

### **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.

<b>Cost of Community Services Ratios by Land Use</b>				
Township In:	\$ revenue collected : \$ spent on services			
	Resid	Comm	Indus	Open
<b>South Central Townships</b>				
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
<b>Philadelphia Area Townships</b>				
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
<b>North Central Townships</b>				
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
<b>Western Township</b>				
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.

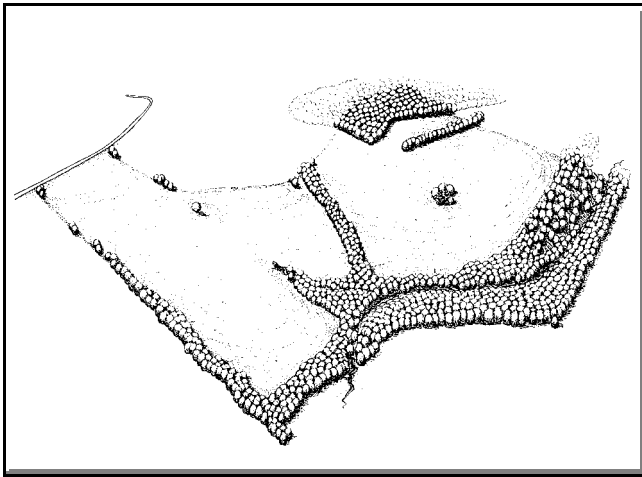
**Differential Assessment** - agricultural and forest land is assessed at its value for agriculture/forestry instead of the fair market value; example, Clean and Green (Act 319).

residential development.

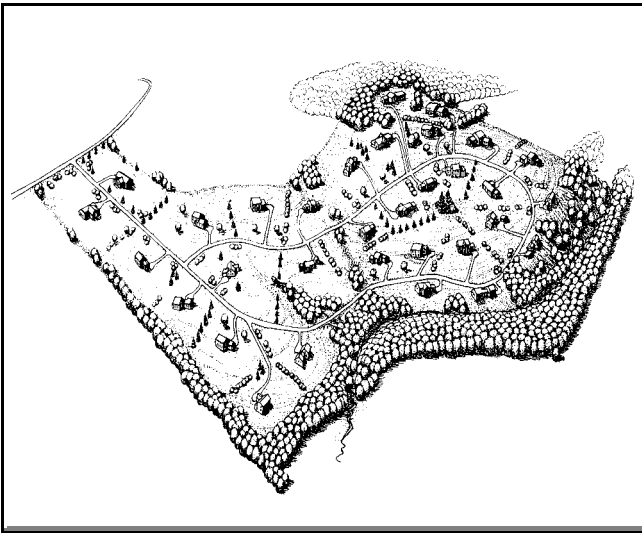
- To reduce erosion and sedimentation by the retention of existing vegetation, and the

minimization of development on steep slopes.

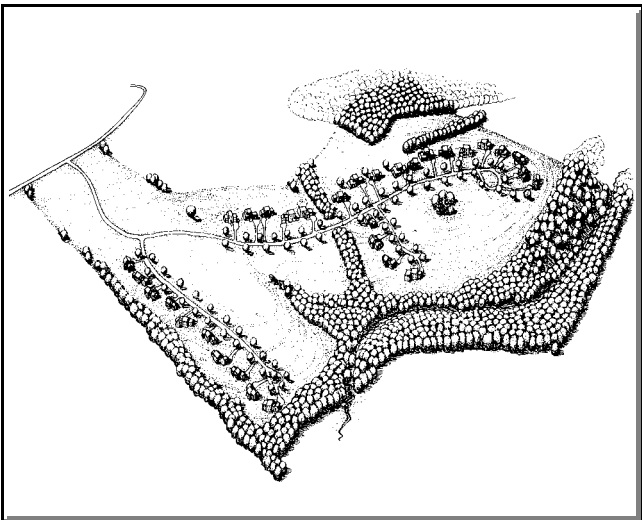
- To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
- To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands, 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.



*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.

