a minimum right-of-way width of 50 feet. A private access drive shall not exceed 750 feet in length or **15 percent in grade**. Use of private access drives shall be avoided wherever possible in major subdivisions and shall only be permitted upon grant of a modification by the Township upon written request by the Applicant.

503.8 Open Space and Recreation Areas and Fees.

503.8.1. Purposes. To provide adequate open spaces, recreational lands and recreational facilities to serve new residents of new developments, for both active and passive recreation; To recognize and work to carry out the recreation portion of the Westfall Township Comprehensive Plan, which is hereby approved as the Recreation Plan for Westfall Township.

503.8.2. Applicability. This section shall apply to a residential subdivision or land development for which a preliminary or final plan is submitted after the effective date of this amendment.

503.8.201. However, this section shall not apply to a final plan if the final plan is consistent with a valid complete approved preliminary plan that was officially accepted by the Township for review before the effective date of this section.

503.8.202. This section shall not apply to plans that the Board of Supervisors determines only involve clearly minor adjustments or corrections to an approved preliminary plan or clearly minor adjustments or corrections to a preliminary plan that was before the Township for consideration at the date of the adoption of this amendment.

- 503.8.203. Exemption. This Section 503.8 shall not apply when a single lot is subdivided for one dwelling unit.
- 503.8.3. Limitations on Use of Fees.
- 503.8.301. Any fees collected under this section shall be placed in an interest-bearing account and shall be accounted for separately from other Township funds.
- 503.8.302. To ensure that the lands and facilities are accessible to the residents of the developments that paid fees towards their cost, such fees shall only be used within a 6 mile radius of the boundaries of the subdivision or land development that paid the fees, unless the Board of Supervisors determine that a proposed improvement would clearly serve the entire population of the Township.
- 503.8.303. Such fees shall only be used for the following: acquisition of public open space, development of public recreational facilities, landscaping of public open space and closely related engineering and design work. Such fees may be used on recreation land that is owned by the Township or an abutting municipality, a non-profit organization that commits to making recreation land available to the public, the School District, the County, the State Government or the Federal Government.
- 503.8.304. The Township should designate the recreation facilities/area where the fees will be used at the time of a subdivision or land development approval.
- 503.8.305. Land Dedication. The applicant for any subdivision or land development regulated under this Section 503.8 shall be required to dedicate the specified amount of publicly-owned common open space, unless the Board of Supervisors and the applicant mutually agree to the payment of recreation fees-in-lieu of land, the construction of recreational facilities, the reservation of common open space through an allowed alternative ownership method, or a combination thereof. The common open space is being required to provide park and recreational areas accessible to the residents of the subdivision or land development.
- (1) Generally, it is the intent of this Section that developments of, at a minimum, 5 or fewer dwelling units that do not include land that is adjacent to existing publicly-owned land should be required to pay a recreation and open space fee in lieu of dedicating land.
 - (2) The land and fee requirements of this section shall be based upon the number of new dwelling units that would be permitted on the lots of a subdivision or land development after approval.

- (3) Amount of Common Open Space. For townhouses, mobile / manufactured home parks, apartments, and Open Space Developments, open space requirements are established in the Zoning Ordinance. For any other type of residential subdivision or land development, a minimum of 10 percent of the total area of the subdivision or land development shall be set aside as common open space. If a lot for a single family detached dwelling includes 2 or more acres, such lot shall not be included in the requirement for the 10 percent common open space.

503.8.306. Fees. If the Board of Supervisors and the applicant agree that a proposed subdivision or land development will pay fees-in-lieu of dedicating open space, this fee shall be as established by the Township Fee Schedule, which may be updated by resolution of the Board of Supervisors. Until such time as a different fee is established, this fee shall be \$600 per dwelling unit.

503.8.307. Decision on Land vs. Fees. The Board of Supervisors shall determine whether a land dedication would be in the public interest, or rather instead, whether the payment of fees would be preferable. This determination should, but is not required to, be made at the time of sketch plan review. The Township should, at a minimum, consider the following in this decision:

- (1) Whether the land in that location would serve a valid public purpose.
- (2) Whether there is potential to make a desirable addition to an existing public or School District recreation area.
- (3) Whether the proposed land would meet the objectives and requirements of this section and any relevant policies of any Township Comprehensive Plan or Recreation Plan.
- (4) Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for pedestrians and bicyclists to reach those lands.
- (5) Any recommendations that may be received from the Planning Commission, the Township Engineer, the local School Board or School District staff, and any Township Parks and Recreation Commission.

503.8.308. Common Open Space to be Preserved.

- (1) Suitability. Land required to be dedicated shall be suitable for its intended purpose, in the determination of the Board of Supervisors. The applicant shall state what improvements, if any, he/she intends to make to the land to make it suitable for its intended purpose, such as grading, landscaping, or development of trails. Such land shall be free of construction debris at the time of transfer or dedication.
- (2) Ownership. Required common open space shall be offered for dedication to the Township, unless the Board of Supervisors agree to accept a transfer to any of the following: the School District, the County, the PA. Bureau of State Parks, the PA. Game Commission, a similar agency, a homeowner association, or an environmental organization acceptable to the Board of Supervisors. The Board of Supervisors is under no obligation to accept an offer of dedication to the Township, but shall have authority to ensure that an appropriate long-term method will be in place to own and maintain common open space. In the case of a rental development, the Township may permit the common open space to be retained by the owner of the adjacent residential buildings.
 - (a) If the applicant proves to the Board of Supervisors that no other method is appropriate to own and maintain common open space, then the Board of Supervisors may allow the common open space to be owned and maintained as part of one or more residential lots. In such case, the open space shall be protected by a conservation easement that prevents that portion of the lot from being subdivided or developed in the future.
 - (b) If required common open space is to be owned by a homeowner association, the developer shall be required to establish such association in a form that requires all property-owners within the development to annually contribute to the maintenance of the common open space. The applicant shall prove full compliance with the Pennsylvania Uniform Planned Communities Act, as applicable.
 - (c) Any homeowner association agreements regarding required common open space shall be subject to acceptance by the Board of Supervisors, based upon review by the Township Solicitor. An acceptable process shall be established for the timing of the transfer of the lands and maintenance responsibilities to the homeowner association. Each dwelling or lot owner shall be required to regularly fund maintenance of the common open space. If this requirement is not met, the agreement shall specify that the Township may have the work

accomplished and may place municipal liens on properties to recover the maintenance and legal costs.

- (3) Restrictions/Easements. Any required common open space shall include Township-approved deed restrictions and/or conservation easements to permanently prevent the open space from being further subdivided or developed for buildings, except approved buildings for non-commercial recreation or to support maintenance of the land. The Board of Supervisors shall be provided with authority to enforce any deed restriction or conservation easement pertaining to preservation of the common open space. In addition, other parties may be given separate overlapping authority to enforce the deed restriction or conservation easement.
- (4) Priority shall be given to dedication of land that would be suitable for a) additions to existing public schools and public parks, or b) would preserve woods, steep slopes or other important natural features or land along a creek or river, or c) that would be suitable for centralized active recreation.
- (5) Land that is not suitable for active or passive recreation shall not be permitted to meet the requirements of this section, including areas within a stormwater detention basin that are not suitable for recreation.
- (6) Access and Contiguity. Common open space within a subdivision or land development shall be contiguous, except as may be specifically exempted by the Board of Supervisors, and shall have adequate access for maintenance and by pedestrians.
- (7) Other Ordinances. Any required land dedication under this Section shall be in addition to any land dedication or improvement requirements of any other Township ordinance.
- (8) Residual Lands. If only a portion of a larger tract of land is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands in case they would be developed in the future.
- (9) Coordination With Future Adjacent Dedication. The Board of Supervisors may require that a required land dedication within a property currently being subdivided be placed along an edge of the property so that it may, in the future, be combined with an open space dedication on the edge of an adjoining property

when that adjoining property is subdivided or developed. the intent is to coordinate currently proposed common open space with future development, over the long-term.

- 503.8.309. Combination of Land and Fees. Upon mutual agreement of the Board of Supervisors and the applicant, the Township may accept a combination of common open space and fees-in-lieu of land to meet the requirements of this section for a residential subdivision or land development. This combination shall be based upon the common open space requirement applying for a certain number of dwelling units and the fee-in-lieu of land requirement applying for the remaining number of dwelling units.
- 503.8.310. Timing of Fees. One-half of the fees required by this Section for all of the dwelling units shall be paid prior to the recording of the final plan, and the other half of the fee per dwelling unit shall be paid prior to issuance of the building permit, except as follows:
- (1) If the required fee would be greater than \$2,000, and the applicant and the Township mutually agree to provisions in a binding development agreement to require the payment of all applicable recreation fees prior to the issuance of any building permits within each clearly defined phase of the development, then such fees are not required to be paid prior to recording of the final plan but may instead be paid within the requirements of that development agreement.
 - (2) If the applicant agrees to pay such fees in installments, then all such fees shall not be considered to be "paid" for the purposes of any applicable time limitations for utilization under the Municipalities Planning Code until all such fees are paid in full, including all installments and phases.
- 503.8.311. Facilities in Place of Land or Fees. If there is mutual agreement by the Board of Supervisors and the applicant, the requirements of this Section may be met by the applicant constructing permanent non-commercial recreation facilities within the proposed subdivision or land development or on a different public recreation area. The applicant shall show that the proposed recreation facilities would reduce the future burden upon the Township in providing for recreation facilities. The facilities do not necessarily need to be open to the public if they are not constructed on publicly-owned land. However, the facilities shall, at a minimum, be open to residents of the subdivision or land development.
- 503.8.312. Definition of Common Open Space. The definition of "Open Space, Common" in the Zoning Ordinance shall apply."

503.9 Drainage: Storm water management and disposal facilities shall be designed and constructed as set forth in Section 502.6 and Appendix B of this Ordinance.

503.10 Setbacks or Yards: Minimum yards as set forth in the Township Zoning Ordinance shall be provided for all single family and two-family residential lots.

504. **APARTMENT DWELLING STANDARDS**

The following standards shall apply to all apartment dwellings, in addition to the requirements of Section 503 of this Ordinance.

504.1 Sewage and Water Systems: All sewage disposal and water supply systems proposed to serve said developments shall comply with the requirements set forth in Appendix A and Appendix C of this Ordinance, whichever is more restrictive. In those cases where on-lot individual or community subsurface sewage disposal systems are proposed, a replacement area shall be provided for the subsurface sewage disposal field, which has been properly tested and meets current state and Township standards for subsurface sewage disposal.

504.2 Setback: Space between buildings shall be no less than twice the height of the tallest building involved. All buildings shall have a minimum distance of thirty (30') feet from paved development streets or parking areas.

504.3 State Approval: A copy of Pennsylvania Department of Labor and Industry certificate shall be delivered to the Township when required by state regulations.

504.4 Lot Area Sizes: Lot area requirements for each dwelling unit within multi-family dwelling developments shall conform to the requirements set forth in the Zoning Ordinance.

504.5 Access Points: The plan shall indicate specific ingress and egress points to existing public roads in conformance with PennDOT regulations and standards.

505. **COMMERCIAL AND INDUSTRIAL DEVELOPMENT STANDARDS**

505.1 Application: All commercial and industrial subdivisions and developments shall conform with the Schedule of Required Improvements, Table 6-1 and the requirements of the Township Zoning Ordinance.

505.2 Size: Approval of lot or parcel determined by the following factors:

505.201 Requirements of the Westfall Township Zoning Ordinance.

505.202 The total lot area shall be sufficient to provide adequate space for required yards, proposed buildings, off-street parking and loading, landscaping, sewer and water systems, and other facilities.

- a. Each lot or area plotted for industrial and/or commercial use shall provide, inside of the required yards, an area at least equal to the projected horizontal area of the proposed building, plus such additional area as is required for parking. Such area shall have an average natural slope not greater than 10 percent and shall be accessible from the existing or proposed street by means of adequately and properly designed service drives having a maximum grade of 10 percent.
- b. In the case of lots utilizing an on-site sewage disposal system, or a community subsurface disposal system in addition to such area, there shall be sufficient area, separate and apart from parking areas, for the sewage disposal field, and a field replacement area which has been properly tested and meets current Pennsylvania DEP and Township standards for subsurface sewage disposal.

505.203 Whenever possible, commercial parcels should include enough land to provide for a group of commercial establishments, planned, developed, and operated as a unit. Narrow, highway ribbon developments should be avoided.

505.3 Street System:

505.301 Traffic movements in and out of commercial and industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas. The plan shall indicate ingress and egress points to existing public roads in conformance with PennDOT regulations and standards.

505.302 The design of streets, service drives, and pedestrian ways, should provide for safe and hazard free internal circulation.

505.4 Block Layout: Block layout shall conform with due consideration of site conditions, with best possible service customers, traffic and parking circulation, and pick-up and delivery services. In no case shall block length be less than 800 feet.

505.5 Parking: Parking shall be provided in conformance with the Zoning Ordinance.

505.6 Drainage: Storm water management and disposal facilities shall be designed and constructed as required in Section 502.6 and Appendix B.

505.7 Setbacks: Minimum yards or setbacks for all commercial and industrial development shall be as set forth in the Township Zoning Ordinance. Additional yard widths and buffer strips and screening may be required by the Commission and Board of Supervisors in cases where deemed appropriate and necessary to protect adjacent development.

TABLE 5-1 - DESIGN STANDARDS FOR STREETS (a)

Design Specifications	Arterial	Connector	Collector	Minor	Local Access	Marginal Access	Private Access Street (a)
Design Speed (MPH)	60	50	40	30	25	25	20
Right-of-Way Width	80(c)	60(c)	50(c)	50(c)	50(c)	50(c)	50
Cartway Width (Pavement + Shoulders):							
-- with shoulders	44	40	38	34	30	32	10
-- with curbs, no parking	28	28	26	24	24	28	10
-- with curbs, on-street Parking	NA	NA	(d)	(d)	(d)	NA	10
Travelway Width (f)	24	24	22	22	22		10
Minimum Centerline Radii (e)	900	600	350	200	150	100	100
Minimum Sight Distance	550	475	325	200	150	150	100
Maximum Grade (g)	6	6	8	10	10	10	15
Shoulder Width	10	8	8	6	4	4	0

ALL DIMENSIONS IN FEET EXCEPT AS SPECIFIED

N/A - NOT APPLICABLE

Notes:

- (a) See Section 604 for Required Improvements and Construction Standards.
- (b) Expressways shall meet PennDOT specifications.
- (c) Plus slope, drainage, and utility easements as required by Section 502.7 and 502.6.
- (d) As determined by the Board of Supervisors.
- (e) Larger radii may be required as determined by alignment to provide the required sight distance. To be determined or confirmed by the Township Engineer and/or PennDOT.
- (f) The travelway width for streets requiring curbs shall be the same as the designated cartway width for those streets.
- (g) See also Section 503.7.

ARTICLE VI
REQUIRED IMPROVEMENTS AND CONSTRUCTION STANDARDS

601. APPLICATION

The minimum improvements required for all subdivisions and land developments (including commercial and industrial) shall be provided by the subdivider as set forth in this Section. Additional or higher type improvements may be required in specific cases where, in the opinion of the Commission and the Board of Supervisors, they are necessary to create conditions essential to the health, safety, morals, and general welfare of the citizens of Westfall Township and to protect the environment of the Township.

602. SUMMARY OF REQUIRED IMPROVEMENTS

The accompanying schedule on Table 6-1 summarizes the required improvements for various types of subdivision and/or land developments. The remainder of the Article sets forth the construction standards for several of the required improvements. Other construction standards shall be evaluated and approved by the Engineer.

603. MONUMENTS AND MARKERS

Monuments and markers shall be placed so that the center or a scored or marked point shall coincide exactly with the intersection of the lines to be marked.

603.1 Monuments shall consist of either:

- a. Reinforced concrete, 4" x 48".
- b. Cut stone, preferably granite, 4" x 48".
- c. 2" x 48" galvanized iron pipe filled with concrete.
- d. Brass pin, 3/4" in diameter, grouted 4" into rock.
- e. Such other monuments as the Township Engineer may approve.

603.2 Monuments shall be placed flush with the ground. The 48 inch depth of a monument may be shortened if it hits solid rock at a more shallow depth.

603.3 Monuments shall not be placed until road grading has been completed.

603.4 Monuments shall be set as follows:

- 603.401 Placed at intervals of approximately one thousand (1,000) feet along rear lot lines and at points agreed upon by the Planning Commission and the Township Engineer.
- 603.402 One at the intersection of street right-of-way lines with exterior property lines.

- 603.403 At all exterior property corners where permanent corners did not exist at the time of the perimeter survey. (Existing corners shall not be removed).

603.5 Markers shall consist of either:

- 603.501 Solid steel rods not less than 0.75 inch in diameter and not less than 24 inches in length; or
603.502 Steel pipes not less than 0.75 inch in diameter or less than 24 inches in length; or
603.503 Such other marker as the Township Engineer may approve.

603.6 Markers normally shall be set 2 inches above the surrounding grade.

603.7 Markers shall be set as follows:

- 603.701 At all points where lot lines intersect street right-of-way lines, except for monument location.
603.702 At all other lot corners.

604. **STREETS**

604.1 General: Streets (and alleys where provided) shall be graded, improved and surfaced to the grades and dimensions shown on plans, profiles and cross-sections submitted by the developer and approved by the Commission and the Board of Supervisors.

604.2 Design and Construction Standards:

- 604.201 Clearing and Grading: The right-of-way shall be cleared and graded to the extent shown on the approved cross-section. All trees, stumps, roots, sod and other material deemed unsuitable by the Engineer shall be removed from the subgrade and thereafter backfilled and compacted to the satisfaction of the Engineer.
- 604.202 Cut and Fill: The maximum slope of any earth embankment or excavation shall not exceed one foot vertical to two feet horizontal.

The maximum slope of any rock excavation shall not exceed 4 feet vertical to one foot horizontal. The maximum slope of rock filled slopes shall not exceed one foot vertical to 1.5 feet horizontal. All excavations and embankments shall have a continuous slope to the point of intersection with the natural grade. Any required slope easement shall have sufficient width to contain the entire required slope.

604.203 Drainage: Parallel and cross drainage facilities shall be properly located, designed and installed to maintain proper drainage of the completed streets. Drainage facilities shall be designed in accordance with requirements of Section 502.6 and of Appendix B. Proper design and construction in accordance with those requirements may require the use of curb and paved gutter or paved drainage swales to prevent erosion. The minimum diameter of any cross drainage or culvert pipe shall be 15 inches.

- a. Consideration shall be given for subgrade drainage of those soils subject to frost heave (as itemized in subparagraph 604.204 of this Section). Design of the roadbed in such locations may require parallel drainage facilities and/or underdrains to properly stabilize the subgrade. The Commission and the Board of Supervisors may require that such drainage facilities be provided. The design of such subgrade drainage facilities shall be subject to the review and approval of the Engineer.

604.204 Subgrade, Base Course, Surface Course and Shoulders:

- a. The design and construction of the road bed shall take cognizance of the supporting capacities of the subgrade, with particular attention to those soils which are subject to frost heave. Unsuitable soils shall be removed and replaced, drained or otherwise stabilized to provide adequate support for the road bed and anticipated loads.

The Pike County Soil Survey Report lists the following and similar soils as having moderate or high potential for frost heave: Alden, Alvira, Bath, Benson, Braceville, Bughanan, Chippewa, Clymer, Empeyville, Hartleton, Hazelton, Holly, Kedron, Klimesville, Lackawanna, Lawrenceville, Leckhill, Mardin, Meckesville, Morris, Peat, Philo, Pope, Rexford, Sheffield, Swartswood, Volusia, Watson, Wayland, Weikert, Wellsboro and Wurtsboro.

- b. Base Course: Base course aggregate material shall conform in type and be compacted in accordance with the latest specifications of PennDOT to the depths of material shown in Table 6-2.
- c. Surface Course: The bituminous surface course shall conform in type and be compacted to the depths shown in Table 6-2 and be placed in accordance with the latest specifications of PennDOT (Form 408).

- d. Shoulders: Where curbs are not required or provided, shoulders shall be provided. Shoulders shall be constructed of the material and compacted to the depth shown in Table 6-2 and to the widths shown in Table 5-1.
- e. Alternative Designs: Alternative roadbed designs may be prepared and will be considered. The alternate design must provide load capabilities equivalent to or higher than the capabilities of the designs set forth above. Alternate designs will be reviewed on the basis of design recommendations of the Asphalt Institute.
- f. Commercial/Industrial Areas: Any street serving a commercial or industrial area shall be designed and constructed on the basis of the requirements for a Collector Street.
- g. Parking Lanes: Where curbs are required and/or provided for arterial, connector or collector streets the parking lane (between the travelway and the curb) shall be not less than 10 feet wide and shall be constructed to the same standards as the travelway.

Where curbs are required and/or provided for all other classes of streets the parking lane shall be not less than 8 feet wide for minor streets and 6 feet wide for local and marginal access streets and shall be constructed of the same material and to the same depth as required for shoulders and stabilized by the application of bituminous product.

604.205 Cross Section:

- a. Travelway and shoulder widths shall conform to the requirements set forth in Table 5-1.
- b. Shoulder surfaces shall be graded at a slope of 0.75 of an inch per foot away from the paved travelway.
- c. The finished paved travelway surface of tangent sections, and curve sections not required to be super elevated, shall be crowned at 0.25 inch per foot away from the center-line. Properly super elevated cross-sections shall be required on arterial, connector and collector streets when the curve radii are less than 500 feet. The maximum permissible super elevation shall be 0.08 feet per foot.

604.206 Bridges and Stream Crossings: Bridges and other stream crossing structures which are part of the proposed street system shall be designed and constructed in accordance with

current PennDOT Standards and Specifications. Evidence of compliance with and approval of the Division of Dams and Encroachments, Pennsylvania DEP, shall be provided, if applicable.

605. CURBS AND GUTTERS

Minimum curb construction standards are as follows:

- 605.1 Straight curbs of portland cement concrete shall be 21 inches in depth, 6 inches wide at the top, and 8 inches wide at the bottom, and shall have an exposed face between 6 inches and 8 inches. Expansion joints shall be provided at least every 20 feet.
- a. The Engineer and/or the Planning Commission and the Board of Supervisors may require steel reinforcing of portland cement concrete curbs.
 - b. Gutter requirements shall be in conformance with good engineering practice and subject to the approval of the Engineer. Gutters and/or drainage swales shall be designed to prohibit erosive velocities and shall be paved or otherwise stabilized with rock or other methods recommended by the Township Engineer, if runoff velocities exceed 5.0 feet per second when calculated in accordance with PennDOT Manual Part 2.
 - c. Velocity calculation shall be placed on the centerline profile drawings or shall be submitted separately with the profiles.

606. DRIVEWAY ENTRANCES

Any driveway entrance shall make adequate provisions for parallel drainage facilities where drainage requires, a culvert pipe of not less than 15 inches in diameter (and of such gauge as conforms to PennDOT specifications) with head walls of a size recommended by the Township Supervisors, shall be installed across the width of the driveway and at such depth as drainage and soil conditions may require at that location. The depth and manner of installation will be subject to approval by the Township Supervisors.

607. PRIVATE ACCESS DRIVE

Private access drive entrances or aprons within the street right-of-way shall be installed by the developer or subdivider. Construction of the remaining length of the private access drive shall be the responsibility of the developer and/or lot buyer and will not be accepted by the Township as a municipal road. A covenant shall be placed on the Final Plan clearly assigning responsibility for construction and maintenance of the private access drive and its future private ownership status. See also Section 503.7.

The private access drive shall be improved to the cross-sections approved by the Commission and the Board of Supervisors.

608. SIDEWALKS AND BIKEPATHS

Sidewalks built to Township specifications shall be required by this Section. Sidewalks shall be located within the right-of-way adjacent to a street, unless the Township approves an alternate location with a pedestrian easement.

608.1 Sidewalks shall have a minimum width of 4 feet.

608.2 Street cross-walks shall have a minimum width of 4 feet.

608.3 The type of construction permitted is as follows: Sidewalks shall be portland cement concrete of at least 4 inches thick underlain by 4 inches of compacted cinder, gravel, or crushed stone. Sidewalks at driveway crossings shall be at least 6 inches thick reinforced and underlain by 4 inches of compacted cinder, gravel, or crushed stone.

608.4 Sidewalks shall be required along both sides of all *proposed* public and private streets, or in other locations approved by the Board of Supervisors for subdivisions and land developments meeting any of the following criteria:

- a. The subdivision is a residential development with an average lot width of 150 feet or less. (Width for each lot shall be calculated in accordance with the zoning ordinance)
- b. The subdivision or land development is a multi-family dwelling development or mixed use development.
- c. The land development is a commercial or industrial use.
- d. The subdivision or land development is along any roadway served by mass transit.

608.5 Sidewalks shall be required along the subdivision or land development's entire frontage on *existing* public and private streets for subdivisions and land developments meeting any of the following criteria:

- a. The subdivision or land development is a multi-family dwelling development, or mixed use development.
- b. The land development is a commercial or industrial use.
- c. The subdivision or land development is along any roadway served by mass transit.
- d. The subdivision is within a 1,500-foot radius of an existing or planned pedestrian walkway.

608.6 An ownership and maintenance plan for the sidewalks shall be provided for in the developer's agreement.

608.7 Bicycle Path

- a. Bicycle paths shall be required along one side of the *proposed* public and private streets, or in other locations approved by the Board of Supervisors for subdivisions and land developments meeting any of the following criteria:
 - 1) The subdivision is a residential development with an average lot width of greater than 150 feet. (Width for each lot shall be calculated at the building setback line.)
 - 2) The subdivision is within a 1,500-foot radius of an existing or planned pedestrian walkway.
- b. Bicycle paths shall be required along one side of all *existing* public and private streets for the entire frontage of subdivisions and land developments meeting any of the following criteria:
 - 1) The subdivision is a residential development with an average lot width of greater than 150 feet. (Average width for each lot shall be calculated in accordance with the zoning ordinance)
 - 2) The subdivision is within a 1,500-foot radius of an existing or planned pedestrian walkway.
- c. An ownership and maintenance plan for the bicycle path shall be provided for in the developer's agreement.
- d. The bicycle path shall be within the road R.O.W., or an easement shall be provided.
- e. Bicycle paths shall be designed and constructed according to the following:
 - 1) The cross-slope of the surface shall be sloped towards the adjacent roadway at a slope of 1%.
 - 2) The path shall be a minimum of 6 feet wide.
 - 3) The base course shall be a minimum of 6 inches of PADOT 2A modified.
 - 4) The surface course shall have a minimum of 2.5 inches of bituminous pavement (1.5 inches binder course, 1.0 inch surface course).
 - 5) The slope along the bicycle path shall match that of the road, as designed and/or constructed, but shall not exceed 12%.
 - 6) Other designs for the bicycle paths may be considered, but must be approved by the Board of Supervisors.

609. **STREET NAME SIGNS**

The developer shall provide the subdivision or land development with adequate street signs at the intersections of all streets. Sign style and characteristics, i.e. color and lettering, shall be acceptable to the Board of Supervisors.

610. LIGHTING

Lights may be required on streets and in non-residential developments when the Commission and the Board of Supervisors deem them necessary to provide safe traffic circulation and pedestrian safety. Such lights shall meet design standards established by the Board of Supervisors in conformance with the guidelines in Appendix F.

611. TRAFFIC SIGNALS AND SIGNS

Traffic signals and signs may be required where traffic studies determine them necessary to provide safe traffic circulation. Traffic signals and traffic control signs shall meet the latest PennDOT published standards for such improvements.

612. LANDSCAPING

612.1 See the requirements of Sections 803 and 804 of the Zoning Ordinance.

612.2 For a business subdivision or land development, trees or other approved natural landscaping features, such as shrubbery, grass areas, ornamental bushes or flower beds, may be required in non-paved areas between the front building line and the front property line. All such plantings shall be located on the site in a manner that will not interfere with ingress and egress points of the lot and adjoining properties.

613. GROUND COVER REQUIREMENTS

Exposed ground surface in all parts of the subdivision or land development shall be paved or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather. The vegetative cover shall not be poisonous in nature.

614. SEWER AND WATER FACILITIES

614.1 Where applicable, sanitary sewers shall be installed to adequately serve all lots with connections to any public or private central system which might exist, and shall be subject to inspection by the Engineer and approval by the Commission and the Board of Supervisors. See Section 502.4, Design Standards, and Appendix C.

614.2 Where the developer provides the subdivision or land development with a complete central water supply system, the system shall be designed to furnish adequate flow and pressure, main sizes and fire hydrants located to meet the specifications of the National Fire Protection Association and the Westfall Township or Mill Rift Fire Departments and be subject to inspection by the Engineer and approval by the Board of Supervisors. See Section 502.4, Design Standards, and Appendix A.

614.3 Adequate storm water drainage facilities shall be installed consistent with designs prepared in accordance with the requirements of Appendix B. Where the conveyance of storm water and/or the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities, an adequate storm sewer system consisting of inlets and other underground drainage structures with approved outlets shall be constructed. Outlets shall be approved by the owners of properties affected and by the Board of Supervisors.

615. WATER SUPPLY AND FIREFIGHTING

615.1 The Applicant for any property to be subdivided or developed hereunder not to be served by a central water supply system with a capacity sufficient to and capable of supplying water for fire suppression shall, at the request of the Board of Supervisors, provide a water supply source for the purpose of fire protection and/or suppression. Such water supply source shall be acceptable to the Board of Supervisors, with the affirmative advice of the Township's Engineer and after consultation with the fire company serving the property to be subdivided and/or developed.

615.2 At a minimum, such water supply shall consist of a storage tank or tanks located within the property and to be used solely for the purpose of fire protection and/or suppression. The effective volume of storage capacity shall be a minimum of the lesser of 750 gallons per equivalent dwelling unit to be constructed or 5,000 gallons. For commercial and industrial development the storage volume shall be determined in accordance with the National Fire Protection Association's standards and criteria, as certified to the Board of Supervisors by a professional engineer at the cost and expense of the Applicant. The location of such tank or tanks shall be selected and maintained so as to provide year round access by fire equipment.

615.3 The tank or tanks shall be buried to a sufficient depth below grade or otherwise protected so as to prevent freezing. The tank or tanks are to be designed and constructed to be used as suction tanks by fire company pumping equipment and shall be equipped with appurtenances compatible with such use at a pumping rate of 1,000 gallons per minute. Commercial and industrial applications may be required to provide for a greater capacity based on the proposed application and the National Fire Protection Association's standards and criteria for such applications. Standard 4.5-inch pumper nozzles, plumbed to allow full draw down of the required storage volume shall be acceptable.

TABLE 6-1
SCHEDULE OF REQUIRED IMPROVEMENTS

Minimum Improvements Required by Type of Subdivision or Land Development

Type of Improvements	Residential Single Family & Two Family	Residential - Other than Types Listed Separately	Mobile Home Parks	Camp-grounds	Commer-cial	Indus-trial
Streets	X	X	X	X	X	X
Curbs	c	c	c	c	X	X
Gutters	c	c	c	c	X	X
Street Signs	X	X	X	c	X	X
Traffic Lights and Signs	c	c	c	c	c	c
Off-Street Parking	d	X	X	X	X	X
Loading					X	X
Central Water	c	b	b	b	b	b
Central Sewer	c	b	b	b	b	b
Stormwater Management - as required by this Ordinance and any Stormwater Ordinance	X	X	X	X	X	X
Sewer Storm	c	c	c	c	c	c
Underground Utilities: Electric, Telephone and TV Cable	Y	Y	Y	Y	Y	Y
Street Lighting	c	c	c	c	c	c
Open Space and Recreation Areas - as required by the Zoning Ordinance and this Ordinance						
Landscaping - as required by the Zoning Ordinance and this Ordinance						
Monuments / Markers	X	X	X	X	X	X

NOTES:

- X - Indicates a requirement for that particular type of subdivision or land development.
- Y - Required wherever practical and required by Public Utility Commission.
- a - Permitted to provide service as needed.
- b - Required according to the number of units and size of non-residential development planned for the development.
- c - The Township Planning Commission and the Board of Supervisors may require according to individual site characteristics.
- d - By lot owner at time of construction of dwelling unit(s).

**TABLE 6-2
REQUIRED ROAD IMPROVEMENTS**

Class of Street	Base Course		Surface Course		Shoulders	
	Material (2)	Compacted Depth (inches)	Material (1)	Compacted Depth (inches)	Material (2)	Compacted Depth (inches)(1)
ARTERIAL	Crushed Stone, Sandstone or Slag	12	ID-2A	4	Crushed Lime-stone, Sand-stone or Slag	8
CONNECTOR	Crushed Stone, Sandstone or Slag	12	ID-2A	4	Crushed Lime-stone, Sand-stone or Slag	8
COLLECTOR	Crushed Stone, Sandstone or Slag	10	ID-2A	4	Crushed Lime-stone, Sand-stone or Slag	8
MINOR	Crushed Stone, Bank Run Gravel	10	ID-2A OR ID-3	3-1/2	Crushed Stone	6
LOCAL ACCESS Cul-de-sac Loop Street	Crushed Stone, Bank Run Gravel	8	ID-2A OR ID-3	3-1/2	Crushed Stone	6
MARGINAL ACCESS	Crushed Stone, Sandstone or Slag	10	ID-2A OR ID-3	3-1/2	Crushed Stone	6
SERVICE ACCESS	Crushed Stone, Bank Run Gravel	8	ID-2A OR ID-3	3-1/2	Crushed Stone	6
PRIVATE ACCESS DRIVE	Crushed Stone, Bank Run Gravel	6	Double Surface Treatment		Crushed Stone	6

NA - Not applicable.

(1) Except as may be approved pursuant to Section 604.204.

(2) Base course and shoulder material shall conform to gradation for AASHTO Number 1 Coarse Aggregate.

All surface voids shall be filled with AASHTO Number 10 Coarse Aggregate prior to paving.

ARTICLE VII
MOBILE/ MANUFACTURED HOME PARK STANDARDS

701. APPLICATION

- 701.1 Applications for proposed development of mobile/manufactured home parks proposed for sale or longer term lease exceeding 12 months of mobile/manufactured home lots or spaces shall meet all requirements and standards for a single family residential subdivision as set forth in this Ordinance.
- 701.2 Application for proposed development of new mobile/manufactured home parks or expansions of existing mobile/manufactured home parks that are proposed to be held under single ownership and to provide mobile/manufactured home sites on a maximum 12 month lease period or rental basis only, shall meet the design standards and required improvements set forth in this Article.
- 701.3 For the purposes of this Ordinance, the terms "mobile home" and "manufactured home" shall have the same meaning. See the definitions of "mobile/manufactured home" and "mobile/manufactured home park" in the Zoning Ordinance.

702. GENERAL STANDARDS AND REQUIREMENTS

- 702.1 No mobile/manufactured homes within a mobile/manufactured home park shall be located within a 100 year floodplain as defined by the Federal Flood Insurance Program.
- 702.2 The site of any proposed mobile/manufactured home park shall be free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.
- 702.3 The site of any proposed mobile/manufactured home park shall not be subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.
- 702.4 All mobile/manufactured home parks shall not be located on soil areas having a seasonal high water table or limiting zone within 20 inches of the ground surface; the average natural slope of the area of the site intended for development shall not exceed 15 percent.
- 702.5 Any proposed mobile/manufactured home park shall have direct access to paved public streets or roads.

703. SUBMISSION OF APPLICATION AND COMPLIANCE

703.1 All provisions of Article 3 of this Ordinance shall apply with respect to submission, application and approval. Fees shall be charged in accordance with the approved fee schedule.

703.2 The plans of the proposed mobile/manufactured home park shall conform in content to the requirements for Preliminary Plans and Final Plans as set forth in this Ordinance.

704. DESIGN STANDARDS

704.1 General: All plans for proposed new mobile/manufactured home parks or expansion of existing mobile/manufactured home parks shall meet the Design Standards applicable to all types of development contained in Section 502 of this Ordinance.

704.2 Lot Size: Each mobile/manufactured home lot shall have a minimum area of 6000 square feet for the exclusive use of the occupants of the mobile/manufactured home placed upon the space. Minimum widths of home spaces shall be 60 feet.

704.3 Site Drainage Requirements:

- a. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner as required in Section 614.3 and Appendix B of this Ordinance.
- b. Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania DEP and the Board of Supervisors.

704.4 Soil and Ground Cover Requirements:

- a. Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- b. Park grounds shall be maintained free of vegetation growth which is poisonous or which may harbor rodents, insects, or other pests harmful to man.

704.5 Park Areas for Non-Residential Uses:

- a. No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park and for the sale and rental of homes placed in the park.

704.6 Streets: All streets within proposed mobile/manufactured home parks shall conform to the requirements for streets as set forth in Sections 502.8 and 604 of this Ordinance. Right-of-way width shall be a minimum of 50 feet. The Township will not accept any street in a Mobile/manufactured Home Park, which is offered for dedication. All streets or roads providing access from the public street system into and/or through a proposed mobile/manufactured home park shall conform to the requirements for streets as set forth in Sections 502.8 and 604 of this Ordinance. Street signs acceptable to the Township Supervisors shall be provided at all intersections.

- a. There shall generally be at least two points of ingress and/or egress in each mobile/manufactured home park but no more than two accesses to a mobile/manufactured home park from any one public right-of-way (emergency accesses excepted). Accesses shall be separated by at least 150 feet where they intersect with a public street.

704.7 Lot Frontage: Mobile/manufactured home sites and parking spaces shall have direct access to and frontage on the interior park street system, as opposed to a public street. Mobile/manufactured home sites and parking spaces shall not front or have access directly to public streets or to private streets passing through the mobile/manufactured home park and providing access to other parcels or developments.

704.8 Illumination: All parks shall be furnished with lighting units so spaced and equipped with luminaries placed at such mounting heights, as will provide adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting standards as recommended in Appendix F, Table II, Medium Activity for Open Parking Areas shall be followed in designing park lighting.

704.9 Off Street Parking: Off-street parking for 2 motor vehicles shall be provided at each mobile/manufactured home lot and off-street parking areas for additional vehicles of park occupants and guests shall be provided where street rights-of-way are of insufficient width for such purposes. These spaces shall be improved to a grade not greater than 8 percent and shall be paved with a minimum 6 inches depth of select material approved by the Township Engineer.

704.10

Walks:

- a. General Requirements: All parks must provide safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual mobile/manufactured homes, the park streets and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.
- b. Common Walk System: Where pedestrian traffic is concentrated, and a common walk system is provided, such common walks shall have a minimum width of 3.5 feet.
- c. Individual Walks: All mobile/manufactured home lots shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of 2 feet.

704.11

Landscaping and Outdoor Living Requirements:

- a. Private Area: Private outdoor living and service space shall be provided for each mobile/manufactured home and shall be partially hard surfaced for garden furniture. The minimum area shall be not less than 300 square feet with a least dimension of 15 feet. The hard surface area shall be not less than 100 square feet with a least dimension of 10 feet.
- b. Screen Planting: Screen plantings shall be provided adequate to screen objectionable views effectively within a reasonable time; views to be screened including garbage and trash collection stations, non-residential uses, and rear yards of adjacent properties.
- c. Other Planting: Other plantings shall be adequate in size, quantity, and character to provide an attractive setting for the mobile/manufactured homes and other improvements, to provide adequate privacy and pleasant outlooks for living units, to minimize reflected glare and to afford summer shade.

704.12

Sewer and Water Systems: All mobile/manufactured home lots and service buildings in proposed mobile/manufactured home parks shall be provided with connection to an adequate supply of potable water and a connection to a centralized sewer system designed and constructed as required in Sections 502.4 and 614 and Appendices A and C of this Ordinance. The water supply system shall have an adequate reserve supply of water at adequate pressure to meet fire-fighting needs as required in Article V.

In those cases where a community subsurface sewage disposal system is proposed, a replacement area shall be provided for the subsurface sewage disposal field which has been properly tested and meets current state and Township standards for subsurface sewage disposal.

704.13 Underground Utilities: All mobile/manufactured home lots in proposed mobile/manufactured home parks shall be provided with underground electric, telephone and T.V. cable (if available) service. These service systems shall be installed and maintained in accordance with local service company specifications regulating such systems.

704.14 Central Fuel System: Any central fuel supply systems and/or central fuel storage facilities shall be installed underground.

705. **EXCEPTIONS**

705.1 Mobile/manufactured Home Sales: None of the provisions of this Article shall be applicable to the business of mobile/manufactured home sales, provided that the mobile/manufactured home on such lots shall not be occupied.

705.2 Storage of Recreation Vehicles: None of the provisions of this ordinance shall be applicable to the storage or garaging within a building or structure of recreational vehicles not being used for living or sleeping purposes or to the storage of one (1) unoccupied recreational vehicle on the premises occupied as principal residence by the owner of such recreational vehicle, provided however, that such unoccupied recreational vehicle shall not be parked between the street line and the front building line of such premises, but shall be parked within the lot, within the same setbacks as required for accessory buildings in any Zoning Ordinance.

705.3 Construction Project: None of the provisions of this Ordinance shall be applicable to a mobile/manufactured home located on the site of a construction project, survey project, or other work project and used solely as a field office or work or tool house in connection with such project, provided such mobile/manufactured home is removed from said site within 30 days after the completion of such project.

ARTICLE VIII
CAMPGROUND STANDARDS AND REQUIRED IMPROVEMENTS

801. APPLICATION

801.1 The definition and standards for Campgrounds in the Township Zoning Ordinance shall apply. Among other matters, those provisions prohibit use of a campground for year-round occupancy.

801.2 No campsite or lot within a campground shall be occupied as a permanent or primary residence or on a permanent or year-round basis. Each campsite shall be used and occupied only for camping and recreational purposes by a single household. This requirement shall be attached to each campsite sale or membership in non-transient campground developments by restrictive covenant.

802. GENERAL STANDARDS AND REQUIREMENTS

802.1 All campgrounds shall be located on moderately well or better-drained land; the average natural slope of the area to be improved for campsites shall not exceed 12 percent.

802.2 The provisions in the Zoning Ordinance shall apply.

802.3 No permanent campground structures or buildings or sewage collection or disposal facilities shall be located within any defined 100 year floodplain area.

802.4 The proposed campground shall have direct access to an existing public street or road.

802.5 The area improved for camping sites shall not exceed 50 percent of the total gross area of the tract being developed as a campground.

802.6 No camping site may be occupied as a permanent residence or on a permanent basis. No improvement or any mobile/manufactured home or year-round shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times.

802.7 No part of any campground shall be used for activities or uses except those required for the direct servicing and well being of the campers only, and for the management and maintenance of the campground.

803. SUBMISSION, APPLICATION, AND COMPLIANCE

- 803.1 All provisions of Section 301, 302, 303 and 304 shall apply with respect to submission, application and approval, and fees shall be in accordance with the Township fee schedule.
- 803.2 The design of the campground shall conform to the requirements of this Ordinance and/or the requirements of the Pennsylvania DEP for Travel Trailer Parks, whichever is greater or more restrictive. The applicant shall submit proof of approval of the proposed plan by the DEP before the plan will be considered for final approval by the Commission and the Board of Supervisors.

804. DESIGN STANDARDS

- 804.1 Each camping site shall have a minimum area of 3,000 square feet exclusive of street rights-of-way and walkways and a minimum width of 50 feet and a minimum depth of 60 feet.
- 804.2 To the extent possible, existing trees and shrubbery shall be retained by the campground developer.
- 804.3 Any new electric service lines shall be installed underground.
- 804.4 The applicant shall prove that a sufficient supply of potable water will be provided.
- 804.5 All campsites which are not provided with a connection to a centralized sewage system shall be located within 300 feet of a bath house / toilet facility which shall be equipped with toilets, urinals and lavatories in accordance with DEP regulations.
- 804.6 All campsites designed for recreational vehicles shall have off-street parking spaces for the recreational vehicle and for one passenger vehicle. The Township may allow the second parking space to be provided in a nearby parking area. The parking spaces shall be level in a longitudinal direction and shall be uniformly crowned in a transverse direction and shall be well drained. The parking spaces need not be paved, but shall have a minimum depth of 6 inches of compacted crushed stone, bank run gravel or shale.
- 804.7 All campsites designed for tents may be provided with on-site parking spaces in accordance with section 804.8 or may have a common parking area not over 500 feet from the most distant campsite. Common parking areas shall provide at least 1.5 spaces per campsite. The minimum area of each parking space shall be at least 200 square feet, exclusive of any aisle.

804.8 Any centralized water and centralized sewage system shall be designed in accordance with the requirements of the DEP and be in accordance with the standards of Appendices A and C of this Ordinance.

804.9 A campground serving recreational vehicles shall be equipped with sewage dumping stations designed and constructed in accordance with the DEP requirements.

804.10 Streets within the campground shall conform to the following:

- a. All campground streets shall conform to the requirements for Private Access Drives as set forth in Table 6-2.
- b. One way streets shall have a minimum right-of-way width of 20 feet and shall be improved with a travelway not less than 15 feet in width.
- c. Two way streets shall have a minimum right-of-way width of 30 feet and shall be improved with a travelway not less than 20 feet in width.
- d. The minimum center-line radius of any interior campground street shall be not less than 100 feet.
- e. The maximum grade of any campground street shall not exceed 10 percent.
- f. Drainage facilities shall be designed and constructed in accordance with the standards set forth in Appendix B.
- g. No campground street may be offered for dedication to Westfall Township. Construction and maintenance of campground streets shall be the sole responsibility of the developer or operator of the campground. Street signs acceptable to the Township Supervisors shall be placed at each intersection.

804.11 At least 10 percent, but not less than one acre, of the parcel shall be suitable for and improved to provide for active recreation for users of the campground. Such active recreation may include, but is not limited to: swimming pools, playgrounds, play fields, ball fields, courts of all types, community buildings and similar facilities. The Commission and the Board of Supervisors will determine the adequacy of the proposed facilities for the number of campsites and may require additional facilities before granting approval.

- 804.12 The access road(s) serving the campground shall be designed and constructed in accordance with the standards set forth for Minor Street in Table 5-1 and Table 6-2 of this Ordinance.
- 804.13 There shall be provided in each campground such other improvements as the Board of Supervisors may require whereby such requirements shall at all times be in the best interests of the public's health, safety and general welfare and may include, but shall not be limited to, garbage and trash collection, removal and disposal as approved by the DEP; adequate park lighting system; and maintenance of all areas.

APPENDIX A
CENTRAL WATER SYSTEM DEVELOPMENT
PROCEDURES AND REQUIREMENTS

- A. **Central Water Supply.** A central water supply system shall meet the requirements stated herein prior to the final approval of a subdivision or land development plan which proposes to use such central water system.

1. Existing Utility: The utility shall submit plans for extensions of its present distribution system to Westfall Township Planning Commission and the Board of Supervisors. The utility shall also secure such permits and certificate of convenience to furnish such services from the appropriate governmental agencies where required by this Ordinance.

The utility shall demonstrate adequacy of supply to serve the proposed subdivision or development.

2. Proposed Utility: Any proposed new utility shall be engineered or designed by a registered professional engineer and/or professional ground water geologist well versed and knowledgeable in the field of water supply engineering and/or design.

B. **Deep Well Source Requirements.**

1. Wells shall be sited, drilled, and tested under the direct supervision of a qualified registered professional engineer or a professional ground water geologist.
2. The projected capacity of the well or wells shall be sufficient to produce at least 100 gallons per capita per day and/or 400 gallons per day for each residential dwelling unit to be serviced. Service to industrial or commercial establishments shall show adequacy of supply to meet such needs as established by the American Water Works Association or other professional standards acceptable to the Township.
3. The wells shall be pump tested utilizing a controlled step drawdown test to establish the specific capacity of each well and to establish a long term pumping rate. The well shall be pumped at the above determined long term pumping rate for a sufficient period of time for stabilization to occur and the recovery noted. In no case will a pumping rate greater than the recharge rate be allowed.
4. Well construction shall be consistent with good practice and the guidelines of the Pennsylvania DEP.
5. Wells shall be so located away from potential sources of pollution. The well shall be located on a reserved one-acre parcel.
6. The effect of area drawdown shall be carefully evaluated and reported.

C. Water Distribution System Requirements.

1. The system design shall follow good engineering practice and the guidelines of the Pennsylvania DEP and/or the Public Utilities Commission. The distribution system shall be designed and sized to provide the design flows at a minimum pressure of 25psi at curb stops.
2. Pipe classes shall be consistent with design pressures.
3. Service connections shall be a minimum 3/4 inch. Corporation stops, service connections and curb stops shall be installed concurrent with the installation of the water main.
4. Before being placed into service the system must be tested and chlorinated by procedures established by the Engineer.
5. The proposed utility shall maintain adequate storage for the subdivision or development supplied. At any given period of development, such storage normally shall be not less than one day's supply.
6. Flow rates:
 - a. Systems serving residential developments shall provide for a minimum flow rate of at least five (5) gallons per minute for each lot or proposed dwelling unit for domestic purposes only.
 - b. Systems serving commercial or industrial developments shall provide for a minimum rate of flow per minute not less than twenty-five (25) times the projection from the average daily rate of flow.
 - c. Central water systems shall provide for fire flows and shall provide for minimum flow and pressure rates in accordance with the standards of the National Fire Protection Association.

APPENDIX B

STORM WATER DRAINAGE RUNOFF CALCULATION

The following standards shall apply, unless alternative standards are required to be used by the Township Engineer or unless the Township Engineer pre-approves alternative standards,

A. Rational Formula.

The method used in calculating runoff shall be the Rational Formula $Q = CIA$, in which "Q" is the storm flow in cubic feet per second. "C" is coefficient indicating the degree of imperviousness of the drainage area. "I" is the intensity of rainfall in inches per hour for the particular frequency of storm used, and "A" is the drainage area in acres.

B. Values of Coefficient "C".

Coefficient "C" used for the calculation of runoff shall be based on the anticipated ultimate use of the land. Except for cemeteries, golf courses, and publicly owned park areas, the minimum value of "C" to be used for composite areas shall be 0.20. Other suggested "C" values to be used are as follows:

TYPE OF SURFACE	NORMAL RANGE	RECOMMENDED VALUES*
Pavements: Portland Cement Concrete and hot mix bituminous concrete	0.75-0.95	0.90
Pave Pavements: Penetrated macadam (bituminous); bituminous soil stabilization; portland cement stabilization	0.65-0.80	0.75
Pavements: Water bound macadam, shale gravel, etc.	0.25-0.60	0.50
Sandy soil: Cultivated or light growth	0.15-0.30	0.20
Sandy soil: Woods or heavy brush	0.14-0.30	0.20
Clay soil: Bare or light growth	0.35-0.75	0.50
Clay soil: woods or heavy growth	0.25-0.60	0.40
Mixed: Industrial Commercial Developments	0.70-0.95	0.90
Mixed: Moderate Density Residential Developments (more than one (1) unit/acre)	0.50-0.75	0.60
Mixed: Low Density Residential Developments (one (1) unit or less/acre)	0.35-0.60	0.35
Mixed: Rural Areas, Parks, Golf Courses	0.15-0.30	0.25

* Use of lower values must be fully justified

C. Values of Storm Intensity "I".

1. The values of "I", in inches per hour, to be used are as follows:

Time of Flow (minutes)	Frequency of Storm (Years)	
	10-year	25-year
5	6.5	7.5
10	5.4	6.2
15	4.6	5.2
20	4	4.5
25	3.5	4
30	3.2	3.6
35	2.9	3.3
40	2.7	3.1
45	2.5	2.9
50	2.3	2.7
55	2.2	2.6
60	2.1	2.5

- Storms with a frequency of occurrence of one in 10-years shall be used for drainage facilities in new developments and for minor streets, and 25-year storms shall be used for Collector and Connector streets. The time of flow shall be the time which it takes to reach the location of the drainage facility to be designed, and shall include overland flow time plus gutter flow time plus time of flow through pipes, culverts, or natural streams. Overland flow time shall be computed using a generally accepted chart or formula.

D. Suggested Runoff Velocities.

Suggested runoff velocities are as follows:

Percent Slope vs. Velocities*

Description of Course of Runoff Water	0-2%	2-4%	4-7%	7-10%	15%	20%
Woodland or Dense Grass	0.2	0.3	0.4	0.4	0.4	0.4
Pasture or Average Grass	0.3	0.4	0.4	0.4	0.5	0.5
Poor Grass	0.4	0.5	0.5	0.6	0.7	0.8
Bare Soil	0.5	0.6	0.7	0.8	0.9	0.9
Pave Areas	0.8	1.0	1.2	1.4	1.6	2.0

*In feet per second

E. Velocity of Flow in Open Channels.

- The velocity of flow in open channels, and in closed drains not under pressure, shall be determined by Manning's velocity equation:

$$V = \frac{1.49 * R^{(2/3)} * s^{(0.5)}}{n}$$

V = Velocity (feet per second)

n = Manning's coefficient of roughness

R = Hydraulic Radius (Area/Perimeter)

a = Cross-sectional Area

p = Perimeter of the Wetted Channel

s = Slope (feet per foot)

2. The coefficient of roughness, "n", shall be as follows unless otherwise approved by the Township Engineer:
 - a. .015 for concrete pipe and similar paving.
 - b. .025 for annular corrugated metal pipes and flumes.
 - c. .040 for earth ditches.
 - d. .014 to .021 for Helical corrugated metal pipe.

F. Permissible Stream Velocities in Open Channels.

Material Allowable Velocity (feet per second)

Well established grass on good soil:

Alfalfa	2.5 - 3.5
Bermuda grass	4 - 8
Crabgrass	2.5 - 3.5
Crownvetch	3 - 5
Kentucky Bluegrass	4 - 7
Kentucky 31 Tall Fescue	2.5 - 7
Red Clover or Red Fescue	2.5 - 3.5
Reed Canary	3 - 5
Ryegrass	2.5 - 3.5
Small Grains	2.5 - 3
Smooth Brome	3 - 7
Sudan Grass or Timothy	2.5 - 3.5
Other:	
Bituminous or cement stabilized channels	6
Paved channels	10-15
Earth without vegetation:	
Fine sand or silt	1-2
Ordinary firm loam	2-3
Clay and gravel	3-5
Stiff clay	4-5
Coarse gravel	4-5
Soft Shale	5-6

G. Design Storm Volumes to be used in the analysis of Peak Rates of Discharge.

Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, US Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland, 20910. NOAA's Atlas 14 can be accessed at Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

ARI* (years)	5 min	10 min	15 min	30 min	60 min	120 min	3 hr	6 hr	12 hr	24 hr	48 hr	4 day	7 day	10 day	20 day	30 day	45 day	60 day
1	0.30	0.47	0.57	0.76	0.92	1.10	1.21	1.55	1.94	2.29	2.67	2.98	3.54	4.10	5.56	6.96	8.96	10.84
2	0.36	0.56	0.68	0.91	1.11	1.33	1.45	1.85	2.32	2.74	3.20	3.56	4.21	4.88	6.57	8.18	10.45	12.61
5	0.42	0.66	0.81	1.11	1.39	1.66	1.80	2.27	2.86	3.39	3.95	4.36	5.13	5.86	7.68	9.41	11.82	14.15
10	0.48	0.74	0.91	1.26	1.60	1.92	2.09	2.63	3.32	3.97	4.62	5.06	5.93	6.72	8.63	10.46	12.98	15.47
25	0.55	0.84	1.04	1.46	1.90	2.33	2.53	3.17	4.04	4.88	5.66	6.19	7.19	8.05	10.08	12.01	14.69	17.40
50	0.61	0.92	1.14	1.63	2.15	2.67	2.91	3.66	4.68	5.71	6.62	7.23	8.35	9.24	11.36	13.36	16.14	19.04
100	0.67	1.01	1.25	1.81	2.42	3.07	3.36	4.22	5.43	6.70	7.75	8.46	9.69	10.62	12.79	14.86	17.72	20.79
200	0.74	1.10	1.37	2.00	2.71	3.52	3.86	4.86	6.29	7.87	9.09	9.91	11.28	12.21	14.41	16.51	19.43	22.70
500	0.84	1.24	1.54	2.29	3.16	4.21	4.65	5.87	7.65	9.75	11.25	12.27	13.82	14.72	16.89	18.99	21.95	25.48
1000	0.93	1.35	1.69	2.53	3.55	4.84	5.36	6.78	8.88	11.50	13.25	14.45	16.14	16.98	19.06	21.12	24.07	27.80

- These precipitation frequency estimates are based on a partial duration series. **ARI** is the Average Recurrence Interval.
NOTE: Formatting forces estimates near zero to appear as zero.

APPENDIX C
CENTRALIZED SEWAGE DISPOSAL SYSTEM
PROCEDURES AND REQUIREMENTS

A. General.

All centralized sewage disposal system designs, plans and/or construction shall:

1. Be compatible with sewage feasibility studies and plans of the Township.
2. Comply with all requirements of the DEP and/or of the Township or Township Authority, whichever may be more stringent.
3. Be approved by the appropriate agencies prior to Final Plan submission.

B. Collection.

All sanitary sewer and appurtenances shall be designed and constructed in accordance with regulations and requirements of the DEP (as set forth in the Sewerage Manual prepared by the Bureau of Water Quality Management) and/or the Township or Township Authority. In the case of relatively small community sewage systems the applicant may submit a written request for a variance from such requirements together with justification thereof. All sanitary sewers shall be designed and constructed to provide adequate capacity for the ultimate flow of the subject development plus such additional flow as may be projected to be generated by adjacent or nearby properties within a period of 20 years.

The plans shall provide that all individual lateral connections be installed to the curb or right-of-way line at the time of initial installation.

1. Existing Facility: Plans for the extension of existing sanitary sewers shall be prepared by or on behalf of the utility and approved by it. Such plans shall be submitted to the Township Planning Commission and the Engineer. The utility shall also secure such approvals, permits, and certificates of convenience to furnish such services from the appropriate state agencies as required.
2. Proposed Facility: Plans for proposed sanitary sewers shall be prepared by a registered professional engineer well versed and knowledgeable in the field. Such plans shall be submitted to the Township Planning Commission and the Engineer. The applicant shall also secure such approvals, permits and certificates of convenience as required.

C. Community Sewage Systems.

All systems utilizing subsurface disposal of sewage effluent (Community Sewage Systems as defined by the DEP Regulations) shall be designed and constructed in accordance with requirements of the Township or Township Authority. Such systems shall also be operated and maintained in accordance with requirements of the Township or Township Authority.

The registered professional engineer employed by the applicant shall certify that the existing or proposed facility has adequate capacity to satisfactorily treat the total projected sewage flow.

D. Sewerage Services.

All systems classified as Sewerage Services (as defined by the DEP Regulations) shall be designed and constructed in accordance with regulations and requirements set forth in the Sewerage Manual prepared by the Bureau of Water Quality Management.

1. Existing Facility: The utility shall demonstrate the adequacy of treatment capacity to serve the proposed subdivision or development.
2. Proposed Facility: Plans for proposed treatment and discharge facilities shall be prepared by a registered professional engineer well versed and knowledgeable in the field. Such plans shall be submitted to the Township Planning Commission and the Board of Supervisors. The applicant shall also secure such approvals, permits and certificates of convenience as required.

E. Township Official Plan.

The applicant shall demonstrate compliance with or cause to be prepared such revisions or supplements as may be required for the Official Township Sewage Plan and/or Township Sewage Feasibility Study.

APPENDIX D
ON LOT SEWAGE DISPOSAL SYSTEMS

- A. Wherever individual on-lot sanitary sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed description or otherwise as a condition of the sale of each lot or parcel within such subdivision that the on-lot sanitary sewage disposal facilities be installed by the purchaser of said lot at the time that the principal building is constructed. The standards of Title 25, Chapter 73, "Standards for Sewage Disposal Facilities", Pennsylvania DEP, shall be strictly adhered to.

APPENDIX E
DEVELOPMENT AGREEMENT - SAMPLE FORM

This AGREEMENT is made this _____, day of _____, 20____, by and between the Supervisors of Westfall Township, Pike County, Pennsylvania, (Hereinafter referred to as "Supervisors"),

and

(hereinafter referred to as "Developer").

The background to this Agreement is that Developer is the owner of a certain tract or parcel of land situated in Westfall Township, Pike County, as shown on a certain plot or plan entitled _____ (hereafter sometimes called "the Final Plan") which has been submitted to the Supervisors for final approval in accordance with the applicable ordinances of Westfall Township. In addition, the Developer has submitted supporting data and information as a supplement to the final plan.

Attached as Exhibit A to this Agreement is a narrative description of the improvements required under the Ordinances of Westfall Township (sometimes referred to as "required improvements") which have not yet been completed at the time the final plan was submitted for approval. And attached as Exhibit B is a narrative description of certain other improvements which the Developer has depicted upon the plan (sometimes referred to as "promised improvements") and which have not been completed.

The Developer seeks approval of the final plan before completing the improvements described in Exhibits A and B. The Supervisors, on the other hand, seek to assure that the improvements will be made. Accordingly, the Developer and Supervisors have agreed as follows.

NOW, THEREFORE, in consideration of the mutual premises, promises, covenants and conditions set forth below, the parties agree as follows:

1. Plan Approval: Developer shall record the said plan within ninety (90) days of the execution of this agreement in the Pike County Office for the Recording of Deeds. The Supervisors' execution of the final plan constitutes their acknowledgment that the plan and supporting data comply with applicable ordinances and regulations of Westfall Township. Developer agrees to the strict and timely performance of the conditions of this agreement and the posting by Developer of a Performance Guarantee as required by the pending Subdivision and Land Development Ordinance of Westfall Township.
2. Security Performance Guarantee: The Developer agrees to complete the improvements in a workmanlike manner and in accordance with the design criteria of applicable Westfall Township ordinances or in accordance with the plans and specifications submitted by the Developer to the Supervisors, whichever standard is the more stringent. The improvements shall be completed within the following time periods:

(a) Required improvements: _____

(b) Other Improvements that the Applicant Has Committed to Make:

Time shall be of the essence of Developer's agreement to construct or install the improvements by the date (s) specified; and the failure or forbearance of the Supervisors, or a third party, in not acting upon Developer's failure to complete the improvements as promised shall not be deemed a waiver of their right to insist upon such performance. No extension of the time limits set forth above shall be binding unless it is in writing and signed by the Supervisors.

3. Security of Performance Guarantee: The parties acknowledge that the Supervisors have accepted as security for the performance of Developer's promises under this contract the following:

The aforesaid security is referred to in this Agreement as a "Performance Guarantee". The Performance Guarantee shall be collateral security for Developer's performance obligations under this agreement. The parties further agree that the fair and reasonable estimate of the current cost to complete the required improvements described in Exhibit A is \$_____, and the fair and reasonable cost of completing the promised improvements described in Exhibit B is \$_____. The amount of the Performance Guarantee shall be \$_____.

Upon the Developer's default, the Supervisors shall have the right to pursue their remedies under the Performance Guarantee, and in addition, to bring action under this Agreement if the fund available from Performance Guarantee reasonably appears to be insufficient to pay completion of the improvements.

4. Method of Approving Installation of Improvements and Cost Thereof: The Developer shall notify the Supervisors, with a copy to the Township Engineer, by certified or registered mail when any improvement has been completed. Within ten (10) days of receiving this notice, the Supervisors shall direct the Engineer to inspect the improvement. The Engineer shall make his inspection and file a report to the Supervisors, the Westfall Township Planning Commission and the Developer within thirty (30) days of the date on which the Developer's notification was received by the Supervisors. If the Engineer finds any or all improvements to be not as required or promised, he shall include a statement of reasons for their rejection in his report to the Supervisors and to the Developer.

Where appropriate, the Township may require that periodic inspections be made of the improvements, in which case the Developer's failure to comply with that schedule of inspections shall be grounds for disapproval. The Developer shall notify the Township of the progress of construction to enable the Township Engineer to make such inspections.

The Supervisors shall consider the Engineer's report and recommendation of the Planning Commission and render a decision to the Developer by certified or registered mail within forty (40) days after the Developer's official letter of notification to the Board of his completion of the improvements. Upon approval of all the improvements, the Developer's collateral under the Performance Guarantee shall be released to Developer and the Performance Guarantee shall be of no further force and effect.

The Developer agrees to pay the fair and reasonable cost of inspections and reports performed or made by the Township Engineer or other designee.

Notwithstanding any other provision of this paragraph, Developer agrees that no blacktopping or asphalt material shall be applied to a required improvement unless prior notice is given to the Supervisors, or their authorized representative, and approval is obtained.

5. Non-Assignment: The Developer shall not assign, transfer, sublease, pledge, hypothecate, surrender or otherwise dispose of this agreement or of any rights created by the agreement, or permit any other person or persons, company, assign, or corporation to assume Developer's obligations hereunder without the written consent of the Supervisors of Westfall Township first being obtained.
6. Developer to Provide As-Built Drawings: Upon request of the Supervisors, the Developer shall, upon completion of installation of a required improvement, submit "as built" drawings of the improvement for the records of Westfall Township.
7. Developer to Indemnify, etc: Developer hereby agrees to indemnify, defend and hold harmless the Board of Supervisors of Westfall Township, their successors and assigns and their agents, servants, and employee, from any and all actions, claims or demands, arising from or by virtue of this agreement and the installation of required or promised improvements as provided herein.
8. Additional Assurances of Completion: The Developer, upon request of the Supervisors, shall provide such additional security or such additional documentation as the Supervisors may from time to time reasonably require in order to effect the terms of this contract. In the event the Supervisors reasonably request additional security under the Performance Guarantee, the Developer's failure to provide additional security shall be deemed a breach of this Agreement.
9. Maintenance Bond: In addition to the Performance Guarantee, Developer shall post with the Supervisors a bond or other acceptable security to secure the cost of repair or

replacement of any required improvement for a period one (1) year or eighteen (18) months after the date of its completion.

10. No Offer of Dedication: Nothing in this agreement shall be construed as an offer by the Developer to dedicate any improvement to the Board of Supervisors of Westfall Township, and nothing herein shall be deemed to be an acceptance of an offer of dedication. In the event the Developer, or Developer's heirs, administrators, successors or assigns, offers to dedicate an improvement to Westfall Township, there shall be no payment or compensation of any kind paid to Developer or Developer's heirs, administrators, successors or assigns, and this agreement shall constitute a full and complete release from any such claim or demand for payment. Developer shall bear all of the Township's costs incidental to the dedication of a required improvement.
11. Default: If Developer fails or neglects to do, or perform, or observe, any of the covenants contained herein, and such failure or neglect continues for a period of not less than thirty (30) days after the Supervisors have notified Developer in writing of Developer's default hereunder, and Developer has failed to correct such default within said thirty (30) days, or if Developer shall be declared to be bankrupt or insolvent according to law, or if any assignment of Developer's property shall be made to the benefit of creditors, then in any such case or event, the Supervisors may, at their option, immediately or at any time thereafter without demand or notice, declare this contract to have been breached and exercise their remedies, in law or equity, and simultaneously therewith to exercise their right under the Performance Guarantee to complete such work or as much thereof as may be completed from the available resources of the Performance Guarantee. The Supervisors' exercise of their rights under the Performance Guarantee shall not bar them from pursuing their rights under this contract, it being agreed that those rights are cumulative and not exclusive.
12. Attorney Fees: In the event any action, suit, or proceeding is brought by the Supervisors against the Developer for Developer's failure to observe any of the covenants of this agreement. Developer agrees to pay to the Board of Supervisors such sum as the court may judge reasonable as attorney fees to be allowed in said suit, action or proceeding.
13. Third Parties to Benefit: This agreement shall inure to the benefit of the grantees, lessees, and licensees of the Developer; provided, however, in no event may such third party beneficiary, alone or together, bring action for breach of this agreement without the prior written approval of the Supervisors.
14. Insurance: Developer shall secure and maintain public liability insurance for the duration of the construction of the improvements and evidence of such coverage shall be submitted to the Township.
15. Adequacy of Plans: Nothing in this contract shall be construed as approval by the Supervisors or their agents, servants, independent contractors or employees, of the adequacy or fitness of purpose or intended use of the improvements depicted upon the plans and supporting documentation submitted to the Township. It being agreed that the

Supervisors' approval constitutes no more than their acknowledgment that minimum standards of Township Ordinance have been met.

IN WITNESS WHEREOF, the parties, for themselves, their heirs, administrators, successors and assigns, have hereunto set their hands and seals this _____ day of _____, 20_____, intending thereby to be legally bound.

DEVELOPER

By: _____

ATTEST:

SUPERVISORS OF WESTFALL
TOWNSHIP

By: _____
Chairperson

ATTEST:

Comments Regarding the general form of the model Development Agreement:

1. This form is designed as a model of an acceptable Development Agreement and may be modified as circumstances warrant. This model Development Agreement shall not by itself limit the ability of the Township to require additional provisions if necessary to carry out Township ordinances and requirements and to protect public safety.
2. The agreement does not include a specific form of Performance Guarantee because a number of types of financial security may be acceptable. See the Westfall Township Subdivision and Land Development Ordinance for a list of acceptable forms of security.
3. In no event will the Township approve final plans of a subdivision until the roads shown on the plan have been installed to a "mud free and permanently passable" condition.
4. The Developer should obtain estimates from reputable contractor(s) to substantiate the present cost of the required and promised improvements.
5. It is suggested that the Developer or his attorney contact the Township's Solicitor to obtain approval of modifications of the sample form of Development Agreement.

APPENDIX F

LIGHTING STANDARDS

Wherever lighting is required for vehicular or pedestrian safety and convenience on roadways, parking areas, or pedestrian walkways, along streets or in commercial, industrial, or residential developments, the guidelines and recommendations of the Illuminating Engineering Society of North America, as contained in the IES Lighting Handbook shall be used as the basis for determining and providing adequate lighting.

The following are two tables from the 1981 Edition IES Lighting Handbook, which provide recommendations for provision of lighting under varied conditions. Applicants may utilize later versions of this Handbook.

TABLE F-1
RECOMMENDATIONS FOR AVERAGE MAINTAINED ILLUMINANCE
ON THE HORIZONTAL FOR PEDESTRIAN WAYS

Walkway and Bike Way Classification	Minimum Average Levels		Average Levels for Special Pedestrian Security**			
			Mounting Heights 9-15 feet		Mounting Heights 10-30 feet	
	Lux	Foot-candles	Lux	Footcandles	Lux	Foot-candle s
Sidewalks (roadside) and Type A bikeways						
Commercial Areas	10	0.9	22	2	43	4
Intermediate Areas	6	0.6	11	1	22	2
Residential Areas	2	0.2	4	0.4	9	0.8
Walkway distance from roadways and Type B bikeways						
Park walkways and bikeways	5	0.5	6	0.6	11	1
Pedestrian tunnels	43	4	54	5	--	---
Pedestrian overpasses	3	0.3	4	0.4	--	---
Pedestrian stairways	6	0.6	9	0.8	--	---

NOTE: Crosswalks traversing roadways in the middle of long blocks and at street intersections should be provided with additional illumination producing from 1.5 to 2 times the roadway illuminance level recommended.

** For pedestrian identification at a distance.

TABLE F-2
RECOMMENDED MAINTAINED ILLUMINATION FOR
OPEN AND COVERED PARKING FACILITIES

Open Parking Facilities

Level of Activity	For Vehicular Traffic			For Pedestrian Safety		For Pedestrian Security		
	Lux*	Foot-candles	Uniformity Ratio	Lux*	Foot-candles*	Lux*	Foot-candles*	Uniformity Ratio
Low activity	5	0.5	4:1	2	0.2	9	0.8	5:1
Med activity	11	1	3:1	6	0.6	22	2	5:1
High activity	22	2	3:1	10	0.9	43	4	5:1

Covered Parking Facilities

Areas	Day		Night	
	Lux***	Footcandles***	Lux*	Footcandles
General Parking and pedestrian areas	54	5	54	5
Ramps and corners	110	10	54	5
Stairways and Lobbys	540	50	54	5

*Average on pavement

**Minimum on pavement

***Average on payment-sum of electrical lighting and daylight

- **APPENDIX G**
- **STORMWATER OPERATION AND MAINTENANCE AGREEMENT**

STORMWATER BEST MANAGEMENT PRACTICES

THIS AGREEMENT, made and entered into this _____ day of _____, 200__, by and between _____, (hereinafter the “Landowner”), and Westfall Township, Pike County, Pennsylvania, (hereinafter “Municipality”);

WITNESSETH

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Pike County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter “Property”).

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the Stormwater Management Site Plan approved by the Municipality (hereinafter referred to as the “Plan”) for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMPs); and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site stormwater Best Management Practices be constructed and maintained on the Property; and

WHEREAS, the Municipality requires, through the implementation of the Stormwater Management Site Plan, that stormwater management BMP’s as required by said Plan and the Municipal stormwater management and drainage provisions and standards be constructed and adequately operated and maintained by the Landowner, his successors and assigns.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The Landowner shall construct the BMPs in accordance with the plans and specifications identified in the Stormwater Management Site Plan.
2. The Landowner shall operate and maintain the BMPs as shown on the Plan in good working order accordance with the specific maintenance requirements noted on the approved Stormwater Management Site Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper credentials, to inspect the BMPs whenever necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMPs per paragraph 2, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the Municipality to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Municipality.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMPs by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from

the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or Municipality.

8. The Municipality shall inspect the BMPs at a minimum of once every three years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Pike County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

(SEAL)

For the Landowner:

ATTEST:

Westfall Township

County of Pike, Pennsylvania

I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20__, do hereby certify that _____ whose name(s) is/are signed to the foregoing Agreement bearing date of the _____ day of _____, 20__, has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS _____ day of _____, 200__.

NOTARY PUBLIC

(SEAL)

ORDINANCE NO. 32

AMENDMENT TO WESTFALL TOWNSHIP
SUBDIVISION ORDINANCE NO. 30

G. Will be added to Article IV, Section 6 - Lots, to read as follows:

G. Lot sizes. Residential lots shall conform to the following Table of Lot Standards for Residential Subdivisions, except as noted below:

Lot Area and Dimensions

Lots Served with Both Central
Water Supply and Sewage Disposal

Minimum Area/1	20,000 square feet
Minimum Width/2	80 feet
Minimum Average Depth	125 feet
Minimum Front Yard Set Back	25 feet
Minimum Side Yard Set Back	10 feet
Minimum Rear Yard Set Back	10 feet

Lot Area and Dimensions

Lots Served with Either Central
Water Supply or Sewage Disposal
but not both

Minimum Area/1	30,000 square feet
Minimum Width/2	90 feet
Minimum Average Depth	150 feet
Minimum Front Yard Set Back	25 feet
Minimum Side Yard Set Back	10 feet
Minimum Rear Yard Set Back	10 feet

Lot Area and Dimensions

Lots Not Served with Either
Central Water Supply or
Sewage Disposal

Minimum Area/1	43,560 square feet
Minimum Width/2	150 feet
Minimum Average Depth	200 feet
Minimum Front Yard Set Back	25 feet
Minimum Side Yard Set Back	10 feet
Minimum Rear Yard Set Back	10 feet

1. At mean depth.
2. If the developer wishes to lay out lots to the center line of streets, the above listed dimensions and areas shall be measured from the street right-of-way line rather than the center line of the street.

This amendment shall become effective five (5) days after enactment.

Adopted this 7th day of June 1976.

THE TOWNSHIP OF WESTFALL
BOARD OF SUPERVISORS

Attest:

George D. Campbell
Carlton L. L. L.
Kimberly H. La Barr

Kimberly H. La Barr
Township Secretary
6/7/76

3 ~~or~~

Original Copy
for Ordinance ^{books} Books

Ordinance # 30 & # 32

SUBDIVISION REGULATIONS

TOWNSHIP OF WESTFALL

PIKE COUNTY, PENNSYLVANIA

ARTICLE I
STATEMENT OF PURPOSE AND POLICY

SUBDIVISION REGULATIONS

TOWNSHIP OF WESTFALL

TABLE OF CONTENTS

PAGE

Article I	- Statement of Purpose and Policy	1
Article II	- Definitions.	2
Article III	- Procedure for Review of Subdivision Application	6
Section 1	- Submission of Sketch Plan	6
Section 2	- Review and Approval of Minor Subdivision	7
Section 3	- Preliminary Plat for Major Subdivision	8
Section 4	- Final Plat for Major Subdivision	10
Section 5	- Required Improvements	12
Section 6	- Filing of Approved Subdivision Plat	14
Section 7	- Public Acceptance of Streets, Recreation Areas	15
Article IV	- General Requirement and Design Standards	16
Section 1	- General	16
Section 2	- Street Layout	16
Section 3	- Street Improvements and Design	18
Section 4	- Street Names	19
Section 5	- Sewer and Water Facilities	19
Section 6	- Lots	19
Section 7	- Drainage Improvements	20
Section 8	- Parks, Open Space, Natural Features, School Sites and Reserve Strips	21
Article V	- Required Submissions	23
Section 1	- Sketch Plan	23
Section 2	- Minor Subdivision Plat	23
Section 3	- Major Subdivision Preliminary Plat and Vicinity Map	23
Section 4	- Final Subdivision Plat, Subdivision Improvements and supporting documents	25
Article VI	- Variances and Waivers	28
Article VII	- Separability and Effective Date	29

ARTICLE I - STATEMENT OF PURPOSE AND POLICY

The Township Supervisors of the Township of Westfall, Pike County, Pennsylvania by virtue of the provisions of the Pennsylvania Municipal Planning Code of the Commonwealth of Pennsylvania (Act 247-1968 as amended by Act 93/1972) is authorized, subject to the holding of required Public Hearings, to adopt rules and regulations covering Plans for Subdivisions of Land and Land Development and to approve plats with or without streets, within the Township of Westfall.

The Supervisors declare that these regulations are intended to provide for the orderly growth and coordinated development of the Township of Westfall and to assure the comfort, convenience, safety health and welfare of the people. Further, the approval of such subdivisions shall be based on the following broad considerations;

(1) Conformance with the various parts of the Comprehensive Development Plan and Zoning Regulations.

(2) Recognition of a desirable relationship to the land form, its topography and geology, to natural drainage and surface water runoff, and to the ground water table.

(3) Recognition of desirable standards of subdivision design including provision for pedestrian and vehicular traffic, surface water runoff, and for suitable building sites for the land use contemplated.

(4) Provision for such facilities that are desirable adjuncts to the contemplated use such as parks, recreation areas, school sites, churches, fire houses, and off-street parking.

(5) Preservation of natural assets such as streams, pond, trees, and attractive scenic areas.

(6) Provision of a adequate utilities and services such as water and sewer.

(7) Encouragement of variety and flexibility in residential development including planned unit development and clustering. In order that land, subdivisions may be made in accordance with this policy, these regulations, which shall be known as, and which may be cited as, the "Township of Westfall Land Subdivision Regulations", have been adopted by the Planning Commission on _____ and approved by the Township Supervisors on _____.

ARTICLE II

DEFINITIONS

ARTICLE II - DEFINITIONS

For the purposes of these regulations, which shall be known and may be cited as the "Township of Westfall Land Subdivision Regulations", certain means of reference and words used herein shall be used and defined as follows:

Unless the context clearly indicates to the contrary, reference made to a section, to a part of a section, or to a paragraph of a part of a section, is to such section, part or paragraph of these regulations.

Easement

The authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ComprehensiveDevelopment Plan

A Comprehensive Plan by the Planning Commission pursuant to Article III of Act 247/1968 as amended by Act 93/1972, which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Township, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

Land Development

The Improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving, (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; a subdivision of land.

Official Map

The map established by the Township Supervisors showing the street, highways, drainage systems and parks theretofore laid out, adopted and established by law and any amendments thereto adopted by the Township Supervisors, or additions thereto resulting from the approval of subdivision plats by the Township Supervisors and the Planning Commission and the subsequent filing for record of such approved plats.

Official Submittal
Date

The time of submission of the subdivision plat considered to be the date of the regular monthly meeting of the Planning Commission following the submission of the application for Plat approval to the Secretary of the Planning Commission, complete and accompanied by the required fee and all data required by Article V, of these regulations as long as such submission has occurred at least ten (10) days prior to such regular meetings.

Planning Commission
or Commission

Township of Westfall Planning Commission.

Preliminary Subdivi-
sion Plat

The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration and recommendation to the Township Supervisors for their approval.

Final Subdivision
Plat

The final drawings on which the subdivider's plat of subdivision is presented to the Planning Commission for consideration and its recommendations to the Township Supervisors for approval and which, if approved may be filed for record with the County Recorder of Deeds.

Resubdivision

A change of recorded subdivision plat if such affects any street layout shown on such plat, or area reserved thereon for public use, or any change of a lot line, or any such change if it affects any map or plan legally recorded prior to the granting of subdivision review authority to the Planning Commission and Township Supervisors.

Sketch Plan

A sketch of the proposed subdivision showing information specified in Article V, Section I, of these regulations to enable the Subdivider to save time and expense in reaching general agreement with the Planning Commission and Township Supervisors as to the form of the subdivision and objectives and requirements of these regulations.

Street

A sketch of the proposed subdivision showing information specified in Article V, Section 1, of these regulations to enable the Subdivider to save time and expense in reaching general agreement with the Planning Commission and Township Supervisors as to the form of the subdivision and objectives and requirements of these regulations.

Street, Minor

A street intended to serve primarily as access abutting residential properties.

Street, Major

A street which serves or is designed to be used primarily as a route for traffic between communities or large areas.

Street, Secondary or Collector

A street, which serves or is designed to carry traffic from local residential streets to the system of major streets.

Subdivider

Any person, firm, corporation, partnership, or association, who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others.

Subdivision

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that the division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

Subdivision, Major

Any subdivision containing more than three(3) lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor

A Subdivision containing not more than three (3) lots, which has frontage on an existing public street, and which does not require any new municipal facilities.

Surveyor

A person licensed as a Land Surveyor by the Commonwealth of Pennsylvania.

Township

Township of Westfall in the County of pike, and
the Commonwealth of Pennsylvania.

Township Supervisors Westfall Township Supervisors.

Township Engineer The duly designated Engineer or Engineering
Consultant of the Township.

Zoning Ordinance The Zoning Ordinance of the Township of Westfall.

ARTICLE III

PROCEDURE FOR REVIEW OF SUBDIVISION APPLICATION

ARTICLE III - PROCEDURE FOR REVIEW OF SUBDIVISION APPLICATION

Full compliance with the provisions of all applicable Township laws and all public health laws, where applicable, and these regulations concerning the preparation of a Subdivider's Sketch Plan, Preliminary Subdivision Plat, including street profiles, vicinity map, and Final Subdivision Plat, are necessary for the information of the Commission or the public at a Public Hearing as provided in this section. Due care in the preparation of the maps and other information called for will expedite the process of obtaining the Commission and Township Supervisors decision concerning the Subdivision.

When any subdivision of land is proposed to be made and to avoid violation of the applicable real property law, before any contract for the sale of land or any offer to sell such subdivision or any part thereof is made, or any grading, clearing, construction, or other improvement is undertaken herein, the subdivider shall apply to the Commission for its recommendation and the Township Supervisors for their approval.

Section 1 - Submission of Sketch Plan

- A. Any Owner of land shall, prior to submitting an application for subdivision or resubdivision of land, submit to the Secretary of the Planning Commission at least ten (10) days prior to the regular meeting of the Commission, two Copies of a Sketch Plan of the proposed subdivision, which shall comply with the requirements of Article V, Section 1, for the purpose of classification and preliminary discussion and not for formal approval.
- B. The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the requirements of these regulations for street improvements, drainage, sewerage, water supply, fire protection, and similar aspects, as well as the availability of existing services and other pertinent information.
- C. At this meeting the Planning Commission will recommend to the Supervisors the Classification of the Sketch Plan into one (1) of two (2) categories as defined herein:

Minor Subdivision - Major Subdivision

- 1. If classified as a Minor Subdivision, the subdivider shall then comply with the procedure outlined in Article III, Section 2 of these regulations. If classified as a Major Subdivision, the subdivider shall comply with procedures outlined in Article III, Sections 3, 4 and 5 of these regulations.
- D. The Township Supervisors with the recommendation of the Planning Commission, shall determine whether the Sketch Plan meets the purposes of these regulations and shall, where it deems necessary, make specific suggestions in writing to be incorporated by the applicant in his subsequent submission.

Section 2 - Review and Approval of Minor Subdivision

The Township Supervisors may require, where it deems it necessary for the protection of public health, safety and welfare, that a Minor Subdivision comply with all or some of the requirements specified for Major Subdivisions.

A. Application and Fee

Within six months after classification of the Sketch Plan as a Minor Subdivision by the Township Supervisors, the subdivider shall submit an application for approval of a Subdivision Plat. Failure to do so shall require resubmission of the Sketch Plan to the Planning Commission for reclassification. The Plat shall conform to the layout shown on the Sketch Plan plus any recommendations made by the Planning Commission and Township Supervisors. Said application shall also conform to the requirements listed in Article V, Section 2.

All applications for Plat approval for Minor Subdivision shall be accompanied by a fee of \$30.00 payable by check to the "Township of Westfall", stating the specific purpose of the fee.

B. Number of Copies

Nine (9) copies of the Subdivision Plat shall be presented to the Secretary of the Planning Commission at least ten (10) days prior to a scheduled monthly meeting of the Planning Commission.

C. Subdivider to Attend Planning Commission Meeting

The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the Subdivision Plat.

D. When Officially Submitted

The time of Submission of the Subdivision Plat shall be as defined in Article II, "definitions".

E. Public Hearing

A Public Hearing may be held by the Township Supervisors within forty-five (45) days from the time of Submission of the Subdivision Plat for approval. In the event a hearing is required a notice shall be published once each week for two successive weeks in the official township newspaper. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days or less than fourteen days from the date of the hearing. Advertising at the expense of the subdivider.

F. Action of Subdivision Plat

All applications for approval of a plat whether preliminary or final, shall be acted upon by the governing body or the planning agency within such time limits as may be fixed in the subdivision and land development ordinance but the governing body or the planning agency shall render its decision and communicate it to the applicant not later than ninety days after such application is filed.

F. Action of Subdivision Plat

(1) The decision of the governing body or the planning agency shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than five days following the decision;

(2) When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon;

(3) Failure of the governing body or agency to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect;

(4) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the governing ordinances or plans as they stood at the time the application was duly filed, in addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within three years from such approval. When final approval is preceded by preliminary approval, the three year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

(5) Before acting on any subdivision plat, the governing body or the planning agency, as the case may be, may hold a public hearing thereon after public notice.

Section 3 - Preliminary Plat for Major SubdivisionA. Application and Fee

Prior to the filing of an application for the approval of a final Major Subdivision Plat, the subdivider shall file an application for the consideration of a Preliminary Major Plat of the proposed subdivision in the form described in Article V, Section 3, using the approved application blank available from the Secretary of the Planning Commission. The Preliminary Plat shall, in all respects, comply with the requirements set forth in the applicable provisions of Act 247 as amended by Act 93/1972 and Article V, Section 3 of these regulations.

Section 3 - Preliminary Plat for Major Subdivision

A. Application and Fee

The application for approval of the Preliminary Plat shall be accompanied by a fee of \$30.00, plus \$10.00 per lot for each lot in excess of three (3) shown thereon payable by certified check to the "Township of Westfall" stating the specific purpose of the fee.

B. Number of Copies

Nine (9) Copies of the Preliminary Plat and Nine (9) Copies of the vicinity map shall be presented to the Secretary of the Planning Commission at least ten (10) days prior to a regular monthly meeting of the Planning Commission.

C. Subdivider to Attend Planning Commission Meeting

The Subdivider, or his duly authorized representative, shall attend the meeting of the Planning Commission to discuss the Preliminary Plat.

D. Study of Preliminary Plat

The Township Supervisors and the Planning Commission shall study the Preliminary Plat taking into consideration the requirements of the community and the best use of the land being subdivided. Particular attention shall be given to the arrangement, location, and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the future development of adjoining lands as yet unsubdivided, and the requirements of the Comprehensive Development Plan, the Official Map, and Zoning Regulations, if such exist.

E. Public Hearing

A Public Hearing shall be held by the Township Supervisors within forty-five (45) days from the time of Submission of the Subdivision Plat for approval. Notice shall be published once each week for two successive weeks in the official township newspaper. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days or less than fourteen days from the date of the hearing. Advertising at the expense of the subdivider.

F. When Officially Submitted

The time of submission of the Preliminary Plat shall be as defined in Article II, "Definitions".

G. Action on Subdivision Plat

All applications for approval of a plat whether preliminary or final, shall be acted upon by the governing body or the planning agency within such time limits as may be fixed in the subdivision and land development ordinance but the governing body or the planning agency shall render its decision and communicate it to the applicant not later than ninety days after such application is filed.

(1) The decision of the governing body or the planning agency shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than five days following the decision.

Section 3 - Preliminary Plat for Major SubdivisionG. Action on Subdivision Plat

(2) When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon;

(3) Failure of the governing body or agency to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect;

(4) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the governing ordinance or plans as they stood at the time the application was duly filed, in addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within three years from such approval. When final approval is preceded by preliminary approval, the three year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

Section 4 - Final Plat for Major SubdivisionA. Application for Approval and Fee

The Subdivider shall, within six (6) months after the conditional approval of the Preliminary Plat, file with the Planning Commission an application for approval of the Final Subdivision Plat in the form described in Article V, Section 4, using the approved application blank available from the Secretary of the Planning Commission. If the Final Plat is not submitted to the Planning Commission within six (6) months after the conditional approval of the Preliminary Plat, the Township Supervisors and Planning Commission may refuse, without prejudice, to act on the Final Plat and require re-submission of the Preliminary Plat or upon written request by the subdivider to the Planning Commission to extend the time period as they see fit.

All applications for the Final Plat Approval for Major Subdivisions shall be accompanied by a fee of \$30.00; payable by check to "The Township of

Section 4 - Final Plat for Major Subdivision

A. Application for Approval and Fee

Westfall", specifying the purpose of the fee.

B. Number of Copies

A Subdivider intending to submit a proposed final Subdivision Plat for the approval of the Township Supervisors shall provide the Secretary of the Planning Commission at least ten (10) in advance of the regular monthly Planning Commission meeting at which it is to be officially submitted with a copy of the application and Nine (9) copies (one copy in ink on linen) of the Plat, the original and one true copy of all offers of cession, coverants, and agreements, and two prints of all construction drawings.

C. When Officially Submitted

The time of submission of the Subdivision Plat shall be as defined in Article II, "Definitions". In addition, if the applicant elects to construct any or all required improvements (as specified in Article III, Sections 5-A-2 herein) the Township Engineer must file a certificate with the Planning Commission stating that these improvements have been satisfactorily installed before the Subdivision Plat shall be considered officially submitted.

D. Endorsement of State and County Agencies

Water and sewer facility proposals contained in the Subdivision Plat shall be properly endorsed and approved by the Pennsylvania Department of Environmental Resources. Applications for approval of plans for sewer and water facilities will be filed by the subdivider with all necessary Township, County and State agencies. Endorsement and approval by the Pennsylvania Department of Environmental Resources shall be secured by the subdivider before official submission of the final subdivision plat.

E. Public Hearing

A. Public Hearing may be held by the Township Supervisors within forty-five (45) days from the time of Submission of the Subdivision Plat for approval. In the event a hearing is required a notice shall be published once each week for two successive weeks in the decided township newspaper. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days or less than fourteen days from the date of the hearing.

F. Action on Subdivision Plat

All applications for approval of a plat whether preliminary or final, shall be acted upon by the governing body or the planning agency within such time limits as may be fixed in the subdivision and land development ordinance but the governing body or the planning agency shall render its decision and communicate it to the applicant not later than ninety days after such application if filed.

(1) The decision of the governing body or the planning agency shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than five days following the decision;

(2) When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon;

F. Action on Subdivision Plat

(3) Failure of the governing body or agency to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or chance in the prescribed manner of presentation of communication of the decision in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect;

(4) From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provision of the governing ordinance or plans as they stood at the time the application was duly filed, in addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as herein-after provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within three years from such approval. When final approval is preceded by preliminary approval, the three year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.

Section 5 - Required ImprovementsA. Improvements and Performance Bond

1. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.-No plat shall be finally approved unless the streets shown on such plat have been improved as may be required by the subdivision and land development ordinance and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by the subdivision and land development ordinance have been installed in accordance with such ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat the subdivision and land development ordinance may provide for the deposit with the municipality of a corporate bond, or other security acceptable to the governing body in an amount sufficient to cover the costs of any improvements which may be required. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required within the period fixed in the subdivision and land development ordinance for such completion. In the case where development is projected over a period of years, the governing body or the planning agency may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

Section 5 - Required Improvements2. Release from Improvement Bond

(a) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall, within ten days after receipt of such notice direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty days, after receipt by the municipal engineer of the aforesaid authorization from the governing body, said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer said report shall contain a statement of reasons for such nonapproval or rejection.

(b) The municipal governing body shall notify the developer, in writing by certified or registered mail of the action of said municipal governing body with relation thereto.

(c) If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

(d) If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

(e) Nothing herein, however, shall be construed in limitations of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.

(f) Where herein reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.

3. Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved final plat the governing body of the municipality is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the governing body of the municipality may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

B. Modification of Design of Improvements

If at any time before or during the construction of the required improvements

it is demonstrated to the satisfaction of the Township Engineer, that unforeseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Township Engineer may, upon approval of the Township Supervisors authorize modifications provided these modifications are within the spirit and intent of the Township Supervisors approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Supervisors. The Township Engineer shall issue any authorization under this Section in writing and shall transmitt a copy of such authorization to the Township Supervisors at their next regular meeting.

C. Inspection of Improvements

At least five (5) days prior to commencing construction of the required improvements, the subdivider shall pay to the Township Secretary an inspection fee equal to 3 percent of the cost of the proposed improvements as estimated by the Township Engineer, or the actual cost of inspection, which ever is less, payable by check to "The Township of Westfall", stating the purpose of the fee; and shall notify the Township Supervisors in writing of the time when he proposes to commence construction of such improvements so that the Township Supervisors may cause inspection to be made to assure that all Township specification and requirements shall be met during the construction of required improvements, required by the Township Supervisors and the Planning Commission.

D. Proper Installation of Improvements

If the Township Engineer shall find, upon inspection of the improvements performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Township Supervisors, Building Inspector and Planning Commission. The Township Supervisors then shall notify the subdivider and, if necessary, the bonding company, and take all necessary steps to preserve the Township's rights under the bond. No plat shall be approved by the Township Supervisors or Planning Commission as long as the subdivider is in default on a previously approved plat.

Section 6 - Filing of Approved Subdivision Plat

A. Final Approval and Filing

Upon the approval of a final plat the developer shall within ninety days of such final approval record such plat in the office of the recorder of deeds of the county in which the municipality is located. Whenever plat approval is required by a municipality, the recorder of deeds of the county shall not accept any plat for recording unless such plat officially notes the approval of the governing body.