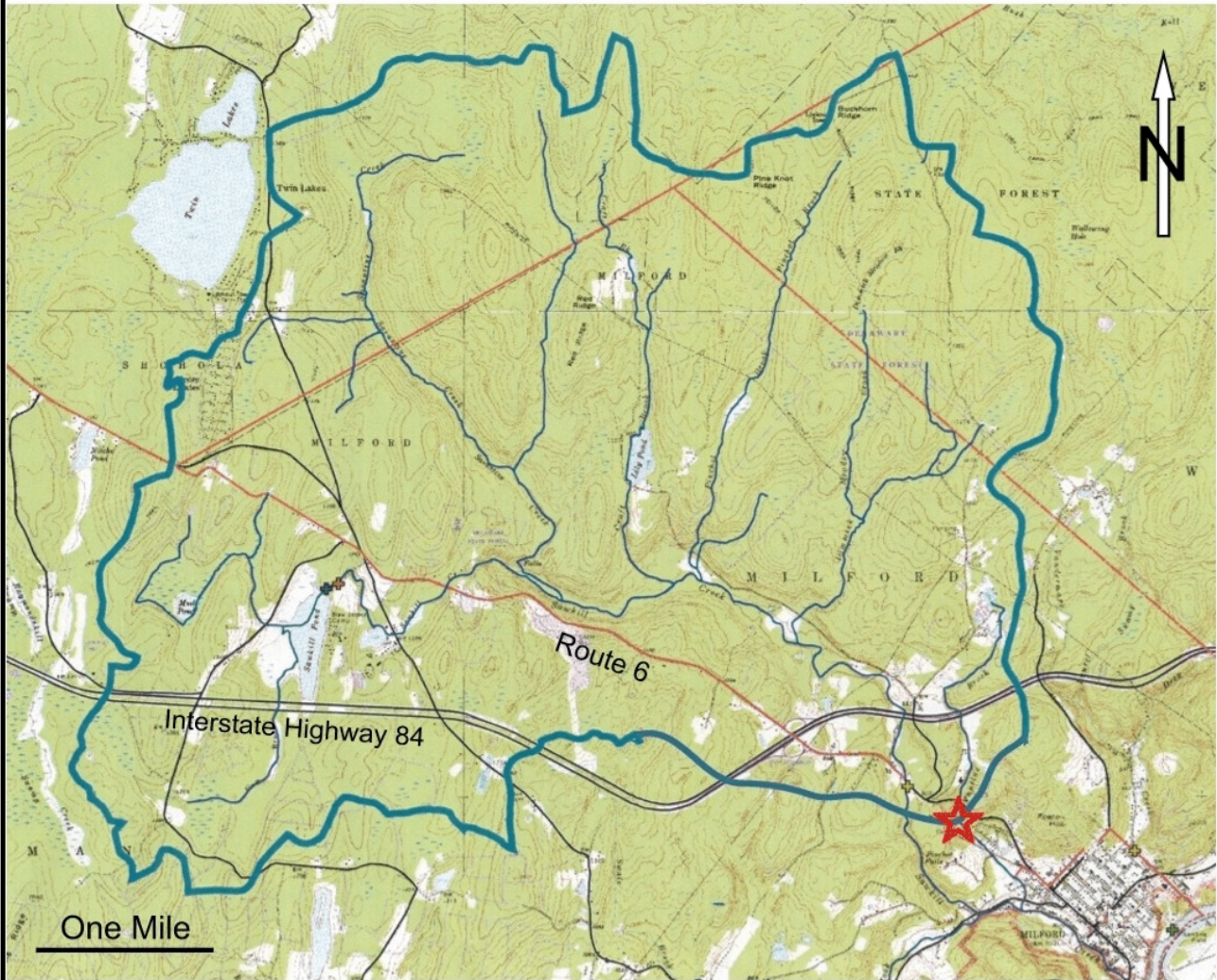
**Charitable Taxes:** The donation of a conservation easement to a land trust is treated as a charitable gift of the development rights. The donation creates a charitable tax deduction, equal to the value of the conservation easement, on the landowner’s Federal and State income tax returns.

**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



★ = Milford Springs       = Watershed Boundary

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(I) 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