The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

B. Filing of Sections of Subdivision

At the time the Township Supervisors grant Flat approval, they may permit the Flat to be divided into two or more sections subject to any conditions the Supervisors deem necessary in order to insure the orderly development of the Flat. In accordance with Article V, Section 509 of Act 247/1968 as amended by Act 93/1972, the applicant may file a section of the approved Flat with the County Recorder of Deeds, if said section constiutes at least 10% of the Total

number of lots contained in the approved Plat. In these circumstance, Plat approval on the remaining sections of the Plat shall remain in effect until the expiration of an exemption period of two (2) years. When a Plat is filed by section with the County Recorder of Deeds, the applicant shall within thirty (30) days file with the Township Secretary the entire approved Plat.

C. Flat Void if Revised after Approval

No changes, erasures, modifications, or revisions shall be made in any Subdivision Plat after approval has been given by the Township Supervisors and endorsed in writing on the Plat, unless the said Plat is first re-submitted to the Township Supervisors and said Supervisors approve any modifications. In the event that any such Subdivision Plat is recorder without complying with these requirements, the same shall be considered null and void, and the Supervisors shall institute proceedings to have the Plat stricken from the records of the County Recorder of Deeds.

D. Penalties

Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract, or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation pay a fine not exceeding one thousand dollars (1,000) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the municipality whose ordinance has been violated. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

Section 7 - Public Acceptance of Streets, Recreation Areas

A. The approval by the Township Supervisors of a Subdivision Plat shall not be deemed to constitute or be evidence or any acceptance by the Township of any street, easement, or other open spaces shown on such Subdivision Plat.

B. When a park, playground, or other recreation area shall have been shown on a Plat, the approval of said Plat shall not constitute an acceptance by the Township of such area. The Township Supervisors and Planning Commission shall require the Plat to be endorsed with appropriate notes to this effect. The Township Supervisors and Planning Commission may also require the filing of a written agreement between the applicant and the Township Supervisors covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

ARTICLE IV

GENERAL REQUIREMENTS AND DESIGN STANDARDS

ARTICLE IV - GENERAL REQUIREMENTS AND DESIGN STANDARDS

In considering applications for the Subdivision of Lands, the Township Supervisors and the Planning Commission shall be guided by the standards set forth herein. The said standards shall be considered minimum requirements and shall be waived by the Supervisors and commission only under circumstances set forth in Article Vi of these regulations.

Section 1 - General

- A. Land to be subdivided for building purposes shall be of such a character that it can be used safely without danger to the residents from any menace.
- B. Subdividers shall conform to the Official Map of the Township and shall be in harmony with the Comprehensive Development Plan and Zoning Ordinance where such exist.
- C. All required improvements shall conform to the Township specifications, which may be obtained from the Township Engineer, or Township Secretary.

Section 2 - Street Layout

- A. The arrangement of streets in the Subdivision shall provide for the continuation of principal streets in any adjoining Subdivision or for their proper projection when adjoining property is not subdivided; in order to create a logical system, the right-of-way shall be of a width at least as great as that of such existing connecting streets, and in no case less than the following minimum specified widths: (a) minor street-fifty (50) feet with 20 foot pavement; (b) secondary street-sixty-six (66) feet with 44 foot pavement; and (c) major street-eighty (80) feet with 48 foot pavement; in order to accomodate prospective traffic and afford access for fire fighting, snow removal, and road maintenance equipment.
- B. Where a Subdivision borders an existing narrow road (below standards set herein) or when the Master Plan indicates plans for realignment or widening of a road that would require use of some of the land in the Subdivision, the Subdivider may be required to show areas for widening or realigning such roads on the Plat, marked "Reserved for Road Realignment (or Widening) Purposes". It shall be mandatory to indicate such reservation on the Plat when a proposed widening or realignment is shown on the Township or County Official Maps. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance where such exist.
- C. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- D. Where a Subdivision abuts or contains an existing or proposed major street, the Supervisors and Commission may require marginal access streets (street parallel to major street providing access to adjacent lots), reverse frontage (that is frontage on a street other than the existing or proposed major street) with screen planting contained in a non-access reservation along the rear property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- E. Where a tract is subdivided into lots substantially larger than the minimum size required in the Zoning District in which a Subdivision is located, the Supervisors, and Commission may require that streets and lots be laid out so as to permit future resubdivision in accordance with the requirements contained in these regulations.

Section 2 - Street Layout

F. The creation of dead-end (cul-de-sac) or loop streets shall be encouraged whenever the Supervisors and Commission finds that such type of development will not interfere with normal traffic circulation in the area. Permanent dead-end or cul-de-sac streets shall not in general exceed six (6) times the required minimum lot width or nine hundred (900) feet in length whichever is shorter, and shall be equipped with a turnaround roadway with a minimum diameter of right-of-way of one hundred-forty (140) feet and a minimum outside diameter of traveled way of one hundred twenty (120) feet unless the Supervisors and Commission approves an equally safe and convenient form of turning space. Temporary dead-end streets shall not in general exceed twelve (12) times the required minimum lot width or eighteen hundred (1800) feet whichever is shorter and shall be equipped with a turnaround which conforms to the standards for permanent dead-end streets; a temporary turnaround shall be provided with a notation on the plat that land outside the normal street right-of-way revert to abutting property owners whenever the street is continued. In case of dead-end streets, where needed or desirable, the Supervisors and Commission may require the reservation of a twenty (20) feet wide easement to provide continuation of pedestrian traffic or utilities to the next street.

Subdivisions containing twenty (20) lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map if such exists, or streets on an approved Subdivision Plat for which a bond has been filed. In blocks exceeding 800 feet in length, the Township Supervisors and the Commission may require the reservation of a 20 foot wide easement through the block to provide for the crossing of under-ground utilities and pedestrian traffic where needed or desirable and may further specify, at their discretion; that a 4 foot wide paved foot path be included. The Township Supervisors and the Commission shall require the Subdivider to provide for the proper maintenance of any easement.

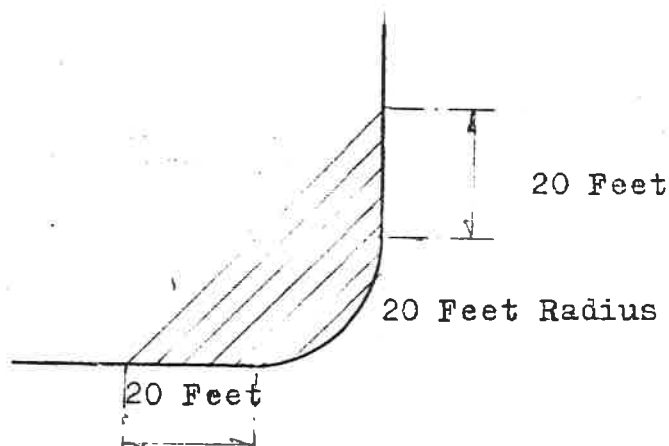
H. Inter-sections of streets shall be at angles as close to ninety (90) degrees as possible and in no case shall two (2) streets intersect at an angle smaller than sixty (60) degrees. To this end where one street approaches another between 60-90 degrees the former street should be curved approaching the intersection. Intersections of major streets by other streets shall be at least eight hundred (800) feet apart, if possible. Cross (four-cornered) street intersections shall be avoided in so far as possible, except as shown on the Comprehensive Development Plan or at least important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets. Grades shall be limited to no more than three (3) percent within fifty (50) feet of an intersection.

I. The street plan of a proposed subdivision shall bear a logical relationship to the topography of the property, and all streets shall be arranged so as to obtain as many of the building sites as possible at or above the grade of the streets. Grades of streets shall conform as closely as possible to the original topography.

J. Where a Subdivision borders on or contains limited access highway right-of-way - the Township Supervisors and the Planning Commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land (as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts). Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

Section 3 - Street Improvements and Design

- A. Streets shall be graded and improvements with pavement, curbs and gutters, sidewalks, drainage facilities, water mains, sewers, street lights and signs, street trees, and fire hydrants in accordance with the Township specifications.
- (1) Fire Hydrants: Installation of fire hydrants shall be in conformity with all requirements of standard thread and nut as specified by the Pennsylvania Fire Insurance Rating Organization.
 - (2) Street Lighting Facilities: Lighting facilities shall be in conformance with the lighting system of the Township. Such lighting standards and fixtures shall be installed after approval by the appropriate power company and the authorized Township electrical inspector.
- B. The Township Supervisors and the Planning Commission may require that underground utilities be placed in the street right-of-way between the paved roadway and street line to simplify location and repair of lines when they require attention. The Subdivider shall install underground service connections to the property line of each lot within the subdivision for such required utilities before the street is paved.
- C. Where topography is such as to make impractical the inclusion of utilities within the street rights-of-way, perpetual unobstructed easements at least 20 feet in width shall be otherwise provided with satisfactory access to the street. Wherever possible, easements shall be continuous from block and shall present as few irregularities as possible. Such easements shall be cleared, graded and maintained where required in accordance with an arrangement approved by the Township Supervisors and the Planning Commission.
- D. Grades of all streets shall conform in general to the terrain, and shall not be less than one-half ($\frac{1}{2}$) of one percent nor more than 6 percent for major or secondary (or collector) street, or 10 percent for minor streets in residential zones, but in no case more than 3 percent within 50 feet of any intersection. All changes in grade shall be connected by vertical curves of such length and radius as meet with the approval of the Township Engineer so that clear visibility shall be provided for a safe distance.
- E. All street right-of-way lines at intersections shall be rounded by curves of at least twenty feet radius and curbs shall be adjusted accordingly.
- F. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any corner lot which is shown shaded on Sketch A, shall be cleared of all growth (except isolated trees) and obstructions above the level five feet higher than the center line of the street. If directed, ground shall be excavated to achieve visibility.



Section 3 -- Street Improvements and Design

- G. Where a watercourse separates a proposed street from abutting property, property, provision shall be made for access to all lots by means of culverts or other structures or design approved by the Township Engineer.
- H. In general, street lines within a block, deflecting from each other at any one point by more than ten (10) degrees, shall be connected with a curve, the radius of which for the inner street lines shall not be less than 350 feet on major streets, 250 feet on secondary or collector streets and 100 feet on minor streets. The outer street line in each case shall be parallel to such inner street line.
- I. Paved rear service streets of not less than 20 feet in width, or in lieu thereof, adequate off-street loading space, suitably surfaced shall be provided in connection with lots designed for commercial use.
- J. In front of areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial use is contemplated by the Township to permit such use, the street right-of-way and/ or pavement width shall be increased by such amount on each side as may be deemed necessary by the Supervisors and Commission to assure the free flow of through traffic without interference by parking vehicles, and to provide adequate and safe parking space for such commercial or business district.

Section 4 - Street Names

- A. All roads shall be named by the Subdivider, and such names must be approved by the Township Supervisors and the Planning Commission before a formal application will be accepted.
- B. Names shall be sufficiently different in sound and in spelling from other road names in the Township so as not to cause confusion.
- C. A road which is or is planned as a continuation of an existing road shall bear the same name.

Section 5 - Sewer and Water Facilities

- A. The Subdivider shall install sanitary sewer facilities in a manner prescribed by the Township Engineer. Necessary action shall be taken by the developer to enable the Township Supervisors to extend or create a sanitary sewer district for the purpose of providing sewers to the subdivision.
- B. The Subdivider shall install water supply and/or distribution facilities in a manner prescribed by the Township Engineer. Necessary action shall be taken by the developer to enable the Township Supervisors to extend or create a water supply district for the purpose of providing water and fire hydrants to the Subdivision.

Section 6 - Lots

- A. The lot arrangement shall be such that in constructing a building in compliance with the Zoning Ordinance there will be no foreseeable difficulties by reason of topography or other natural conditions. Lots shall not be of such depth as to encourage the latter creation of a second building lot at the front or rear.

Section 6 - Lots

- B. All side lines of lots shall be at right angles to straight street lines and radius to curved street lines, unless a variance from this rule will give a better street or lot plan as determined by the Township Supervisors and Planning Commission.
- C. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line of each street.
- D. Where practicable, lots shall be so laid out that the driveways have access to that street on which they abut which carries or is intended to carry the lesser amount of traffic. Driveway grades between the street and the setback line shall not exceed 10%.
- E. Access from private streets shall be deemed acceptable only if such streets are designed and improved in accordance with these regulations.
- F. Permanent monuments meeting specifications approved by the Township Engineer as to size, type and installation, shall be set at such block corners, angle points, points of curves in streets, and other points as the Township Engineer may require, and their location shall be shown on the Final Subdivision Plat.

Section 7 - Drainage Improvements

- A. The Subdivider may be required by the Township Supervisors and the Planning Commission to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the Subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
- B. A culvert or other drainage facility shall, in each case, be large enough to accommodate perpetual run-off from its entire upstream drainage area whether inside the design and size of facility based on anticipated run-off from a "ten-year" storm as defined by the United States Geological Survey under conditions of total potential development permitted by the Zoning Ordinances in the water bed.
- C. The Subdivider's Engineer shall also study the effect of each Subdivision on existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Township Engineer. Where it is anticipated that the additional run-off coincident to the development of the Subdivision will overload an existing downstream drainage facility during a "five-year" storm as defined by the United States Geological Survey, the Township Engineer shall notify the Township Supervisors of such potential condition. In such case, the Township Supervisors shall not approve the Subdivision until provisions has been made for the improvement of said condition.
- D. Land Subject, to flooding or land deemed by the Township Supervisors and the Planning Commission to be uninhabitable shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property, or aggravate the flood hazard, but such land within the Flat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation.

Section 8 - Parks, Open Space, Natural Features, School Sites and Reserve SA. Park and Playground Sites

- (1) Where a proposed park, playground or other permanent recreation area is shown on the Comprehensive Development Plan to be located in whole or in part in a proposed subdivision, the Township Supervisors and the Planning Commission shall require that such area or areas be shown on said Plat. In the case of recreation areas not shown on the Township Comprehensive Plan, the Township Supervisors and Planning Commission shall, where deemed essential, require that the Plat of a proposed Subdivision show sites of a character, size, and location suitable for the development of permanent parks.
- (2) The Township Supervisors and the Planning Commission shall require of Subdivision of ten lots or more that not more than 10% of gross area of the proposed Subdivision be shown as park or playground. The minimum area of contiguous open space acceptable in fulfillment of this requirement shall be generally one acre. In the case of Subdivisions under ten acres, recreation areas of a lesser extent may be approved by the Township Supervisors and the Planning Commission whenever it deems that the difference between the area shown and one acre may be made up in connection with the Subdivision of adjacent land.
- (3) If the Township does not either accept the dedication of or purchase of said land at the time of issuance of two-thirds of the Certificates of Occupancy in said Plat, or within 36 months after the date of filing of said Plat with the County Recorder of Deeds, the Subdivider may submit a proposed subdivision of said land shown for recreational purposes.
- (4) In the event that an area to be used for permanent recreational facilities is required to be shown, the subdivider shall submit to the Planning Commission a suitable tracing, at a scale of not less than 30 feet to an inch, showing the following:
 - a. The boundaries of said recreation area.
 - b. Existing physical features such as brooks, ponds, trees, rock outcrops, structures, etc.
 - c. Existing and, if applicable, proposed changes in grades of said area and the land immediately adjacent.
- (5) In cases in ten or more lot subdivisions, where the Township Supervisors and the Planning Commission finds that due to the size, topography, or location of the Subdivision, or for other reasons, land for park, playground or other purposes cannot be properly located therein or, if in the opinion of the Supervisors is not desirable, the Supervisors may waive the requirement that the Plat show for such purposes. The Supervisors shall then require as a condition to approval of the Plat a payment to the Township of \$150.00 per dwelling unit proposed, which amount shall be deemed reasonable necessary, for the acquisition of permanent recreation land that can serve the residents of the proposed Subdivision or the construction of capital recreation improvements and/or facilities which will permit existing recreation land to accommodate the residents of the proposed Subdivision. Such amount shall be paid to the Township prior to the time of Final Plat approval, and no Plat shall be signed by the authorized officers of the Commission or the Township Supervisors until such payment is made. Such amount shall be held by the Township in a special Township Recreation Site Acquisition

SECTION 8 - Parks, Open Space, Natural Features, School Sites and Reserve StripsA. Park and Playground Sites

- (5) and Improvement Fund and applied to any one or more of the aforementioned recreation purposes.

If such amount is included in a performance bond and, in the event that any required improvements have not been installed as required by the Supervisors within the term of such Performance Bonds, the Township may there upon declare said Performance Bonds to be in default and collect the sum remaining payable thereunder, including any sum specified for recreation purposes. No Performance Bond which includes a sum specified for recreation purposes will be released by the Supervisors until the full amount required by the Supervisors for recreation purposes is paid to the Township.

B. Natural Features

In general, existing trees over twelve (12) inches in diameter shall be preserved by the subdivider. Other existing natural features such as water-courses and falls, scenic vistas, historic spots, and similar irreplaceable assets, shall be preserved, insofar as possible through harmonious design of the Subdivision. If any topsoil is removed from its natural position in the process of grading the Subdivision site, such topsoil shall be replaced to a depth approximately equivalent to that existing prior to such grading, except in streets, driveways and foundation areas.

C. School Sites

Upon receipt from the School Board of a letter declaring their interest in a school site of a specific size and location within a proposed subdivision, the Township Supervisors and the Planning Commission may require a subdivider to set aside such area. Upon the failure of the proper authorities to purchase such school site within thirty-six (36) months after the date of the approval of the Flat, the subdivider, upon application to the Commission and upon approval of such application by the Supervisors shall be relieved of the responsibility of showing such land for public purposes.

D. Reserve Strips

Reserve strips of land, which might be used to control access from the proposed Subdivision to any neighboring property or to any land within the Subdivision itself, shall be prohibited.

ARTICLE V

REQUIRED SUBMISSIONS

ARTICLE V - REQUIRED SUBMISSIONSSection 1 - Sketch Plan

The Sketch Plan, which is the initial submission to the Planning Commission, shall show the proposed layout of streets, lots and other features sketched roughly on a print of a survey of the property with contour lines at intervals of no more than ten (10) feet, and shall also show or otherwise include the information specified in Section 3A (1 through 8, 11, and 19) as well as a sketch of the vicinity map described in Section 3B of this Article.

Section 2 - Minor Subdivision Flat

A. In the case of a Minor Subdivision, the Subdivision Flat application shall include the following information:

- (1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- (2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the tract shall be located on the ground and marked by monuments approved by the Township Engineer, and shall be referenced as shown on the Flat.
- (3) All on site sanitation and water supply facilities shall be shown designed to meet the minimum specifications of the Pennsylvania Department of Environmental Resources, and a note to this affect shall be stated on the Flat and signed by a licensed Professional Engineer.
- (4) Proposed name of the Subdivision or identifying title, name of the Township and the County in which it is located.
- (5) The Date, north point, map scale, name and address of record owner and subdivider, and names of adjoining property owners.
- (6) The Flat to be filed with the County Recorder of Deeds shall be printed on linen or clearly drawn with India ink on tracing cloth. The size of the sheet shall be either 8½" X 11", 18" X 24", 24" X 36", or 36" X 48".

Section 3 - Major Subdivision Preliminary Flat and Vicinity Map

A. The Preliminary Subdivision Flat shall consist of Nine (9) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of not more than one hundred (100) feet or more, or sixty (60) feet to the inch, where lots have less than one hundred (100) feet frontage, showing or accompanied by the following information:

- (1) Proposed Subdivision name or identifying title and the name of the Township and County.
- (2) Name and address of record owner, subdivider and designer of Preliminary Flat.
- (3) Number of acres within the proposed subdivision, location of property lines, existing easements, buildings, watercourses and other essential existing physical features.
- (4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.
- (5) The provisions of the Zoning Ordinance applicable to the area to be subdivided and any zoning district boundaries affecting the tract.

Section 3 - Major Subdivision Preliminary Plat and Vicinity Map

- A. (6) The location and size of any existing sewers and water mains culverts and drains on the property to be subdivided.
- (7) Location, names and present widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public open spaces as well as similar facts regarding adjacent property.
- (8) The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Development Plan, if any, within the area to be subdivided, and the width, location, grades and street profiles of all streets or other public ways proposed by the subdivider.
- (9) Contour lines at intervals of two (2) feet, based on United States Geological Survey datum of existing grades and also of proposed finished grades where changes of existing ground elevation will be five (5) feet or more.
- (10) Typical cross section of the proposed grading and roadways and of sidewalks.
- (11) Date, true north point and scale.
- (12) Deed description and map of survey of tract boundary made and certified by a registered Land Surveyor tied into established Township reference points.
- (13) Evidence of Water Supply: In cases where no public water supply is planned as part of the Subdivision, the Subdivider shall supply acceptable evidence of the availability of other potable water source. This evidence may be in the form of logs from test wells by the Subdivider, or logs from existing wells established by professional well drillers.
- (14) Connection with existing sanitary sewage system or alternative means of treatment and disposal proposed.
- (15) A report on Sewage to be prepared by a professional Registered Engineer. This report shall include a statement on the feasibility of connecting to an existing sewage facility, should one exist. In cases where on lot sewage disposal is planned, the report shall contain soil maps of the tract similar to those prepared by the Soil Conservation Service, U. S. Department of Agriculture. A statement shall also accompany each plat as to the suitability of each lot for on site sewage disposal as regulated under Act 537, the Pennsylvania Sewage Facilities Act. The feasibility of utilizing a municipal collection system and a "package treatment plant" shall be examined and such findings shall be part of the sewage report.
- (16) Provisions for collecting and discharging storm drainage, in the form of drainage plan.
- (17) Preliminary designs of any bridges or culverts which may be required.
- (18) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- (19) The location of temporary markers adequate to enable the Commission to locate readily and appraise the basic layout in the field. Unless an existing street intersection is shown, the distance along a street from one corner of the property to the nearest street intersection shall be shown.

- (20) All parcels of land proposed to be dedicated to the Public use and the conditions of such dedication.

The location of all trees on the site over twelve (12) inches in diameter and all other natural features or site elements to be preserved.

B. Vicinity Map

The preliminary plat shall be accompanied by a vicinity map drawn at the scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The vicinity map shall show all the area within two thousand (2,000) feet of any property line of the proposed subdivision or any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter from the vicinity map is at least five hundred (500) feet from any boundary of the proposed subdivision. Within such area the vicinity map shall show:

- (1) All existing subdivision and approximate tract lines of acreage, parcels together with the names of the record owners of all adjacent parcels of land, namely those directly abutting or directly across any street adjoining the proposed Subdivision.
- (2) Locations, widths and names of existing, filed or proposed streets, easements, building lines and alleys pertaining to the proposed subdivision and to the adjacent properties as designated in Paragraph (1) above.
- (3) The boundaries and designations of Zoning Districts, special improvements districts, school districts and parks or other public spaces.
- (4) An outline of the platted area together with its street system and an indication of the future probable street system of the remaining portion of the tract, if the Preliminary Plat submitted covers only part of the subdivider's entire holding.

Section 4 - Final Subdivision Plat, Subdivision Improvements and Supporting Documents

- A. The final Subdivision Plat shall consist of one or more sheets of drawings which conform to the requirements of the County Recorder of Deeds. Such sheets shall have a left side for binding and one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Department of Environmental Resources, two (2) boxes for the Supervisors stamp of conditional and final Approval. The Subdivision Plat shall conform in all respect to the Preliminary Subdivision Plat as approved by the Supervisors and shall show:

- (1) Proposed Subdivision name and identifying title, the name of the Township and County, the name and address of the record owner and subdivider, the name, license number and seal of the licensed Land Surveyor, the boundaries of the Subdivision and its general location in relation to existing streets or other landmarks and graphic scale, date and true north point.
- (2) Street names and lines, pedestrian ways, lots, reservation, easements and area to be dedicated to public use.
- (3) Sufficient data acceptable to the Township Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line and to reproduce such lines upon the ground. Where practicable, these should be referenced to existing monuments, and in any event should be tied to referenced points previously established by a public authority.

Section 4 - Final Subdivision Plat, Subdivision Improvements and Supporting Documents

- A. (4) The length of all straight lines, the deflection angles, radius, length of curves and central angles of all curves, tangent distances and tangent bearings for each street.
- (5) By proper designation on such Plat, all public open spaces for which offers a cession are made by the subdivider and those spaces title to which is reserved by him.
- (6) Lots within the Subdivision numbered in numerical order within blocks, and blocks lettered in alphabetical order.
- (7) The location of all of the improvements referred to in Paragraph B of this section, and in addition thereto the location of all telephone poles, sewage disposal systems, and continued - rough grading and other devices and methods of draining the area within the subdivision.
- (8) Permanent reference monuments shown thus: "X". They shall be constructed in accordance with specifications of the Township Engineer.
- (9) All lot corner markers shown thus: "O". They shall be of metal at least three-quarters (3/4) inch in diameter and at least twenty-four (24) inches in length, and located in the ground to existing grade.
- (10) Monuments of a type approved by the Township Engineer, which shall be set at all corners and angle points of the boundaries of the Subdivision, and monuments required by Township specifications for new roads, at all street intersections, angle points as shall be required by the Township Engineer.
- B. All streets or other public places shown on such Plat shall be suitably graded and paved, and all sidewalks, street lighting standards, curbs, gutters, street trees, water mains, sanitary sewers and storm drains, where required by the Supervisors on the advice of the Township Engineer, and Planning Office or Consultants employed by the Township Supervisors, shall be installed in accordance with the standards, specifications and procedure set forth in these regulations and ordinances, or, alternatively, a performance bond to insure completion of such improvements.
- C. There shall be submitted to the Commission with the Subdivision Plat:
- (1) Written offers of cession to the Township of all public open space shown on the Plat, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.
- (2) Written evidence that the Township Supervisors is satisfied with the legal sufficiency of the documents referred to in Paragraph (1), above. Such written evidence shall not constitute an acceptance by the Township of any public open space referred to in Paragraph (1), above.
- (3) A certificate of the Township Engineer as to the completion of all improvements required by the Supervisors, to the satisfaction of the Township Engineer and in accord with standards and specifications prescribed by him, or, in lieu of any required improvements not so completed, a Performance Bond to secure completion of such improvements and written

(3) continued - evidence that the Township Supervisors is satisfied with the sufficiency of such bond.

ARTICLE VI
VARIANCES AND WAIVERS

ARTICLE VI - VARIANCES AND WAIVERSSection 1 - Variances

Where the Township Supervisors find that extraordinary and unnecessary hardships may result from strict compliance with these regulations or where there are special circumstances of a particular Flat, it may vary these regulations so that substantial justice may be done and the public interest secure; provided that such variation will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Development Plan, or the Zoning Ordinance, where such exist.

Section 2 -- Waivers

Where the Township Supervisors find that, due to special circumstances of a particular Flat, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

Section 3

In granting variances and modifications, the Township Supervisors shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements so varied.

ARTICLE VII

SEPARABILITY AND EFFECTIVE DATE

ARTICLE VII - SEPARABILITY AND EFFECTIVE DATE

- A. Separability and Severability. Should any section or provision of these regulations be for any reason held void or invalid, it shall not affect the validity of any other section or provision hereof which is not itself void or invalid.
- B. These regulations shall take effect immediately on approval of the same by the Township Supervisors.
- C. This ordinance shall repeal Ordinance # 27 on the effective date as mentioned above.

Enacted into An Ordinance this 15th day of November, 1974
Approved and effective - November 15, 1974

Attest:

Kenneth H. Barr,
Township Secretary
11/15/74

Westfall Supervisors
George O. Campbell
Carlton J. Shay

Kenneth H. Barr

EXHIBIT A

Note : This application shall conform
in all respects to the Land
Subdivision Regulations of the
Township Supervisors and the
Planning Commission of the
Township of Westfall and shall
be submitted in duplicate.

TOWNSHIP SUPERVISORS AND PLANNING COMMISSION OF THE TOWNSHIP OF WESTFALL PRELIMINARY
PLAT APPLICATION FORM FOR SUBDIVISION OF LAND

- To be filled out (Application No.)
by the Township (Fee Received)
Secretary (By Date)
1. Proposed Name of Subdivision

 2. Location of Property

 3. Name and Address of Record Owner

 If Corporation, give Name of Agent

 4. A Statement of liens, mortgages, or other encumbrances is attached hereto
 (if none, so state)
 5. A complete statement of any easement to the property is attached hereto
 (if none, so state)
 6. Deed or deeds recorded in the County Recorders Office
 Date Liber Date
 7. I own or have an interest in abutting property as stated on the attached
 sheet (if none, so state)

8. Name, Address and License Number of Engineer or Land Surveyor
.....
.....
9. This Property is in theZone.
10. Preliminary Plat covers Acres.
11. Does Owner Propose to submit Final Subdivision Plat to cover entire Preliminary Plat, or to file same in sections ?If so, how many?.....
12. Does the applicant propose to dedicate to the public all streets, highways and parks shown on the Map ?
.....
13. Does the Preliminary Plat cover the entire holding of the applicant?
.....
14. Give number of acres which applicant proposes to dedicate to public use for park and/or playground purposes
.....
15. Does Owner intend to request any waivers of the requirements of the Subdivision Regulations of the Supervisors and Commission upon the submission of the Final Plat for Approval ?
.....
16. If any waivers of requirements are to be requested, list them and give reasons why such requirements should be waived.

(Signed) Owner

Dated By

EXHIBIT B

Note : This application, in duplicate, shall be accompanied by original tracings of Plat Drawings and Vive Prints of each. The Tracings shall bear all required signatures as advised by the Township Supervisors and Planning Commission.

TOWNSHIP SUPERVISORS AND PLANNING COMMISSION OF THE TOWNSHIP OF WESTFALL FINAL
SUBDIVISION PLAT APPLICATION FORM FOR SUBDIVISION OF LAND

Application No. Received by Date

The Undersigned hereby makes application for approval of Plat entitled

.

Which covers the entire area of acres, shown on the Preliminary Plat; of covers section comprising acres shown on the Preliminary Plat (cross out words not applicable) which have been completed in accordance with the Subdivision Regulations of the Township of Westfall, and the details of which are as stated in the application for consideration of the Preliminary Plat and are hereby reaffirmed with the same force and effect as though stated herein. (If any differences, attach statement of same.)

(Signed)
Owner

Date By
(Corporation Agent if applicable)

adopted 10/3/78
Effective 10/8/78

WESTFALL TOWNSHIP ORDINANCE NO. 35

AN ORDINANCE AMENDING WESTFALL TOWNSHIP ORDINANCE NO. 31-~~A~~

Be it ordained by the Township of Westfall, County of
Pike, State of Pennsylvania, as follows:

I A. Paragraph C. is added to Part V Fees of Westfall
Township Ordinance No. 31~~A~~ to read as follows:

C. ~~A~~ fee of ten (\$10.00) dollars shall be charged
for each test pit inspection by the Sewage
Enforcement officer whenever a request for a
test pit inspection is not accompanied by an
application for a permit.

B.. Paragraph D is added to Part V Fees of Westfall
Township Ordinance No. 31 to read as follows:

D. Whenever a permit expires a re-issuance fee
of Twenty-five (\$25.00) dollars shall be charged
for a new permit.

C. Paragraph E is added to Part V Fees of Westfall
Township Ordinance No. 31~~A~~ to read as follows:

E. A fee of Twenty-Five (\$25.00) dollars will be
charged for an application for a holding tank
permit. A holding tank permit is only valid for
the calendar year of its issuance.

II If any section, paragraph, clause, or provision of
this ordinance be held invalid, the validity thereof
shall not effect any of the other provisions of this
Ordinance.

- III Any one in violation of any provision of this Ordinance shall be guilty of a summary offense and be subject to a fine of not less than One Hundred (\$100.00) dollars not more than Three Hundred (\$300.00) Dollars and costs per offense. Everyday in which the said violator fails to comply with the provisions of this Ordinance shall constitute a new and seperate offense.
- IV Nothing in this Ordinance shall be deemed to affect, modify, amend or repeal any provision of the Act of June 22, 1973 (Act. No. 394) or the amendments thereto.

This Ordinance shall be effective five (5) days from the date of adoption.

Adopted this 3rd day of October A.D., 1978.

TOWNSHIP OF WESTFALL

George D. Campbell

Carlton L. May

Kenneth H. LaBar

Attest:

Kenneth H. LaBar

Secretary

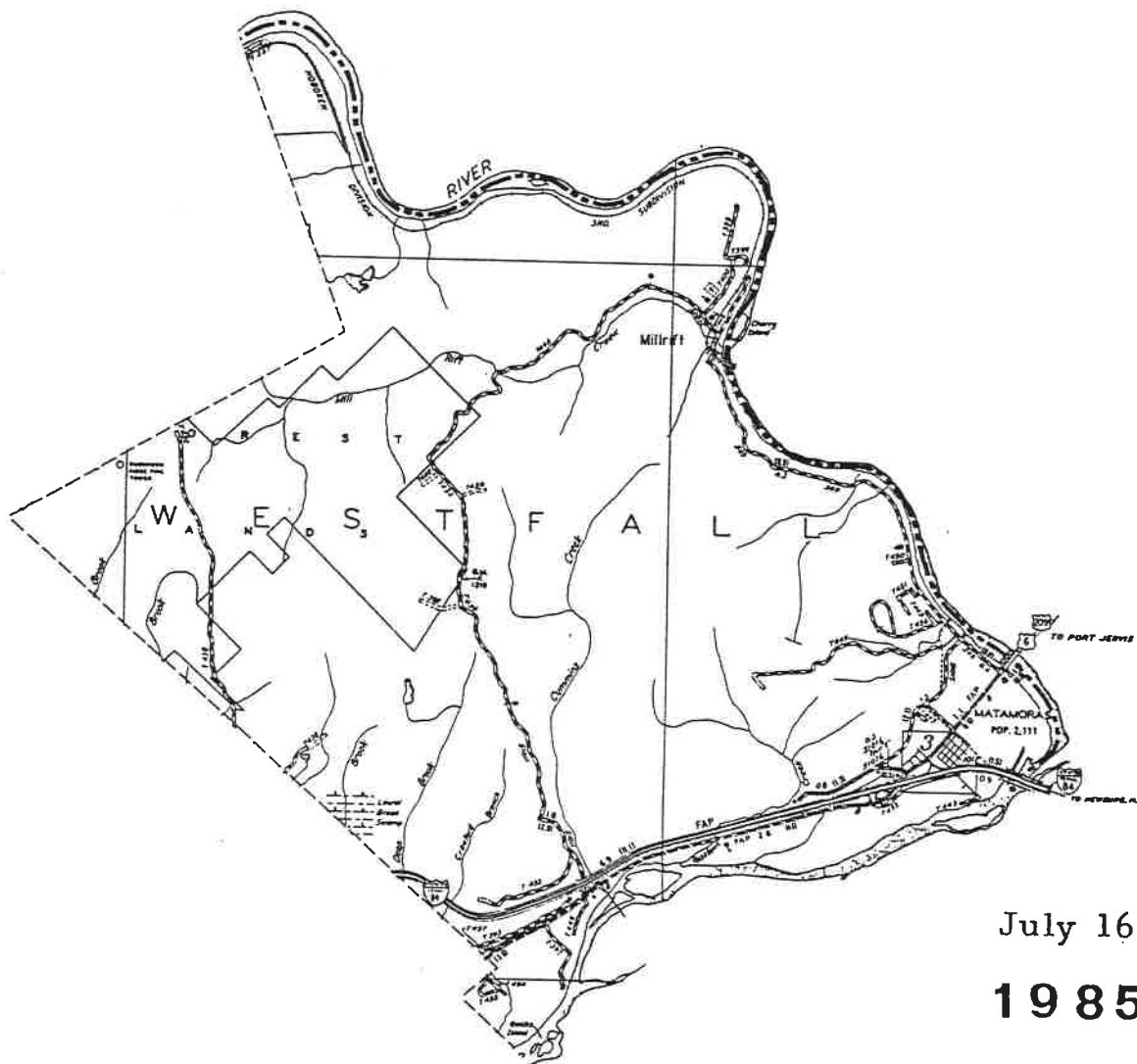
10/3/78



Dedication # 48

WESTFALL TOWNSHIP

Pike County, Pennsylvania



July 16,
1985

SUBDIVISION REGULATIONS

Prepared by: Thomas J. Shepstone, AICP - Planning Consultant
Westfall Township Planning Commission
Westfall Township Supervisors

ORDINANCE NO. 65
AN ORDINANCE AMENDING
WESTFALL TOWNSHIP SUBDIVISION
ORDINANCE NO. 48

BE IT ORDAINED AND ENACTED by the Township of Westfall, Pike County Pennsylvania, as follows:

1. Article II, Section 2.103 Procedures shall be amended to read:

The subdivider shall file the application for minor subdivision approval, along with the required copies of the plan, with the Planning Commission Secretary at least twenty (20) days prior to a regular meeting of the Planning Commission. The Secretary shall note receipt of the application, collect any fees due, and forward a copy of the application to the Township Zoning Officer for analysis of its compatibility with district regulations of the Westfall Township Zoning Ordinance.

A copy of the application shall also be forwarded, at the time of receipt of the application, to the Pike County Planning Commission and DER per requirements of the Pennsylvania Municipalities Planning Code. The subdivider shall assume this responsibility.

Incomplete applications will not be accepted for filing and shall be returned to the applicant by the Secretary of the Planning Commission, with or without the advice of the Planning Commission, and shall be accompanied by written explanation as to why the application is incomplete.

The Planning Commission shall recommend to the Board of Supervisors approval, approval subject to modification, or rejection of the plan within sixty (60) days from the date of the regular meeting of the Planning Commission next following the date of the filing of the application. The recommendation shall be in letter form. The Planning Commission shall retain a copy of the recommendation for its files.

The Board of Supervisors shall make their decision with respect to an application within eighty-five (85) days of the date of the regular meeting of the Planning Commission next following the date of the filing of the application. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to the applicant at the last known address of the applicant not later than fifteen (15) days following the decision. If the decision is communicated by mail the decision will be deemed to be communicated when postmarked.

The Board of Supervisors shall concurrently act on the proposed supplement to

the official Waste Water Disposal Plan and shall communicate their decision to the applicant. If the Board of Supervisors disapproves the official Waste Water Disposal Plan the Board shall set forth their reasons for disapproval in writing.

2. Article II, Section 2.200, General Procedures for Major Subdivisions shall be amended to read: A sketch Plan may be submitted to the Township by the owner of the land to be subdivided or developed for the purpose of classification and preliminary discussion of the proposed subdivision or land development. No action will be taken by the Township with respect to a Sketch Plan and no discussions concerning the same shall later be construed to have implied approval of any sort.

Nine copies of an application and Preliminary Plan shall be required for all proposed subdivisions and land developments. The Preliminary Plan shall include all the items identified in Sections 2.400 below and shall be filed at least twenty (20) days prior to a regular meeting of the Planning Commission with the Planning Commission Secretary who shall note receipt of the application and collect any fees due and forward a copy to the Township Zoning Officer for analysis of its compatibility with the district regulations of the Westfall Township Zoning Ordinance. Copies shall be distributed in the manner provided for minor subdivisions. The Planning Commission shall review the Preliminary Plan to ascertain whether it complies with the requirements of this Ordinance. It may request the subdivider to submit additional information, make certain corrections or changes, or advise the Planning Commission Secretary to return the Plan as incomplete and, therefore, not acceptable for filing.

The Planning Commission shall recommend to the Board of Supervisors approval, approval subject to modification, or rejection of the plan within sixty (60) days from the date of the regular meeting of the Planning Commission next following the date of the filing of the application. The recommendation shall be in letter form. The Planning Commission should also submit five (5) signed copies of the preliminary plan and accompanying planning module for land development to the Board of Supervisors. The Planning Commission shall retain a copy of the recommendation and all pertinent documentation for its files.

The Board of Supervisors shall make their decision with respect to the preliminary plan within eighty-five (85) days from the date of the regular meeting of the Planning Commission next following the date of the filing of the preliminary plan. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to the applicant at the applicant's last known address not later than fifteen (15) days following the decision. If the decision is communicated by mail the decision will be deemed to be

communicated when postmarked.

The Board shall concurrently make its decision with respect to the Planning Module for Land Development to revise or supplement its Official Plan and, if approval is granted, said revision or supplement will promptly be forwarded to DER. Preliminary approval shall be conditional upon DER acceptance of the proposed revision or supplement.

Applications for subdivision and land development shall also be forwarded at the time of their receipt by the Planning Commission Secretary to the Pike County Planning Commission for a review, together with a fee (if one is required) sufficient to cover the costs of the review, which fee shall be paid by the applicant. The subdivider shall assume this responsibility.

After receiving approval of a Preliminary Plan, (or when conditions are removed), the subdivider shall install or guarantee installation of the improvements required by this Ordinance and commence the preparation of final Plans. In the absence of actual installation of improvements, the subdivider may otherwise guarantee them according to the requirements of Section 2.500.

Following the installation and inspection of improvements or preparation of satisfactory guarantees for their installation and maintenance, the subdivider may submit Final Plans to the Township, which shall be processed in the same manner as Preliminary Plans. Final Plans may be submitted in stages. However, no Preliminary Plan (or portions of such Plan) shall remain valid for development of Final Plans after a period of five years from Preliminary Approval and no Final Plans will be accepted for any subdivision or land development for which DER has not approved the necessary revision to the Official Wastewater Disposal Plan.

Following approval of the Final Plan by the Board of Supervisors the subdivider shall, within ninety (90) days, officially record the Final Plan in the Office of the Pike County Recorder of Deeds. Failure to do so will render the plan void and the subdivider shall resubmit the Plan for approval including any filing fees required.

3. Article VI, Section 6.222 shall be deleted from the Ordinance.

4. Article II, Section 2.900, Sewage Enforcement Officer Approval, shall be added to the ordinance to read: Any plan, whether a preliminary plan or final plan, must contain a signature for the Sewage Enforcement Officer of Westfall Township.

The subdivider, prior to filing, or refiling, a plan with the Secretary of the

Planning Commission, must submit the plan and accompanying Planning Module for Land Development to the Sewage Enforcement Officer to insure that the plan and module meet the requirements of the Pennsylvania Sewage Facilities Act. Approval within ten (10) days of submission by the Sewage Enforcement Officer will be evidenced by the Sewage Enforcement Officer executing the module and one (1) copy of the plan.

Upon approval of a plan by the Board of Supervisors, evidenced by the Supervisors signing the plan, the Secretary of Westfall Township will notify the SEO to review the signed plan to insure that the plan is the same plan that was previously signed by the Sewage Enforcement Officer. The Sewage Enforcement Officer, if satisfied that the signed plan is the same plan, will sign the mylar and all additional copies of the plan.

5. Article II, Section 2.1000, Highway Occupancy Permit, shall be added to the Ordinance to read: No plan which will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a State highway is permitted. The plan shall also be marked to indicate that access to the State Highway shall be only as authorized by a highway occupancy permit.

This Ordinance shall be effective five (5) days from the date of adoption.

Adopted this 20th day of October, 1988.

McCormick
Supervisor
John F. Huss
Supervisor
Robert D. Dwyer
Supervisor

Attest:

Shirley G. Lauer
Secretary

Ordinance #72

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

WESTFALL TOWNSHIP

OCTOBER, 1989

Amending Ordinance #72-AA 12/27/90
(Following #76)
Amending Ordinance #72-AA 3/5/91

PIKE COUNTY, PENNSYLVANIA

ORDINANCE # 120

WHEREAS, the purpose of this ordinance is to promote the general health, safety, and welfare of the citizens of this Municipality and to conform to the requirements of the Pennsylvania Construction Code Act and regulations to the Act promulgated by the Pennsylvania Department of Labor and Industry (hereinafter sometimes collectively referred to as the "Code"); and

WHEREAS, the Pennsylvania Construction Code Act requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

1. This Municipality hereby elects to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999, 35 P.S. §§7210.101-7210.1103, as amended from time to time, and its regulations.
2. The Uniform Construction Code, contained in 34 Pa. Code, Chapters 401-405, as amended from time to time, is hereby adopted and incorporated herein by reference as the municipal building code of this Municipality.
3. Administration and enforcement of the Code within this Municipality shall be undertaken in any of the following ways as determined by the governing body of this Municipality from time to time by resolution:
 - a. By the designation of an employee of the Municipality to serve as the municipal code official to act on behalf of the Municipality;
 - b. By the retention of one or more construction code officials or third-party agencies to act on behalf of the Municipality;
 - c. By agreement with one or more other municipalities for the joint administration and enforcement of this Act through an inter-municipal agreement;
 - d. By entering into a contract with another municipality for the administration and enforcement of this Act on behalf of this Municipality;

- e. By entering into an agreement with the Pennsylvania Department of Labor and Industry for plan review, inspections, and enforcement of structures other than one-family or two-family dwelling units and utility and miscellaneous use structures.

4. A Board of Appeals shall be established by resolution of the governing body of this Municipality in conformity with the requirements of the relevant provisions of the code, as amended from time to time, and for the purposes set forth therein. If at any time enforcement and administration is undertaken jointly with one or more other municipalities, said Board of Appeals shall be established by joint action of the participating municipalities.

5.a. All building code ordinances or portions of ordinances which were adopted by this Municipality on or before July 1, 1999, and which equal or exceed the requirements of the Code shall continue in full force and effect until such time as such provisions fail to equal or exceed to the minimum requirements of the Code, as amended from time to time.

b. All building code ordinances or portions of ordinances which are in effect as of the effective date of this ordinance and whose requirements are less than the minimum requirements of the Code are hereby amended to conform with the comparable provisions of the Code.

c. All relevant ordinances, regulations and policies of this Municipality not governed by the Code shall remain in full force and effect.

6. Fees assessable by the Municipality for the administration and enforcement undertaken pursuant to this ordinance and the Code Shall be established by the governing body by resolution from time to time.

7. This ordinance shall be effective five days after the date of passage of this ordinance.

8. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining validity of the remaining portion of this ordinance.

DULY ENACTED AND ORDAINED this 6th day of July, 2004,
at a duly and legally convened meeting of the Board of Supervisors of the Township of
Westfall.

WESTFALL TOWNSHIP BOARD OF SUPERVISORS

Kenneth L. Thiele
Chairman

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

ATTEST:

[Signature]
Secretary

(Municipality Seal)

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

WESTFALL TOWNSHIP

PIKE COUNTY, PENNSYLVANIA

Ordinance # 133

November 1, 2007



This project was assisted by a grant from the
Upper Delaware Council, Narrowsburg, NY 12764

Logo is copyrighted by the Upper Delaware Council. All rights reserved.
This logo may not be copied or reproduced without written permission from the UDC.

WESTFALL TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 141

An Ordinance Amending the Westfall Township Subdivision and Land Development Ordinance No. 133, adopted November 1, 2007, providing for in-lieu open space fee for non residential developments.

WHEREAS, under and pursuant to the Second Class Township Code, 53 P.S. 66506, and 66601, the Board of Supervisors may make and adopt any Ordinances, By Laws, Rules and Regulations not inconsistent with or restrained by the Constitution and Laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers;

WHEREAS, under and pursuant to the Westfall Township Subdivision and Land Development Ordinance, No 133, adopted November 1, 2007, Section 108, the Board of Supervisors may, after public hearing, amend the provisions of the Ordinance pursuant to the provisions of the Municipalities Planning Code as amended;

WHEREAS, under and pursuant to the Municipalities Planning Code, 53 P.S. 10609, before voting on the enactment of the amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania;

1. The preceding Whereas Clauses are hereby incorporated as though same were set forth at length herein;
2. The Ordinance is hereby amended as follows:

FROM: 503.8.2 APPLICABILITY This section shall apply to a residential subdivision or land development for which a preliminary or final plan is submitted after the effective date of this amendment.

TO: 503.8.2 APPLICABILITY This section shall apply to residential and non residential subdivision or land development for which a preliminary or final plan is submitted after the effective date of this amendment.

This Ordinance shall become effective immediately. Duly enacted and ordained this 7th day of August, 2008 by the Westfall Township Supervisors of the Township of Westfall, County of Pike, and Commonwealth of Pennsylvania in lawful session duly assembled.

James Muir
JAMES MUIR, CHAIRMAN

Lester J. Buchanan
LESTER J. BUCHANAN, VICE-CHAIRMAN

Robert M. Ewbank
ROBERT M. EWBANK, SUPERVISOR

Paul C. Fischer
PAUL C. FISCHER, SUPERVISOR

Raymond Banach
RAYMOND BANACH, SUPERVISOR

ATTEST:

Lisa P. Green
LISA GREEN, SECRETARY

ORDINANCE NUMBER 157

AN ORDINANCE OF WESTFALL TOWNSHIP, PIKE COUNTY, PENNSYLVANIA, AMENDING SECTION 306.B.1 (ALLOWED USES IN EACH ZONING DISTRICT) OF THE WESTFALL TOWNSHIP ZONING ORDINANCE, ORDINANCE NUMBER 124, AS ENACTED ON SEPTEMBER 6, 2005.

BE IT HEREBY ORDAINED AND ENACTED, on the date subscribed herein, by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania, by authority of and pursuant to the provisions of Act of 1968, P.L. 805, No. 247 of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, as reenacted and amended, known and cited as the "Pennsylvania Municipalities Planning Code," as follows:

Section 306.B.1 of the Westfall Township Zoning Ordinance is hereby amended as follows:

306.B.1 -- Allowed Uses in Each Zoning District

TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

a. RESIDENTIAL USES

Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements for such use in Section 402)	P	P	P	P	N	P
Open Space Development Option in compliance with Section 311 (Note - This option typically allows a higher density and smaller lot sizes.	P**	P	P	N	N	N
Twin Dwelling (side-by-side) (Note - Other forms of two unit buildings are defined as apartments)	N	N	P	P	P	P
Townhouse (includes Rowhouse) (S. 402)	N	N	N	P	P	N
Apartments (S. 402)	N	N	N	P	P	N
Manufactured/Mobile Home Park (S. 402)	N	N	N	N	C	C
Boarding House (includes Rooming House) (S. 402)	N	N	N	N	N	SE
Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P	P	P
Conversion of an Existing Building (including an Existing N Dwelling) into Dwelling Units (S. 402) (See also "Unit for Care of Relative" under Accessory Uses)	N	N	P	P	N	
Age Restricted Housing (S. 402)	N	C	C	C	C	N
Independent Living Retirement Center (S. 402)	N	N	N	C	C	N

b. COMMERCIAL USES

See also "Resort" which may allow a mix of certain commercial and residential uses.

Adult Use (S. 402)	N	N	N	N	C	N
After Hours Club (Note - This use is effectively prohibited by State Act 219 of 1990)	N	N	N	N	N	N
Airport (see also "Heliport")	N	N	N	N	C	N
Amusement Arcade (see also "Resorts" in Section 402)	N	N	N	P	P	P
Amusement Park or Water Park	N	N	N	N	P	N
Animal Cemetery (S. 402)	N	N	N	P	P	P
Auditorium (Commercial), Arena, Performing Arts Center N or Exhibition-Trade Show Center	N	N	P	P	P	
Auto Repair Garage or Auto Service Station (S. 402)	N	N	N	N	C	C
Auto, Boat or Mobile/Manufactured Home Sales (S. 402)	N	N	N	N	P	P
Bakery, Retail	N	N	N	P	P	P

* = Except as may be allowed by the Open Space Development provisions in Section 311.

** = With a 10 acre minimum tract size.

Note: A higher density can be achieved in certain cases by using the Transfer of Development Rights provisions of Section 313.)

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

b. COMMERCIAL USES (Cont.)

Bed and Breakfast Inn (S. 402), which in a residential district shall be limited to a building constructed prior to 1940	C	C	C	P	P	P
Betting Use	N	N	N	N	P	P
Beverage Distributor, which may include retail and/or wholesale sales	N	N	N	P	P	P
Bus Terminal	N	N	N	P	P	P
Camp (S. 402)	C	N	N	P	P	P
Campground and Recreational Vehicle Campground (S. 402)N	N	N	P	P	P	
Car Wash (S. 402)	N	N	N	P	P	P
Catering, Custom, for Off-Site Consumption	N	N	N	P	P	P
Communications Tower/Antennae, Commercial (S. 402)						
- Meeting Section 402.A.17.a. pertaining to antenna placed P on certain existing structures	P	P	P	P	P	
- Antennae/tower that does not meet Section 402.A.17.a. (such as freestanding towers)	C	N	N	N	SE	SE
- Note - Section 402.A.17 also allows towers serving emergency services stations						
Conference Center	N	N	N	P	P	P
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of Sections 803 and 804.	N	N	N	SE	P	P
Convenience Store - Fuel sales shall only be allowed if the requirements and special exception approval are also met for an Auto Service Station (S. 402)	N	N	N	P	P	P
Crafts or Artisan's Studio (see also as Home Occupation)	N	N	N	P	P	P
Custom Printing, Photocopying, Faxing, Mailing or Courier Service	N	N	N	P	P	P
Exercise Club	N	N	N	P	P	P
Fairgrounds	N	N	N	N	P	P
Financial Institution (includes banks), with any "Drive-through" facilities meeting Section 403	N	N	N	P	P	P
Flea Market/ Auction House (S. 402)	N	N	N	P	P	P
Funeral Home	N	N	N	P	P	P
Garden Center, Retail (see also "Wholesale Greenhouses")	N	N	N	P	P	P
Gas Station - See Auto Service Station						
Golf Course (S. 402), with a minimum lot area of 50 acres in a residential district	P	P	P	P	P	P
Heliport	N	N	N	N	SE	N

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
b. COMMERCIAL USES (Cont.)						
Hotel or Motel (S. 402)	N	N	N	P	P	P
Kennel (S. 402)	N	N	N	N	SE	SE
Laundromat	N	N	N	P	P	P
Laundry, Commercial or Industrial	N	N	N	N	P	P
Lumber Yard	N	N	N	N	P	P
Massage Parlor (S. 402)	N	N	N	N	N	N
Motor Vehicle Racetrack (S. 402)	N	N	N	N	C	N
Office (See also as Home Occupation)	N	N	N	P	P	P
Pawn Shop	N	N	N	N	P	P
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)	N	N	N	P	P	P
Picnic Grove, Private (S. 402)	N	N	N	SE	P	P
Plant Nursery (other than a Retail Garden Center), provided that within a residential district: a) any on-site retail sales shall be limited to plants primarily grown upon the premises, and b) a 5% maximum building coverage shall apply.	P	P	P	P	P	P
Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice and closely similar uses); other than uses listed separately in this Section 306	N	N	N	SE	P	P
Recreation, Commercial Outdoor (S. 402; including miniature golf course, golf driving range, amusement park and closely similar uses); other than uses listed separately in this Section 306 (see also uses allowed as a "Resort")	N	N	N	N	P	P
Repair Service, Household Appliance	N	N	N	P	P	P
Resort (S. 402) - less than 30 rental units	C	N	N	P	P	P
- 30 or more rental units	N	N	N	C	P	P
(Note - That term allows certain additional uses under Section 402)						
Restaurant or Banquet Hall (S. 402)						
- with drive-through service (S. 403)	N	N	N	N	P	P
- without drive-through service	N	N	N	P	P	P
Retail Store (this term does not include auto sales or an adult use) or Shopping Center	N	N	N	P	P	P
River Livery (S. 402)	C	N	N	C	C	C
Self-Storage Development	N	N	N	N	P	P
Target Range, Firearms (other than target shooting by residents or owners of a lot)						
- Completely indoor and enclosed	C	N	N	N	P	P
- Other than above (S. 402)	C	N	N	N	C	N
Tattoo or Body Piercing Establishment	N	N	N	C	P	P
(other than temporary tattoos or ear piercing, which are personal service uses)						

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Requirements in Section 402

(S.403) = See Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
b. COMMERCIAL USES (Cont.)						
Tavern which may include a State-licensed micro-brewery or Nightclub (not including an After Hours Club)	N	N	N	N	C	C
Theater, Indoor Movie, other than an Adult Use	N	N	N	N	P	P
Trade/ Hobby School	N	N	N	P	P	P
Truck Stop	N	N	N	N	C	C
Veterinarian Office or Animal Hospital (S. 402)	N	N	N	P	P	P
Wholesale Sales - see under Industrial Uses						
c. INSTITUTIONAL/ SEMI-PUBLIC USES						
Cemetery (S. 402; any Crematorium must be approved separately)	P	P	P	P	P	P
College or University - Educational and Support Buildings (S. 402)	N	N	N	P	P	P
Community Recreation Center or Library	N	P	P	P	P	P
Crematorium (S. 402)	N	N	N	N	C	C
Cultural Center or Museum	SE	SE	SE	P	P	P
Day Care Center, Adult (S. 402)	N	N	SE	P	P	P
Day Care Center, Child (S. 402) (See also as an accessory use)	N	N	N	P	P	P
Dormitory as accessory to a college, university or primary or secondary school	N	N	N	C	C	C
Emergency Services Station	SE	SE	SE	P	P	P
Hospital	N	N	N	N	P	P
Hunting and Fishing Club - Within the CD district, a 5% maximum building coverage shall apply. This term shall not include uses listed separately in this Section 306 unless that use is also listed as allowed and the requirements for that use are also met.	P	N	N	P	P	P
Maintenance Facilities for Residential Community Associations	P	P	P	P	P	P
Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met.	SE	SE	SE	P	P	P
Nursing Home or Personal Care Home/Assisted Living (S. 402)	N	N	P	P	P	P
Place of Worship (S. 402) (includes Church)	C	C	C	P	P	P
School, Public or Private, Primary or Secondary (S.402)	N	SE	SE	P	P	P
Treatment Center (S. 402)	N	N	N	N	C	N
d. PUBLIC/SEMI-PUBLIC						
Township Government Uses, other than uses listed separately in this Section 306	P	P	P	P	P	P
Government Facility, other than uses listed separately in this Section 306	SE	SE	SE	SE	SE	SE

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
d. PUBLIC/SEMI-PUBLIC USES						
Prison or Similar Correctional Institution	N	N	N	N	N	C
Publicly Owned or Operated Recreation Park	P	P	P	P	P	P
Public Utility Facility (See also Section 114)	SE	SE	SE	SE	SE	SE
other than uses listed separately in this Section 306						
Swimming Pool, Non-household (S. 402)	P	P	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility	N	SE	SE	P	P	P
e. INDUSTRIAL USES						
Asphalt Plant	N	N	N	N	N	C
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	N	N	SE	P
Building Supplies and Building Materials, Wholesale Sales of	N	N	N	N	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	N	N	C
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	N	N	N	P	P
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N	N
Junk Yard (S. 402)	N	N	N	N	N	C
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor, pre-packaged sales or fuel tanks for company vehicles	N	N	N	N	N	C
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	N	C
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	N	N	P	P
- Cement Manufacture	N	N	N	N	N	C
- Ceramics Products (other than Crafts Studio)	N	N	N	N	C	P
- Chemicals, Manufacture or Bulk Processing, other than Pharmaceuticals	N	N	N	N	N	SE
- Clay, Brick, Tile and Refractory Products	N	N	N	N	N	P
- Computers and Electronic and Microelectronic Products	N	N	N	N	P	P

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

e. INDUSTRIAL USES (Cont.)

Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:

- Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	N	N	SE
- Electrical Equipment, Appliances and Components	N	N	N	N	P	P
- Explosives, Fireworks or Ammunition	N	N	N	N	N	SE
- Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	N	N	SE	SE
- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale, including but not limited to processing, bottling and related trucking of water removed from a site (not including uses listed individually in this Section 306)	N	N	N	N	P	P
- Food Products for animals	N	N	N	N	N	P
- Gaskets	N	N	N	N	P	P
- Glass and Glass Products (other than Crafts Studio)	N	N	N	N	P	P
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N	N
- Jewelry and Silverware	N	N	N	N	SE	P
- Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	N	SE	P
- Machinery	N	N	N	N	SE	P
- Manufactured or Modular Housing Manufacture	N	N	N	N	N	P
- Medical Equipment and Supplies	N	N	N	N	P	P
- Metal Products, Primary	N	N	N	N	N	SE
- Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	N	N	SE
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	N	P	P
- Paper - Raw Pulp	N	N	N	N	N	SE
- Paving Materials, other than bulk manufacture of asphalt	N	N	N	N	N	SE
- Pharmaceuticals and Medicines	N	N	N	N	N	P
- Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film	N	N	N	N	N	SE

- P = Permitted by right use (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
<u>e. INDUSTRIAL USES (Cont.)</u>						
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	N	P	P
- Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	N	N	N	SE
- Scientific, Electronic and Other Precision Instruments	N	N	N	N	P	P
- Sporting Goods, Toys, Games, Musical Instruments or Signs	N	N	N	N	P	P
- Transportation Equipment	N	N	N	N	N	P
- Wood Products and Furniture (not including raw paper pulp)	N	N	N	N	P	P
- See Section 105 for uses that are not listed						
Mineral Extraction (S. 402) and related processing, stockpiling and storage of materials removed from the site, but not including groundwater or spring water withdrawals	C*	N	N	N	C	C
* Such use shall only be allowed in the CD District if the requirements in Section 402 for setbacks and for road access are fully met.						
Packaging	N	N	N	P	P	P
Package Delivery Services Distribution Center	N	N	N	N	P	P
Petroleum Refining	N	N	N	N	N	SE
Photo Processing, Bulk	N	N	N	P	P	P
Printing or Bookbinding	N	N	N	P	P	P
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	N	SE	SE	P
Research and Development, Engineering or Testing Facility or Laboratory	N	N	N	N	P	P
Sawmill/ Planing Mill	C	N	N	N	P	P
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	N	N	N	C
Solid Waste Landfill (S. 402)	N	N	N	N	N	N
Solid Waste Transfer Facility or Waste to Energy Facility (S. 402)	N	N	N	N	N	C

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
<u>e. INDUSTRIAL USES (Cont.)</u>						
Trucking Company Terminal (s. 402)	N	N	N	N	N	C
Warehousing or Storage as a principal use	N	N	N	N	N	P
Warehousing or Storage as an on-site accessory use	N	N	N	P	P	P
Welding	N	N	N	N	P	P
Wholesale Sales (other than Motor Vehicles)	N	N	N	P	P	P
<u>f. ACCESSORY USES</u>						
See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"						
See Additional Requirements in Section 403 for Specific Accessory Uses.						
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship, with a minimum lot area of 2 acres (See Place of Worship in S. 402)	P	P	P	P	P	P
Day Care (S. 403) as accessory to a dwelling:						
- Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	P	P	P	P	P	P
- Group Day Care Home	N	N	N	P	P	P
- Family Day Care Home	N	N	N	P	P	P
Home Occupation, General (S. 403)	SE	SE	SE	P	P	P
Home Occupation, Light (S. 403)	P	P	P	P	P	P
Outdoor Storage and Display as accessory to a business use and which shall also comply with Sections 403, 803 and 804	N	N	N	P	P	P
Temporary Retail Sales that meets Section 103.G.1.	P	P	P	P	P	P
Unit for Care of Relative (S. 403)	P	P	P	P	P	P
Warehousing as accessory to an on-site principal business use	N	N	N	P	P	P
<u>g. MISCELLANEOUS USES</u>						
Boat Rental and Launch (other than a "River Livery")	P	P	N	P	P	P
Crop Farming and Wholesale Greenhouses	P	P	P	P	P	P
Forestry (S. 402)	P	P	P	P	P	P
Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a tract for off-site consumption (S. 402)	SE	SE	SE	SE	SE	SE
(See also requirements for food and beverage bottling and processing under Industrial Uses)						
Nature Preserve or Environmental Education Center, with a 10 acre minimum lot area for any use involving a principal building	P	P	P	P	P	P

P = Permitted by right use (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

TYPES OF USES

(See definitions in Article 2)

ZONING DISTRICTS

CD R-1 R-2 C-1 C-2 C-3

g. MISCELLANEOUS USES (Cont.)

Parking Lot for Carpooling, Not Served by Inter-City

Bus Service

Parking Lot as the Principal Use of a Lot, other than aboveN

Raising of Livestock and Poultry (S. 402)

Sewage Sludge, Land Application of

Sewage Treatment Plant

Stable, Non-Household (S. 402)

All Uses that will be unable to comply with the

performance standards of this ordinance. See

the "Environmental Protection" requirements of Article 5

P	P	P	P	P	P
N	N	P	P	P	
P	P	P	N	P	P
C	C	C	C	C	C
C	C	C	P	P	P
P	SE	SE	P	P	P
N	N	N	N	N	N

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

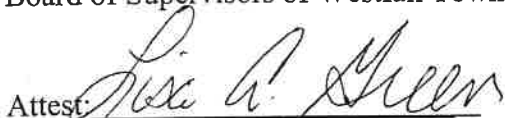
(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

This Ordinance shall become effective five (5) days after the adoption thereof.

ORDINANCE ORDAINED AND ENACTED this 17th day of October, 2012, by the
Board of Supervisors of Westfall Township, Pike County, Pennsylvania.

Attest:



Chairman

Vice-Chairman

Supervisor

Supervisor

Supervisor

10.00 Ea

ZONING ORDINANCE

No. 36

Passed 12/4/89



Gilbert/Commonwealth

ENGINEERS/CONSULTANTS Reading, PA/Jackson, MI

**Westfall
Township
Zoning
Ordinance**

Westfall Township

Zoning Ordinance

Pike County, Pennsylvania

As Adopted by the Westfall Township Board of Supervisors
on September 6, 2005.

This Ordinance was prepared under the direction of the Westfall
Township Board of Supervisors and Planning Commission.

Ordinance Number 124



This project was assisted by a grant from the
Upper Delaware Council, Narrowsburg, NY 12764

Logo is copyrighted by the Upper Delaware Council. All rights reserved.
Logo may not be copied or reproduced without written permission from the UDC.



Community Planning and Zoning Consultant

Urban Research and Development Corporation
Bethlehem, Pennsylvania

**This Ordinance Was Prepared
Under the Direction of the Following
Westfall Township Officials
2004-5**

Board of Supervisors

Kenneth Thiele, Chairman
Keith Peters
Lester Buchanan
Robert Ewbank
James Muir
Deborah Fischer, Former Member
Joyce Rocko, Former Member

Planning Commission

Robert Brown
Jerry Killeen
Daniel Lawless, Alternate
Landa Copertino

Township Staff

Lisa Green, Township Secretary/Treasurer
Michael Rendleman, Zoning Officer
Terry Lee Labastida, Administrative Assistant
Laurie Rendleman, Planning Commission Secretary

Township Solicitor

Gregory Chelak, Esq.

Township Engineer

F. X. Browne, Inc.

Community Planning and Zoning Consultants

Urban Research and Development Corporation
Bethlehem, Pennsylvania

CONTENTS

	<u>Page</u>
Title, Severability, Enactment	iii
Article 1 Administration	1-1
101. Applicability	1-1
102. Purposes And Community Development Objectives	1-1
103. Permits And Certificates	1-1
104. General Procedure For Permits	1-6
105. Interpretation And Uses Not Specifically Addressed	1-7
106. Enforcement, Violations And Penalties	1-7
107. Fees	1-9
108. Amendments to This Ordinance	1-9
109. Curative Amendments	1-9
110. Zoning Officer	1-9
111. Zoning Hearing Board Actions And Variances	1-9
112. Zoning Hearing Board Hearings And Decisions	1-11
113. Appeals to Court	1-12
114. Limited Public Utility Exemptions	1-12
115. Limited Township and Municipal Authority Exemption	1-12
116. Special Exception Use Process	1-13
117. Conditional Use Process	1-14
118. Liability	1-15
Article 2 Definitions	2-1
201. Word Usage	2-1
202. Terms Defined	2-1
Article 3 Districts, Permitted Uses And Yard Requirements	3-1
301. Designation of Districts And Purposes	3-1
302. Application of District Regulations	3-2
303. Zoning Map	3-2
304. District Boundaries	3-3
305. Setbacks Across Municipal Boundaries	3-3
306. Table of Permitted Uses by District	3-3
307. Dimensional Requirements in Each District	3-16
308. Wetlands and Lakes	3-21
309. Sewage And Water Services	3-21
310. Steep Slopes	3-22
311. Open Space Development Option (allows clustering)	3-23
312. Setbacks from Waterways; Delaware River Corridor	3-29
313. Minimum Residential Lot Requirements	3-30

CONTENTS (Cont.)

	<u>Page</u>
Article 4 Additional Requirements For Specific Uses	4-1
401. Applicability	4-1
402. Additional Requirements For Specific Principal Uses	4-1
403. Additional Requirements For Accessory Uses	4-22
Article 5 Environmental Protection	5-1
501. Erosion Control	5-1
502. Nuisances And Hazards to Public Safety	5-1
503. Wetlands	5-1
504. Flood-prone Areas	5-1
505. Noise	5-2
506. Odors And Dust	5-2
507. Control of Light And Glare	5-3
Article 6 Off-Street Parking And Loading	6-1
601. Required Number of Off-street Parking Spaces	6-1
602. General Regulations for Off-street Parking	6-4
603. Design Standards for Off-street Parking	6-6
604. Off-street Loading	6-9
605. Fire Lanes and Accesses	6-10
Article 7 Signs	7-1
701. Applicability	7-1
702. Nonconforming Signs	7-1
703. Miscellaneous Signs Not Requiring Permits	7-1
704. Freestanding, Wall And Window Signs	7-5
705. Abandoned or Outdated Signs	7-7
706. Location of Signs	7-7
707. Illumination of Signs	7-7
708. Vehicles Functioning as Signs	7-8
709. Prohibited Signs	7-8
710. Construction of Signs	7-8
711. Measurement And Major Types of Signs	7-9
712. Off-premise Signs (Including Billboards)	7-9
713. Major Residential Development Signs	7-10
714. Directional Signs	7-11

CONTENTS (Cont.)

	Page
Article 8 General Regulations	8-1
801. Frontage Onto Improved Streets; Number of Uses or Buildings; Minimum Size of Dwellings	8-1
802. Height	8-2
803. Special Lot And Yard Requirements, Sight Distance and Buffer Yards	8-2
804. Landscaping	8-5
805. Nonconformities	8-6
806. Dumpster Screening and Location	8-9
807. Minimum Setbacks from Existing Streets	8-9
808. Hours of Operation	8-10
Index	
Zoning Map	Insert

USING THIS ORDINANCE: AN OVERVIEW

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
 - a) by right,
 - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 116), or
 - c) as a conditional use (the Board of Supervisors must approve the use, as described in Section 117).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 806 -"Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for sheds,

garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the Township Floodplain Ordinance and Floodplain Mapping.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **required plantings** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following additional considerations should be kept in mind when using this Ordinance:

- An applicant may apply to the Township **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Township **Subdivision and Land Development Ordinance** will also apply. This is a separate ordinance available at the Township Office.
- If there will be significant disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the County Conservation District.
- If there will be impacts upon stormwater runoff, see the Township Stormwater Management Ordinance.

Any questions concerning the Zoning Ordinance should be directed to the Township's **Zoning Officer**. The Zoning Officer also administers applications for permits.

WESTFALL TOWNSHIP ZONING ORDINANCE
TITLE; ENACTMENT; SEVERABILITY

1. **TITLE.** A New Ordinance: a) dividing the Township of Westfall, Pike County, Pennsylvania into districts with varying regulations; b) permitting, prohibiting, regulating and determining the uses of land, watercourses and other bodies of water, the size, height, bulk, location, erection, construction, repair, expansion, razing, removal and use of structures, the areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as yards and other open areas to be left unoccupied; c) establishing the maximum density and intensity of uses; d) providing for the administration and enforcement of this Ordinance in accordance with the Pennsylvania Municipalities Planning Code, including provisions for special exceptions and variances to be administered by a Zoning Hearing Board; and e) establishing provisions for the protection of certain natural features.
2. **SHORT TITLE.** This Ordinance shall be known and be cited as the "Westfall Township Zoning Ordinance" of 2005.
3. **SEVERABILITY.** It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section or part thereof, other than any part declared invalid, if it had advance knowledge that any part would be declared invalid. If the entire Zoning Ordinance should be declared invalid, then the Westfall Township Zoning Ordinance that was in effect immediately prior to the enactment of this new Zoning Ordinance shall automatically be re-instated as the Zoning Ordinance for Westfall Township.
4. **PROCEDURAL DEFECTS IN ENACTMENT.** Allegations that this Ordinance or any amendment was enacted in a procedurally defective manner shall be appealed as provided in State law and be filed not later than 30 days after the intended effective date of the Ordinance or amendment.
5. **REPEALER.** The pre-existing Westfall Township Zoning Ordinance, as amended, is hereby repealed, in addition to the repeal of any other Township ordinances or resolutions or parts thereof that were adopted prior to this Ordinance that are clearly in direct conflict with this Ordinance.
6. **ENACTMENT.** Under the authority conferred by the Pennsylvania Municipalities Planning Code, as amended, the Board of Supervisors of Westfall Township hereby enacts and ordains into an Ordinance the attached document this date of September 6, 2005. This Ordinance shall become effective in 5 calendar days.

Date of Planning Commission Public Meeting:
Date of Board of Supervisors Public Hearing:

April 22, 2004
September 6, 2005

WESTFALL TOWNSHIP BOARD OF
SUPERVISORS

Chairperson, Board of Supervisors

Attest, Township Secretary

ARTICLE 1

ADMINISTRATION

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout the Township of Westfall. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.
102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted:
- 102.A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,
 - 102.B. in accordance with goals and objectives of the Westfall Township Comprehensive Plan, which are hereby included by reference,
 - 102.C. to carry out the following major objectives:
 - 1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
 - 2. to minimize disturbance of creek valleys and steep woodlands,
 - 3. to avoid overextending groundwater supplies, and to encourage groundwater recharge,
 - 4. to protect the quality of groundwater and surface waters,
 - 5. to promote traditional styles of development,
 - 6. to promote compatibility between land uses,
 - 7. to seek coordinated development and roads across municipal borders,
 - 8. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
 - 9. to promote development that retains the rural character of the Township,
 - 10. to encourage rehabilitation and avoid demolition of historic buildings,
 - 11. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
 - 12. to coordinate development with future central water and sewage service areas,
 - 13. to direct industrial development to locations that will minimize conflicts with homes,
 - 14. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes, and
 - 15. to promote new business development in appropriate areas that will provide additional tax revenue and job opportunities.
103. **PERMITS AND CERTIFICATES.**
- 103.A. **Applicability.**
 - 1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
 - a. Erection, construction, movement, placement or extension of a structure, building or sign,
 - b. Change of the type of use or expansion of the use of a structure or area of land,
 - c. Creation of a lot or alteration of lot lines, and/or
 - d. Creation of a new use.

2. Zoning Permit. A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Township Staff.
 - a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
 - 1) Erection, construction, movement, placement or expansion of a structure, building, swimming pool or sign, or demolition of any building,
 - 2) Change of the type of use or expansion of the use of a structure or area of land (except that the finishing of existing interior space within one dwelling shall not need a zoning permit),
 - 3) Re-grading of land to prepare for the erection, construction or alteration of a building.
 - 4) Forestry as regulated by Section 402,
 - 5) Creation of a new use, and/or
 - 6) Other alterations of natural features that are regulated by this Ordinance.
 - b. The Township may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate applications for the permits.
 - c. A separate Township ordinance regulates when a Building Permit is required.
3. Certificate of Occupancy.
 - a. It shall be unlawful to use and/or occupy any new principal building or any accessory building with a floor area greater than 500 square feet, or to establish any new or replacement principal non-residential use or swimming pool until a certificate of use and occupancy for such building or use has been issued by the Township Staff. (Note - A certificate of use and occupancy may also be required for other activities under a Construction Code.)
 - b. The Township Staff may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.
 - c. The Certificate of Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance, to the best knowledge of the Zoning Officer. The Township may also withhold issuance of the Certificate until there is compliance with other Township ordinances.
 - d. The applicant shall keep a copy of the Certificate of Occupancy available for inspection.
 - e. Upon the request of an applicant, the Zoning Officer may issue a temporary Certificate Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the Permit has been completed.
 - (1) However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
 - (2) The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
 - (3) Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.
 - (4) The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
 - (5) See also Section 103.G.

103.B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under any Township Building Code may be needed for such work.)

103.C. Types of Uses.

1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance and if a permit is required by Section 103.A.
2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
3. Conditional Use. A use requiring zoning approval by the Board of Supervisors under Section 117.

103.D. Applications.

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:
 - a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
 - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
 - c. locations of any watercourses and any 100 year floodplain,
 - d. proposed lot areas, lot widths and other applicable dimensional requirements,
 - e. locations and widths of existing and proposed sidewalks, and
 - f. well and primary and alternate septic system locations. See Section 309.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
 - a. the address of the lot,
 - b. name and address of the applicant, and of the owner of the property if different from the applicant,
 - c. a description of the proposed use of the property,
 - d. all other applicable information listed on the official Township application form,
 - e. if the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation, and
 - f. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include

the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:

- a. the present zoning district and major applicable lot requirements,
 - b. for a non-residential use:
 - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
 - (2) a list of the maximum hours of operation,
 - c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management,
 - d. a listing of any sections of this Ordinance being appealed, with the reasons for any appeal,
 - e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),
 - f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,
 - g. name and address of person who prepared the site plan,
 - h. signed acknowledgement of the application by the applicant, and
 - i. such additional information required under applicable sections of this Ordinance.
5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).

103.E. Issuance of Permits.

1. At least 1 copy of each permit application and any other zoning approval shall be retained in Township files.
2. PennDOT Permit. Where necessary for access onto a State road, a Township zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.
3. No construction of buildings shall commence until after a Township or State highway occupancy permit has been issued, when such permit will be required.

103.F. Revocation of Permits; Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
 - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
 - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
 - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application;

- d. failure to properly maintain driveway or stormwater facilities; and/or
 - e. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the State Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

103.G. Zoning Permit for Temporary Uses and Structures.

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
 - a. A Temporary Permit may be issued for customary, routine and accessory short-term special events, provided that:
 - (1) only a well-established nonprofit organization, fire company or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted,
 - (2) such total events shall be limited to a maximum of 45 days for Christmas Tree Sales and 12 total days per calendar year for all other activities, and
 - (3) the applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
 - b. A Temporary Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Township permit.
 - c. A Temporary Permit may be issued for a temporary structure placed or erected for use as a model or display by a building contractor as an accessory use to such contractor's sales office. Such structure shall not be used for any other purpose, including as a sales office. A structure erected under this subsection shall be designed for disassembly and removal from the site and shall not be connected to a sewage or septic system. A temporary permit issued under this subsection shall be valid for not more than 24 months and may be renewed for one additional 12 month period.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
3. Temporary Retail Sales. Except as provided in subsection 103.G.1.a.(1) above, and except for agricultural sales allowed by the State Right to Farm Act, a lot shall only be used for temporary retail sales if all of the following conditions are met:
 - a. The property shall be located within a zoning district that allows retail sales.
 - b. The operator shall have received any business permits required by the Township. The operator may be a different entity than the operator of another business on the lot.
 - c. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
 - d. Any signs visible from a public street shall comply with this Ordinance.

- e. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their hands. Proper bathroom facilities shall also be available for workers.
- f. Any structure shall meet applicable minimum setbacks.
- g. A permit under this Ordinance shall be required from the Township, which shall be displayed while the activity is open for business.
- h. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.
- i. Applicable State highway occupancy permit requirements shall be met.
- j. See also Section 801.B.

103.H. Compliance with Township Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the Township Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

- 1. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

103.I. Time Limits on Permits and Approvals.

- 1. After a variance, special exception or conditional use approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. If the applicant is actively seeking another Township approval for the project, then the 12 month period may start after the other Township approval is granted.
- 2. Work authorized by a zoning permit shall be completed within 12 months after the issuance of the permit. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.
- 3. If an applicant fails to comply with the time limits in this Section 103.I. or allows interruptions in construction of longer than 12 months, the Zoning Officer shall conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this Ordinance and shall consider all such approvals and permits to have become null and void.

104. GENERAL PROCEDURE FOR PERMITS.

104.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.

- 1. After a complete duly submitted application is filed for a permitted by right use, a zoning permit should be issued or refused within 30 days. Where such application is filed for a special exception or conditional use, it shall be forwarded to the applicable board within 10 days.

104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

105. **INTERPRETATION AND USES NOT SPECIFICALLY ADDRESSED.**

105.A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply, unless otherwise stated. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.

105.B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, as a conditional use, or as a special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Board of Supervisors may permit such use as a conditional use if the applicant specifically proves to the clear satisfaction of the Board of Supervisors that all of the following conditions would be met:

1. the proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the District,
2. the proposed use would be closely similar in character to uses permitted in that District, considering the standards in Section 805.F.,
3. the use would meet the standards of Section 117 for a conditional use, and
4. the use is not specifically prohibited in that District.

105.C. Interpretation of Ordinance Text and Boundaries.

1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor to aid in the Zoning Officer's determination.
2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.
3. See Section 304.

105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.

106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

106.A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:

1. Failure to secure a zoning permit where a permit is required by Section 103.A.
2. Placement of false statements on or omitting relevant information from an application for a zoning permit.

3. Undertaking any action in a manner which does not comply with a zoning permit.
 4. Violation of any condition imposed by a decision of Board of Supervisors or the Zoning Hearing Board.
- 106.B. Enforcement Notice. If the Township has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.
- 106.C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.
- 106.D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)
1. Enforcement Action. If the enforcement notice is not complied within the time frame stated on the enforcement notice, the Zoning Officer shall notify the Board of Supervisors. The Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a district justice.
 2. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township for the general use of the Township.
 3. Remedies. In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional

use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

- 106.E. Enforcement Evidence. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
107. **FEES.** A Township fee schedule for permits and applications may be established and amended by written resolution of the Board of Supervisors. No application or appeal shall be considered filed until all fees are paid.
108. **AMENDMENTS TO THIS ORDINANCE.** Within the requirements of the State Municipalities Planning Code, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.
109. **CURATIVE AMENDMENTS.** The applicable provisions of the State Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)
110. **ZONING OFFICER.**
- 110.A. Appointment. The Zoning Officer shall be appointed by the Board of Supervisors. The Board of Supervisors may designate other Township Staff-persons to serve as Assistant Zoning Officer(s). Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Township, but may hold other appointed offices.
- 110.B. Duties and Powers. The Zoning Officer's duties and powers shall include the following:
1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
 2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
 3. keep records of applications, permits, certificates, written decisions, and variances granted by the Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
 4. review proposed subdivisions and land developments for compliance with this Ordinance; and
 5. take enforcement actions as provided by the State Municipalities Planning Code, as amended.
111. **ZONING HEARING BOARD ACTIONS AND VARIANCES.**
- 111.A. Membership of Board. The Zoning Hearing Board shall consist of 3 residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being 3 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township.

1. Alternate Members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
- 111.B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- 111.C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).
- 111.D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
 1. Appeal of a Decision by the Zoning Officer.
 - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
 - b. See time limitations for appeals in Section 111.F.
 2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
 3. Variance.
 - a. The Board shall hear requests for variances filed with the Township Staff in writing.
 - b. Standards. The Board may grant a variance only within the limitations of State law.
(Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:
 - i) *There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;*
 - ii) *Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;*
 - iii) *Such unnecessary hardship has not been created by the appellant;*
 - iv) *The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and*
 - v) *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.)*
 - c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

4. Special Exception.

- a. The Board shall hear and decide requests for all special exceptions filed with the Township Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.
- b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.

5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.

- a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
- b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
- c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.

6. The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)

111.E. Time Limits for Appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)

111.F. Stay of Proceedings. The Stay of Proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)

111.G. Time Limits on Permits and Approvals. See Section 103.

111.H. Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.

112. **ZONING HEARING BOARD HEARINGS AND DECISIONS.** The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the State Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
 2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Township Staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
 3. Persons Given Notice. The Township shall provide written notice to the Applicant of the time and place of the hearing. The Township should also provide notice to the Chairperson of the Board of Supervisors. In addition, the Township shall endeavor to provide notice to the last known principal owner of record of each property that is immediately adjacent to or immediately across a street from the subject property, however, failure to provide such notice shall not be grounds for an appeal. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.
- 112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.
- 112.C. Decision/Findings.
1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
 2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
 3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the State Municipalities Planning Code.
- 112.D. Notice of Decision. A copy of the final decision shall be delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).
- 112.E. See also Section 908 of the PA. Municipalities Planning Code.
113. **APPEALS TO COURT.** The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)
114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)
115. **LIMITED TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION.** The minimum lot area, minimum lot width and minimum street frontage requirements of this Ordinance shall not apply to uses

or structures owned by Westfall Township or by a municipal authority created solely by Westfall Township for uses and structures that are intended for a public utility, stormwater, public recreation or public health and safety purpose.

116. **SPECIAL EXCEPTION USE PROCESS.**

116.A. Purpose. The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

116.B. Special Exception Procedure.

1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D.
If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
4. The Township Staff should offer a special exception application to the Township Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of State law for a decision, regardless of whether the Township Planning Commission has provided comments.
5. Time Limits. The provisions of the State Municipalities Planning Code shall apply. (Note - As of the adoption date of this Ordinance, such provisions were in Sections 908(1.2) and 908(9) of such Code.) See also time limits on permits in Section 103.I.

116.C. Consideration of Special Exception Applications. When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:

1. Compliance with this Ordinance. The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
2. Compliance with Other Laws. The approval may be conditioned upon proof of compliance with other specific applicable township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
3. Traffic. The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant.
4. Site Planning. The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
5. Neighborhood. The proposed use shall not substantially harm any surrounding residential neighborhood, after considering any proposed conditions upon approval.

6. Safety. The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

116.D. Conditions. In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. CONDITIONAL USE PROCESS.

117.A. Purpose. The conditional use approval process is designed to allow the Board of Supervisors to review and approve certain uses that could have significant impacts upon the community and the environment.

117.B. Procedure. The Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the State Municipalities Planning Code.

1. Submittal. A Site Plan shall be submitted, which shall contain the information listed in Section 103.D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.

2. Reviews.

- a. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Ordinance.
- b. The Township Staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.

3. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article 3.

4. Time Limit. The provisions of the State Municipalities Planning Code shall apply. (Note - As of the adoption date of this Ordinance, such provisions were in Section 913.2 of such Act). See also time limits on permits in Section 103.I.

117.C. Consideration of Conditional Use Application. The Board of Supervisors shall determine whether the proposed conditional use would meet the applicable requirements of this Ordinance. The same standards shall apply to a conditional use as are listed in Section 116.C. for a special exception use.

117.D. Conditions. In approving conditional use applications, the Board of Supervisors may attach conditions they consider necessary to protect the public welfare and meet the standards of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.

118. **LIABILITY.**

- 118.A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- 118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit.

ARTICLE 2 DEFINITIONS

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:

- A. Words in the present tense shall include the future tense.
- B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
- C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
- D. "Sale" shall also include rental.
- E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
- F. If a word or term is not defined by this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance nor the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should be consulted.
- G. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
- H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.

202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street, public alley open to traffic, or a perennial waterway. See definition of "adjacent."

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Bookstore. A use that has over 10% of the total floor area occupied by items for sale or rent that are books, films, magazines, video tapes, coin- or token-operated films or video tapes,

paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on matter depicting, displaying, describing or relating to uncovered male or female genitals or "specified sexual activities." This shall include but not be limited to materials that would be illegal to sell to persons under age 18 under State law. If such items are within a separate room, then the 10 percent standard shall apply to the floor area of such room.

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons and which is related to monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 4 or more persons at one time of moving images distinguished by an emphasis on depiction of "specified sexual activities" and that is related to monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall mean Adult Bookstore, Adult Movie Theater, or Adult Live Entertainment Facility/Use. These terms shall be distinct types of uses, and shall not be allowed as part of any other use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Age Restricted Housing. A housing development in which every dwelling unit (except a unit for one manager) is permanently restricted by deed, by any lease and by notes on the recorded plan to the following occupancy limitations: 1) a minimum of one resident head of household of each dwelling unit shall be age 55 years or older or be physically disabled as defined by Social Security disability regulations, and 2) no person under age 50 shall live in the dwelling unit for more than 30 days in any calendar year.

A. The only allowed housing type in an Age Restricted Housing Development shall be townhouses, except that apartments shall also be allowed if apartments are listed as an allowed use in that zoning district in Section 306.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A "Public Airport" shall be an Airport that does not meet the definition of a "Private Airport." A Private Airport shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna. An exterior device or apparatus designed for cellular, digital, telephone, radio, pager, commercial mobile radio, television, microwave or any other wireless communications through sending and/or receiving of electromagnetic waves, including without limitation, omnidirectional or whip antennas and directional or panel antennas. Unless otherwise stated, this term shall not include "standard antenna."

Antenna Height. The vertical distance from the base of the antenna support structure at grade to the highest point of the structure, including any antennas attached thereto or forming a part thereof. If

the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See also "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. The definition in the State Municipalities Planning Code, as amended, shall apply.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

Auditorium, Arena or Performing Arts Center. A room or rooms with its primary purpose being the provision of commercial performances of live music, professional sports or other live entertainment to an on-site audience, and which is not an "Adult Use."

Auto, Boat and/or Mobile/Manufactured Home Sales. This use is any area, other than a street, used for the outdoor or indoor display, sale or rental of two or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. See storage limits and other requirements in Section 402.

Basement. An enclosed floor area that is primarily underground.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting and any use of electronic gambling devices. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. See Sign, Off-Premises.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing the total horizontal area covered by all buildings on a lot by the total lot area of a lot. For the purposes of this definition, building coverage shall include all buildings that are under a roof.

Building Height. See "Height."

Building, Principal. A building used for the conduct of the principal use of a lot, and which is not an accessory building.

Building Width. The horizontal measurement between 2 vertical structural walls that are generally parallel of 1 building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from

the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

Bulk Recycling Center. A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

Camp. An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent. This term shall not include a Recreational Vehicle Campground or Campground.

Campground. A development under single ownership of the land with sites being rented, leased or sold through time-share for use for tents or recreational vehicle sites for transient visitors to the area, and which may include accessory recreational facilities.

Campground, Recreational Vehicle. A type of campground that involves persons temporarily living within recreational vehicles.

Cemetery. A place used for the burial of 2 or more non-cremated humans.

Christmas Tree Farm or Tree Farm. A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

Church. See "Place of Worship."

Clear Cutting. See under forestry.

Cluster Development. See Open Space Development.

Commercial Communications Tower or Antenna. A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402. This term shall not include a "standard antenna."

- A. Lattice Tower. A Commercial Communications Tower that is guyed or self-supporting with an open steel-frame structure.
- B. Monopole Tower. A Commercial Communications Tower that involves a single shaft as its structural support.

Commercial District. The C-1, C-2 and C-3 Zoning Districts.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, professional business services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Comprehensive Plan. The latest adopted Comprehensive Plan of Westfall Township, as amended.

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the Township Planning Commission and approval by the Board of Supervisors, under Section 117.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conference Center. A use that has a primary purpose of providing meeting space for professional organizations and training sessions, and that may include accessory dining facilities.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 8,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Crafts or Artisan's Studio. A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such use are met.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall include orchards, tree farms, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "Livestock, Raising of."

Curative Amendment, Landowner. A process provided in the State Municipalities Planning Code that permits a landowner to address the potential invalidity of portions or all of a Zoning Ordinance.

Curative Amendment, Municipal. A process provided in the State Municipalities Planning Code that permits a municipality to address the potential invalidity of portions or all of its own Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance:
1) care of children by their own "relatives", 2) care of children within a place of worship during regularly scheduled religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
- B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
- C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.*
- B. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not provide care within a dwelling unit, and 3) is registered with the applicable State agency.* See Section 402.

* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Public Welfare.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

Dwelling Types. This Ordinance categorizes dwellings into the following types:

- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Apartments. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership.
- C. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or apartments and that meets the definition for a Sectional or Modular Home that is provided in the State Uniform Construction Code. (Note - This typically involves the dwelling being substantially produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/ manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.) For zoning purposes, a sectional dwelling is not considered a separate dwelling type.
- D. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open yard areas on all sides. A single family detached dwelling may be a mobile/manufactured home.
 - 1. Mobile/Manufactured Home. A type of single family detached dwelling that meets the definition for a manufactured home in the State Uniform Construction Code. (Note - This dwelling type meets all of the following requirements: a) is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing, b) is designed for permanent occupancy, c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, d) is constructed so that it may be used with or without a permanent foundation and e) is not a "Recreation Vehicle.") The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above. See standards in Section 402.
- E. Twin Dwelling Unit. One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.

dwelling unit sketch

- F. Townhouse or Rowhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definitions of "family" and "relatives." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping, refrigerator and cooking facilities (which shall include a sink, oven and range), b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. This use may include housing for emergency personnel while on-call.

Employees. All workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services or "Essential Public Utility Services." Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. Essential services shall include the following and closely similar facilities: sanitary sewage lines, water lines, electric distribution lines, stormwater management facilities, cable television lines, natural gas distribution lines, fire hydrants, street lights and traffic signals. Essential services shall not include a central sewage treatment plant, a solid waste disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Exhibition Trade Show Center. A use that primarily involves the renting of space for displays related to various vocations or hobbies for on-site viewing by the general public.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to 3 unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the Township's intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." See Section 403.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Flea Market or Auction House. A use that has a primary purpose of renting spaces for multiple vendors to sell items to the general public that are mostly used, or that involves competitive auctioning of mostly used items to a set of customers. This term shall not include a use that routinely involves the sale of motor vehicles.

Floodplain. See definitions of this term and related terms in the Township Floodplain Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) areas that are potentially habitable with a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Forestry - Managing and using, for human benefit, forest lands and natural resources that occur on and in association with forest lands, including trees, other plants, animals, soil and water. This term includes, but is not limited to, the planting, cultivating, harvesting, transporting and selling of trees for commercial purposes.

- A. Clearcutting - On a tract or lot of over 2 acres, the cutting down, in total over any 3 year period, of more than 60 percent of live trees that have a trunk diameter of greater than 8 inches (measured 3.5 feet above the average ground level).

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Township-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Westfall Township. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 402.
- E. A group home-type of use that exceeds the number of residents allowed in a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

- * *NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.*

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions and that are stored or used in quantities above the threshold reportable limits in such regulations.

Height. The vertical distance measured from the average elevation of the proposed ground level along each side of the structure to the highest point of a structure. See exemptions for certain types of structures in Section 802. For height of signs, see Article 7 entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the Home Occupation requirements of Section 403. A Light Home Occupation shall be a Home Occupation that meets the additional requirements for a Light Home Occupation stated in Section 403. A General Home Occupation shall be a Home Occupation that does not meet the requirements for a Light Home Occupation. (Note - In most cases, under Section 306, a Light Home Occupation is permitted by right, while a General Home Occupation typically needs special exception approval from the Zoning Hearing Board.)

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 90 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property.

Hunting and Fishing Club. Land owned by an organized group of persons formed as a club that is used for hunting, fishing and similar types of passive recreation, and which involves no buildings except those for the recreational, lodging, eating and sanitary facilities for members and invited guests and routinely accessory storage buildings and development requirements. A hunting and fishing club may also include a firearms or archery target range for members and invited guests, if the requirements for a Target Range in Section 402 are met.

Independent Living Retirement Center. A type of residential development comprised of a number of apartment dwelling units each occupied by one "family" and that is only used for residential purposes. Each dwelling unit shall contain a living area, dining area, kitchen with a stove, refrigerator, sink and oven, and a bathroom with a shower or tub. Each dwelling unit shall be limited to occupancy by persons age 62 years or older, except that incidental visitation may be allowed for younger persons for a maximum total of 30 days per calendar year. The Center shall also provide a common room(s) that is suitable and sufficient size to serve for the social and recreational use of residents.

Industrial District. The C-3 zoning district, which is both a commercial and an industrial zoning district.

Impervious Coverage. The percentage that results from dividing the land area on a lot covered by all "impervious surfaces" by the total land area of the lot. Impervious surfaces shall be defined as areas covered by buildings, paving or concrete, or other surfaces that have a runoff coefficient of 0.85 or greater. Areas of stone regularly used for vehicle parking and movement shall be considered impervious for the purposes of restricting impervious coverage under the zoning ordinance.

- A. For a townhouse development, the maximum impervious coverage may be measured as a maximum for the entire development after completion, after the deletion of street rights-of-way, as opposed to regulating each individual townhouse lot.
- B. If the maximum impervious coverage is regulated by both this ordinance and a stormwater ordinance, the more restrictive requirement shall apply.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste, or d) items clearly awaiting imminent recycling at an appropriate location.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
- B. cannot be towed, in regards to a trailer designed to be towed,
- C. has been demolished beyond repair,
- D. has been separated from its axles, engine, body or chassis, and/or

- E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.

See also the definition of "unregistered vehicle."

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of 1 or more of the following types:
1. "Junk." (see definition) covering more than 1 percent of the lot area.
 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage within the requirements of Section 402.
 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard.

Kennel. The keeping of 11 or more dogs age 6 months or older on a lot.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, poultry or insects beyond the number and type allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock or poultry shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. The area and depth of a lot shall be measured to the legal right-of-way line of the street. See street frontage requirements in Section 801.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets.

Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet). For the purposes of determining compliance with the minimum lot area, the following shall be excluded:

- A. Areas within the "existing" legal rights-of-way of: 1) any proposed or existing public streets or alleys or 2) any proposed or existing commonly maintained private streets that serve more than 1 lot. (Note - Other sections of this Ordinance, such as Townhouse Development, may specifically permit proposed streets to be included in determining density for a specific use.)
- B. Areas that are currently or will be required to be dedicated as common or conservation open space on a separate lot. (Note - Other sections of this Ordinance, such as Conservation

Development, may specifically permit proposed conservation open spaces to be included in determining density for a specific use.)

- C. Features required to be excluded from “Lot Area” under Article 3 of this Ordinance.

Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see Section 803.B.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. Side Lot Line. Any lot line other than a front or rear lot line.

a = Front lot line

b = Rear lot line

c = Side lot line

d = A second front lot line abutting a street which is required to meet Section 803.B.

Lot lines sketch

Lot Width. The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. Where a pie-shaped lot fronts upon a cul-de-sac, the minimum lot width may be reduced to 75 percent of the width that would otherwise be required.

Massage Parlor. An establishment that meets all of the following criteria and is not a permitted use:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.

SKETCH OF LOT TERMS

- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires a minimum of 50 hours of professional training. Massage therapy by a certified professional shall be considered a “personal service” service, and not a massage parlor.
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

Membership Club. An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "After Hours Club" and “Hunting and Fishing Clubs,” which are distinct uses

Mineral Extraction. The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

Mobile/Manufactured Home. See under "Dwelling Types."

Mobile/Manufactured Home Park. A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

Motor Vehicle. An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

Municipalities Planning Code or State Planning Code. The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

Nonconforming Lot. A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure

lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

Open Space, Common or Preserved. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than "common/preserved open space" and non-commercial recreation or a golf course, and
- D. does not use any of the following areas to meet minimum open space requirements:
 - 1) existing street rights-of-way,
 - 2) vehicle streets or driveways providing access to other lots,
 - 3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation),
 - 4) off-street parking (other than that clearly intended for noncommercial recreation),
 - 5) area(s) needed to meet a requirement for an individual lot,
 - 6) for land intended to be open to the public, that does not have provisions for entry with a 20 foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
 - 7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
 - 8) portions of land that have a width of less than 40 feet.

Open Space Development. An optional type of residential development that meets the requirements of this Section 311 and which is approved as an Open Space Development and which includes the preservation of a specified minimum of the total tract area as common open space. An Open Space Development offers reduced lot sizes and more flexible dimensional requirements in return for the preservation of open space.

Ordinance, This. The Westfall Township Zoning Ordinance, including the Official Zoning Map, as amended.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.

Personal Care Home or Center. Shall mean "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are customarily kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Temples, mosques, synagogues, churches, religious retreats, shrines and similar buildings used primarily for religious and/or spiritual worship by 6 or more persons at one time and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA. Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, for a Zoning Hearing Board hearing or an amendment to this Ordinance, such Act generally required a legal advertisement published once each week for 2 successive weeks in a newspaper of general circulation in the Township, which states that time and place of a meeting/hearing and the particular nature of the matter to be considered. The first publication shall

not be more than 30 days and the second publication not less than 7 days from the meeting/hearing date.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential District(s). The CD, R-1 and R-2 Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use, or b) is undeveloped and zoned as a Residential District.

Resort. A development involving dining and indoor and outdoor recreational facilities and overnight lodging offered to the public on a single lot, and which may include lodging, and which involves all of the uses being developed as part of a coordinated development plan. A resort shall meet the "resort" requirements in Section 402, which allows certain additional uses. After development approval, a Resort may be subdivided into additional lots provided they are developed in their

current and future development through a coordinated development plan that maximizes use of internal roads and inter-connected driveways and parking areas. See also provisions in Section 402.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

- A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Township or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.
- B. See also "Right-of-way, Future or Ultimate" in the Subdivision and Land Development Ordinance.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line. A line separating a "yard" from the area within which a building or use is allowed.

Sewage Service, Central. Sanitary sewage service to a building by a Township-approved sewage collection and disposal system that serves 5 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Central Sewage Service, such as but not limited to, an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Article 7. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Article 7.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

Single and Separate Ownership. The ownership of a lot by 1 or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot.

Site Alterations. This term shall include one or more of the following activities:

- A. Filling of lakes, ponds, marshes or floodplains or alteration of watercourses;
- B. Clearing and regrading of more than one-half acre, other than selective thinning of existing vegetation or trees.

Solid Waste-to-Energy Facility. An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

Solid Waste Landfill. An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

Solid Waste Transfer Facility. Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

Special Exception. A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

Specified Sexual Activities. One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of 'Adult Use.'

State. The Commonwealth of Pennsylvania and its agencies.

Story. A level of a building routinely accessible to humans that is primarily above ground. Note - The Construction Code establishes the minimum ceiling height for a story.

Street. A public or private thoroughfare which provides the principal means of vehicle access to 3 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably. See the classifications of various types of streets in the Subdivision and Land Development Ordinance.

Structure. Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, utility poles, stormwater basins, wells, fences, walls of 4 feet or less in height, paving and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements unless stated otherwise.

Subdivision. The definition in the Subdivision and Land Development Ordinance shall apply.

Subdivision Ordinance or Subdivision & Land Development Ordinance. The Westfall Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Timber Harvesting (includes Logging) - The process of cutting down trees and removing logs from the forest for the primary purpose of sale or commercial processing into wood products. For the purposes of timber harvesting, the following terms shall have the following meanings:

- A. Basal Area - The area in square feet per acre occupied by tree stems 4.5 feet above the ground, normally measured by a calibrated prism or angle gauge.
- B. Best Management Practices - Universally accepted activities that have a positive effect or minimize a negative effect on the forest ecosystem. They provide minimum acceptable standards for good forest management. Examples of such practices may be found in the publication entitled, "Best Management Practices for Pennsylvania Forests", published by Penn State University, College of Agricultural Sciences, dated 1996 or successor version.
- C. Felling - The act of cutting a standing tree so that it falls to the ground.
- D. Landing - A place where logs, pulpwood or firewood are assembled for transportation to processing facilities.
- E. Litter - Discarded items not naturally occurring on the site such as tires, oil cans, garbage, equipment parts and other rubbish.

- F. Lop - To cut tops and slash into smaller pieces to allow the material to settle close to the ground.
- G. Non-commercial Timber Stand Improvement - A forest practice, such as thinning or pruning, which results in better growth, structure, species composition or health for the residual stand but which does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.
- H. Skidding - Dragging trees on the ground from the stump to the landing by any means.
- I. Slash - Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps and broken or uprooted trees or shrubs.
- J. Stand - Any area of forest vegetation whose site conditions, past history and current species composition are sufficiently uniform to be managed as a unit.
- K. Timber Operator - An individual, partnership, company, firm association, corporation or other entity engaged in timbering harvesting, including the agents, subcontractors and employees thereof.
- L. Top - The upper portion of a felled tree that is unmerchantable because of small size, taper or defect.

Tire Storage, Bulk. The storage of more than 30 used tires on a lot, except that a tire retail store may include the storage of up to 100 used tires on a lot without being regulated by this term. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Township. Westfall Township, Pike County, Pennsylvania.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Transfer of Development Rights. An optional process, authorized under Section 313, that allows the residential density that would otherwise be allowed on one tract to be transferred to increase the density on another tract. The developer of the second tract compensates the owner of the first tract for preserving their land, based upon an agreement negotiated and accepted by both parties.

Treatment Center - A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house;
- B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
- C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.

See standards in Section 402.

Also, a group home that exceeds the number of residents allowed by this Ordinance within a Group Home shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Truck Stop. A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales, shower and repair services.

Trucking Company Terminal. A use that primarily involves goods being brought to the terminal by tractor-trailer trucks and leaving the terminal by tractor-trailer trucks, and that involves the loading and unloading of goods that are owned by various companies.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

Unregistered Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code. See Section 111.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

A. Warehousing or storage as an on-site accessory use shall involve storage of materials that are accessory to a principal use on the same lot, such as a manufacturing or assembly use.

Watercourse. A channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Service, Central. Water supply service to a building by a Township-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard. An area not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting "lot line," existing street right-of-way or setback required from a street under Section 807, whichever is most restrictive. Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

- A. See yard/setback exceptions in Section 803.B.
- B. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front or "Front Setback". A "yard" measured a distance measured from and running parallel to the front lot line, street right-of-way line or setback required by Section 807, whichever is most restrictive. Such yard shall extend the full width of the lot from side lot line to side lot line.

- A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.
- B. See Section 803 concerning yards along corner lots.
- C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.
- D. Every lot shall include at least one front lot line.

Yard, Rear or "Rear Setback".

- A. A "yard" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side or "Side Setback".

- A. A "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Zoning Map. The Official Zoning Map of Westfall Township, Pike County, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Westfall Township Zoning Ordinance, as amended.

ARTICLE 3 DISTRICTS

301. DESIGNATION OF DISTRICTS AND PURPOSES.

- A. For the purpose of this Ordinance, Westfall Township shall be divided into the following zoning districts, with the following abbreviations:
- | | |
|-----|--|
| CD | Conservation District |
| R-1 | Low Density Residential District |
| R-2 | General Residential District |
| C-1 | Neighborhood Commercial District |
| C-2 | General Commercial District |
| C-3 | Mixed Commercial and Industrial District |
| ED | Enterprise Zone District |
| GC | General Commercial 1 District |
- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map."
- C. Overlay Districts. The Floodplain Area, as defined by Federal Floodplain Mapping, shall serve as an overlay district to the applicable underlying districts.
- D. Purposes of Each District. In addition to serving the overall purposes and objectives of this Ordinance and the Comprehensive Plan, each zoning district is intended to serve the following purposes:
1. CD Conservation District - To provide for very low-intensity development in areas with significant important natural features, such as wetlands, flood-prone lands and very steeply sloped areas. To recognize that many of these areas have limited road access. To protect the water quality and habitats along the Delaware River, lakes and creeks, and promote groundwater recharge. To provide incentives and a certain amount of flexibility in lot layout through open space development so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development. To recognize that most of these areas are not near existing public water and sewage systems.
 2. R-1 Low Density Residential District - To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses. To provide incentives and a certain amount of flexibility in lot layout through open space development so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development.
 3. R-2 General Residential District - To provide for medium density residential neighborhoods with a mix of housing types. To protect these areas from incompatible uses. To meet requirements of State law to provide opportunities for various housing types.
 4. C-1 Neighborhood Commercial District - To provide business opportunities while preserving the scenic rural character of the Township. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid the most intensive commercial uses that are most likely to conflict with the scenic rural character, and most likely to cause conflicts with homes. To primarily provide for smaller-scale uses that will

not be obtrusive in the landscape and that will not overload the road system. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.

5. C-2 General Commercial District - To provide for a variety of commercial uses along major highways where a variety of commercial uses are already present. To provide for a wider range of commercial uses than the C-1 district, including uses that are more auto-related (such as car washes and gas stations). To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along roads.
6. C-3 Mixed Commercial and Industrial District - To provide for industrial and commercial development in a manner that is compatible with any nearby homes and the surrounding environment. To carefully control the types of industrial operations to avoid nuisances and environmental hazards. To encourage coordinated development, particularly in regard to traffic access. To recognize that the road system in parts of Westfall Township is only suitable for types of industries that do not generate large numbers of heavy truck traffic.
7. ED Enterprise Zone District - To comply with the Equitable Court Settlement in the matter of Katz v. Westfall Township.
8. GC General Commercial 1 District - To comply with the Equitable Court Settlement in the matter of Katz v. Westfall Township.

302. **APPLICATION OF DISTRICT REGULATIONS.**

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, placed or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Boundary Change. Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be classified as the CD zoning district of Westfall Township until or unless such territory is otherwise classified by Board of Supervisors.

303. **ZONING MAP.**

- A. A map entitled "Westfall Township Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words "Official Zoning Map," shall be retained in the Township Building.
- B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the State Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.

- C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. **DISTRICT BOUNDARIES.** The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.
- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. **SETBACKS ACROSS MUNICIPAL BOUNDARIES.**

- A. Intent - To continue the objective of compatible land uses across municipal boundaries.
- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut a residential zoning district. These same additional setback and buffer yard provisions shall be provided by uses proposed within Westfall Township regardless of whether such abutting principally residential zoning district is located in an abutting municipality and/or in Westfall Township. See buffer yard provisions in Section 803.D.

306. **TABLE OF ALLOWED USES IN EACH ZONING DISTRICT.**

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:
- | | |
|------------|---|
| P = | Permitted by right use (zoning decision by Zoning Officer) |
| SE = | Special exception use (zoning decision by Zoning Hearing Board) |
| C = | Conditional use (zoning decision by Board of Supervisors) |
| N = | Not Permitted |
| (S. 402) = | See Additional Requirements in Section 402 |
| (S. 403) = | See Additional Requirements in Section 403 |

- 306.B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

See Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B., any other principal use that is not specifically listed as P, C or SE in the applicable district in this table is prohibited in that district.

For temporary uses, see Section 103.

For the ED and GC Districts, see Section 306.B.2 and 306.B.3.

306.B.1 Allowed Uses in Each Zoning District

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
a. RESIDENTIAL USES						
Single Family Detached Dwelling (Note - Manufactured/mobile homes shall meet the additional requirements for such use in Section 402)	P	P	P	P	N	P
Open Space Development Option in compliance with Section 311 (Note - This option typically allows a higher density and smaller lot sizes.	P**	P	P	N	N	N
Twin Dwelling (side-by-side) (Note - Other forms of two unit buildings are defined as apartments)	N	N	P	P	P	P
Townhouse (includes Rowhouse) (S. 402)	N	N	N	P	P	N
Apartments (S. 402)	N	N	N	P	P	N
Manufactured/Mobile Home Park (S. 402)	N	N	N	N	C	C
Boarding House (includes Rooming House) (S. 402)	N	N	N	N	N	SE
Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P	P	P
Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units (S. 402) (See also "Unit for Care of Relative" under Accessory Uses)	N	N	N	P	P	N
Age Restricted Housing (S. 402)	N	C	C	C	C	N
Independent Living Retirement Center (S. 402)	N	N	N	C	C	N
b. COMMERCIAL USES						
See also "Resort" which may allow a mix of certain commercial and residential uses.						
Adult Use (S. 402)	N	N	N	N	C	N
After Hours Club (Note - This use is effectively prohibited by State Act 219 of 1990)	N	N	N	N	N	N
Airport (see also "Heliport")	N	N	N	N	C	N
Amusement Arcade (see also "Resorts" in Section 402)	N	N	N	P	P	P
Amusement Park or Water Park	N	N	N	N	P	N
Animal Cemetery (S. 402)	N	N	N	P	P	P
Auditorium (Commercial), Arena, Performing Arts Center or Exhibition-Trade Show Center	N	N	N	P	P	P
Auto Repair Garage or Auto Service Station (S. 402)	N	N	N	N	C	C
Auto, Boat or Mobile/Manufactured Home Sales (S. 402)	N	N	N	N	P	P
Bakery, Retail	N	N	N	P	P	P

* = Except as may be allowed by the Open Space Development provisions in Section 311.

** = With a 10 acre minimum tract size.

Note: A higher density can be achieved in certain cases by using the Transfer of Development Rights provisions of Section 313.)

P = Permitted by use right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
b. COMMERCIAL USES (Cont.)						
Bed and Breakfast Inn (S. 402), which in a residential district shall be limited to a building constructed prior to 1940	C	C	C	P	P	P
Betting Use	N	N	N	N	P	P
Beverage Distributor, which may include retail and/or wholesale sales	N	N	N	P	P	P
Bus Terminal	N	N	N	P	P	P
Camp (S. 402)	C	N	N	P	P	P
Campground and Recreational Vehicle Campground (S. 402)	N	N	N	P	P	P
Car Wash (S. 402)	N	N	N	P	P	P
Catering, Custom, for Off-Site Consumption	N	N	N	P	P	P
Communications Tower/Antennae, Commercial (S. 402)						
- Meeting Section 402.A.17.a. pertaining to antenna placed on certain existing structures	P	P	P	P	P	P
- Antennae/tower that does not meet Section 402.A.17.a. (such as freestanding towers)	C	N	N	N	SE	SE
- Note - Section 402.A.17 also allows towers serving emergency services stations						
Conference Center	N	N	N	P	P	P
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of Sections 803 and 804.	N	N	N	SE	P	P
Convenience Store - Fuel sales shall only be allowed if the requirements and special exception approval are also met for an Auto Service Station (S. 402)	N	N	N	P	P	P
Crafts or Artisan's Studio (see also as Home Occupation)	N	N	N	P	P	P
Custom Printing, Photocopying, Faxing, Mailing or Courier Service	N	N	N	P	P	P
Exercise Club	N	N	N	P	P	P
Fairgrounds	N	N	N	N	P	P
Financial Institution (includes banks), with any "Drive-through" facilities meeting Section 403	N	N	N	P	P	P
Flea Market/ Auction House (S. 402)	N	N	N	P	P	P
Funeral Home	N	N	N	P	P	P
Garden Center, Retail (see also "Wholesale Greenhouses")	N	N	N	P	P	P
Gas Station - See Auto Service Station						
Golf Course (S. 402), with a minimum lot area of 50 acres in a residential district	P	P	P	P	P	P
Heliport	N	N	N	N	SE	N

- P = Permitted by use right (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
b. COMMERCIAL USES (Cont.)						
Hotel or Motel (S. 402)	N	N	N	P	P	P
Kennel (S. 402)	N	N	N	N	SE	SE
Laundromat	N	N	N	P	P	P
Laundry, Commercial or Industrial	N	N	N	N	P	P
Lumber Yard	N	N	N	N	P	P
Massage Parlor (S. 402)	N	N	N	N	N	N
Motor Vehicle Racetrack (S. 402)	N	N	N	N	C	N
Office (See also as Home Occupation)	N	N	N	P	P	P
Pawn Shop	N	N	N	N	P	P
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)	N	N	N	P	P	P
Picnic Grove, Private (S. 402)	N	N	N	SE	P	P
Plant Nursery (other than a Retail Garden Center), provided that within a residential district: a) any on-site retail sales shall be limited to plants primarily grown upon the premises, and b) a 5% maximum building coverage shall apply.	P	P	P	P	P	P
Recreation, Commercial Indoor (includes bowling alley, roller or ice skating rink, batting practice and closely similar uses); other than uses listed separately in this Section 306	N	N	N	SE	P	P
Recreation, Commercial Outdoor (S. 402; including miniature golf course, golf driving range, amusement park and closely similar uses); other than uses listed separately in this Section 306 (see also uses allowed as a "Resort")	N	N	N	N	P	P
Repair Service, Household Appliance	N	N	N	P	P	P
Resort (S. 402) - less than 30 rental units	C	N	N	P	P	P
- 30 or more rental units	N	N	N	C	P	P
(Note - That term allows certain additional uses under Section 402)						
Restaurant or Banquet Hall (S. 402)						
- with drive-through service (S. 403)	N	N	N	N	P	P
- without drive-through service	N	N	N	P	P	P
Retail Store (this term does not include auto sales or an adult use) or Shopping Center	N	N	N	P	P	P
River Livery (S. 402)	C	N	N	C	C	C
Self-Storage Development	N	N	N	N	P	P
Target Range, Firearms (other than target shooting by residents or owners of a lot)						
- Completely indoor and enclosed	C	N	N	N	P	P
- Other than above (S. 402)	C	N	N	N	C	N
Tattoo or Body Piercing Establishment (other than temporary tattoos or ear piercing, which are personal service uses)	N	N	N	N	N	P

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Requirements in Section 402

(S.403) = See Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
b. COMMERCIAL USES (Cont.)						
Tavern which may include a State-licensed micro-brewery or Nightclub (not including an After Hours Club)	N	N	N	N	C	C
Theater, Indoor Movie, other than an Adult Use	N	N	N	N	P	P
Trade/ Hobby School	N	N	N	P	P	P
Truck Stop	N	N	N	N	C	C
Veterinarian Office or Animal Hospital (S. 402)	N	N	N	P	P	P
Wholesale Sales - see under Industrial Uses						
c. INSTITUTIONAL/ SEMI-PUBLIC USES						
Cemetery (S. 402; any Crematorium must be approved separately)	P	P	P	P	P	P
College or University - Educational and Support Buildings (S. 402)	N	N	N	P	P	P
Community Recreation Center or Library	N	P	P	P	P	P
Crematorium (S. 402)	N	N	N	N	C	C
Cultural Center or Museum	SE	SE	SE	P	P	P
Day Care Center, Adult (S. 402)	N	N	SE	P	P	P
Day Care Center, Child (S. 402) (See also as an accessory use)	N	N	N	P	P	P
Dormitory as accessory to a college, university or primary or secondary school	N	N	N	C	C	C
Emergency Services Station	SE	SE	SE	P	P	P
Hospital	N	N	N	N	P	P
Hunting and Fishing Club - Within the CD district, a 5% maximum building coverage shall apply. This term shall not include uses listed separately in this Section 306 unless that use is also listed as allowed and the requirements for that use are also met.	P	N	N	P	P	P
Maintenance Facilities for Residential Community Associations	P	P	P	P	P	P
Membership Club meeting and non-commercial recreational facilities, provided that an "After Hours Club", "Tavern" or uses listed separately in this Section 306 shall only be allowed if so listed in this table and if the requirements for that use are also met.	SE	SE	SE	P	P	P
Nursing Home or Personal Care Home/Assisted Living (S. 402)	N	N	P	P	P	P
Place of Worship (S. 402) (includes Church)	C	C	C	P	P	P
School, Public or Private, Primary or Secondary (S.402)	N	SE	SE	P	P	P
Treatment Center (S. 402)	N	N	N	N	C	N
d. PUBLIC/SEMI-PUBLIC						
Township Government Uses, other than uses listed separately in this Section 306	P	P	P	P	P	P
Government Facility, other than uses listed separately in this Section 306	SE	SE	SE	SE	SE	SE

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
d. PUBLIC/SEMI-PUBLIC USES						
Prison or Similar Correctional Institution	N	N	N	N	N	C
Publicly Owned or Operated Recreation Park	P	P	P	P	P	P
Public Utility Facility (See also Section 114) other than uses listed separately in this Section 306	SE	SE	SE	SE	SE	SE
Swimming Pool, Non-household (S. 402)	P	P	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility	N	SE	SE	P	P	P
e. INDUSTRIAL USES						
Asphalt Plant	N	N	N	N	N	C
Assembly or Finishing of Products Using Materials Produced Elsewhere (such as products from plastics manufactured off-site)	N	N	N	N	SE	P
Building Supplies and Building Materials, Wholesale Sales of	N	N	N	N	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	N	N	N	C
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	N	N	N	P	P
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N	N
Junk Yard (S. 402)	N	N	N	N	N	C
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor, pre-packaged sales or fuel tanks for company vehicles	N	N	N	N	N	C
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	N	N	N	C
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	N	N	N	P	P
- Cement Manufacture	N	N	N	N	N	C
- Ceramics Products (other than Crafts Studio)	N	N	N	N	C	P
- Chemicals, Manufacture or Bulk Processing, other than Pharmaceuticals	N	N	N	N	N	SE
- Clay, Brick, Tile and Refractory Products	N	N	N	N	N	P
- Computers and Electronic and Microelectronic Products	N	N	N	N	P	P

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
e. INDUSTRIAL USES (Cont.)						
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
- Concrete, Cement, Lime and Gypsum Products, other than actual manufacture of cement	N	N	N	N	N	SE
- Electrical Equipment, Appliances and Components	N	N	N	N	P	P
- Explosives, Fireworks or Ammunition	N	N	N	N	N	SE
- Fabricated Metal Products (except Explosives, Fireworks or Ammunition) and/or Machine Shops	N	N	N	N	SE	SE
- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale, including but not limited to processing, bottling and related trucking of water removed from a site (not including uses listed individually in this Section 306)	N	N	N	N	P	P
- Food Products for animals	N	N	N	N	N	P
- Gaskets	N	N	N	N	P	P
- Glass and Glass Products (other than Crafts Studio)	N	N	N	N	P	P
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N	N
- Jewelry and Silverware	N	N	N	N	SE	P
- Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	N	N	SE	P
- Machinery	N	N	N	N	SE	P
- Manufactured or Modular Housing Manufacture	N	N	N	N	N	P
- Medical Equipment and Supplies	N	N	N	N	P	P
- Metal Products, Primary	N	N	N	N	N	SE
- Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	N	N	N	SE
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	N	N	N	P	P
- Paper - Raw Pulp	N	N	N	N	N	SE
- Paving Materials, other than bulk manufacture of asphalt	N	N	N	N	N	SE
- Pharmaceuticals and Medicines	N	N	N	N	N	P
- Plastics, Polymers, Resins, Vinyl, Coatings, Cleaning Compounds, Soaps, Adhesives, Sealants, Printing Ink or Photographic Film	N	N	N	N	N	SE

- P = Permitted by right use (zoning decision by Zoning Officer)
 SE = Special exception use (zoning decision by Zoning Hearing Board)
 C = Conditional use (zoning decision by Board of Supervisors)
 N = Not permitted
 (S. 402) = See Additional Requirements in Section 402
 (S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
e. INDUSTRIAL USES (Cont.)						
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:						
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	N	N	N	P	P
- Roofing Materials and Asphalt Saturated Materials or Natural or Synthetic Rubber	N	N	N	N	N	SE
- Scientific, Electronic and Other Precision Instruments	N	N	N	N	P	P
- Sporting Goods, Toys, Games, Musical Instruments or Signs	N	N	N	N	P	P
- Transportation Equipment	N	N	N	N	N	P
- Wood Products and Furniture (not including raw paper pulp)	N	N	N	N	P	P
- See Section 105 for uses that are not listed						
Mineral Extraction (S. 402) and related processing, stockpiling and storage of materials removed from the site, but not including groundwater or spring water withdrawals	C*	N	N	N	C	C
* Such use shall only be allowed in the CD District if the requirements in Section 402 for setbacks and for road access are fully met.						
Packaging	N	N	N	P	P	P
Package Delivery Services Distribution Center	N	N	N	N	P	P
Petroleum Refining	N	N	N	N	N	SE
Photo Processing, Bulk	N	N	N	P	P	P
Printing or Bookbinding	N	N	N	P	P	P
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include a solid waste disposal or transfer facility)	N	N	N	SE	SE	P
Research and Development, Engineering or Testing Facility or Laboratory	N	N	N	N	P	P
Sawmill/ Planing Mill	C	N	N	N	P	P
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	N	N	N	C
Solid Waste Landfill (S. 402)	N	N	N	N	N	N
Solid Waste Transfer Facility or Waste to Energy Facility (S. 402)	N	N	N	N	N	C

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
<u>e. INDUSTRIAL USES (Cont.)</u>						
Trucking Company Terminal (s. 402)	N	N	N	N	N	C
Warehousing or Storage as a principal use	N	N	N	N	N	P
Warehousing or Storage as an on-site accessory use	N	N	N	P	P	P
Welding	N	N	N	N	P	P
Wholesale Sales (other than Motor Vehicles)	N	N	N	P	P	P
<u>f. ACCESSORY USES</u>						
See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"						
See Additional Requirements in Section 403 for Specific Accessory Uses.						
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship, with a minimum lot area of 2 acres (See Place of Worship in S. 402)	P	P	P	P	P	P
Day Care (S. 403) as accessory to a dwelling:						
- Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	P	P	P	P	P	P
- Group Day Care Home	N	N	N	P	P	P
- Family Day Care Home	N	N	N	P	P	P
Home Occupation, General (S. 403)	SE	SE	SE	P	P	P
Home Occupation, Light (S. 403)	P	P	P	P	P	P
Outdoor Storage and Display as accessory to a business use and which shall also comply with Sections 403, 803 and 804	N	N	N	P	P	P
Temporary Retail Sales that meets Section 103.G.1.	P	P	P	P	P	P
Unit for Care of Relative (S. 403)	P	P	P	P	P	P
Warehousing as accessory to an on-site principal business use	N	N	N	P	P	P
<u>g. MISCELLANEOUS USES</u>						
Boat Rental and Launch (other than a "River Livery")	P	P	N	P	P	P
Crop Farming and Wholesale Greenhouses	P	P	P	P	P	P
Forestry (S. 402)	P	P	P	P	P	P
Groundwater or Spring Water Withdrawal, averaging more than 10,000 gallons per day removed from a tract for off-site consumption (S. 402) (See also requirements for food and beverage bottling and processing under Industrial Uses)	SE	SE	SE	SE	SE	SE
Nature Preserve or Environmental Education Center, with a 10 acre minimum lot area for any use involving a principal building	P	P	P	P	P	P
P = Permitted by right use (zoning decision by Zoning Officer) SE = Special exception use (zoning decision by Zoning Hearing Board) C = Conditional use (zoning decision by Board of Supervisors) N = Not permitted (S. 402) = See Additional Requirements in Section 402 (S. 403) = See Additional Requirements in Section 403						

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CD	R-1	R-2	C-1	C-2	C-3
<u>g. MISCELLANEOUS USES (Cont.)</u>						
Parking Lot for Carpooling, Not Served by Inter-City Bus Service	P	P	P	P	P	P
Parking Lot as the Principal Use of a Lot, other than above	N	N	N	P	P	P
Raising of Livestock and Poultry (S. 402)	P	P	P	N	P	P
Sewage Sludge, Land Application of	C	C	C	C	C	C
Sewage Treatment Plant	C	C	C	P	P	P
Stable, Non-Household (S. 402)	P	SE	SE	P	P	P
All Uses that will be unable to comply with the performance standards of this ordinance. See the "Environmental Protection" requirements of Article 5	N	N	N	N	N	N

P = Permitted by right use (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

306.B.Continued

2. Provisions for the ED Enterprise Zone District.

- a. The ED District shall only consist of the real property identified as Pike County Tax Parcel Numbers 082.00-01-51 and 082.00-01-63, encompassing such land as were identified by such Tax Parcel Numbers as of April 27, 2005.
- b. The real property within the ED district shall as well as any land development, subdivision and zoning issues pertaining thereto shall be exclusively governed by the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release as established to comply with the decision in the matter of Katz v. Westfall Township, et.al., U.S. District Court for the Middle District of Pennsylvania.
- c. All applications for zoning, land development and/or subdivision approval pertaining to the ED district shall be considered and determined exclusively by the Court-appointed master and any successors as approved by the United States District Court for the Middle District of Pennsylvania, in accordance with the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.
- d. Any part of the Westfall Township Zoning Ordinance or Subdivision and Land Development Ordinance which conflicts with Section 306.B.2 is hereby repealed in so far as the same is inconsistent with this Section 306.B.2.
- e. The terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release shall solely apply to the real property within the ED District, and any conflict or inconsistency between the terms of this Ordinance and the terms of the

Equitable Settlement Agreement and Settlement Agreement/Release shall be resolved in favor of the Equitable Settlement Agreement and the Settlement Agreement/Release.

3. Provisions for the GC General Commercial 1 District.

- a. The GC District shall only consist of the real property identified as Pike County Tax Parcel Number 083.17-01-01 , encompassing such land as were identified by such Tax Parcel Number as of April 27, 2005.
- b. The real property within the GC district shall as well as any land development, subdivision and zoning issues pertaining thereto shall be exclusively governed by the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release as established to comply with the decision in the matter of Katz v. Westfall Township, et.al., U.S. District Court for the Middle District of Pennsylvania.
- c. All applications for zoning, land development and/or subdivision approval pertaining to the GC district shall be considered and determined exclusively by the Court-appointed master and any successors as approved by the United States District Court for the Middle District of Pennsylvania, in accordance with the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.
- d. Any part of the Westfall Township Zoning Ordinance or Subdivision and Land Development Ordinance which conflicts with Section 306.B.3 is hereby repealed in so far as the same is inconsistent with this Section 306.B.3.
- e. The terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release shall solely apply to the real property within the GC District, and any conflict or inconsistency between the terms of this Ordinance and the terms of the Equitable Settlement Agreement and Settlement Agreement/Release shall be resolved in favor of the Equitable Settlement Agreement and the Settlement Agreement/Release.

306.C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles*
2. Fence* or Wall*
3. Garage, Household
4. Garage Sale*
5. Swimming Pool, Household *
6. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

* See standard for each in Section 403.

306.D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
 - a. Internal cafeteria without drive-through service,
 - b. Day care center or
 - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A.

307. **DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.**

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202. For the ED and GC Districts, see Section 306.B.2 and 306.B.3.

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Imper-vious Coverage
CD Conservation: <i>See also Open Space Development Option in Section 311, which may allow smaller lot sizes, smaller lot widths and density bonuses.</i>	130,680 (3 acres), unless a larger lot area is required by Section 310.	250	50	50	25	10%	15%
R-1 Low Density Residential District: a) Age Restricted Housing - The provisions for such use in Section 402 shall apply, instead of the provisions of this table. b) Other Allowed Uses <i>See also Open Space Development Option in Section 311, which may each allow smaller lot sizes, smaller lot widths and density bonuses.</i> See also Section 801.C. for minimum length and width of dwellings.	b) 65,000	b) 150	b) 30	b) 30	b) 15	b) 15%	b) 25%

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent ImperVIOUS Coverage
R-2 Medium Density Residential District: a) Single family detached dwelling: a1) Without either Township-approved: central water service or central sewage service a2) With Township-approved: central water or central sewage service a3) With both Township-approved: central water <i>and</i> central sewage services: b) For Twin dwelling units (2 dwelling units): b1) Without either Township-approved: central water service or central sewage service b2) With Township-approved: central water or central sewage service b3) With both Township-approved: central water <i>and</i> central sewage services: c) Age Restricted Housing - The provisions for such use in Section 402 shall apply, instead of the provisions in this table. d) Other allowed principal use <i>See Open Space Development Option in Section 311, which may allow smaller minimum lot sizes, smaller lot widths, greater varieties in housing types and density bonuses.</i>	a1) 43,560 (1 acre) a2) 39,000 a3) 30,000 b1) 2 acres b2) 78,000 b3) 40,000 d) 43,460 (1 acre)	a1) 150 a2) 150 a3) 120 b1) 300 b2) 300 b3) 200 d) 150	a), b) and d): 30	a), b) and d): 25	a), b) and d): 15	a), b) and d): 30	a), b) and d): 50

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent ImperVIOUS Coverage
C-3 Commercial/Industrial District: a) For single family detached and twin dwellings, the provisions in this Section 307 for the R-2 district shall apply, instead of the regulations of the C-3 district. b) Manufactured/mobile home park, which shall require Township-approved central water <i>and</i> Township-approved central sewage services if it has a density of more than 1 acre per dwelling unit. Manufactured/mobile home park shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section. c) Industrial use d) Other allowed use	 c) 87,120 (2 acres) d) 43,560 (1 acre)	 c) 150 d) 150	 c and d): 30, except 50 feet where off-street parking will exist between the principal building and an arterial street.	 c and d): 25 (Note A)	 c) 15 (Note A) d) 20 (Note A)	 c) 40% d) 40%	 c) 40% d) 70%

Notes for the Above Table:

Corner lot setbacks - see Section 803.B.

- ** = The following exceptions shall apply:
- For accessory structures and uses, see Section 307.C. below.
 - Structures shall not obstruct minimum sight clearance at intersections. See Article 8.
 - See Section 803.B. pertaining to Corner Lots.
 - See Section 807 which may require additional setbacks along existing streets.

- (Note A) = The following additional setbacks shall apply in the following situations:
1. Within the C-1, C-2 and C-3 districts, if a non-residential principal use is on a lot that included more than 5 acres at the time of adoption of this Section, then: a) any minimum side and rear yards abutting a CD, R-1 or R-2 district shall be increased to 50 feet, and b) the buffer yard shall be designed to result in evergreen trees that will be at least 2 deep.
 2. In addition, if a non-residential principal use in the C-1, C-2 or C-3 district abuts a lot in the C-1, C-2 or C-3 district that includes 10 or more dwelling units, then the minimum side and rear yards abutting such dwelling units shall be a minimum of 50 feet, and the buffer yard shall be designed to result in evergreen trees that will be at least 2 deep. Such additional setback from dwellings shall only apply for dwellings that existed at the time of adoption of this amendment.
 3. Within the C-1 and C-2 districts, if any principal business use will have a loading dock that will be serviced by tractor-trailer trucks or refrigerated trucks, then the minimum yard between such loading dock and a Residential District shall be increased to 100 feet.
 4. Within the C-3 district, if any principal business use will include areas used for manufacturing or will have a loading dock that will be serviced by tractor-trailer trucks or refrigerated trucks, then the minimum yard between such manufacturing area and/or loading dock and a Residential District shall be increased to 100 feet.

- (Note B) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used.
1. The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land.
 2. The minimum average lot area per dwelling unit shall be calculated after deleting existing street right-of-way of existing streets and alleys, but shall include: right-of-way of proposed streets and alleys and areas of parking courts, common open space and stormwater detention basins.
 3. A golf course (not including areas covered by buildings and paving) may count towards the common open space provided that it includes more than 50 acres of lot area and is preserved by a permanent conservation easement at the time of development approval.
 4. See also the applicable standards in Section 402, which may require common open space.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. See the provisions of Section 802.

307.C. Accessory Structures and Use Setbacks.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. The minimum side and rear yard setback for a permitted detached structure that is accessory to a dwelling shall be 10 feet in the CD and 5 feet in other districts.

307.D. Limits on Hours of Operation. See Section 808.

308. **WETLANDS AND LAKES**.

308.A. Lot Area. Wetlands (as officially defined under Federal and/or State regulations), ponds and lakes shall not be counted toward the minimum lot area of any lot or tract of land, and shall not count towards determining the maximum residential density of a development. This Section 308.A. shall only apply to a lot submitted for subdivision or land development approval after January 1, 1991.

308.B. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

308.C. Wetland Setbacks. A minimum setback of 75 feet shall be required between any wetland and any of the following: a) a new principal building, or b) a parking areas for 4 or more motor vehicles.

309. **SEWAGE AND WATER SERVICES**.

309.A. Central Water Service. A use shall not be considered to be served by “Township-approved central water service” unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.

309.B. Central Sewage Service. A use shall not be considered to be served by “Township-approved central sewage service” unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and

3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

309.C. Connection to a Larger System. Any non-public central water or central sewage system developed after the adoption of this Ordinance shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system.

1. Such a system shall include appropriate utility easements and/or rights-of-way within property controlled by the developer extending to the borders of the development to allow future interconnections at logical points.
2. At the time of subdivision or land development approval, the Board of Supervisors may request that agreements be established so that a central water or sewage system is dedicated to a Township Authority after completion of the development, or at such other time as is mutually agreed upon. A developer who dedicates a central water or sewage system to a Township Authority shall retain the right to use or sell the capacity of the system that was funded by the developer. The Township may require a developer to post a bond to guarantee proper operation of a system for at least 2 years after dedication.

310. STEEP SLOPES.

310.A. Regrading. Non-man-made slopes of over 15 percent shall not be re-graded after the adoption of this Ordinance in such a manner that circumvents the submission, approval and dimensional requirements of this Section. Such slopes shall only be re-graded after plans have been submitted showing that there will be compliance with this Section 310. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance.

310.B. The following provisions shall only apply to any lot that is submitted for preliminary subdivision approval after the effective date of this Section, or which is submitted for final subdivision approval if a preliminary plan submittal was not required:

1. Any lot proposed to be used for a single family detached dwelling shall include a proposed "building area" with a minimum of 3,000 square feet of land area. Such building area shall contain the proposed location of the dwelling. The dwelling shall be built within the proposed building area shown on the plan, except as may be approved under subsection c. below.
 - a. If such building area for each lot includes more than 500 square feet of areas with slopes greater than 25 percent, then the minimum lot area shall be 5 acres in the CD District and 3 acres in other districts, unless a larger lot area is required by another section of this Ordinance. A 2 foot contour interval shall be used in areas of proposed construction. If an area on a tract with over 25 percent slopes includes less than 8 feet of total change in elevation, it shall not be considered an over 25 percent slope for the purposes of requiring a larger lot area.
 - b. Through designations on the Township-approved site plan, an applicant may limit the area upon which new principal buildings are permitted. By committing to not place a principal building on slopes over 25 percent, the applicant can avoid the larger lot area requirement of this Section.
 - c. Changes to Building Area. The "building area" may show the outer extent of areas being considered for a proposed building, without showing an exact location, provided all of those potential areas still meet the requirements of this Section. An applicant may change the proposed building area after subdivision approval is granted, provided that the applicant proves to the Zoning Officer that the new building area will still comply with this Section. The Zoning Officer shall not have authority to approve any other change to the approved plan."

- 310.C. Lot Area Deletion. Land areas with a slope of greater than 30 percent shall be deleted from the lot area for the purposes of determining compliance with the minimum lot area and maximum density.
- 310.D. Submittal of Plan. If a new principal building is proposed to be constructed on an area that includes any land with a slope of 25 percent or greater, then a site and grading plan shall be prepared by a professional engineer, registered landscape architect, licensed surveyor or registered architect, prior to the issuance of any building permit. This detailed site and grading plan is not required to be submitted at the Subdivision submission stage, unless the information is required by the Subdivision and Land Development Ordinance. The site and grading plan shall then be binding upon the lot, unless a revised plan is approved by the Zoning Officer.
1. This site and grading plan shall show the following:
 - a. Existing and proposed topography, shown at 2 foot contours for areas proposed for disturbance or construction.
 - b. Areas of trees and other natural vegetation proposed to be preserved or removed.
 - c. The outer extent of areas that are proposed to be used for a principal building.
 - d. Proposed parking and driveways, and evidence that the driveway will meet maximum slope requirements.
 - e. Proposed erosion control measures.
 - f. Any retaining walls or architectural measures proposed to be used to overcome the slope difficulties.
 - g. Proper stormwater management.

311. **OPEN SPACE DEVELOPMENT (Allows Clustering as Option)**.

- 311.A. Purposes. To allow flexible development of areas with sensitive natural features in such a way as to: a) avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, f) to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and g) reduce construction costs while h) allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land. In most cases, this option will encourage the preservation of significant areas of preserved open space. These provisions also recognize the groundwater supplies and the ability of the ground to treat sewage wastes are limited, and may become overtaxed if the entire Township is developed in one acre minimum lots from end to end.
- 311.B. Applicability. This article allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Township that all of the requirements of this Section 311 will be complied with.
1. The term "Open Space Development" shall mean a residential development meeting the requirements of this Section 311 and which is allowed and approved in a zoning district as provided in Section 306.B.
 - a. Uses. An Open Space Development shall only include single family detached dwellings, nature preserves, Township-owned recreation, a golf course and their customary permitted accessory uses. In certain districts and cases, this Section 311 also allows twin dwellings and townhouses

within an Open Space Development. A mobile/ manufactured home park shall not qualify as an Open Space Development.

2. A tract may be eligible for approval for an Open Space Development if it includes a minimum of 4 acres of land area in common ownership, except that a minimum of 10 acres shall be required in the CD district. Such land area shall be contiguous, except that portions of the tract may be separated only by existing or proposed streets or creeks.
 - a. These provisions are intended to allow flexibility in the placement of individual dwelling units, in order to locate homes away from important natural areas and other community assets.
 - b. The amount of common open space shall be based upon the total lot area of all lots within the development, prior to subdivision, and prior to deletion of rights-of-way of future streets and before deleting the area of any environmental features.
 - (1) Areas that were preserved by a conservation or agricultural preservation easement *prior* to the submittal of the subdivision shall not be counted towards the area of the tract in calculating common open space or allowed density.
 - c. Areas used for a principal non-residential use (other than uses approved by the Township to be part of the common open space, such as a barn) shall not be included within the land area used to calculate residential density.
 - d. Conservation easements shall be established on lots as necessary to make sure that the maximum density requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section.
3. An Open Space Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement(s), a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.

311.C. Density, Open Space and Lot Standards.

1. A Yield Plan shall be presented by the applicant. The Yield Plan shall accurately show the maximum number of dwelling units that would be possible under current Township ordinances if the Open Space Development provisions would not be used. This Yield Plan shall be completed to an accurate scale, including accurately showing tract boundaries, steep slopes, 100 year floodplains and wetlands. The Yield Plan shall show potential lots and streets. However, the Yield Plan is not required to meet the detailed engineering requirements of a preliminary subdivision plan. The Board of Supervisors or its designee shall require sufficient septic probes to prove that on-lot septic systems would be possible in marginal areas. If the probes are not intended to be used for actual construction of septic systems, such probes may be conducted by any State-certified sewage enforcement officer.
2. Such Yield Plan shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan.
3. The maximum number of dwelling units allowed on the tract through Open Space Development shall not be greater than the number of dwelling units that is determined by the Board of Supervisors to be possible under the approved Yield Plan.

4. Within an Open Space Development, the only allowed dwelling units shall be single family detached dwellings, unless provided otherwise below. The following minimum lot areas shall apply, provided that the total maximum density for the tract is not exceeded:
 - a. CD District - The minimum lot area shall be reduced to 1 acre and the minimum lot width shall be reduced to 150 feet. A minimum of 65 percent of the total lot area of the tract (prior to subdivision and prior to any deletions of natural features) shall be preserved as Common Open Space.
 - b. R-1 District -
 - (1) For single family detached dwellings without both Township-approved central water and sewage services, the minimum lot area shall be reduced to 1 acre and the minimum lot width shall be reduced to 150 feet. A minimum of 35 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space.
 - (2) For development with both Township-approved central water and central sewage services:
 - (i) For single family detached dwellings, the minimum lot area shall be reduced to 10,000 square feet and the minimum lot width shall be reduced to 80 feet per dwelling unit. A minimum of 65 percent of the total lot area of the tract (prior to subdivision and prior to any deletions of natural features) shall be preserved as Common Open Space.
 - c. R-2 District - See subsection "5." below. For development with both Township-approved central water and central sewage services:
 - (1) For single family detached dwellings and twin dwellings, the minimum lot area shall be reduced to 10,000 square feet and the minimum lot width shall be reduced to 80 feet per dwelling unit. A minimum of 45 percent of the total lot area of the tract (prior to subdivision and prior to any deletions of natural features) shall be preserved as Common Open Space.
 - (2) Townhouses shall meet the dimensional requirements for townhouses provided in Section 307 for the C-2 district, except that the average minimum lot area per dwelling unit shall be 10,000 square feet. A minimum of 65 percent of the total lot area of the tract (prior to subdivision) shall be preserved as Common Open Space.
5. Utilities. Any lot of that involves less than one acre per dwelling unit shall be served by Township-approved central sanitary sewerage service and central water service.
6. Subdivision of Part of a Tract. This subsection "6" addresses a situation in which only part of a lot is proposed to be subdivided, and the applicant at the present time does not intend to subdivide for the maximum number of dwellings allowed by this Section. In such case, the applicant shall establish a permanent conservation easement covering common open space to comply with this Section. Because only part of the tract is being subdivided, it may not be necessary to meet the common open space requirement based upon the area of the entire tract.
 - a. The land under the conservation easement shall be a regular shape and shall be located in such a manner as to allow it to adjoin land that could be added under a conservation easement in the future.
 - b. The following hypothetical example assumes a lot includes 50 acres, and the Yield Plan determines that the applicant for a Conservation Development is allowed a total of 30 new dwellings. In this example, the applicant only wishes to subdivide lots for 10 new dwellings at the present time, which is one-third of the total number of allowed dwellings. If the entire lot would be subdivided to the maximum allowed, a conservation easement would need to be

placed on 30 percent of 50 acres, or 15 acres. Because only one-third of the allowed dwelling units are being subdivided, then the conservation easement at this time would only need to apply to 5 acres. The 5 acres under the conservation easement would need to be placed on the tract at a location where it could be joined by the remaining 10 acres of land under a conservation easement if the applicant in the future decided to subdivide lots for the remaining 20 dwelling units that are allowed.

311.D. Conditions for Approval. In addition to the specific requirements of this Section, an Open Space Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

1. The applicant shall prove that the Open Space Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include but are not limited to the following:
 - a. The open space will permanent preserve dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
 - b. The open space will result in the permanent preservation of a substantial area of agricultural land, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes.
 - c. The dedication of public parkland will be at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
 - d. The open space will be placed in a location that will provide a substantially buffer between homes and land uses or highways that generate substantial nuisances to homes..
2. The applicant shall prove that the proposed Open Space Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
 - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings.
 - b. The natural features of the site shall be a major factor in determining the siting of dwelling units.

311.E. Common Open Space.

1. Open Space. Land within an Open Space Development may be permanently preserved as public, semi-public or private "Common Open Space." See definition in Section 202 of "Open Space, Common or Preserved."
2. Open Space Standards. Required common open spaces shall meet all of the following requirements:
 - a. Common open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes or the use of the land for clearcut forestry. Land approved as required open space shall only be used for non-commercial active or passive recreation, a Christmas Tree Farm, a golf course, a nature preserve, a wholesale plant nursery and/or Township-approved agricultural uses.

- b. An Open Space Development shall not be required to meet recreation land/common open space dedication or recreation fee requirements that may apply under the Subdivision and Land Development Ordinance.
 - c. The Township may require the use of conservation easements within an Open Space development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.
 - d. Improvements to Common Open Space. Where open space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated open space to make it suitable for its intended purpose.
 - (1) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
 - (2) Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.
 - (3) Type of Maintenance. Where the open space would not be dedicated to a government entity, the subdivision plan shall state the intended type of maintenance of the open space. The following classes of use and maintenance may be used, or other classes that are clearly described within and approved as part of the plan submittal:
 - (a) Lawn: A grass area with or without trees which may be used by the residents for a variety of purposes and which is intended to be mowed regularly.
 - (b) Natural Area: An area of attractive desirable natural vegetation that is primarily intended for passive recreation, with minimal maintenance. Noxious and poisonous weeds should be controlled. Additional trees as appropriate and wildflowers are recommended to be planted.
 - (c) Recreation Area: An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffleboard, playfields and/or children's play equipment. Such areas shall be maintained so as to be safe and appropriate for the intended use.
 - e. All proposed Common Open Space shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
 - f. The applicant shall prove that all required Common Open Space would be suitable for its intended and Township-approved purposes. The Township may require the provision of a trail easement and/or the construction of a trail through common open space. If a developer is required to install a trail, it shall be completed prior to the final sale of any adjacent residential lots.
 - g. Lots and open spaces shall be located to promote pedestrian and visual access to common open spaces whenever possible. A non-motorized recreation trail shall be shown on the plans through common open space and shall be built by the developer prior to the sale or construction of any adjacent homes, unless the Board of Supervisors determine that a trail is not appropriate in the particular situation.
 - h. A minimum of 50 percent of the required Common Open Space shall be in one contiguous tract, except that it may be separated by street crossings.
3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any Common Open Space shall be acceptable to the Township. The Township shall only approve an Open Space Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.

- a. The method of ownership and use of any required common open space shall be determined prior to preliminary subdivision or land development approval. The Township should be given right of first refusal at the time of such review to accept proposed Common Open Space as public open space. Required open space shall be permanently preserved by one or a combination of the following methods:
 - (1) Dedication to the Township as public open space, if the Board of Supervisors agree in writing to such dedication.
 - (2) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
 - (3) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for public school buildings and/or related open space.
 - (4) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.
 - (i) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
 - (5) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors.
 - (6) Dedication of a permanent agricultural preservation easement to the County Agricultural Land Preservation Board, with the land utilized for allowed agricultural uses.
 - (7) Dedication to the State Game Commission, State Forest Bureau, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
 - (8) Operation as a bonafide golf course, with a minimum lot area of 50 acres. Areas including buildings or vehicle parking shall not count towards the minimum average lot area.
 - (9) Retention as part of one or more private lots, with an appropriate Township-approved conservation easement. This option (9) shall only be available in locations where the applicant proves to the Board of Supervisors that none of the above options are feasible or appropriate. This option (9) is primarily intended for situations where less than 2 acres of common open space would result (which may include a situation where only part of a tract is being subdivided).
- b. Legal documents providing for ownership and/or maintenance of required common open space shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.
- c. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. Any homeowner association should generally follow the provisions of Section 705.f. parts (1) and (2) of the Pennsylvania Municipalities Planning Code, as amended. Proper notations shall be required on the Recorded Plan. For example, if the common open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings."

- 311.F. Steep Slopes. Within an Open Space Development, no principal building shall be placed on slopes of over 25 percent.
- 311.G. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.
- 311.H. Landscaping Plan. An application for an Open Space Development involving over 30 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.
1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the common open space and throughout the tract.
 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

312. SETBACK FROM WATERWAYS; DELAWARE RIVER CORRIDOR.

312.A. Setbacks.

1. Except as provided in Subsection 312.A.2, no new or expanded building, off-street parking area or commercial or industrial storage area shall be located within:
 - a. 75 feet from the edge of the normal high water mark of the Delaware River, except where a stricter requirement is established in a following subsection, and
 - b. 60 feet from the top of the primary bank of any other perennial waterway.
2. If a building or off-street parking area existed prior to the adoption of this Section 312, such building or parking area may be expanded within the setbacks established by Section 312.A.1 provided that no part of the expansion is any closer to the waterway than the setback from the waterway that previously existed. For example, if a building was located 40 feet from the primary bank of a waterway, an expansion of that building may be located 40 feet from the primary bank of the waterway.

Note: Applicants are strongly encouraged to maintain a buffer of trees and other thick natural vegetation in place along the Delaware River and all creeks. For forestry, see Section 402.

- 312.B. Any street or driveway crossing of a perennial natural watercourse shall be approximately perpendicular to the watercourse, to the maximum extent reasonable.
- 312.C. Reserved.
- 312.D. Upper Delaware River Corridor Provisions. In addition to other requirements of this Ordinance, any use located within the modified landward boundary of the official Federally-designated Upper Delaware Scenic and Recreational River Corridor shall be subject to the following additional regulations:

1. No building and no part of a septic system shall be located closer than 150 feet from the normal high water mark of the Delaware River. The normal high water mark shall be the top of that area characterized by weathered stone or sand and having limited vegetation.
2. No lot shall be created which shall contain less than 200 feet of frontage along the Delaware River where such lot fronts upon the River.
3. Buildings shall not be located along the ridgeline above the Delaware River in any position that would:
 - a. create a cantilever or silhouette effect when viewed from the river's edge, without appropriate vegetative screening to limit the visibility of the structure, and/or
 - b. be so close to the ridgeline as to cause erosion, sedimentation or landslide conditions.
4. Any building proposed within 100 horizontal feet from the ridgeline above the Delaware River shall require conditional use approval.
5. River Liveries - See Sections 306 and 402.
6. Any development within the Upper Delaware Scenic and Recreational River Corridor shall:
 - a. have a maximum impervious coverage of 20 percent, except the maximum impervious coverage shall be reduced to 10 percent for a lot of greater than 2 acres,
 - b. not involve more than 2 acres of mineral extraction activities. Mineral extraction shall only be allowed if all other mineral extraction requirements of this Ordinance are met.

313. MINIMUM RESIDENTIAL LOT IMPROVEMENTS.

- 313.A. This Section 313 shall apply to any lot proposed for residential use, whether it be for permanent, seasonal, part-time, temporary or recreational residency. This Section 313 shall apply whether a lot is used for occupancy by a permanent or movable residential structure, except this Section shall not apply to a recreational vehicle that remains within a camp or campground for less than 5 months in any calendar year.
- 313.B. The following minimum requirements shall each be provided prior to occupancy of the lot:
1. A safe potable water supply and delivery system.
 2. A sewage disposal system which meets all state and township requirements.
 3. Required off-street parking spaces.
 4. Power supply facilities approved by the local utility company.

ARTICLE 4

ADDITIONAL REQUIREMENTS FOR SPECIFIC USES

401. APPLICABILITY.

- 401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.
1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116.

402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, or Adult Live Entertainment Facility)
 - a. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
 - 1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
 - 2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
 - 3) To not attempt to suppress any activities protected by the "free speech" protections of the U.S. Constitution, but instead to control secondary effects.
 - b. No Adult Use nor its parking area shall be located within the following distances, whichever is greater:
 - 1) 500 lineal feet of the lot line of any residential zoning district or existing dwelling;
 - 2) 1,000 lineal feet of the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.
 - c. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of 5 feet.
 - d. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
 - e. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
 - f. See Section 709, Prohibited Signs.
 - g. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
 - h. An Adult Use shall be prohibited in all Districts except where specifically permitted by Article 3.
 - i. A minimum lot area of 1 acre is required, unless a larger lot size is required in that district.

- j. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
 - k. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. This shall include, but not be limited to, a prohibition on "lap dancing."
 - l. See also regulations in this Section for a "Massage Parlor."
 - m. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
 - n. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
 - o. The use shall not operate between the hours of 12 midnight and 7 a.m.
 - p. As specific conditions of approval under this Ordinance, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
2. Adult Day Care Center.
 - a. The use shall be fully licensed by the State, if required by the State.
 - b. The use shall include constant supervision during all hours of operation.
 - c. The use shall not meet the definition of a "treatment center."
 3. After Hours Club - This use is effectively prohibited by State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
 4. Age Restricted Housing.
 - a. The minimum lot size for this use shall be 15 acres.
 - b. There shall be a maximum of 4.25 dwelling units per acre. This use shall be serviced by centralized water and sewage disposal systems.
 - c. Not less than 2 parking spaces shall be required for each dwelling unit, including parking spaces within garages. In addition, one additional parking space for each 4 dwelling units shall be provided and restricted to use by visitors.
 - d. Minimum lot width shall be 150 feet.
 - e. Minimum front and rear yard setback shall be 30 feet and minimum side yard setback shall be 25 feet.
 - f. Maximum building height shall be 35 feet.
 - g. Maximum percentage of total lot coverage shall be 50 percent.
 - h. Maximum percentage of building coverage on the lot shall be 30 percent.
 5. Animal Cemetery.
 - a. All the regulations for a "cemetery" in this Section shall apply.
 - b. The applicant shall prove to the satisfaction of the Zoning Officer that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
 6. Assisted Living Facility/ Personal Care Center. - The standards for nursing homes in this section shall apply.

7. Auto, Boat or Mobile/ Manufactured Home Sales.
 - a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
 - b. See light and glare standards in Section 507.
 - c. See parking requirements in Article 6.
 - d. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
8. Auto Repair Garage.
 - a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
 - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
 - c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
 - d. Any motor vehicle parked or stored on-site shall be registered and/or repairable and shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of "6 junk vehicles" may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - e. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exists.
9. Auto Service Station.
 - a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
 - b. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
 - c. Any motor vehicle parked or stored on-site shall be registered and/or repairable and shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of "6 junk vehicles" may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
 - d. The use may include a "convenience store" if the requirements for such use are also met.
 - e. A canopy shall be permitted over the gasoline pumps with a minimum front yard setback of 20 feet from each street right-of-way line.
 - (1) Such canopy may be attached to the principal building. The canopy shall not include any signs, except: a) a sign may be attached to the canopy in place of an allowed freestanding sign, b) a wall sign shall be allowed on a portion of the canopy that is behind the minimum front yard setback line, and c) warning signs.
 - (2) Within the minimum front yard building setback, the distance between the ground level and the bottom of the canopy shall not be greater than 18 feet. Parts of a sloped canopy may have a taller height if the purpose of the taller height is to deflect soot and glare away from neighboring properties.
10. Bed and Breakfast Inn.
 - a. In a residential district, on a lot of less than 3 acres, a maximum of 8 rental units shall be allowed.
 - b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.

- c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. No internal lighting of the sign shall be permitted.
 - d. Within a residential district, the use shall have a residential appearance and character.
 - e. The use shall be operated and/or managed by permanent residents of the lot.
 - f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
11. Boarding House (includes Rooming House).
- a. Minimum lot area- 2 acres.
 - b. Minimum side yard building setback - 30 feet side
 - c. Minimum lot width- 200 feet
 - d. Maximum density- 6 bedrooms per acre; shall serve a maximum total of 20 persons.
 - e. Each bedroom shall be limited to 2 adults each.
 - f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
 - g. Note - There are separate standards for an "assisted living facility," which is not considered a boarding house.
 - h. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
12. Camp.
- a. Minimum lot area - 20 acres.
 - b. All buildings and campsites shall be setback a minimum of 150 feet from all residential lotlines and 75 feet from all other lotlines and street rights-of-way.
 - c. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year.
13. Campground or Recreational Vehicle Campground
- a. For each acre of total lot area, there shall be a maximum average of: a) 6 recreational vehicle sites and b) 8 tent sites. Such sites may be clustered in portions of the tract.
 - b. Any store shall be limited to sales of common household and camping items and shall be primarily intended to serve persons camping on the site.
 - c. A commercial campground shall include at least one stone or paved entrance road from a public street, with a minimum width of 20 feet. The first 100 feet of the campground road from a paved public street cartway shall be paved.
 - d. Minimum lot area - 15 acres.
 - e. All campsites, recreational vehicle sites, buildings and vehicle parking shall be setback a minimum of 150 feet from all residential lot lines and 75 feet from all other lot lines and street rights-of-way. Any existing healthy trees within such setback shall be preserved, except at needed perpendicular entrance road and utility crossings.
 - f. Buildings used for sleeping quarters shall not be within the 100-year floodplain. No campsites or buildings shall be located on slopes over 15 percent slope.
 - g. Maximum impervious coverage- 10 percent, which shall include the typical lot area covered by recreational vehicles at full capacity.
 - h. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family, other than a resident manager/caretaker.

- i. The requirements for Campgrounds in the Subdivision and Land Development Ordinance shall also apply.
14. Car Wash.
- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
 - b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks, spills or polluted runoff.
 - c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
 - d. No portion of a car wash shall be located within 100 feet from the centerline of a perennial waterway.
 - e. Minimum lot area - 5 acres, which shall be reduced to 1 acre if the applicant proves that most of the water used in the operation will be recycled on-site.
15. Cemetery.
- a. Minimum lot area- 2 acres, which may on the same lot as an allowed place of worship.
 - b. A crematorium, where allowed by Article 3, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
 - c. All structures and graves shall be setback a minimum of: 30 feet from the future right-of-way of any public street, 10 feet from the cartway of an internal driveway, and 20 feet from any other lot line. Any buildings with a height greater than 20 feet shall be setback a minimum of 50 feet from all lot lines.
 - d. No grave sites and no structures shall be located within the 100-year floodplain.
 - e. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.
16. College or University.
- a. Minimum building setback from any abutting residential lotline - 60 feet for buildings other than dormitories, 100 feet for dormitories.
 - b. Dormitories shall only be allowed if specifically listed as allowed in the applicable zoning district.
 - c. The use shall have central sewage and central water services.
17. Commercial Communications Antennae/Tower as principal or accessory use.
- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
 - 1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
 - a) a principal agricultural building or silo,
 - b) an electric high voltage transmission tower,
 - c) an existing lawful commercial communications tower,
 - d) a fire station or steeple or bell tower of a place of worship,
 - e) a water tower, or
 - f) existing signs.
 - 2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a

distance equal to its total height above the ground from any lot line of a dwelling on another lot.

- b. Any commercial communications antenna/tower that does not meet Section "a." above (such as a new freestanding tower) shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
 - 1) Such antenna/tower shall be set back from all lot lines and street rights-of-way a distance that is equal to at least 125 percent of the total height of the antenna/tower above the surrounding ground level.
 - 2) A new tower, other than a tower on a lot of an emergency services station, shall be setback the following minimum distance from any existing dwelling: 100 feet plus the total height of the tower above the surrounding ground level.
 - 3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
 - 4) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the applicable Building Code. If a Building Code does not regulate the matter, then the provisions of the latest published version of the International Building Code, or its successor code, shall be met.
 - 5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region. This policy shall be designed to minimize the total number of towers necessary in the Township.
 - 6) An applicant for a new commercial communications tower shall provide evidence to the Board of Supervisors ("the Board") that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided.
 - 7) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Board that a taller height is absolutely necessary and unavoidable.
 - 8) The Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters.
 - 9) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs or designs worked into a flag pole are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
 - 1) To protect property values.
 - 2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
 - 3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- d. A tower/antenna that is intended to primarily serve emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.

- e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
 - f. All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 10 feet and meet principal building setbacks.
 - g. The use of any portion of a communications tower for signs is prohibited, except for necessary warning or equipment signs.
18. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.
- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
 - b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
 - 1) Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
 - 2) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.
 - c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
 - d. Dumpster Screening - See Section 806.
 - e. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance.
 - f. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.
 - g. A minimum of 8,000 square feet of lot area shall be required per dwelling unit if central water and sewage services are provided, and 30,000 square feet per dwelling unit if such services are not provided.
18. Convenience Store.
- a. Fuel sales shall only be allowed if the requirements for an Auto Service Station are also met, including receiving any needed special exception approval.
 - b. The maximum total height of a canopy over fuel pumps shall be 25 feet.
 - c. Areas that are intended to fuel tractor-trailer trucks shall be setback a minimum of 150 feet from the lot line of any existing principal dwelling.
 - d. See lighting limitations in Article 5.
19. Day Care Center, Child.
- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
 - b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
 - c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.

- d. In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 30,000 square feet and a minimum setback for buildings and outdoor play areas of 25 feet from an abutting "residential lot line."
 - e. The use shall include secure fencing around outdoor play areas.
 - f. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
 - g. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
 - h. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.
20. Flea Market / Auction House.
- a. The applicant shall provide information on the maximum number of customers and employees on-site to determine adequate parking.
 - b. No item, other than motor vehicles, shall be stored outdoors for more than 7 days.
21. Forestry
- a. Purposes. To promote management of forests for long-term benefits; promote good forest stewardship; protect adjoining property owners; minimize the potential for adverse environmental impacts; and avoid unreasonable restrictions on forestry.
 - b. Applicability. Forestry shall be permitted by right in all zoning districts, provided it complies with the requirements of this Ordinance. These forestry provisions shall regulate all forestry when the total harvesting area is 1/2 acre or greater in a calendar year, which shall require a permit.
 - 1. These provisions shall not regulate the following:
 - a) cutting of up to 10 percent of trees with a trunk diameter of 6 inches or greater (measured 3.5 feet above the ground level) on a lot in any calendar year, provided such cutting does not involve clear cutting but instead involves routine thinning of woods;
 - b) cutting of trees with a trunk diameter of less than 6 inches (measured 3.5 feet above the ground level),
 - c) cutting of dead trees or unstable trees that clearly represent a danger to vehicles, buildings or pedestrians, and
 - d) cutting of trees that the applicant proves to the Zoning Officer is necessary to accommodate a Township-approved subdivision, land development, street, driveway, building, utility or use.
 - c. Application Requirements. An application for forestry shall be made a minimum of 30 days prior to the start of work. No forestry shall occur until a permit has been issued by the Zoning Officer.
 - 1. The application shall include a written forestry plan, which shall be prepared by a qualified professional. The provisions of the plan shall be followed throughout the operation. The plan shall be available for inspection at the harvest site at all times during the operation.
 - 2. The landowner, the applicant and the timber operator shall be jointly and separately responsible for complying with the terms of the forestry plan and permit.
 - d. Forestry Plan.
 - 1. The applicant shall specify, in writing, the land on which forestry will occur, the expected size of the harvest area, and the anticipated starting and completion date of the operation. The zoning permit shall be valid for up to two years from the date of issuance.
 - 2. The forestry plan shall include, at a minimum, the following information:
 - a) A narrative of proposed cutting practices and/or stand prescription(s) for each stand in the proposed harvest area and the construction, maintenance and retirement of the access system, including haul roads, skid roads, skid trails and landings;

- b) An erosion and sedimentation control plan approved by the County Conservation District if over 1 acre will be disturbed;
 - c) All forestry activities shall use “Best Management Practices” which shall be shown on the plan;
 - d) A narrative of all stream and road crossings, including required permits from the appropriate agency;
 - e) All Township and/or PennDOT Highway Occupancy permits, if applicable;
 - f) An application shall be submitted to the Township, with a map showing waterways, drainageways, approximate wetlands, lakes, roads, lot lines, and proposed harvest areas.
 - g) The application shall also include the name and address of the property owner and the person who will be responsible to oversee the forestry.
 - h) The application shall also show proposed erosion and sedimentation control measures, proposed crossings of waterways and proposed vehicle entrance and exit points onto streets.
- e. Forestry Practices.
- 1) Felling or skidding on or across any public thoroughfare is prohibited without the express written consent of the Township or PennDOT, whichever is responsible for maintenance of the street.
 - 2) No tops or slash shall be left within 25 feet of any public thoroughfare, property line or private roadway providing access to adjoining residential property.
 - 3) All tops and slash between 25 and 50 feet from a public street right-of-way or private road providing access to adjoining residential property or within 50 feet of adjoining residential property shall be lopped so that they do not extend more than 4 feet above the surface of the ground.
 - 4) Streams are an important natural resource that provide for water quality, flood control, bank stabilization and other ecological benefits. To insure their adequate protection, forestry is prohibited within 75 feet from the top of the bank on each side of all perennial waterways.
 - 5) No tops or slash shall be left within a stream channel or floodway. Unless fully delineated, a floodway shall be assumed to be all that area within 50 feet from the center of a waterway.
 - 6) The use of clear-cutting must be fully justified by a forestry plan prepared by a qualified professional. Detailed information concerning increased stormwater runoff, erosion control and a plan to assure regeneration shall be provided. Clearcutting shall not be allowed on contiguous areas greater than 1/2 acre. Clearcutting shall be prohibited on slopes greater than 25 percent.
 - 7) A 20 feet minimum setback shall be maintained for forestry from a public street right-of-way and from any lot line of property, except such lot line setback shall not apply if the adjoining property owner provides a written, notarized and signed waiver of the setback to the zoning officer.
 - 8) If forestry involves more than 2 acres, a minimum of 30 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed to promote re-forestation.
- f. Public Road Responsibility - The landowner and the operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the forestry operation to the extent the damage is in excess of that caused by normal traffic. The Township may require the landowner or operator to furnish a bond to guarantee the repair of such damages. Such bond shall remain in full force until the Zoning Officer issues a written notification that all provisions of this Ordinance and the permit have been complied with. In lieu of such bond, the operator or landowner may post

a cash deposit or certified check with the Township. The application shall only be approved if the applicant proves to the satisfaction of the Township that the area street system is suitable in terms of structure, cartway width, geometry, safety and capacity to accommodate the additional truck traffic.

- (1) If the use will generate an average of more than 10 or more tractor-trailer trucks leaving the site per day, then a traffic study shall be required and shall be submitted to the Township.
 - g. **Tree Removal as Part of an Approved Subdivision.** If a stormwater management plan for a subdivision or land development assumes that a certain percentage of the tract will remain wooded, then the Board of Supervisors may require conservation easements to be put into effect by the subdivider to permanently limit tree removal on each lot so that such overall percentage of woods will remain in place. The enforcement mechanism for such easement shall be approved by the Board of Supervisors. The Board of Supervisors may require that the easement be enforceable by the Township and/or by any adjoining property owner.
22. **Golf Course.** A golf course may include a restaurant or clubhouse provided that such building is located a minimum of 150 feet away from any lot line of an existing dwelling and provided that the impervious area covered by such uses does not exceed an amount equal to 5 percent of the lot area of the golf course.
23. **Groundwater or Spring Water Withdrawal, involving removal of an averaging of more than 10,000 gallons per day from a lot for off-site consumption.**
- a. The applicant shall provide a written report by a professional hydrologist describing in technical detail and in a narrative understandable by a layperson how the proposal would affect wells, agricultural activities and surface water levels in the surrounding region. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed application will not adversely affect wells of neighboring properties, considering drought conditions, nor aquatic habitats of surface waters, nor agricultural yields.
 - b. The applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the area street system is suitable in terms of structure, cartway width, geometry, safety and capacity to accommodate the additional truck traffic.
 - (1) If the use will generate an average of 10 or more tractor-trailer trucks per day leaving the site, then the Zoning Hearing Board may establish conditions regarding responsibilities for public road repair. The applicant will pay all fees for engineering studies, which will include a road study before and after the use is in operation. This condition may require the landowner and the operator to be responsible for repairing any damage to Township roads caused by traffic associated with the operation to the extent the damage is in excess of that caused by normal traffic. The Township may require the landowner or operator to furnish a bond or other financial guarantee to ensure the repair of such damages.
 - c. Any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 150 feet from any adjacent residential lot.
 - d. Minimum lot area - 100 acres.
 - e. Any bottling or processing operations shall be considered a distinct use and shall only be allowed if "Food or Beverage Manufacturing" is an allowed use under Section 306.
24. **Group Homes.** Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:
- a. The use shall meet the definition in Section 202.
 - b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
 - c. A Group Home shall include the housing of a maximum of 6 unrelated persons, except:
 - 1) if a more restrictive requirement is established by another Township Code;
 - 2) the number of bona fide paid professional staff shall not count towards such maximum; and

- 3) as may be approved by the Zoning Hearing Board under Section 111.D.
 - d. The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves 5 or more residents, then 24 hour on-site staffing shall be provided.
 - e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
 - f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
 - g. Parking - See Section 601.
 - h. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
 - i. The persons living on-site shall function as a common household unit.
25. Hotel or Motel.
- a. See definitions in Article 2, which distinguish a hotel/motel from a boarding house.
 - b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."
 - c. If the parking area will accommodate tractor-trailer trucks, the applicant shall demonstrate that adequate parking and maneuvering areas will be provided.
26. Independent Living Retirement Center.
- a. Minimum lot size - 2 acres or 6,000 square feet per dwelling unit, whichever is greater.
 - b. Any building with dwelling units on more than one story shall be equipped with an elevator.
 - c. Not less than 0.75 parking spaces shall be provided on average per dwelling unit. A higher number of parking spaces may be required as a condition of conditional use approval, if the Board of Supervisors determine it is necessary to serve residents and visitors. In addition, one parking space shall be provided for each employee on-site during peak times.
 - d. Minimum lot width - 200 feet.
 - e. Minimum yard widths - 50 feet front, 50 feet rear, and 30 feet each side.
 - f. Maximum building height - 35 feet.
 - g. Maximum impervious coverage - 50 percent. Maximum building coverage - 30 percent.
 - h. Sewage shall be disposed of through a central sewage system operated by a public utility, municipal authority or a municipality.
 - i. The applicant shall provide copies of all applicable state or federal licenses, certifications or permits to the Zoning Officer. Notices of any revocations or suspensions of such licenses, certifications or permits shall be provided in writing to the Zoning Officer within 15 days after receipt by the applicant.
27. Junkyard. (includes automobile salvage yard)
- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
 - b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
 - c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
 - d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.

- e. Burning or incineration is prohibited.
 - f. See the noise or dust regulations of Article 5.
 - g. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
 - h. Lot area - 2 acres minimum; 20 acres maximum.
 - i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
 - j. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.
28. Kennel.
- a. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
 - b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.
 - c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
 - d. See State law regulating kennels.
 - e. Minimum lot area - 5 acres.
29. Livestock and Poultry, Raising of.
- a. Minimum lot area - 5 acres. The provisions of this section shall apply to uses beyond animals allowed under the "Keeping of Pets" provision.
 - b. Any structure or concentrated feeding areas for the keeping of livestock or poultry shall be located by a minimum of: 1) 200 feet from any lot line of an existing dwelling, and 2) 50 feet from all other exterior lot lines.
 - c. The setbacks from property lines shall not apply from dwellings or residential lots owned by: (1) the operator or owner of the livestock use or (2) affected property-owners providing a written notarized letter waiving such setback.
 - d. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
 - e. For any new or expanded operation regulated under the State Nutrient Management Act, the applicant shall provide evidence to the Township that the Nutrient Management Plan and other requirements of the Act and accompanying regulations are being complied with.
 - f. New or expanded manure storage facilities or structures or concentrated feeding areas used for the keeping of livestock or poultry shall:
 - (1) not be located within the 100 year floodplain;
 - (2) not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir,
 - (3) not be located within 100 feet of a private water well or open sinkhole,
 - (4) not be located within 100 feet of an active public drinking well or an active intake for a public water supply,
 - g. New or expanded manure storage facilities shall not be located within 200 feet of a property-line, unless a 100 feet setback is specifically established under State Nutrient Management regulations that preempt Township requirements.
 - h. Solid and liquid wastes will be disposed of in a manner that minimizes insect, odor and rodent nuisances. A written odor control plan shall be submitted and shall be complied with if approved. Such plan shall describe methods that will be used to properly dispose of dead animals.
 - i. Manure shall be regularly collected and disposed of in a sanitary manner. Manure shall be stored in a manner that prevents it from being carried off by runoff into a waterway.

30. Membership Club.

- a. See definition in Article 2.
- b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
- c. This use shall not include an "After Hours Club."

31. Mineral Extraction.

- a. A copy of all information submitted to State agencies shall also be submitted to the Zoning Officer at the same time.
- b. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.
- c. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
- d. A 50 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 200 feet of an area of excavation. The Board of Supervisors (or Zoning Hearing Board in the case of a special exception use) may require this yard to include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 40 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
 - (1) New trees shall not be required where preserved trees will serve the same purpose.
- e. If a Mineral Extraction use involves mining activities over more than 2 acres of land in any calendar year, then the following additional requirements shall be met:
 - (1) The applicant shall prove that a continuous route over roads will be available and will be used by trucks leaving the use that entirely involves roads with a minimum paved cartway width of 18 feet from the exit driveway of the mineral extraction use to reach Route 209 or Interstate 84. This route shall consider any improvements that the applicant proposes to fund.
 - (2) The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
 - (a) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
 - (b) 150 feet from a non-residential principal building, unless released by the owner thereof,
 - (c) 500 feet from the lot line of an existing dwelling within the CD, R-1 or R-2 Districts and 200 feet from the lot line of any other existing dwelling, and
 - (d) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
 - (3) The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
 - (4) Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
 - (5) Fencing. The Board of Supervisors may require secure fencing in locations where needed to protect public safety. As an alternative, the Board of Supervisors may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed around the outer edge of the use.
 - (6) Hours of Operation. The Board of Supervisors, as a condition of conditional use approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
 - (7) The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

- (8) The applicant shall provide a written report by a professional engineer with substantial experience in traffic engineering. The applicant will pay all fees for engineering studies, which will include a road study before and after operation. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the area street system is suitable in terms of structure, cartway width, geometry, safety and capacity to accommodate the additional truck traffic.
 - (a) If the use will generate an average of 10 or more tractor-trailer trucks or other trucks with a aggregate gross vehicle weight of over 30,000 pounds leaving the site per day, then the Zoning Hearing Board may establish conditions regarding responsibilities for public road repair. The applicant will pay all fees for engineering studies, which will include a road study before and after the use is in operation. This condition may require the landowner and the operator to be responsible for repairing any damage to Township roads caused by traffic associated with the operation to the extent the damage is in excess of that caused by normal traffic. The Township may require the landowner or operator to furnish a bond or other financial guarantee to ensure the repair of such damages.
 - (9) A plan shall be submitted showing sequential phases of mining activities on the land. Mining activities shall be conducted on a maximum of 50 acres at a time. Reclamation shall be initiated on one phase before the next phase is opened for mining.
32. Mobile/Manufactured Home - Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.
- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede local construction codes for the actual construction of the home itself.)
 - b. Each site shall be graded to provide a stable and well-drained area.
 - c. Each home shall have hitch and tires removed.
 - d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs. The anchoring devices shall extend below the frost line.
 - e. Foundation Treatment. Mobile homes placed on individual lots must be placed on a concrete pad or permanent foundation-type enclosure. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built home, such as material with a concrete-type or stucco facing. This subsection e. shall not apply within a Manufactured/Mobile Home Park. Metal skirting may only be permitted within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
 - f. See also the regulations of Section 307 concerning dwelling width in certain districts.
33. Mobile/Manufactured Home Park.
- a. Plans and Permits. Plans shall be submitted and reviewed by the Township for all mobile/manufactured home parks in compliance with the mobile/manufactured home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
 - (1) Where this Ordinance and the Subdivision and Land Development Ordinance both regulate an engineering matter concerning a manufactured home park, and the sections conflict, then the provisions of the Subdivision and Land Development Ordinance shall apply concerning

that matter. Where this Ordinance and the Subdivision and Land Development Ordinance both regulate a density or setback matter, and the sections conflict, then the provisions of this Zoning Ordinance shall apply concerning that matter.

- b. The minimum tract area shall be 10 contiguous acres, which shall be under single ownership, but which may include land in an abutting existing mobile home park.
 - c. Density - The maximum average overall density shall be 10,000 square feet of lot area per dwelling unit.
 - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 25 percent shall not be included.
 - d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 25 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception approval. Such landscaped area shall not be required between adjacent mobile home park developments. This landscaped area shall be 35 feet wide abutting existing single family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.
 - e. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
 - f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
 - g. The minimum principal and accessory building setbacks from exterior/boundary lot lines shall be 40 feet.
 - h. Each home shall comply with the above requirements for Mobile/Manufactured Homes in this Section 402.
 - i. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
 - j. "Common Open Space" for a Mobile Home Park. A minimum of 20 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement.
 - k. Streets.
 - (1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
 - (2) Parking courts serving less than 10 homes shall have a minimum paved cartway of 20 feet.
 - (3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.
 - l. Utilities. All units within the mobile home park shall be connected to a central water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.
34. Motor Vehicle Race Track.
- a. All areas used for the racing, testing and maintenance of motor vehicles shall be setback a minimum of 400 feet from the lot line of an existing dwelling.

- b. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling.
 - c. The applicant shall prove that the standards of Article 5 will be met, including noise, lighting and dust.
 - d. Minimum lot area - 50 acres.
35. Nursing Home.
- a. Licensing - See definition in Article 2.
 - b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.
36. Outdoor Storage and Display. - See this use under Section 403.
37. Picnic Grove, Private.
- a. All activity areas shall be a minimum of 250 feet of an existing dwelling on another lot. All parking areas shall be setback 100 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
 - b. See noise and glare standards in Article 5.
 - c. Minimum lot area - 5 acres.
38. Place of Worship.
- a. Minimum lot area- 2 acres in a residential district, unless a larger lot area is required by the applicable zoning district. In a commercial or industrial district, a place of worship shall meet the minimum lot area provided in Section 307 for that district.
 - b. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. See requirements for day care as an accessory use in Section 403. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
 - c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot, to house employees of the place of worship and/or an employee and his/her family. Such dwelling shall meet the maximum number of unrelated persons in the definition of a “family.” No other residential use shall be allowed.
 - d. If within a residential district, any new place of worship shall be adjacent to an existing collector or arterial street that is in public ownership.
 - e. Minimum building setback from a lot line of an existing dwelling in a residential district - 60 feet.
 - f. Minimum parking setback from a lot line of an existing dwelling in a residential district - 20 feet.
39. Recreation, Outdoor (other than “Publicly-Owned Recreation”)
- a. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
 - b. A 20 feet wide buffer yard in accordance with Section 803 shall be required.
 - c. Any swimming pool shall meet the requirements for such use, as stated in this Article.
 - d. Lighting, noise and glare control - See Article 5.
 - e. The minimum lot area shall be 5 acres, unless a more restrictive lot area is established by another section of this Ordinance.

- f. Maximum impervious coverage in any residential district - 5 percent.
 - g. Maximum building coverage in any non-residential district - 15 percent.
 - h. A site plan meeting the requirements of Article 1 shall be submitted to the Township.
 - i. No portion of an Outdoor Recreation Use used for active recreation shall be located within 100 feet of a residential lot line.
 - j. Wherever woods exist adjacent to an exterior lot line of the use, such woods shall be preserved within at least 50 feet of such lot line, except for approved driveway, utility and trail crossings.
 - k. Hours of operation. The use shall be conducted only between the hours of 9:00 a.m. and 10:00 p.m., unless more restrictive hours are established as a condition of any needed approval.
 - l. Any Restaurant, Tavern, Retail Store, Target Range, Campground or Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.
40. Recycling Collection Center.
- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
 - b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
 - c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
 - d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
 - e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.
 - f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.
 - g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
 - h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
 - i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.
41. Residential Conversions. See "Conversions of an Existing Building" within this Section.
42. Resort.
- a. If a resort is projected to result in average daily traffic exceeding 1,000 trip-ends per day, the resort shall only be approved if the applicant proves that a continuous route over roads is available that entirely involves roads with a minimum paved cartway width of 18 feet between the exit driveway of the resort and Route 209 or Interstate 84.
 - b. Minimum lot area - 10 acres in CD and 5 acres in other districts, unless a larger lot area is required by the applicable district. In addition, if a resort includes 30 or more overnight guest units, it shall have a minimum lot area of 10 acres in a residential district. The resort shall have a fully coordinated site layout, stormwater system, utility system, trail system, parking and traffic access system.
 - c. All principal commercial buildings shall be setback a minimum of 200 feet from any existing dwelling that is not part of the resort.
 - d. The applicant shall prove that the uses are being developed according to an overall unified plan, including fully coordinated traffic access and a logical and compatible arrangement of uses.

- e. A resort may, but is not required to, include combinations of the following: a hotel/motel, restaurant, museums, picnic grove, amusement arcades, living history exhibit areas, commercial indoor or outdoor recreation uses, recreational vehicle campgrounds, golf courses, golf driving ranges, miniature golf, horse riding stables, auditoriums, conference facilities, amphitheaters and taverns. A resort shall not include drive-through facilities for retail sales or restaurants, nor any "adult use." Any recreational vehicle campground shall also meet the requirements for such use, such as being allowed in that district.
 - f. Residential uses shall only be allowed if all of the applicable requirements of the Zoning District are met for residential uses, including but not limited to: allowed housing types, maximum density and minimum lot area requirements. The maximum density and lot area of any residential uses shall be determined after deleting the land areas occupied by non-residential uses and related parking. See the provisions of Section 307, which may allow a density bonus for time-share dwellings.
 - g. A resort may also include personal services and accessory retail sales of gifts, apparel and household items that primarily serve overnight guests and persons visiting other attractions of the resort. In addition, specialty retail stores shall be allowed that are open to the general public, provided they are geared mainly towards outdoor recreation and/or apparel. No retail establishment shall exceed 15,000 square feet of building floor area in a residential district.
 - h. Maximum impervious coverage - 10 percent, except 15 percent in the CD District. Land on an adjacent lot may be used to meet the impervious and building coverage requirements provided the land is protected by a permanent conservation easement.
 - i. Maximum building coverage - 20 percent, except 10 percent in the CD District.
 - j. Within a minimum of 25 feet from the existing right-of-way of an arterial or collector street and from any lot line of an existing dwelling, a forested buffer shall be maintained or planted. This provision shall not prohibit routine thinning of woods, provided that a substantial forested buffer remains in place. Trees may also be removed where necessary for utility crossings, entrance roads or safe vehicle sight distance. This buffer requirement shall not apply along a lot line of an existing dwelling that is more than 200 feet from the lot line.
 - k. Where conditional use approval is required, the applicant may receive approval for an overall fully coordinated development plan with a list of anticipated uses and approximate building locations. Then, in subsequent applications, each individual use may be allowed by right, provided the use is fully consistent with the plan that was granted conditional use approval.
 - l. No principal building shall be placed on slopes greater than 15 percent.
43. Restaurant.
- a. Screening of Dumpster and Waste Containers - See Section 806.
 - b. See "Drive-Through" service in Section 403.
 - c. Drive-through service shall only be provided where specifically permitted in the applicable district regulations.
44. River Livery (This term includes but is not limited to a base camp or take-out site for boating, tubing or canoeing)
- a. The site shall have access to a street. The applicant shall show that the vehicle access to the site will not create a safety or congestion problem.
 - b. The site shall include landscaping in accordance with Section 804.
 - c. The site shall comply with applicable health regulations. A minimum of one restroom and 4 covered trash receptacles shall be provided for each 40 watercraft or portion thereof that the site could accommodate.

45. School, Public or Private, Primary or Secondary
- Minimum lot area - 2 acres in a residential district. In any other district, the use shall meet the standard minimum lot area requirement for that district.
 - No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
 - The use shall not include a dormitory unless specifically permitted in the District.
46. Self-Storage Development.
- All storage units shall be of fire-resistant construction.
 - Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
 - Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
 - Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
 - The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
 - Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
 - See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
 - Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.
47. Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility .
- All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 1/2 acre in area.
 - All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
 - The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
 - No burning or incineration shall occur, except within an approved Waste to Energy Facility.
 - The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.
 - Open dumps and open burning of refuse are prohibited.
 - The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township.
 - The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
 - A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.

- j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
 - k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
 - l. Attendant. An attendant shall be present during all periods of operation or dumping.
 - m. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
 - n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
 - o. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
 - p. Tires. See "Outdoor Storage and Display" in Section 403.
 - q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
 - r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
 - s. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
 - t. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
 - u. For a solid-waste-to-energy facility or solid waste transfer facility, all loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
 - v. A solid waste landfill shall only be approved if the applicant proves that a continuous route over roads is available that entirely involves roads with a minimum paved cartway width of 18 feet between the exit driveway of the landfill and Route 209 or Interstate 84.
 - w. This Ordinance does not provide for solid waste landfills because of the unavailability of any sites of sufficient size that would have access to a suitable road for heavy truck traffic and that would not be immediately surrounded by dwellings or be in close proximity to a river or creek.
48. Stable, Nonhousehold. (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - 2 acres for the first horse or similar animal, plus 1 acre for each additional horse or similar animal.
 - b. Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 250 feet from any "residential lot line". Any corral or fenced-in area shall be setback a minimum of 50 feet from any "residential lot line."
 - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
 - d. New or expanded manure storage facilities shall not be located within 200 feet of a property line.

49. Swimming Pool, Non-Household.

- a. The water surface shall be setback at least 50 feet from any existing dwelling.
- b. Minimum lot area- 1 acre.
- c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 803.
- d. The water surface shall be surrounded by a secure, well- maintained fence at least 6 feet in height.
- e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

50. Target Range.

- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety.
- b. The design of the outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Board of Supervisors may consider such guidelines to be the generally accepted standard for the safety of these facilities.
- c. An outdoor firearms target range and any firing stations shall be located a minimum of 500 feet from any "residential lot line", unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
- d. An outdoor firearms target range shall be properly posted. The Board of Supervisors may require fencing as necessary.
- e. The applicant shall provide evidence that the noise limits of Article 5 will be met.
- f. An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
- g. An outdoor target range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.
- h. Minimum lot area for an outdoor firearms target range - 10 acres, unless a more restrictive provision is established by another provision of this Ordinance.
- i. See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.

51. Townhouses(Rowhouses) and Apartments.

- a. Maximum number of townhouses that shall be attached in any manner - 6. Maximum number of apartments that shall be within a building - 8.
- b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- c. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- d. Common Open Space. A minimum of 30 percent of the total lot area of the development involving townhouses and apartments and their accessory uses shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field 100 feet by 200 feet that is suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.

- e. Buffer. Within a minimum of 50 feet from the existing right-of-way of an arterial or collector street and from any lot line of an existing single family detached dwelling, a forested buffer shall be maintained or planted. This provision shall not prohibit routine thinning of woods, provided that a substantial forested buffer remains in place. Trees may also be removed where necessary for utility crossings, entrance roads or safe vehicle sight distance. This buffer requirement shall not apply along a lot line of an existing dwelling that is more than 200 feet from the lot line. This buffer may count towards the common open space requirement.

52. Treatment Centers.

- a. See definition in Section 202.
- b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
- c. The applicant shall prove to the satisfaction of the Board of Supervisors that the use will involve adequate on-site supervision and security measures to protect public safety.
- d. The Board of Supervisors may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- e. If the use involves 5 or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.

53. Trucking Company Terminal.

- a. Areas used for the movement of tractor-trailer trucks shall be setback a minimum of 150 feet from any lotline of an existing principal residential use. This distance may be reduced to 100 feet if a decorative masonry wall or earth berm with a minimum height of 6 feet is placed along such lotline.

54. Veterinarian Office. (includes Animal Hospital)

- a. Minimum lot area - 1 acre.
- b. Any structure in which animals are treated or housed shall be a minimum of 30 feet from any lot line of an existing dwelling. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- c. Animals undergoing treatment may be kept as an accessory use. However, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

403. **ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

- 403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.
- 403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.
- 403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.

403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

1. Antenna, Standard. (includes amateur radio antenna)
 - a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
 - b. Anchoring. An antenna shall be properly anchored to resist high winds.
2. Composting as a principal or accessory use. (other than raising of mushrooms)
 - a. All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard and does not cause noxious odors off of the subject property.
 - b. Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
 - c. Any composting of manure shall be restricted to lots of 5 acres or greater. Such composting shall comply with the published manure management standards of the Pennsylvania State University Cooperative Extension Service.
 - d. Setbacks. Composting areas of greater than 1 acres shall be setback 75 feet from lot lines of abutting residential lot lines.
3. Day Care, Child - as accessory to a Dwelling
 - a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
 - b. In any case, 7 or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 43,560 square feet and a 20 feet minimum setback from all existing dwellings on another lot(s). Four to 6 children, in addition to children who are "related" to the primary caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
 - c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
 - d. The use shall be actively operated by a permanent resident of the dwelling.
 - e. If 4 or more children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of fenced-in exterior play area shall be available.
 - f. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
 - g. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
 - h. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
4. Drive-through facilities
 - a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.
 - b. On-lot traffic circulation and parking areas shall be clearly marked.
 - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.

5. Fences and Walls.

- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
- b. No fence, wall or hedge shall obstruct the sight requirements of Section 803.C.
- c. No fence shall be built within an existing street right-of-way.
- d. Walls - Engineered retaining walls necessary to hold back slopes are exempted from setback regulations, and are permitted by right as needed in all Districts.

6. Garage Sale.

- a. See definition in Article 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
- b. If accessory to a dwelling, no garage sales as an accessory to a dwelling shall be held on a lot during more than 3 days total in any 3 consecutive months.
- c. The use shall be clearly accessory to the principal use.
- d. No outdoor storage shall be permitted when the sale is not in operation.

7. Home Occupations.

- a. All home occupations shall meet the following requirements:
 - 1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.
 - 2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
 - 3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
 - 4) One off-street parking space shall be required per non-resident employee. In addition, for a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
 - 5) The use shall not require delivery by tractor-trailer trucks.
 - 6) The regulations of Section 403.D.10.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
 - 7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
 - 8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
 - 9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
 - 10) A barber or beauty shop shall not include any non-resident employees.
 - 11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
 - 12) A Home Occupation may include one 2 square foot non-illuminated sign, as permitted by Article 7.

- 13) The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
 - 14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
 - 15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a General Home Occupation, and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.
 - 16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
 - 17) A zoning permit shall be required for any home occupation.
- b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Light Home Occupation:"
- 1) The use shall not routinely involve routine visits to the home occupation by customers or more than one non-resident employee at a time.
 - 2) The use shall only involve the following activities:
 - (a) work routinely conducted within an office,
 - (b) custom sewing and fabric and basket crafts,
 - (c) cooking and baking for off-site sales and use,
 - (d) creation of visual arts (such as painting or wood carving),
 - (e) repairs to and assembly of computers and computer peripherals, and
 - (f) a construction tradesperson, provided that a maximum of one non-resident employee shall routinely operate from the lot.
 - 3) On-site retail sales shall be prohibited.
8. Keeping of Animals as an Accessory Use.
- a. This is permitted by right accessory use in all districts. This use shall not include a "kennel."
 - b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
 - c. Pigeons, chickens, ducks, geese and/or similar fowl shall not be kept on a lot of less than 1 acre. Also, commercial keeping of such fowl shall meet the requirements for "Raising of Livestock or Poultry."
 - d. For one horse, a minimum lot area of 2 acres applies, plus 1 acre for each additional horse.
 - e. Only those pets that are domesticated and are compatible with a residential character shall be permitted as pets. Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.
 - f. It shall be unlawful on a residential lot to keep any "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.

9. Outdoor Storage and Display, Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
 - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
 - c. Screening. See Section 803.
 - d. Tire Storage.
 - 1) For tires not mounted on a motor vehicle, any outdoor storage of more than 5 tires on a lot in a residential district or more than 50 used tires in a non-residential district shall only be permitted as part of a Township-approved junkyard.
 - 2) The outdoor storage of more than 50 used tires shall be limited to the General Industrial District.
 - 3) Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet. If the same set of tires is stored on a lot for more than 6 months, they shall be stored within a building or trailer.
 - 4) The operator of a lot involving tire storage shall prove that the tires are stored in a manner that minimizes public health hazards from the breeding of vectors in accumulated water and/or that the site is regularly sprayed to minimize vectors.
10. Residential Accessory Structure or Use.
- a. Accessory structures and uses (other than fences) shall not be located within the required setback as stated in Section 307.A., unless specifically exempted (See Section 307.C.) by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot. See accessory setback regulations in Section 307.
 - b. Accessory buildings in a residential district on a lot of less than 2 acres shall meet the following requirements:
 - 1) Maximum total floor area of all accessory buildings- 1,000 square feet.
 - 2) Maximum of 2 accessory buildings per lot, not including swimming pools.
 - c. Height. See Section 802.
 - d. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks on a principal residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
 - 1) the parking of a maximum of 2 vehicles of up to 15,000 pounds aggregate gross vehicle weight per vehicle, or
 - 2) the parking of 1 vehicle with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot and provided a row of evergreen trees is planted to filter views of the vehicle from the street and dwellings on other lots.
 - 3) A maximum of one motorized construction vehicle (other than on-road trucks) shall be stored outdoors overnight in a residential district.
 - e. Repairs. Repairs of the following shall not occur on a principally residential lot:
 - 1) a truck with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, or
 - 2) a vehicle that is not owned or leased by a resident of the lot or his/her "relative."
 - f. See setback exceptions in Section 803.B.
 - g. Unregistered Vehicles. A maximum of 1 "unregistered vehicles" shall be kept outside of an enclosed building on a residential lot of less than 50 acres. In addition, such vehicle shall not be placed outside for more than 6 months. See also the definition of "Junkyard."

- h. Recreational Vehicles. A recreational vehicle with a length of 24 feet or greater shall not be parked in the front yard of a dwelling during more than 2 days in any 7 day period.
11. Retail Sales of Agricultural Products as an Accessory Use.
- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
 - b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 50 percent of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
 - c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
 - d. Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
 - e. Signs. See Section 709.
 - f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this Ordinance.
 - g. A maximum total of 5,000 square feet of building floor area shall be used for such use.
 - h. The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.
 - i. The retail sales shall be located on land owned by the operator of the market or upon a tract of 5 acres or more which the operator of the market actively farms.
 - j. The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.
12. Unit for Care of Relative.
- a. The use shall meet the definition in Section 202.
 - b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability or financial support.
 - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area.
 - d. The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Unless another time period is established by the Zoning Hearing Board, a modular dwelling shall be removed from the lot within 2 months after it is no longer occupied by the relative. Such mechanism shall also be binding upon future owners.
 - e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit. No permit fee will be required for renewal.
 - f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines. The accessory unit shall be attached to the principal dwelling unit.

- g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

ARTICLE 5

ENVIRONMENTAL PROTECTION

501. **EROSION CONTROL.** The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks.

501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.

501.B. See State erosion control regulations (Note: as of 2004, in 25 PA. Code Chapter 102).

501.C. If any earth materials are removed from a site (such as a borrow pit), the site shall be regraded and revegetated in a manner that controls soil erosion and that allows a suitable reuse of the site.

502. **NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

502.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:

1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.

502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.

502.C. Right-to-Know. Uses storing or utilizing hazardous materials shall comply with the State Right-to-Know Law, including providing written notifications to local fire companies.

503. **WETLANDS.** See Section 308.

504. **FLOOD-PRONE AREAS ("Floodplains").**

504.A. The Township Floodplain Ordinance, as amended, shall apply. However, if specific provisions of this Ordinance and the Floodplain Ordinance conflict in regards the same matter, the most restrictive provision upon development shall apply.

504.B. Unstudied Flood-prone Areas. Where the Township Engineer has reason to believe that land along a waterway or drainage swale may be subject to a 100 year flood, and the applicable length of the waterway or drainage swale was not studied as part of the official 100 year floodplain study, then the Zoning Officer shall require an applicant for development that would alter such land to provide a floodplain study.

1. The floodplain study shall be prepared by a qualified licensed/registered professional and shall

be based upon generally accepted methodology to determine the extent of a 100 year floodplain.

2. Within any areas that the floodplain study determines to be subject to 100 year flooding, the regulations of the 100 year floodplain shall apply, as stated in the Township Floodplain Ordinance.

505. **NOISE.**

- 505.A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT <u>RECEIVING</u> THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Easter Sunday, Labor Day and Memorial Day	1) 60 dBA 2) 52 dBA
At any Other Lot Line	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

- 505.B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:

1. Sound needed to alert people about an emergency.
2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.
3. Household power tools and lawnmowers between the hours of 8 a.m. and 9 p.m.
4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
5. Public celebrations specifically authorized by the Board of Supervisors or a County, State or Federal Government agency or body.
6. Unamplified human voices or the sound of a single animal.
7. Routine ringing of bells and chimes by a place of worship or municipal clock.
8. Vehicles operating on a public street, railroads and aircraft.

506. **ODORS AND DUST.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.

507. CONTROL OF LIGHT AND GLARE.

- 507.A. Street Lighting Exempted. This Section 507 shall not apply to street lighting that is owned, financed or maintained by the Township or the State.
- 507.B. Height of Lights. No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 20 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.
- 507.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- 507.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings or persons enjoying outdoor passive recreation areas, and to prevent the lighting from shining into the eyes of passing motorists.
- 507.E. Flashing Signs. See Article 7.
- 507.F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 0.5 foot-candle inside a lot line of an existing principal residential use. Exterior lighting shall not cause a nighttime spillover of light that exceeds 6 horizontal foot-candles onto a street.
- 507.G. Canopies. Light fixtures under commercial canopies (such as over gasoline pumps) shall be placed so that the cover is recessed or flush with the bottom surface of the canopy and/or shielded by the edge of the canopy so that light source is not directly visible from beyond the property.

STEEP SLOPES. See Section 310.

SETBACKS FROM CREEKS. See Section 312.

ARTICLE 6 OFF-STREET PARKING AND LOADING

601. REQUIRED NUMBER OF PARKING SPACES.

601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<u>A. RESIDENTIAL USES:</u> 1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit. If a vehicle must be moved from one space in order to access the second space, then an additional parking space shall be available for each dwelling unit, such as an on-street space in front of the dwelling or an overflow parking lot.	
2. Home Occupation	See Section 402	
3. Age Restricted Housing or Independent Living Retirement Center	The requirements for each use in Section 402 shall apply.	Non-Resident Employee
4. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
5. Group Home	1 per 2 residents of a type reasonably expected to be able to drive a vehicle	Employee
<u>B. INSTITUTIONAL USES:</u> 1. Place of Worship or Church	1 per 5 seats in room of largest capacity	Employee
2. Hospital	1 per 2 beds	1.1 Employees
3. Nursing Home	1 per 6 beds	1.1 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.1 Employees

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	1.1 Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College or University	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	1.1 Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	1.1 Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	1.1 Employee
C. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, Rvs or homes displayed	Employee
3. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
4. Bowling Alley	2 per lane plus 2 per pool table	1.1 Employees
5. Car Wash	Adequate waiting and drying areas.	1.1 Employees
6. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.1 Employees
7. Flea Market	3 spaces per vendor	1 Employee

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
8. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
9. Miniature Golf	1 per 2 holes	1.1 Employees
10. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.1 Employees
11. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.1 Employees
12. Laundromat	1 per 3 washing machines	On-site Employee
13. Livery (Rider)	1 per 3 persons of maximum capacity, plus room for any buses	1.1 Employees
14. Offices or clinic, Medical/dental	5 per physician and 4 per dentist	1.1 Employees
15. Offices, other than above	1 per 300 sq. ft. of total floor area	
16. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.1 Employees
17. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.1 Employees
18. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.1 Employees
19. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats	1.1 Employees
20. Retail Sales (other than Types separately listed)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	1.1 Employees
21. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 400 sq.ft. of floor area of rooms accessible to customers	1.1 Employees
22. Shopping Center	1 space per 220 sq. ft. of leaseable floor area	

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
22. Tavern	1 per 30 sq. ft. of total floor area	1.1 Employees
23. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.1 Employees
24. Trade/Hobby School	1 per 2 students on-site during peak use	1.1 Employee
25. Veterinarian Office	4 per veterinarian	1.1 Employee
<u>D. INDUSTRIAL USES:</u> All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance 1 per 1.1 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 20 storage units	1.1 Employee

602. GENERAL REGULATIONS FOR OFF-STREET PARKING.

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If a non-residential use expands by an aggregate total maximum of 5 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 150 square feet was proposed, then additional parking would not be required. This addition without providing new parking shall only be allowed one time per lot.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided, if applicable.
 - a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.

602.F. Reduction of Parking Requirements as a Special Exception.

1. Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
 - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
 - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
 - c. Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an

area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.

- (1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determines it is necessary. A deed restriction is recommended.
- (2) If approved under this subsection “c.”, the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Township requirements.
- (3) The additional parking that is “reserved” under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land’s release from the restriction, or until the Township may require that the land be developed as parking.
- (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

603.A. General Requirements.

1. Backing Onto a Street. No parking area shall be designed to require or encourage parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.
2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces serving a single family, twin or townhouse dwelling.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 18 feet, except the minimum length shall be 22 feet for parallel parking.
2. For handicapped spaces, see Section 603.F. below.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles.

1. Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

Angle of Parking	Minimum Aisle Width
Parallel or 30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

2. Each aisle providing access to stalls for two-way traffic shall be a minimum of 24 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

603.D. Accessways and Driveways.

1. Width of Driveway/Accessway at Entrance onto a Public Street, at the edge of the cartway*

	1-Way Use	2-Way Use
Minimum	12 feet *	25 feet *
Maximum	20 feet *	30 feet *
- * Unless a different standard is required by PennDOT for an entrance to a State road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.
2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block, or other low-dust materials pre-approved by the Township.
 - a. However, the Board of Supervisors may allow parking areas with low or seasonal usage to be maintained in stone, grass or other suitable surfaces. For example, the Board may allow parking spaces to be grass, while major aisles are covered by stone.
 - b. If the design and material are found acceptable by the Township Engineer, portions of parking areas may be covered with a low-dust porous parking surface that is designed to promote groundwater recharge. This might include porous asphalt or pervious concrete placed over open graded gravel and crushed stone. Porous parking surfaces shall not be allowed in areas routinely used by heavy trucks.
 - c. Curbing should not be required in parking areas except where absolutely necessary to control storm water runoff.

3. If a parking lot includes 20 or more spaces, an area shall be designed to accommodate the storage of snow that has been plowed from the parking spaces. This area shall be designed with suitable drainage.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Handicapped Parking.

1. Number of Spaces. Any lot including 4 or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a greater number of spaces is officially required under the Federal Americans With Disabilities Act:

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF HANDICAPPED PARKING SPACES
4 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than 2 percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended. The amount of the fine for violations shall be noted on signs that are visible to persons parking in the space.
6. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded paved area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 15 feet and be maintained in grass or other attractive vegetative groundcover. The planting strip may extend into areas of the existing street right-of-way that are not planned for use for paving or shoulders.
 - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that motorists can view under the leaf canopy.
 - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
 - c. Township-approved sidewalks and approximately perpendicular driveway crossings may be placed within the planting strip. Mostly vegetative stormwater channels may be placed within the planting strip.
 - d. The following shall be prohibited within the planting strip:
 1. paving, except for approved sidewalks and driveway crossings,
 2. fences, and
 3. parking, storage or display of vehicles or items for sale or rent.
 - e. Where feasible, this setback should include an unobstructed generally level width running parallel to a road that is suitable for a person to walk.

603.I. Parking Setback from Buildings. Parking spaces serving principal non-residential buildings and apartment buildings shall be located a minimum of 10 feet from any building wall, unless a larger distance is required by another provision. This distance shall not apply at vehicle entrances into or under a building.

604. **OFF-STREET LOADING.**

- 604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed for occasional loading and unloading along an alley.
- 604.B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- 604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.

605. **FIRE LANES AND ACCESS.**

- 605.A. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances.
- 605.B. Access shall be also provided so that fire equipment can reach all sides of principal non-residential buildings and apartment buildings. This access shall be able to support a loaded fire pumper truck, but shall not necessarily be paved.
- 605.C. The specific locations of fire lanes and fire equipment access are subject to review and approval by Township Fire Officials.

ARTICLE 7 SIGNS

701. APPLICABILITY.

- 701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content (excepting obscenity that is prohibited by State law or language that incites violence); promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- 701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

702. NONCONFORMING SIGNS.

- 702.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
- 702.B. An existing lawful non-conforming sign that was lawful when it was initially placed may be replaced with a new sign, provided the new sign is not more nonconforming in any manner than the previous sign. A non-conforming sign shall not be expanded in a manner that does not conform to this Ordinance.
- 702.C. Unlawful Signs. If a sign was placed without a required permit by the Township, and does not comply with this Ordinance, it shall not be considered lawful, and shall be required to be removed. See the enforcement notice requirements in Article 1.
703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	30	Shall only be posted during seasons when such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	4	40	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.	2	8	40	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs within a residential development shall not be illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	1	20	20	In addition, flags of governments and decorative flags that simply include colors or patterns without any commercial message are not regulated by this Ordinance, provided they do not exceed 10 in number per lot.
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	Shall be placed a max. of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Home Occupation Sign</u> - advertises a permitted home occupation.	1	2	2	Shall not be illuminated, except for a sign of a medical doctor. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	1, except 2 for a principal non-residential use.	6	Maximum height of 8 feet.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days.
<u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.	No maximum	Maximum total of 30 per lot	Maximum total of 60 per lot	Shall be placed a max. of 45 days prior to election, vote or referendum and removed a max. of 5 days after such election , vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS **(sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	2	2	Maximum of 2 such signs per such organization or place of worship.
<u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. Except as provided by this provision, banners shall be regulated under the same regulations as other signs.	5 per lot	Not permitted	Total of 30 sq. ft. for all such banners, flags and other temporary signs.	Shall be displayed a maximum of 30 total days per calendar year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	30	
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

- * Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.
- ** For the purposes of this Section, a "Residential Lot" shall mean a lot occupied by a principal residential use, or an undeveloped lot in a "residential district."

In addition, the following types of signs are not regulated by this Ordinance:

- a. Historic Sign- memorializes an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.
- b. Holiday Decorations- commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
- c. Not Readable Sign- not readable from any public street or any exterior lot line.

- d. Official Sign- erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance or resolution, and which exists for public purposes.
- e. Required Sign- only includes information required to be posted outdoors by a government agency or the Township.
- f. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT.

704. **FREESTANDING, WALL AND WINDOW SIGNS.**

704.A. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREE-STANDING SIGNS PER LOT
<p>CD or Residential Districts, with signs in this table limited to allowed principal non-residential uses.</p> <p>For home occupation signs, see Section 703. No new signs in these districts shall be internally illuminated.</p> <p>See also entrance signs for major residential developments in Section 713.</p>	8 feet	30 square feet on each side of a principal non-residential building.	May be used in place of a wall sign with the same restrictions	1 sign on each street the lot abuts, each with a maximum sign area of 30 sq. ft.
<p>C-1 Neighborhood Commercial District.</p>	18 feet	15% of the area of the building side on which the signs are attached, but in no case exceeding an absolute maximum of 200 square feet per establishment.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 40 sq.ft *

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREE-STANDING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREE-STANDING SIGNS PER LOT
C-2 or C-3 Districts and any other district not listed above	18 feet.	15% of the area of the building side on which the signs are attached, but in no case exceeding an absolute maximum of 200 square feet per establishment.	Temporary non-illuminated window signs are not regulated. Other window signs shall be considered wall signs.	1 sign per street that the lot abuts, each with a maximum area of 50 sq.ft. *

* If a lot includes 5 to 10 distinct principal non-residential uses, along one street, the maximum freestanding sign area may be increased to a total of 100 square feet, with up to 2 freestanding signs. Therefore, for example, one sign may have 40 square feet and another sign 60 square feet. If a lot includes more than 10 distinct principal non-residential uses, then the maximum freestanding sign area may be increased to a total of 150 square feet , with up to 3 freestanding signs.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached. However, sign may be attached to a “parapet roof” that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.
2. Definition of a "Portable Sign"- A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.
3. Portable signs are prohibited in all districts, except as a temporary Charitable Event sign permitted by Section 703.
4. Businesses are encouraged to provide an area on a permanent sign that displays changeable messages, as opposed to using a separate sign for such purpose.

704.D. Wiring of Signs. Signs shall be prohibited that involve electrical cords laying across parking lots, driveways or sidewalks, except on a residential property for seasonal lighting.

704.E. Signs on Freestanding Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area.

704.F. Banners. See "Special Sale" signs in the table in Section 703.

705. ABANDONED OR OUTDATED SIGNS. Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. LOCATION OF SIGNS. The following shall regulate the location of signs:

706.A. Setbacks.

1. All signs shall be setback a minimum of 10 feet from the existing street right-of-way, and shall not be located within the existing street right-of-way. However, a "directional sign" showing entrances and exits may be located without a 10 feet setback.
2. A freestanding illuminated sign for a commercial or industrial business shall not be located within 10 feet from an abutting lot line of principally residential lot.
3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

706.B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.

706.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.

706.D. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

706.E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.

707. ILLUMINATION OF SIGNS.

707.A. See "Light and Glare Control" in Article 5.

707.B. Illuminated signs are only allowed in the C-1, C-2 and C-3 districts. Signs may be illuminated by direct or indirect lighting, but such lighting shall be properly aimed and shielded so that no glare or direct light shines onto residential lots or in the normal line of vision of motorists or pedestrians.

1. Any moving, flashing, animated or flickering sign shall require special exception approval, with the applicant required to prove to the Zoning Hearing Board that such sign will not cause a distraction to motorists and will not be similar in appearance to any emergency

signal. A moving, flashing, animated or flickering sign shall only be allowed within the C-1, C-2 or C-3 districts.

708. **VEHICLES FUNCTIONING AS SIGNS.** Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.
709. **PROHIBITED AND SPECIAL EXCEPTION SIGNS.** The following provisions on signs shall apply in all zoning districts, unless otherwise noted:
- 709.A. Any moving sign (other than an allowed banner or flag) and any flashing, animated or flickering sign shall require special exception approval. Special exception approval shall only be granted if the applicant is able to prove to the satisfaction of the Zoning Hearing Board that such sign will not cause a distraction to motorists and will not be similar in appearance to any emergency signal. A moving, flashing, animated or flickering sign shall only be allowed within the C-1, C-2 or C-3 districts.
1. This restriction shall not prohibit routine Christmas lighting or displays, within Section 703.
- 709.B. Signs may change their message from time to time provided that each message is visible for at least 10 seconds, except time and temperature signs may change more frequently.
- 709.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
- 709.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.
- 709.E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
- 709.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
- 709.G. Balloons of greater than 50 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- 709.H. Floodlights and outdoor lasers for advertising purposes shall be prohibited.
- 709.I. Neon lighting shall be prohibited as part of signs and if attached to the outside of a building. However, one allowed sign on a commercial lot may include neon, provided such sign has a maximum sign area of 10 square feet.
710. **CONSTRUCTION OF SIGNS.** Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.

711. MEASUREMENT AND MAJOR TYPES OF SIGNS.

711.A. Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:

1. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
2. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
3. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.
4. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
5. Off-Premise Sign. See Article 2.
6. Sign. See Article 2.
7. Wall Sign. A sign primarily supported by or painted on a wall of a building. A Wall Sign may also be displayed upon an awning or canopy, provided other requirements of this Ordinance are met.
8. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.

711.B. Measurement of Sign area.

1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
2. The sign area shall not include any structural supports that do not include a message.
3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

712. OFF-PREMISE SIGNS (Including Billboards).

712.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township,

including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media.

712.B. PennDOT Sign. Signs erected and maintained by the State Department of Transportation are permitted by right in all Districts.

712.C. Permitted Off-Premise Signs. Except for other types of signs that are specifically allowed by this Ordinance to be off-premises, an off-premise sign is only permitted if it meet the following requirements:

1. District. An off-premise sign is only permitted in the C-2 District.
2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
3. Maximum Sign Area. 300 square feet.
4. Spacing. Any off-premise sign shall be separated by a minimum of 1,000 feet from any other off-premise sign with a sign area greater than 20 square feet, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign, except as allowed in subsection f. below.
5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 45 degrees.
7. Control of Lighting and Glare. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes.
8. Residences. No off-premise sign greater than 20 square feet in sign area shall be located within 200 feet from an existing dwelling.
9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a "for lease" sign.

713. MAJOR RESIDENTIAL DEVELOPMENT SIGNS.

713.A. Residential Development Sign. If a subdivision or land development is approved to include over 20 dwelling units, then an additional sign shall be permitted at each entrance to the project from exterior public streets. Such sign may have two sign faces on one structure, or one sign face on each structure on each side of the entrance.

1. Each such sign shall have a maximum sign area of 30 square feet. Such signs shall have a maximum total height of 6 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of weather-resistant wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 6 feet and a maximum length of 12 feet.

713.B. The applicant shall prove to the Zoning Officer that the signs will be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

714. **DIRECTIONAL SIGNS.**

- 714.A. An off-premises sign may be allowed to direct motorists to a non-residential principal use if the following requirements are met:
1. The signs shall be posted at the minimum number of intersections on the most direct route within the Township and only at intersections pre-approved by the Zoning Officer.
 2. Such sign shall only be allowed for a non-residential principal use that: a) is not on a lot that is adjacent to an arterial street and b) does not have an on-premises sign that is visible from an arterial street.
 3. The content of the sign shall be limited to the name of the use, the distance in miles and a directional arrow.
 4. The sign shall not be placed more than 4 road miles from the use.
 5. The maximum dimensions of the sign shall be 15 by 48 inches. The sign shall not be illuminated.
 6. The sign shall not be located within a street right-of-way and shall not obstruct a clear sight triangle.
 7. The owner of the property on which the sign is located shall have given consent to the sign.

ARTICLE 8 GENERAL REGULATIONS

801. FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building.
 - a. The applicant shall submit a site plan that demonstrates that each structure would meet all requirements of this Ordinance.
 - b. The lot shall have one owner but portions may be leased to different operators. In addition, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
 - a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and compliance with applicable State law.

801.C. Minimum Size of Dwellings.

1. Each dwelling unit of 2 or fewer bedrooms shall include a minimum of 850 square feet of enclosed habitable, indoor, heated floor area, which shall be primarily above the ground level. Such square footage shall be increased to a minimum of 1,100 square feet for a dwelling unit of 3 or more bedrooms.
2. In the R-1 District, all dwellings shall have a minimum principal building width and length of 20 feet, not including unenclosed structures.

801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and

sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.

802. HEIGHT.

802.A. Except as provided in 802.B., or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. any structure that is accessory to a dwelling on a lot of less than 5 acres shall have a maximum height of 2 stories (with the second story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive, except that the maximum height shall be increased to 35 feet if the accessory building would meet minimum setbacks for a principal building, and
2. the maximum height for any other structure shall be 35 feet.

802.B. Exceptions. The maximum structure height provided in Section 802.A. shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202.

803. SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.

803.A. In General.

1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders.

803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.

1. Corner Lots. For a corner lot, each yard that abuts a public street shall be considered a front yard and meet the requirements for minimum depth of a front yard.
2. Projections Into Required Yards.
 - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
 - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
 - c. For decks and porches, see the notes of Section 307.
3. Lot Widths Around Curves. Around the bulb of a cul-de-sac street or on the outside of the curve with a radius of less than 150 feet of a street, the minimum lot width at the minimum building setback line may be reduced to 60 percent of the width that would otherwise be required.

803.C. Sight Clearance at Intersections. The following shall only apply where a lot is not regulated by the clear sight triangle requirements of the Subdivision and Land Development Ordinance:

1. Intent. To make sure that traffic passing through an intersection or turning onto a street can safely see oncoming traffic.
2. A triangular area as described in this Section shall be graded and shall be kept free of new or expanded sight obstructions between a height of 2 and 10 feet, including structures, nontransparent fences, vegetation and signs (but not including sign posts of less than 1 foot in width or the trunks of trees or mailboxes).
3. This clear sight triangle shall be shown on development plans submitted to the Township and be shown on any plan required to be recorded. Such triangle shall serve as a permanent setback line for all such visual obstructions and shall be binding upon present and future owners of the land. Such triangle shall apply on all lots that are under the ownership of or the control of the applicant.
4. The minimum sight clearance triangle shall be measured along the centerline of a street.
 - a. The two shorter legs of the triangle shall be measured from the intersecting point of the street centerlines. Along the centerline of a local or minor street, the leg of the triangle shall be a minimum length of 75 feet. Along the edge of a collector or connector street, the leg of the triangle shall be a minimum length of 100 feet. Along the edge of an arterial street, the leg of the triangle shall be a minimum length of 150 feet. The two shorter legs shall then be connected by a third leg to form the triangle.
 - b. Where appropriate at an intersection of a minor/local street with an arterial, collector or connector street, the Township may allow or require a leg along a minor/local street to be measured 15 feet back from the cartway of the arterial/collector/connector street, provided the leg along the arterial, collector or connector street is increased to a minimum of 250 feet.
5. Driveway/Street Intersections. At each point where a private driveway intersects a public street, a clear sight triangle shall be provided in each direction meeting this Section. One leg of the triangle shall measured along the centerline of the driveway for a distance 15 feet back from the street cartway. The second leg of the triangle shall be measured 75 feet along the centerline of the street, measured in both directions from the centerline of the driveway. The two legs of each triangle shall be connected by a third leg.

803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations.

1. A minimum 30 feet wide buffer yard with plant screening shall be required along the rear and side lot lines of any lot used principally for non-residential purposes that is contiguous to a Residential District. The plant screening shall primarily use evergreen plants. If existing healthy trees with a trunk diameter of 6 inches or greater (measured 3.5 feet above the ground level) exist within the buffer yard, they shall be preserved. The Zoning Officer may certify that preserving existing mature trees and shrubs within the buffer yard will meet the same purposes as the new plant screening. In such case, part or all of the new plant screening may be waived in writing by the Zoning Officer.
 - a. If a principal business use will include areas used for manufacturing or will have a loading dock that will be serviced by tractor-trailer trucks or refrigerated trucks, then the

minimum buffer yard between such manufacturing area and/or loading dock and a lot line of a residential district shall be increased to 60 feet.

- b. If a dwelling will be on the same lot as a principal business use, then a buffer yard between such business use and such dwelling shall not be required by this Section.
2. A required yard may overlap a required buffer yard, provided the requirement for each is met. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable. Required plantings shall not be placed within the right-of-way, except that the Township may allow deciduous canopy trees.
3. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, signs, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
4. Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening. If a fence in a buffer yard has one side that is more finished or smoother than the other side, the more finished or smoother side shall face the outside of the buffer yard.
5. A well or septic system may be placed within a buffer yard, provided the landscaping and tree preservation provisions are still met.
6. Each planting screen shall meet the following requirements:
 - a. Plant materials needed to form the visual screen shall have a minimum height when planted of 6 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 3.5 feet above the ground level, shall be placed for each 40 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
 - b. Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen.
 - c. The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
 - d. The plant visual screen shall extend the full length of the lot line, except for: a) Township-approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements where the plantings cannot feasibly be moved further back, and c) locations needed to meet other specific State, Township and utility requirements, such as stormwater swales.
 - e. American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
 - f. Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.
7. Buffer Yard Plans.
 - a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
 - (1) the location and arrangement of each buffer yard,

- (2) the placement, general selection of species and initial size of all plant materials, and
 - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.

804. **LANDSCAPING.**

804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

804.B. See also the buffer yard provisions in Section 803.

804.C. Street Trees. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for 6 or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s). This requirement shall not apply along street segments where existing healthy trees will be preserved and protected during construction that will serve the same purpose.

1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
2. Location. Such trees shall be placed immediately outside of the street right-of-way, or an alternative location acceptable to the Board of Supervisors.
3. Conflicts. Such street trees shall be planted in a manner approved by the Township Engineer to avoid conflicts with sidewalks and utilities.
4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.
5. Species. Required trees shall meet the standards of Section 804.D.

804.D. Parking Lot Landscaping.

1. A minimum of one deciduous shade tree shall be required for every 10 new parking spaces. These trees shall be within and around the parking area.
2. If existing healthy trees will be preserved and protected, and those trees will serve essentially the same purpose as required trees, then the Zoning Officer may certify that the requirement for new trees will be met by the existing trees.
3. New deciduous shade trees shall have a minimum trunk width when planted of 2.5 inches, measured 3.5 feet above the ground level. A minimum vegetative area of 5 feet by 5 feet square shall surround every required shade tree.
4. Species. Trees required by this section shall meet the following standards:
 - a. Type of Trees Permitted. Required trees in areas near streets and parking areas shall be chosen from the following list of approved trees, unless the applicant proves to the satisfaction of the Township that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

TYPES OF DECIDUOUS TREES PERMITTED
TO MEET ORDINANCE REQUIREMENTS

<p>Acer rubrum - Red Maple</p> <p>Acer saccharum - Sugar Maple</p> <p>Celtis occidentalis - Common Hackberry</p> <p>Fagus sylvatica - European Beech</p> <p>Fraxinus americana - White Ash</p> <p>Fraxinus pennsylvanica - Green Ash</p> <p>Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor)</p> <p>Gleditsia triacanthos - Thornless Locust</p> <p>Liquidambar styraciflua - Sweet Gum</p> <p>Liriodendron tulipifera - Tulip Poplar</p>	<p>Quercus - All species of oaks</p> <p>Sophora japonica - Scholar Tree/Pagoda Tree</p> <p>Tilia americana - American Linden</p> <p>Tilia cordata - Little Leaf Linden</p> <p>Tilia euchlora - Crimean Linden</p> <p>Tilia petiolaris - Silver Linden</p> <p>Ulmus hybrids - Homestead or Sapporo Autumn Gold</p> <p>Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm</p> <p>Zelkova serrata - Zelkova</p>
---	--

Note- This ordinance only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- c. Planting and Maintenance. Required trees shall be:
 - (i) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
 - (ii) properly protected by curbs, curbstops, distance or other devices from damage from vehicles."
- 5. If a required tree or shrub dies, is removed or is severely damaged, the current owner of the property shall be required to replace it with a tree or shrub meeting this Ordinance within a maximum of 150 days, unless otherwise another entity is given responsibility for replacement in a maintenance agreement with the Township.

804.E. Review and Approval. Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.

805. **NONCONFORMITIES.**

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation of Nonconformities.

- 1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
- 2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
- 3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

805.C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Nonconforming Structure.

- a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:
 - (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, and
 - (2) that any expanded area will not create any new setback nonconformities and will comply with other requirements in this ordinance.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

2. Nonconforming Lots.

- a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
 - (1) The lot must be a lawful nonconforming lot of record;
 - (2) Minimum setback requirements shall be met except that the side and rear yard setbacks may be reduced by not more than 50% of the required distance or to the extent necessary, whichever is lesser;
 - (3) State and Federal wetland regulations shall be met; and
 - (4) The septic and well requirements of Section 309 shall be met.
- b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.
- c. Merger. If two abutting lots each have a nonconforming lot area of less than 30,000 square feet, and a lot area of one acre or more is required by the applicable district regulations, and the lots are held in common ownership at the time of adoption of this Ordinance, and the lots are not currently served by Township-approved central sewage service, then the lots shall hereby be merged into a single lot.
 - (1) For the purposes of this Ordinance, at the effective date of this Ordinance, such nonconforming lots shall hereby be considered to be a single lot and shall not be individually sold, conveyed or developed.
 - (2) Before any permit is issued for any building construction, expansion, placement or replacement on a lot regulated by this subsection 2.c., the applicant shall be required to provide evidence that the deeds have been recorded in a manner that states that the nonconforming lots have been merged into a single lot.
 - (3) This subsection shall only apply if one or both of the lots do not include a principal building at the time of adoption of this Ordinance.

3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- a. An expansion of more than 5 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
- b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.

- c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming. (Note - If a use became nonconforming as a result of the Zoning Ordinance of 1985, then such date shall be July 16, 1985).
 - (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
 - d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.
 - 4. Expansion of a Nonconforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe.
 - 5. Nonconforming Sign. The provisions of this Ordinance shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.
- 805.D. Damaged or Destroyed Nonconformities. A nonconforming structure or nonconforming use that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards and continues, and c) no nonconformity may be created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.
- 805.E. Abandonment of a Nonconformity.
- 1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
 - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section.
 - 2. The applicant shall be responsible to provide clear and convincing evidence that the nonconformity was not abandoned.
 - 3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.
- 805.F. Changes from One Nonconforming Use to Another.
- 1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
 - 2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing

Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.

3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
 - a. Traffic safety and generation (especially truck traffic),
 - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
 - c. Amount and character of outdoor storage,
 - d. Hours of operation if the use would be close to dwellings and
 - e. Compatibility with the character of the surrounding area.
4. A nonconforming use shall not be changed to a nonconforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

806. DUMPSTER SCREENING AND LOCATION.

- 806.A. Any newly placed solid waste dumpster shall be screened on at least 3 of 4 sides as necessary to screen views from public streets and dwellings.
- 806.B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.
- 806.C. Setback from Dwellings. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.
- 806.D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this Section 806.
- 806.E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises.
- 806.F. If a building includes four or more dwelling units, then the owner shall provide at least one solid waste dumpster with a lid and have it regularly emptied.

807. MINIMUM SETBACKS FROM EXISTING STREETS.

- 807.A. Where a front, side or rear yard would abut an existing public street and the lot line is at the centerline of the road, then such yard shall be measured from the following minimum distances from the centerline of the public street right-of-way:
 1. 40 feet from the centerline of an arterial street,
 2. 25 feet from the centerline of any other street, and
 3. 10 feet from the centerline of an alley.

- 807.B. Applicants are strongly encouraged to dedicate additional right-of-way as appropriate to PennDOT or the Township for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Township may determine that the area is needed.
- 807.C. No building, fence or other structure (except for mailboxes, utility poles and similar structures typically found within a right-of-way) shall be placed within the setback required by Section 807.A.

808. **HOURS OF OPERATION.**

- 808.A. The following limits on Hours of Operation shall apply within the C-1, C-2 and C-3 Districts.
1. This Section 808 shall apply if part or all of principal business use is within 250 feet of a Residential District. If such is the case, the use may only be open to the public for business and may only receive truck deliveries between the hours of 12 midnight and 6 a.m. if a special exception approval is granted by the Zoning Hearing Board to allow such activities. The Zoning Hearing Board shall base its special exception decision upon a single standard: whether the proposed hours of operation would cause a nuisance to residents of dwellings in the vicinity, based upon hours of operation, the intensity of the operation during such hours, noise, odors, proximity to dwellings, and the ability to avoid nuisances through conditions that will be placed upon any approval.
 2. Special exception approval shall not be required for an automatic transaction machine or for an office.

INDEX

This index is intended to assist applicants in locating appropriate sections. However, this index is not all-inclusive.

	<u>Section No.</u>
Accessory Residence for Relative	306.B., 403.D
Accessory setbacks	307.C., 403.B.
Accessory structures, residential	306, 307.C., 403.D
Additional Requirements for Specific Accessory Uses	403 - alphabetical
Additional Requirements for Specific Principal Uses	402 - alphabetical
Adult uses	306.B.2 and 402.A
Agricultural Retail Sales	403.D.
Amendments to this ordinance	108
Antenna	403.D, 306.B., 402.A
Appeals	113
Bed and breakfast inns	306.B.1&2 and 402.A.
Billboards	712
Buffer yards	803.D.
Buffer yards along municipal borders	305
Building height	307.B.
Buildings, number of principal buildings per lot	801
Clear Sight Triangle	803
Communications Towers	306.B.and 402.A.
Composting	306.B. and 403.D.2.
Conditional Uses	117
Creeks, Setbacks from	312
Curative amendments	109
Day Care as a principal use	306.B.1&2 and 402.A.
Day Care as an accessory use	306.B. and 403.D.
Deck setbacks	307.C.
Definitions	202
Density, Average, measurement of	307.A. footnotes
Dimensional Requirements by Zoning District	307
District boundaries	304
Districts, dimensional requirements within each	307
Districts, uses permitted in each	306
Disabilities, accommodations for	111.D.
Districts, purposes of each	301
Drive-through facilities	403.D.
Dumping	510
Dumpsters	806

	<u>Section No.</u>
Dust	506
Dwellings, minimum size of	801
EC District	306.B.2.
Enforcement	103
Environmental protection	Article 5
Erosion Control	501
Fees	107
Fences and Walls	403.D.7., 306.C.
Fire Lanes	605
Floodplains/Flood-Prone Areas	504 & Twp. Floodplain Ordinance
Forestry	402.A.21
Frontage for Lot	801
Garage Sale	403.D., 306.C.
GC District	306.B.3.
Groundwater Withdrawals	306.B., 402.A.
Group homes	402.A., 202, 306, 111.D.
Hazards	502
Hearings by Zoning Hearing Board	112
Height requirements	307.B., 802
Height exemptions	802
Home Occupations	306.B.1&2, 403.D.
Hours of Operation	808
Interpretation	105
Lakes	308
Landscaping	804 and 803.D.
Light and glare	507
Livestock, raising of	306.B. and 402.A.
Loading spaces	604
Lot area requirements	307
Municipal boundaries, setbacks and buffers across	305
Noise	505
Nonconformities	805
Nonconforming Signs	702
Nuisances	502
Objectives of this Ordinance	102
Odors	506
Open Space Development	311

	<u>Section No.</u>
Parking, design standards	603
Parking, handicapped	603.G.
Parking lot landscaping	804.D.
Parking spaces	Article 6
Parking spaces, number of	601
Paved area setbacks	603.H.
Paving of parking	603.E.
Permits	103, 106 and 107
Permitted uses by district	306
Pets	403.D., 202, 306.C.
Plant screening	803
Principal Uses, Additional Requirements for Specific Uses	402
Public safety hazards	502
Public utility exemptions	114
Purposes of Ordinance	101
 Residential Lot Requirements	 313
Road improvements	801
 Screening, landscape	 803.D.
Septic systems	309
Setback across municipal border	305
Setback exemptions	803
Setback requirements by zoning district	307
Setbacks from Creeks	312
Setbacks from Streets	307, 807
Sewage service	309
Shed setbacks	307.C.
Sight clearance	See SALDO, 803
 Signs in general	 Article 7
Signs, abandoned or outdated	705
Signs, definitions of types	711
Signs, freestanding	704
Signs, illumination of	707
Signs, location of	706
Signs, measurement of	711
Signs, miscellaneous not requiring permits	703
Signs, nonconforming	702
Signs, off-premise	712
Signs, portable	704.C.
Signs, prohibited	709
Signs, proper construction and maintenance	710
Signs, vehicles functioning as	708
Signs, wall	704
Signs, window	704

	<u>Section No.</u>
Similar uses	105
Special exception use process	116
Steep Slopes	310
Storage, Outdoor	403.D.
Street frontage of lots	801
Street improvements	801
Street trees	804.C.
Swimming pools, household	403.D.
Temporary structure or use	103
Township exemption	115
Trees, Street	804.C.
Unit for Care of Relative	306.B., 403.D.
Uses Allowed in Each Zoning District	306
Uses, number per lot	801
Variances	111
Walls	403.D.
Waste containers, placement and screening	508
Water service	309
Waterways, setback from	312
Wetlands	308
Yards - See Setbacks in this Index	
Yard exceptions	803.B.
Zoning officer	110
Zoning map	Insert
Zoning hearing board	111, 112, 303

38 *Adopted 5/5/81*
Effective 5/10/81
ORDINANCE NO. 38

AN ORDINANCE amending Westfall Township Zoning Ordinance of 1979 No. 36.
BE IT ORDAINED AND ENACTED by the Supervisors of Westfall Township,
and it is hereby ordained and enacted by the authority of the same.

1. Paragraph 405.1 b of Section 405 C-2 Highway Commercial is
amended to read as follows:

405.1 b. Business, professional or government offices which may
include laboratories for research, testing, and development of
household or personal consumer products; provided that no
manufacturing is conducted on the premises unless it relates to
experimental research, testing and/or development of the products
and provided further that the operation of such laboratory shall
be subject to the safeguards and conditions described in General
Industrial Uses, e 1 through e 11 and h, of Section 706.4.

2. Paragraph 706.4 Conditional Use Standards of Section 706 Conditional
Use is amended to read as follows:

706.4 Conditional Use Standards. Conditional Uses shall be
subject to the appropriate safeguards, standards, and conditions
contained herein, and applicable state and local rules, regulations
or ordinances.

The burden of proof shall be on the applicant to present sufficient
evidence to show compliance with all applicable safeguards, standards,
and conditions contained herein, and with applicable state and
local rules, regulations and ordinances and the burden shall never
shift to the municipality or other parties to show the contrary.

Conditional Uses which are authorized by the Township
Supervisors may be subject to any additional conditions, standards,
and safeguards including, but not limited to, increased lot size
established by the Township Supervisors in each case which may
be warranted by the character of the areas in which such uses
are proposed or by other special factors, and which are necessary
to implement the purposes of this ordinance.

Gasoline Service Stations

3. Paragraph 706.4 - General Industrial Uses of of Section 706
Conditional Use is amended to add an additional paragraph as follows:

h. Proof of liability insurance must be given to the Secretary of the governing body at the beginning of each calendar year. The limit of liability for bodily injury and property damage must be no less than five hundred thousand (\$500,000.00) dollars per occurrence. The neglect or failure to provide proof of insurance within thirty (30) days after receiving written notice to provide same shall constitute sufficient grounds for revocation of the Certificate of Use and Occupancy.

4. Paragraph 1. of R-3 High Density Residential, Appendix, is amended to read as follows:

1. From the Delaware River northwest along the Matamoras Borough line to Bertha Street; thence southwest on Bertha Street to Rose Lane; thence northwest on Rose Lane to Route 209; thence southwest on Route 209 to the spur of the Old Milford Road by the Westfall Firehouse; thence west on the spur of the Old Milford Road to Blue Ridge Avenue; thence northeast on Blue Ridge Avenue, and the northwesterly boundary of the Tri-States Theater property and properties of Merlin Adams and Ken Adams to the Matamoras Borough Line; thence northwest on the Matamoras Borough line to LR51016; thence southwest on LR51016 to the southerly line of the Interstate 84 right-of-way; thence northeast on the southerly line of the I-84 right of way to the westerly property line of Dorothy Hulst and the easterly line of Herbert Cassidy; thence following the easterly and southerly lines of the lands of Cassidy to the property line of James Rose; thence northwesterly along the westerly line of Cassidy to the southerly line of Interstate I-84; thence southwest along the southerly line of Interstate I-84 to the easterly or southerly line of Miller; thence southwesterly along the easterly or southerly line of Miller to the easterly line of Carol Schields; thence south along the line of Schields to the Delaware River; thence north along the Delaware River to point of origin.

5. Paragraph 3. of R-2 Medium Density Residential, Appendix, is amended to read as follows:

3. From the Delaware River, following the easterly property line of John Stromer north to the westerly line of Robert Blood; thence following the westerly line of Blood to the southerly line of Commonaldo Cicerone, thence southwest on the southerly line of Cicerone to the easterly line of Mary Pahlow, thence north on the westerly line of Cicerone to the Route 209 right-of-way; then southwest on the Route 209 right-of-way to the westerly line of the John Quick property; then following the Quick line south to the Delaware River; thence east along the Delaware River to point of origin.

6. C-1 General Business, Appendix, is amended to add the following paragraph:

3. Beginning at a common corner of lands owned by Bob Blood and Commonaldo Cicerone in the southerly right of way line of Route 209; thence running southwest along the 209 right-of-way to the easterly line of Mary Pahlow, thence south along the easterly line of Pahlow to the southerly line of Cicerone; thence northeast along the southerly line of Cicerone to the westerly line of Blood, thence north along the westerly line of Blood to point of origin.

7. Paragraph 2 of C-1 General Business, Appendix, is amended to read as follows:

Beginning at a common corner of lands of Dorothy Hulst and Herbert Cassidy in the southerly right of way line of Interstate I-84, thence southwesterly along the southerly line of Interstate I-84 to the easterly property line of James Rose; thence along the easterly property line of James Rose to the northerly property line of Pine Grove Cemetary; thence along the northerly property line of Pine Grove Cemetary to the westerly line of Dorothy Hulst; thence along the westerly line of Dorothy Hulst to the place of origin.

8. Paragraph C-2 Highway Commercial, Appendix, is amended to read as follows:

2. From the Delaware River in a northwesterly direction along the easterly property line of Carol Schields, thence northeast along the southerly property line of Theodore Miller and lands now or formerly of Jack Maltby to the Interstate I-84 right of way; then southwest along the I-84 right of way to the Route 209 right of way; thence southwest along the Route 209 right of way to the westerly property line of Robert Blood; thence south along the westerly property line of Blood to the easterly property line of John Stromer; thence southwest along the easterly property line of John Stromer to the Delaware River; thence east along the Delaware River to point of origin.

This ordinance shall become effective five (5) days after the date of its enactment.

Duly enacted by the Supervisors of Westfall Township, Pike County, Pennsylvania, this 5 day of May, 1981, in lawful session duly assembled.

Attest:

Kimberly H. Bauer
Secretary

SUPERVISORS OF WESTFALL TOWNSHIP

Gregory Campbell

Carlton L. Shroy

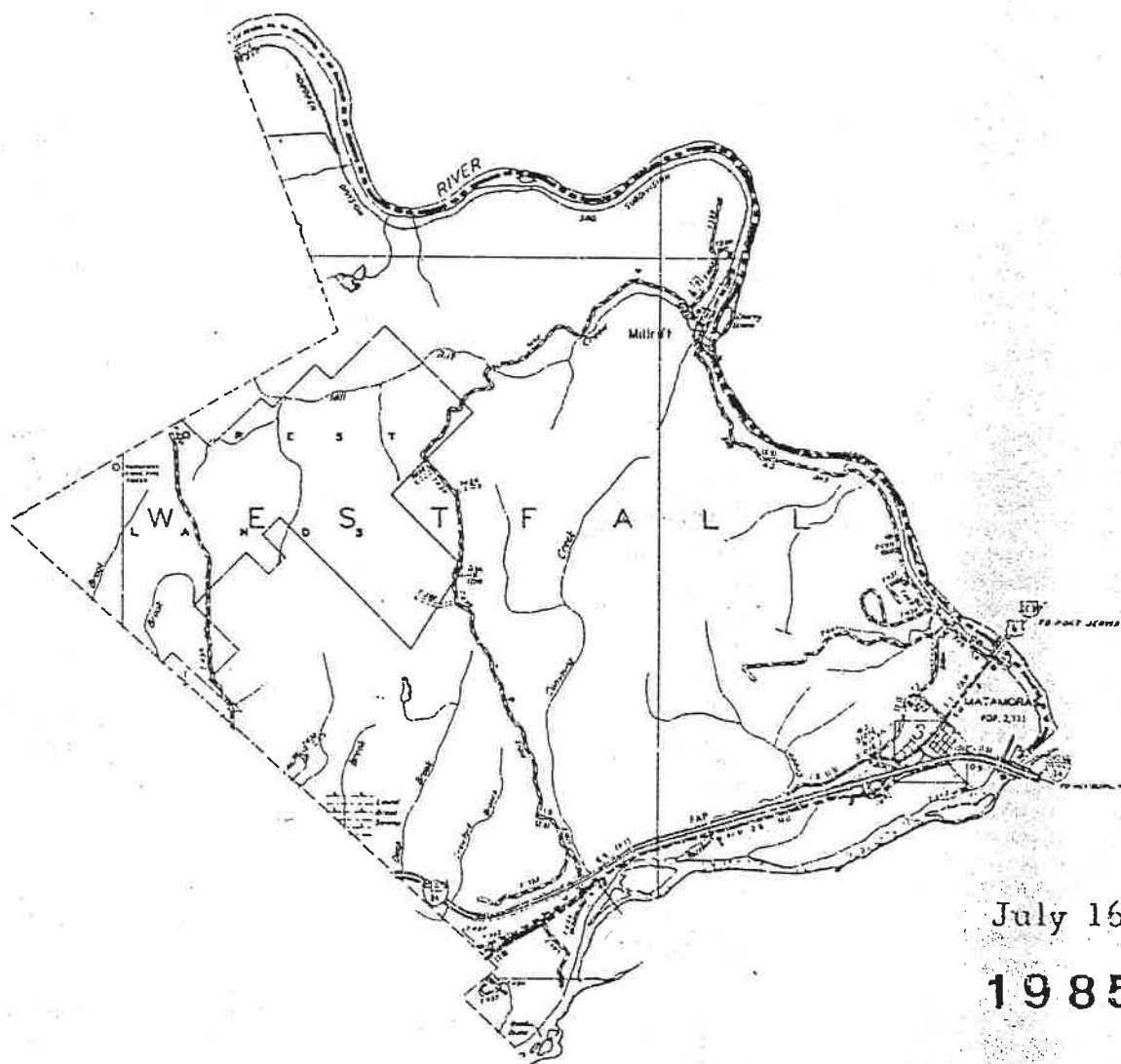
Kimberly H. Bauer

Ordinance # 49

TJS

WESTFALL TOWNSHIP

Pike County, Pennsylvania



July 16,
1985

ZONING ORDINANCE

Prepared by: Thomas J. Shepstone, AICP - Planning Consultant
Westfall Township Planning Commission
Westfall Township Supervisors

ORDINANCE NO. 54
AN ORDINANCE AMENDING WESTFALL
TOWNSHIP ZONING ORDINANCE NO. 49

BE IT ORDAINED AND ENACTED by the Supervisors of Westfall Township, and it is hereby enacted and ordained by authority of same:

1. The words "no more than 2.5 stories" is hereby deleted from the Development Standards for all Districts set forth in the Schedule of District Regulations of Section 305, District Regulations, Article III, Zoning Map and Zoning Districts.
2. Essential services facilities, and Essential service and facilities, and Essential services is hereby deleted from Principal Permitted uses set forth in the Schedule of District Regulations of Section 305, District Regulations, Article III. Essential services and facilities shall be added to the Conditional Uses for all Districts set forth in the Schedule of District Regulations of Section 305, District Regulations, Article III.
3. Non-commercial and off-site advertising signs shall be added to the Conditional Uses for the General Commercial District in the Schedule of District Regulations of Section 305, District Regulations, Article III.
4. The words "no free-standing sign shall exceed the height requirement for the district in which it is located" shall be deleted from Section 405.3 c, Article IV, Supplementary Regulations. The words "no free standing sign shall exceed a height of fifteen (15) feet" shall be added to said Section 405.3 c.
5. Paragraph i shall be added to Section 405.3, Article IV, Supplementary Regulations, as follows: Non-commercial and off-site advertising signs are permitted as a conditional use in the General Commercial District. The signs shall not exceed thirty-two (32) square feet in area, nor eleven (11) feet in

height, and be no closer than ten (10) feet to any street line, and be no closer than a radius of one thousand (1,000) feet to any other sign. Consideration will be given to the standards and criteria set forth under Section 606.

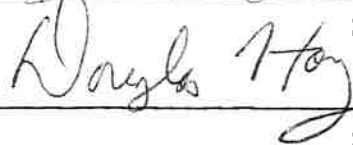
This Ordinance shall be effective five (5) days from the date of adoption.

Adopted this 6th day of May, A.D. 1986.

TOWNSHIP OF WESTFALL



Supervisor



Supervisor

Supervisor

Attest:



Secretary

Shirley

76-1

ZONING ORDINANCE

WESTFALL TOWNSHIP

DECEMBER, 1990

PIKE COUNTY, PENNSYLVANIA

ORDINANCE # 90

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL, PIKE COUNTY AMENDING ORDINANCE #76-1 KNOWN AS THE "WESTFALL TOWNSHIP ZONING ORDINANCE OF 1990" TO AMEND §2.2 THEREOF TO ADD A DEFINITION OF 'PERSONAL STORAGE LOCKERS', TO AMEND §4.7(B) THEREOF TO INCLUDE 'PERSONAL STORAGE LOCKERS' AS A CONDITIONAL USE IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT, AND TO AMEND SCHEDULE I THEREOF TO INCLUDE 'PERSONAL STORAGE LOCKERS' AS A CONDITIONAL USE IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT.

Be it ordained by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania as follows:

SECTION I: **AMENDMENT:** Ordinance #76-1, adopted the 27th day of December 1990, being the "Westfall Township Zoning Ordinance of 1990" is hereby amended as follows:

2.2 DEFINITIONS There is hereby added the following definition:

Personal Storage Lockers - Structures divided into separately accessed areas to be rented or leased for the storage of personal property, but not including warehouses or similar facilities. Such structure shall be situate on not less than three (3) acres of land, and shall have a lot width of not less than two hundred and fifty (250) feet, and front set back of not less than fifty (50) feet. In the C-1 Zone, side and rear set backs shall be not less than twenty-five (25) feet. In the C-2 and C-3 Zones, side and rear set backs shall be not less than fifty (50) feet. Where the land upon which the structure is to be situate adjoins improved residential land, the entrances to the

individual personal storage lockers located within fifty (50) feet of the common boundary with the improved residential land shall be located opposite from the said common boundary. The maximum building height shall not exceed one (1) story. The interior finished ceiling height of each personal storage locker shall not be more than twelve (12) feet from the interior finished floor surface thereof, nor shall any personal storage locker exceed three hundred (300) square feet per unit. The maximum building coverage shall not exceed fifty (50%) percent and the total maximum lot coverage shall not exceed seventy (70%) percent. The site shall be completely enclosed by a fence not less than five (5) feet or more than eight (8) feet in height and shall be effectively screened by evergreen plantings from the public road and adjacent uses and properties. All storage shall take place within a completely enclosed structure. In the C-1 zone, access shall be permitted to the individual storage lockers not earlier than 7:00 A.M. and not later than 10:00 P.M., prevailing time, provided, however, on Sundays, access shall not be permitted prior to 9:00 A.M. prevailing time.

4.7 C-1: - NEIGHBORHOOD COMMERCIAL DISTRICT

(b) CONDITIONAL USES

There is hereby added the following category of conditional use:

Services

(1) Personal Storage Lockers

Schedule I - Regulations Governing The Use Of Land is hereby amended to include personal storage lockers as a conditional use in Zoning District C-1.

SECTION 2: REPEALER - Any Ordinance or part of Ordinance conflicting with this Ordinance be, and the same is hereby repealed in so far as the same is inconsistent with this Ordinance.

SECTION 3: EFFECTIVE DATE - This Ordinance shall become effective five (5) days after the date of its Adoption by the Board of Supervisors.

This Ordinance is duly ordained and enacted into Law this 7th day of October, 1997 at a duly and legally convened meeting of the Board of Supervisors of the Township of Westfall, after public hearing thereon having been held on the 2nd day of September, 1997.

WESTFALL TOWNSHIP BOARD OF SUPERVISORS

By:

Arthur A. Magg
Chairman

Kenneth L. Thiele
Supervisor

Marie A. Buda
Supervisor

John F. Nuss
Supervisor

Keith J. Peto
Supervisor

ATTEST:

Lisa Green
Township Secretary

ORDINANCE # 93

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL, PIKE COUNTY, AMENDING ORDINANCE #76-1 KNOWN AS THE "WESTFALL TOWNSHIP ZONING ORDINANCE OF 1990" TO AMEND §5.2 THEREOF TO ADD A SUBSECTION CONCERNING CLEARING OPERATIONS, INVOLVING THE REMOVAL OF TIMBER, VEGETATION AND OR GROWTH FROM ANY PROPERTY GREATER THAN ONE (1) ACRE IN AREA, ESTABLISHING A BUFFER FROM WHICH NO CLEARING WILL TAKE PLACE AND PROVIDING FOR THE PLANTING OF ADDITIONAL SCREENING PLANTINGS: AND TO AMEND §6.7(b) (1) TO ALLOW FOR THE LIMITED REPLACEMENT OF UNDERGROUND FUEL STORAGE TANKS WITH ABOVE GROUND FUEL STORAGE TANKS.

Be it ordained by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania as follows:

SECTION I: **AMENDMENT:** Ordinance #76-1, adopted the 27th day of December 1990, being the "Westfall Township Zoning Ordinance of 1990" is hereby amended as follows:

a. There is hereby added to Section 5.2 the following:

13. Clearing Operations. Any activity which will substantially remove the timber, vegetation and/or growth from any lot, parcel or site greater than one (1) acre in area as a separate activity shall require a zoning permit in all districts, provided that such activity as part of approved subdivision or land development plans shall not require a separate Conditional Use Permit. Any lot, parcel or site so cleared shall be immediately stabilized so that no erosion, sedimentation or additional run-off onto the property of others shall occur. A

buffer of ten (10) feet from which no timber, vegetation and/or growth may be removed, except for maintenance and access purposes, shall be maintained on any lot, parcel or site in excess of three (3) acres. Additional screening plantings within the buffer zone may be required where the existing timber, vegetation, and/or growth is inadequate to screen the lot, parcel or site so cleared from adjoining properties, streets and or roads.

b. Section 6.7(d) (1) is hereby amended to provide as follows:

No flammable or explosive liquids, solids, or gases shall be stored in bulk above the ground except for tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located and operated on the same lot as the tanks or drums of fuel, provided that upon the replacement of any permitted commercial underground or municipal underground fuel storage tank legally existing as of the date of the initial adoption of this Ordinance, any commercial underground or municipal underground storage tank removed may be replaced by an above ground fuel storage tank or tanks, further provided that any such above ground fuel storage tank or tanks do not exceed the capacity of the tank or tanks removed or have an aggregate capacity of two thousand (2,000) gallons, which ever be lesser.

SECTION 2: REPEALER - Any Ordinance or part of Ordinance

conflicting with this Ordinance be, and the same is hereby repealed in so far as the same is inconsistent with this Ordinance.

SECTION 3: EFFECTIVE DATE - This Ordinance shall become effective five (5) days after the date of its Adoption by the Board of Supervisors.

This Ordinance is duly ordained and enacted into Law this 26th day of August, 1998 at a duly and legally convened meeting of the Board of Supervisors of the Township of Westfall, after public hearing thereon having been held on the 26th day of August, 1998.

WESTFALL TOWNSHIP BOARD OF SUPERVISORS

By:

Chairman

Kenneth F. Peters

Supervisor

Mario A. Burda

Supervisor

Kenneth A. Thiele

Supervisor

John F. Hess

Supervisor

ATTEST:

Lisa Green
Township Secretary

ORDINANCE NO. 98

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL,
COUNTY OF PIKE, AND THE COMMONWEALTH OF
PENNSYLVANIA AMENDING ORDINANCE NO. 76-1,
AS AMENDED, COMMONLY KNOWN AS "THE WESTFALL
TOWNSHIP ZONING ORDINANCE OF 1990", TO REVISE
THE ZONING MAP OF THE TOWNSHIP OF WESTFALL
TO CHANGE THE ZONING DESIGNATION OF TAX LOT
083.13-01-01 FROM GENERAL RESIDENTIAL TO
NEIGHBORHOOD COMMERCIAL AND AUTHORIZING THE
EXPENDITURE OF FUNDS TO REVISE THE ZONING MAP.

BE IT ORDAINED by the Board of Supervisors of Westfall
Township, Pike County, Pennsylvania, as follows:

SECTION 1. AMENDMENT: Ordinance No. 76-1, adopted the 27th day
of December, 1990, being the "Westfall Township Zoning Ordinance
of 1990", as amended, is hereby further amended as follows:

The zoning district of the property identified on the tax
maps of Westfall Township as Tax Parcel 083.13-01-01, comprising
approximately 3.17 acres of land now or formerly owned by Michael
C. Decker and Debra A. Decker, his wife, and John P. Osterhout
and Denise Osterhout, his wife, is hereby changed from R-2

(General Residential District) to C-1 (Neighborhood Commercial District).

SECTION 2. REVISION OF ZONING MAP: The Township Secretary is hereby authorized and empowered to cause the Official Zoning Map of Westfall Township, as re-adopted on December 14, 1992 to be revised and amended to reflect the change authorized by this Ordinance and to expend such funds from the general revenues of the Township as may be reasonably necessary to revise the Official Zoning Map as aforesaid.

SECTION 3. REPEALER: Any Ordinance or part of Ordinance conflicting with this Ordinance be, and the same is hereby repealed insofar as the same is inconsistent with this Ordinance.

SECTION 4. EFFECTIVE DATE: This Ordinance shall become effective five (5) days after the date of its adoption by the Board of Supervisors.

This Ordinance is duly ordained and enacted into Law this 6th day of June, 2000 at a duly and legally convened meeting of the Board of Supervisors of the Township of Westfall, after

public hearing thereon having been held on the 6th day of June,
2000.

WESTFALL TOWNSHIP BOARD OF SUPERVISORS

Chairman

James Kline
Supervisor

Kenneth L. Thiele
Supervisor

Keith A. Dett
Supervisor

Supervisor

ATTEST

Nici Allen
Township Secretary

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL,
PIKE COUNTY AMENDING ORDINANCE #76-1 KNOWN
AS THE "WESTFALL TOWNSHIP ZONING ORDINANCE
OF 1990" TO AMEND §4.5(c) THEREOF TO INCLUDE
"NURSERY SCHOOLS AND DAY CARE CENTERS" AS A
SPECIAL EXCEPTION IN THE R-1 LOW DENSITY
RESIDENTIAL DISTRICT, TO INCREASE THE MINIMUM
LOT SIZE THEREFOR TO TWO (2) ACRES, AND TO
AMEND SCHEDULE I THEREOF TO ADD "NURSERY SCHOOLS
AND DAY CARE CENTERS" AS A SPECIAL EXCEPTION
IN THE R-1 ZONING DISTRICT.

Be it ordained by the Board of Supervisors of Westfall
Township, Pike County, Pennsylvania as follows:

SECTION I: **AMENDMENT:** Ordinance #76-1, adopted the 27th day of
December 1990, being the "Westfall Township Zoning Ordinance of
1990" is hereby amended as follows:

ARTICLE 4 Section 4.5(c) Special Exception Uses is hereby
amended to add under the heading of "Services":

4) Nursery Schools and Day Care Centers.

Schedule I under the heading of "Services" is hereby
amended to add "Nursery Schools and Day Care Centers" as a
special exception in R-1 Zoning District.

ARTICLE 5 Section 5.3(c) (4) is hereby amended to provide:

Nursery Schools and Day Care Centers. These uses may be
permitted as Special Exceptions in the R-1, R-2, C-1 and C-2
Districts. The minimum lot size required for these uses is two
acres. Minimum front yard setbacks shall be fifty (50') feet.
Side and rear yards shall be twenty-five (25') feet. Maximum
building height shall be thirty-five (35') feet. Maximum lot
coverage of buildings, driveways and parking shall be fifty

(50%) percent. Copies of all required federal and state permits and licenses shall be provided to the Township Zoning Officer.

SECTION II: REPEALER - Any Ordinance or part of Ordinance conflicting with this Ordinance be, and the same is hereby repealed insofar as the same is inconsistent with this Ordinance.

SECTION III: EFFECTIVE DATE - This Ordinance shall become effective five (5) days after the date of its adoption by the Board of Supervisors.

This Ordinance is duly ordained and enacted into law this 20 day of NOVEMBER, 2000 at a duly and legally convened meeting of the Board of Supervisors of the Township of Westfall, after public hearing thereon having been held on the 20 day of NOVEMBER, 2000.

WESTFALL TOWNSHIP BOARD OF SUPERVISORS

By: _____
Chairman

Supervisor

Supervisor

Supervisor

Supervisor

ATTEST:

Township Secretary

ORDINANCE # 111

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL,
PIKE COUNTY, AMENDING ORDINANCE #76-1 KNOWN
AS THE "WESTFALL TOWNSHIP ZONING ORDINANCE
OF 1990" TO AMEND SECTION 2.2 THEREOF TO CLARIFY
THE DEFINITION OF 'STRUCTURE'.

Be it ordained by the Board of Supervisors of Westfall Township,
Pike County, Pennsylvania as follows:

Section 1: AMENDMENT – Ordinance # 76-1, adopted the 27th day of December 1990, being the "Westfall Township Zoning Ordinance of 1990" is hereby amended as follows:

Section 2.2 DEFINITIONS is hereby amended to amend the definition of "structure" to read as follows:

Structure - Any combination of materials forming a unit, which requires location in or on the ground or which is attached to something having location on the ground. The term "structure" shall include signs, fences, walls, towers, swimming pools, porches, garages, and similar structures but shall specifically exclude components of individual onlot sewage disposal systems.

Section II: REPEALER - Any ordinance or part of ordinance conflicting with this Ordinance be, and the same is hereby repealed in so far as the same is inconsistent with this Ordinance.

Section III: EFFECTIVE DATE – This Ordinance shall become effective 5 days following adoption by the Board of Supervisors.

This Ordinance is duly ordained and enacted into Law this 4th day of June, 2002 at a duly and legally convened meeting of the Board of Supervisors of the Township of Westfall, after a public meeting thereon having been held on the 29th day of May, 2002.

WESTFALL TOWNSHIP BOARD OF SUPERVISORS

Kenneth D. Thiede
Chairman

Salaldeen Fiske
Supervisor

Jahoun
Supervisor

Rich H. Bete
Supervisor

Supervisor

ATTEST:

Lia R. Green
Secretary

ORDINANCE 114
WESTFALL TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING ORDINANCE NO. 90, THE ZONING ORDINANCE OF WESTFALL TOWNSHIP, SECTION 6.5-k and 6.5-m TO DELETE THE FRONT, SIDE AND REAR YARD REQUIREMENTS AS THEY RELATE TO FENCES EXCEPT IN CIRCUMSTANCES AS MAYBE NECESSARY TO COMPLY WITH TRAFFIC VISIBILITY.

The Zoning Ordinance of Westfall Township is hereby amended as follows:

Section 6.5-k Front Yard Regulations

For a minimum depth of front yard is specified in the District, an open space of at least the specified depth shall be provided between the street line or lines and the nearest point of any building or structure except as maybe permitted elsewhere in this Ordinance. The District's front yard requirement shall not apply to fences, except when required to comply with Section 6.5-n.

Section 6.5-m Side and Rear Yard Requirements

Where a minimum width of side yard or rear yard is specified, no building or structure shall be erected within the specified distance from either side lot line or rear lot line. The District's side and rear yard requirements do not apply to fences, except when required to comply with Section 6.5-n.

Ordained and enacted by the Township Supervisors as an Ordinance of Westfall Township on the 20th day of November, 2002.

TOWNSHIP OF WESTFALL:

Kenneth L. Thiele
Kirk H. Bata
Joyce Robinson
James K. Keri

Attest:

Lori C. Gruen

ORDINANCE

Ordinance No. 116

**AN ORDINANCE AMENDING THE ZONING MAP OF THE ZONING ORDINANCE
OF WESTFALL TOWNSHIP BY CHANGING THE ZONING DESIGNATION OF
CERTAIN PARCELS OF LAND FROM R-1 TO CD**

ORDAINED and ENACTED this 4 day of February, 2003 at a
regularly scheduled meeting by the Westfall Township Supervisors:

The zoning designation of the following parcel of land is hereby changed from R-1
(residential) to CD (conservation District): Tax Parcel 081.00-01-39 with the exception of (A)
that portion of the tract fronting on Cummings Hill Road (S.R. 51011) located between Tax
Parcel 081-00-01-42.2 and Tax Parcel 081-00-01-39.8 and (B) that portion of the tract fronting on
Cummings Hill Road (S.R. 51011) located directly between Tax Parcel 081-00-01-39.10 and Tax
Parcel 081-00-01-38.1. The dividing line between the R-1 District and CD District shall be an
extension of the rear property lines of Parcel 081-00-01-42.2 for excepted Parcel (A) and an
extension of the rear property line of Parcel 081-00-01-39.10 for excepted Parcel B. The lands
are otherwise described as a portion of 68.41 acres now or formerly lands of Raymond G. Banach
and Debra A. Banach, his wife.

Ordained and enacted this 4th day of February, 2003.

WESTFALL TOWNSHIP
BOARD OF SUPERVISORS

Kenneth J. Thiele
Debra A. Banach
Keith H. Peters

Ordinance # 119
WESTFALL TOWNSHIP

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL, COUNTY OF PIKE AND COMMONWEALTH OF PENNSYLVANIA AMENDING ORDINANCE NO. 76-1, AS AMENDED. COMMONLY KNOWN AS THE "WESTFALL TOWNSHIP ZONING ORDINANCE OF 1990", TO AMEND §2.2 THEREOF TO ADD A DEFINITION OF "AGE RESTRICTED MULTI-FAMILY DWELLING UNIT"; TO AMEND §4.5(b) THEREOF TO INCLUDE "AGE RESTRICTED MULTI-FAMILY DWELLING UNIT" AS A CONDITIONAL USE IN THE R-1 LOW DENSITY RESIDENTIAL DISTRICT; TO AMEND §4.6(b) THEREOF TO INCLUDE "AGE RESTRICTED MULTI-FAMILY DWELLING UNIT" AS A CONDITIONAL USE IN THE R-2 GENERAL RESIDENTIAL DISTRICT; TO AMEND §4.7(b) THEREOF TO INCLUDE "AGE RESTRICTED MULTI-FAMILY DWELLING UNIT" AS A CONDITIONAL USE IN THE C-1 NEIGHBORHOOD COMMERCIAL DISTRICT; TO AMEND §4.8(b) THEREOF TO INCLUDE "AGE RESTRICTED MULTI-FAMILY DWELLING UNIT" AS A CONDITIONAL USE IN THE C-2 GENERAL COMMERCIAL DISTRICT AND TO AMEND §5.2(c) TO ADD A SECTION CONCERNING "AGE RESTRICTED MULTI-FAMILY DWELLING UNIT".

BE IT ORDAINED by the Supervisors of Westfall Township, Pike County, Pennsylvania as follows:

SECTION I

Amendment: Ordinance §76.1, adopted the 27th day of December 1990, being the "Westfall Township Zoning Ordinance of 1990" is hereby amended as follows:

Article II

Section 2.2 Definitions is hereby amended to add the following definition:

Age Restricted Multi-Family Dwelling Unit A type of multi-family dwelling, occupancy of which shall be restricted by recorded affirmative covenant or restriction requiring occupancy by at least one (1) person age fifty-five (55) years or older per unit, prohibiting occupancy by

persons less than fifty (50) years of age, provided that incidental overnight visitation by persons under eighteen (18) years of age for not more than thirty (30) days per calendar year shall be permitted. The affirmative covenant or restriction must be enforceable by all or any of: (a) the applicant for the use, (b) the management or owners of the dwelling units, (c) the occupants of the dwelling units, (d) any association of property owners incident to the dwelling units, (e) and the Township.

Article 4

Section 4.5(b) Conditional Uses is hereby amended to add the heading of "Residential" and to add:

R-1 1) Age Restricted Residential Dwelling Units

Section 4.6(b) Conditional Uses is hereby amended to add under the heading of "Residential" the following:

R-2 3) Age Restricted Residential Dwelling Units

Section 4.7(b) Conditional Uses is hereby amended to add:

C-1 4) Age Restricted Residential Dwelling Units

Section 4.8(b) Conditional Uses is hereby amended to add:

C-2 4) Age Restricted Residential Dwelling Units

Article 5

Section 5.2(c) Specific Requirements and Standards is hereby amended to add the following:

16) Age Restricted Residential Dwelling Units. Age restricted multi-family dwelling units may be permitted as conditional uses. The minimum lot size for this use shall be fifteen (15) acres. There shall be a maximum 4.25 dwelling units per acre. This use shall be serviced by centralized water and sewage disposal systems. Not less than two (2) parking spaces shall be required for each dwelling unit, including parking spaces within garages. In addition one (1) additional parking space for each four (4) dwelling units shall be provided and restricted to use by visitors. Minimum lot width shall be one hundred fifty (150') feet. Minimum front and rear yard set back shall be thirty (30') feet and minimum side yard set back shall be twenty-five (25') feet. Maximum building height shall be thirty-five (35') feet. Maximum percentage of total lot coverage shall be fifty (50%) percent. Maximum percentage of building coverage on the lot shall be thirty (30%) percent.

SECTION II

Repealer. Any Ordinance or part of Ordinance conflicting with this Ordinance is hereby repealed insofar as the same is inconsistent with this Ordinance.

SECTION III

Effective Date. This Ordinance shall become effective five (5) days after the date of adoption by the Board of Supervisors.

THIS ORDINANCE IS DULY ORDAINED AND ENACTED INTO LAW
THIS 1st day of June 1, 2004 at a duly and legally
convened meeting of the Board of Supervisors of the Township after
public hearing held on the 1st day of June 1, 2004.

WESTFALL TOWNSHIP BOARD OF SUPERVISORS

By: Kenneth A. Thiele
Chairman

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

[Signature]
Supervisor

ATTEST:

[Signature]
Secretary

PROPOSED ADDITION 1

TO MARCH, 2004 DRAFT ZONING ORDINANCE

ADD

Section 202. Age Restricted Multi-Family Dwelling Unit A type of multi-family dwelling, occupancy of which shall be restricted by recorded affirmative covenant or restriction requiring occupancy by at least one (1) person age fifty-five (55) years or older per unit, prohibiting occupancy by persons less than fifty (50) years of age, provided that incidental overnight visitation by persons under eighteen (18) years of age for not more than thirty (30) days per calendar year shall be permitted. The affirmative covenant or restriction must be enforceable by all or any of: (a) the applicant for the use, (b) the management or owners of the dwelling units, (c) the occupants of the dwelling units, (d) any association of property owners incident to the dwelling units, (e) and the Township.

Section 306.B.1.a Age Restricted Multi-Family Dwelling Unit Conditional use in R-1, R-2, C-1, C-2 zone.

Section 402.A.49. Age Restricted Multi-Family Dwelling Units Age restricted multi-family dwelling units may be permitted as conditional uses. The minimum lot size for this use shall be fifteen (15) acres. There shall be a maximum 4.25 dwelling units per acre. This use shall be served by centralized water and sewage disposal systems. Not less than two (2) parking spaces shall be required for each dwelling unit, including parking spaces within garages. In addition one (1) additional parking space for each four (4) dwelling units shall be provided and restricted to use by visitors. Minimum lot width shall be one hundred fifty (150') feet. Minimum front and rear yard set back shall be thirty (30') feet and minimum side yard set back shall be twenty-five (25') feet. Maximum building height shall be thirty-five (35') feet. Maximum percentage of total lot coverage shall be fifty (50%) percent. Maximum percentage of building coverage on the lot shall be thirty (30%) percent.

PROPOSED ADDITION 2

TO MARCH, 2004 DRAFT ZONING ORDINANCE

ADD

Section 103.G.1.c. A Temporary Permit may be issued for a temporary structure placed or erected for use as a model or display by a builder or contractor as an accessory use to a builder or contractor's sales office. No such structure shall be occupied or used for any other purpose, including use as a sales office. Any such structure shall be erected in such a manner that it is susceptible of disassembly and removal, shall not be erected on a permanent foundation, shall not be connected to a sewer or septic system or have running water. A temporary permit issued under this subsection shall be valid for not more than twenty-four (24) months and may be renewed for an additional twelve (12) month period.

ORDINANCE NO. 123

ORDINANCE OF THE TOWNSHIP OF WESTFALL, COUNTY OF PIKE AMENDING THE WESTFALL TOWNSHIP ZONING ORDINANCE IN ORDER TO CREATE A NEW ZONING DISTRICT ENTITLED "ENTERPRISE ZONE" (HEREINAFTER "ED ZONE") AND A NEW ZONING DISTRICT ENTITLED "GENERAL COMMERCIAL ZONE" (HEREINAFTER "GC ZONE") AND TO AMEND THE WESTFALL TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE TO CREATE CERTAIN PERFORMANCE STANDARDS AND SPECIFICATIONS FOR ALL ACTIVITIES WITHIN THE "ED" AND "GC" ZONES AS HEREAFTER CREATED

WHEREAS, by virtue of a certain Equitable Settlement Agreement (hereinafter "Equitable Settlement Agreement") entered into by Westfall Township (hereinafter the "Township") in the matters of Katz v. Westfall Township, et. al., No. 01-CV-0016 and No. 00-CV-383, United States District Court for the Middle District of Pennsylvania, the Township became obligated to create new zoning districts to serve certain real properties of David H. Katz and Barbara D. Katz;

WHEREAS, the United States District Court for the Middle District of Pennsylvania approved the Equitable Settlement Agreement in the aforementioned case and made the same an Order of that Court;

WHEREAS, the Equitable Settlement Agreement required the creation of a new Enterprise Zone to serve the Katz' properties more particularly described as Tax Parcel Nos. 082.00-01-51 and 082.00-01-63 and a new General Commercial Zone to serve the Katz' property more particularly described as Tax Parcel No. 083.17-01-01;

WHEREAS, the Equitable Settlement Agreement provided for the various terms and conditions which would regulate any land development, subdivision and zoning within the confines of the Katz' properties; and

WHEREAS, the Township hereby intends to create the aforementioned new zoning districts

in compliance with the terms of the Equitable Settlement Agreement and Settlement Agreement/Release which are incorporated herein as Exhibit "A" if more fully set forth at length.

Be it therefore ordained by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania that it hereby amends the existing Zoning Ordinance, last amended June 1, 2004 by creating the new zoning districts of Enterprise Zone and General Commercial Zone as set forth below and amends the existing Subdivision and Land Development Ordinance as set forth below:

1. The WHEREAS clauses set forth above are incorporated herein as if more fully set forth at length.

2. There shall henceforth be created a new ED zone which shall consist only of the real properties identified as Pike County Tax Parcel Nos. 082.00-01-51 and 082.00-01-63.

3. The ED zone real property as well as any land development, subdivision and zoning issues pertaining thereto shall be exclusively governed by the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.

4. There shall also be henceforth created a new GC zone which shall consist only of the real property identified as Pike County Tax Parcel No. 083.17-01-01.

5. The GC zone real property as well as any land development, subdivision and zoning issues pertaining thereto shall be exclusively governed by the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.

6. All applications for zoning, land development and/or subdivision approval pertaining to the ED zone shall be considered and determined exclusively by the Court appointed master and any successors as approved by the United States District Court for the Middle District of Pennsylvania in accordance with the terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release.

7. Any part of the Westfall Township Zoning Ordinance or Subdivision and Land Development Ordinance which conflicts with this Ordinance is hereby repealed in so far as the same is inconsistent with this Ordinance.

8. The terms and conditions of the Equitable Settlement Agreement and the Settlement Agreement/Release shall solely apply to the real properties within the ED and GC zoning districts and any conflict or inconsistency between the terms of this Ordinance and the terms of the Equitable Settlement Agreement and Settlement Agreement/Release shall be resolved in favor of the Equitable Settlement Agreement and the Settlement Agreement/Release.

9. In all other respects, the remaining terms and conditions of the Westfall Township Zoning Ordinance and Subdivision and Land Development Ordinance are hereby reaffirmed and ratified as to all other properties within Westfall Township except that the same do not apply to the newly created ED and GC zoning districts.


The provisions of this Ordinance Amendment shall become effective five (5) days after the date of adoption by the Westfall Township Board of Supervisors.

This Ordinance is duly ordained and enacted into law this 27th day of April, 2005, at a duly and legally convened meeting of the Board of Supervisors of Westfall Township, after public hearing thereon having been held on the 27th day of April, 2005.

WESTFALL TOWNSHIP
BOARD OF SUPERVISORS


KENNETH L. THIELE, Chairman


KEITH F. PETERS, Vice-Chairman


JAMES MUIR, Supervisor

LESTER J. BUCHANAN, Supervisor


ROBERT M. EWBANK, Supervisor

Exhibits Referred to in this Ordinance are filed with the Zoning Ordinances of Westfall
Township kept in the back file room of the Township of Westfall

WESTFALL TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NUMBER 142

An Ordinance Amending the Westfall Township Zoning Ordinance No. 124, adopted September 6, 2005, changing the requirements for political signs to comply with Federal Law.

WHEREAS, under and pursuant to the Second Class Township Code, 53 P.S. 66506, and 66601, the Board of Supervisors may make and adopt any Ordinances, By Laws, Rules and Regulations not inconsistent with or restrained by the Constitution and Laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers;

WHEREAS, under and pursuant to the Westfall Township Zoning Ordinance, No 124, adopted September 6, 2005, Section 108, the Board of Supervisors may amend, or repeal any or all portions of the Zoning Ordinance on its own motion or after agreeing to hear a written request of any person, entity, land owner or the Planning Commission;

WHEREAS, under and pursuant to the Municipalities Planning Code, 53 P.S. 10609, before voting on the enactment of the amendment, the Board of Supervisors shall hold a public hearing thereon pursuant to public notice; and

WHEREAS, the amendment does not involve a zoning map change and has been submitted to the Westfall Township Planning Commission and the Pike County Planning Commission for recommendation.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Westfall Township, Pike County, Pennsylvania;

1. The preceding Whereas Clauses are hereby incorporated as though same were set forth at length herein;
2. The Ordinance is hereby amended as follows:

FROM: 703 MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

Type and definition of signs not requiring permits	Max No. of Signs Per lot	Max Sign area per sign on res. Lot	Max sign area per sign on non-res lot	Other Requirements
<u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body	No Maximum	Maximum total of 30 per lot	Maximum total of 60 per lot	Shall be placed a max of 45 days prior to election, vote or referendum and removed a max of 5 days after such election, vote or referendum. Persons posting political signs shall maintain a written list of all locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off- premises sign"

To: 703 MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

Type and definition of signs not requiring permits	Max No. of Signs Per lot	Max Sign area per sign on res. Lot	Max sign area per sign on non-res lot	Other Requirements
<u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body	Max 2 signs per candidate	Maximum total of 32 per lot	Maximum total of 32 per lot	Shall be placed a max of 6 months prior to election, vote or referendum and removed a max of 21 days after such election, vote or referendum. Persons posting political signs shall submit a written disclosure form which includes name, address, phone number, e-mail address and entity or individual responsible for candidate or issue in given campaign. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off- premises sign"

From: 706 LOCATION OF SIGNS. The following shall regulate the location of signs:

706.A Setbacks.

1. All signs shall be setback a minimum of 10 feet from the existing street right-of-way, and shall not be located within the existing street right-of-way. However, a "directional sign" showing entrances and exits may be located without a 10 foot setback.

To: 706 LOCATION OF SIGNS. The following shall regulate the location of signs:


706.A Setbacks.


1. All signs shall be setback a minimum of 5 feet from the edge of the macadam or curb line of any public or private road and shall not create a traffic hazard.


This Ordinance shall become effective immediately. Duly enacted and ordained this 7th day of August, 2008 by the Westfall Township Supervisors of the Township of Westfall, County of Pike, and Commonwealth of Pennsylvania in lawful session duly assembled.


JAMES MUIR, CHAIRMAN


LESTER J. BUCHANAN, VICE-CHAIRMAN


ROBERT M. EWBANK, SUPERVISOR


PAUL C. FISCHER, SUPERVISOR


RAYMOND BANACH, SUPERVISOR

ATTEST:


LISA GREEN, SECRETARY

WESTFALL TOWNSHIP
PIKE COUNTY, PENNSYLVANIA

ORDINANCE NO. 172

AN ORDINANCE OF THE TOWNSHIP OF WESTFALL, PIKE COUNTY AMENDING ORDINANCE NO. 124 KNOWN AS THE "WESTFALL TOWNSHIP ZONING ORDINANCE" OF 2005 TO CHANGE THE ZONING DISTRICT IN WHICH A 5.31 ACRE PORTION OF THE PROPERTY, BE THE SAME MORE OR LESS, IDENTIFIED ON THE PIKE COUNTY TAX MAPS AS TAX PARCEL 099.07-01-01 FROM THE LOW DENSITY RESIDENTIAL DISTRICT ("R-1") TO THE GENERAL COMMERCIAL DISTRICT ("C-2").

BE IT ORDAINED by the Board of Supervisors of the Township of Westfall, Pike County, Pennsylvania as follows:

Section 1: Amendment: The official Zoning Map of the Township of Westfall, Pike County, Pennsylvania duly adopted on September 6, 2005, pursuant to Article 3, Section 303A of Ordinance 124, the Westfall Township Zoning Ordinance No. 124, the Westfall Township Zoning Ordinance of 2005 is hereby changed and amended to change the zoning district in which the 5.31 acre portion of the property, be the same more or less, identified on the Pike County Tax Maps as Tax Parcel 099.07-01-01 from the Low Density Residential District ("R-1") to the General Commercial District ("C-2"), a map, plat or plan of the aforesaid portion of the said Tax Parcel being attached to this Ordinance as Exhibit "A" and incorporated herein by reference thereto as fully as if the same was here set forth at length.

Section 2: Official Zoning Map Change: After the effective date of this Ordinance the official Zoning Map shall be amended and changed to set forth thereon the changed zoning boundary set forth in Section 1 hereof, and to have noted on the official Zoning Map the date of the changed zoning boundary and a brief description of the nature of the change.

Section 3: Repealer: Any Ordinance or part of any Ordinance in conflict with this Ordinance be, and the same is hereby repealed insofar as the same is inconsistent with this Ordinance.

Section 4: Effective Date: This Ordinance shall become

effective five (5) days after the date of its adoption by the Board of Supervisors.

THIS ORDINANCE is duly ordained and enacted into law this 6th day of August, 2018, at a duly and legally convened meeting of the Board of Supervisors of the Township of Westfall, after a duly noticed and convened public hearing having been held thereon on the 6th day of August, 2018.

TOWNSHIP OF WESTFALL

By: [Signature]
Chairman

By: [Signature]
Supervisor

By: [Signature]
Supervisor

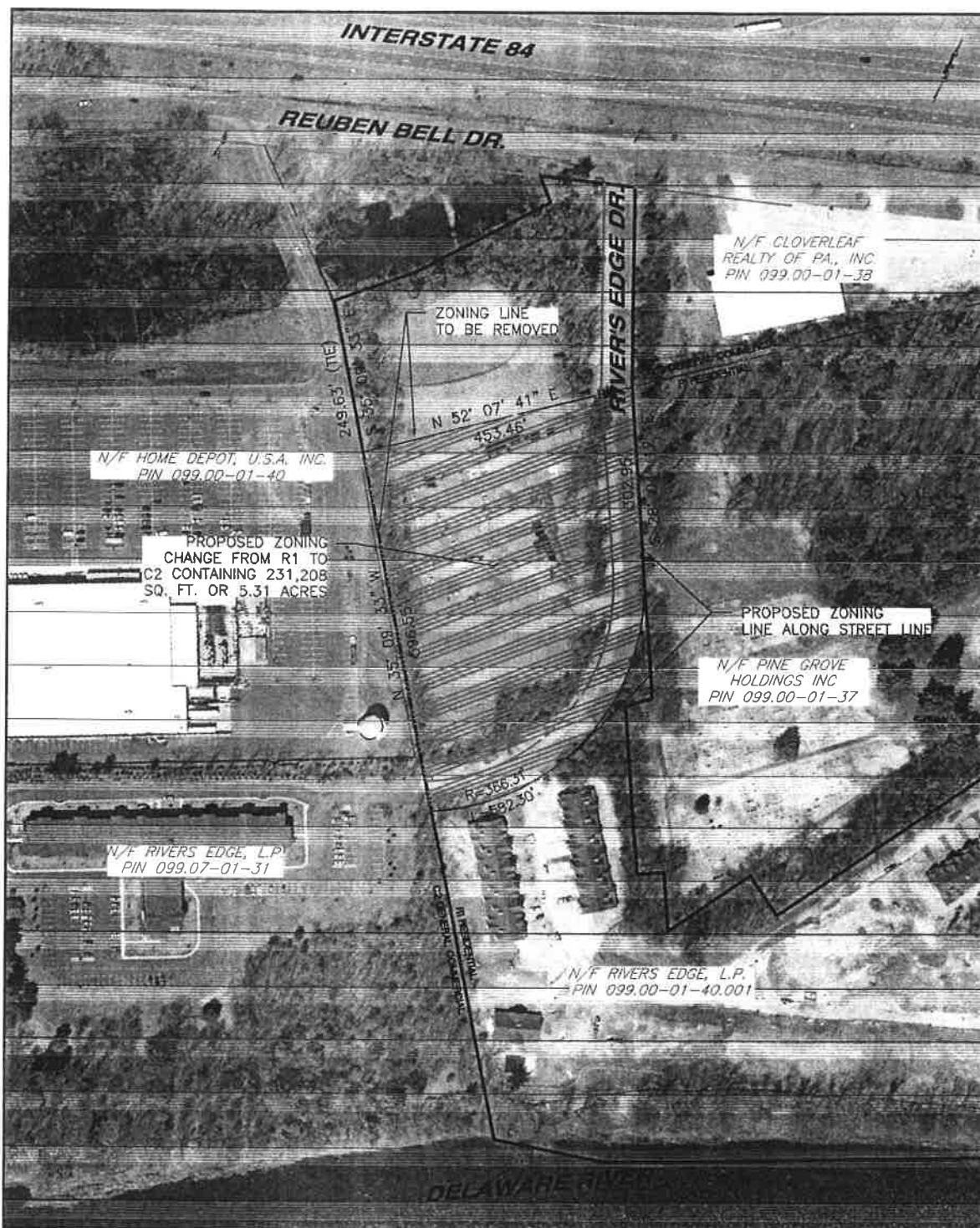
By: [Signature]
Supervisor

By: [Signature]
Supervisor

ATTEST:

[Signature]
Secretary

(SEAL)



GENERAL NOTES:

1. BOUNDARY INFORMATION TAKEN FROM PLANS ENTITLED "RIVER'S EDGE, LP, SENSITIVE RESOURCE MAP, SHEET EP-1" DATED 5/18/05, LAST REVISED 10/12/15 AS PREPARED BY MCGOEY, HAUSER AND EDSALL.
2. AERIAL PHOTO PROVIDED BY PASADA, FLIGHT DATE 2008.
3. THE PURPOSE OF THIS PLAN IS TO REZONE A PORTION OF LAND.
4. OWNER: RIVERS EDGE, L.P.
553 BROADWAY
MASSAPEQUA, NY 11758
5. PARCEL DATA: MAP NUMBER 099.07-01-01
DEED BOOK 2172, PAGE 2394

DATE	REVISION	RY	CHKD
WESTFALL SENIOR CENTER WESTFALL TOWNSHIP, PIKE COUNTY, PA		ZONING REVISION PLAN	
SENIOR HEALTH CARE SOLUTIONS, LLC 401 MOLTKE AVE. SUITE 100 SCRANTON, PA 18505		Boucher & James, Inc. CONSULTING ENGINEERS DOYLESTOWN ♦ STROUDSBURG ♦ LEHIGH VALLEY REGIONAL OFFICE: 559 MAIN STREET, SUITE 230 BETHLEHEM, PA 18018 www.bjengineers.com	
DR. BY: MEG	CK. BY: MEG	SCALE: 1" = 100'	DATE: 6/8/18
		JOB No. 177513L	SHEET: 1 OF 1
S:\2017\177513\Draws\Final Drawings\Exhibits\Zoning Change.dwg Tabname :Zonach Jun 08, 2018 - 4:38pm mgable			