

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 - 2003

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING
ORDINANCE NO. 3-89 ENACTED JUNE 30, 1989 KNOWN AS THE
“MIDDLESEX TOWNSHIP ZONING ORDINANCE”, BY AMENDING
ARTICLE II, SECTION 2.03 AND ALL PROVISIONS OF ARTICLE
XXII, RT-RESIDENTIAL TOWNE DISTRICT.

BE IT HEREBY ENACTED AND ORDAINED and it is hereby enacted by the
Board of Township Supervisors in and for the Township of Middlesex, Cumberland
County, Pennsylvania, as follows:

SECTION 1: The definition of Building Height contained in Article II, Section 2.03 of
the Middlesex Township Zoning Ordinance is hereby amended to read in its entirety as
follows:

Building Height: The vertical distance calculated by subtracting the elevation of the
highest point on the roof on flat or shed roofs and/or the elevation of the deck line on
mansard roofs and/or the average height between eaves and ridges on gable, hip and
gambrel roofs from the average elevation of finished grades at the outside walls facing
and/or nearest to the front yard setback lines.

All commercial and industrial buildings containing attached units for occupancy by
multiple businesses and all multi-family residential dwelling types such as single-family
attached, single-family detached, single-family semi-detached and two-family, shall be
considered a single building for the purposes of this definition.

Building height for all dwellings allowed in residential zoning districts shall not exceed
the height specified in those districts or two and one half (2 ½) stories, whichever is less.

Typical rooftop appurtenance structures or equipment projecting above the highest point
on the roof and not intended for human occupancy such as air conditioners, antenna,
architectural screening of rooftop appurtenances, chimneys, church steeples, church
spires, elevator penthouses, mechanical equipment, vent pipes and water towers shall not
be included when calculating building height. Typical roof top appurtenances shall not
exceed twenty-five (25') feet in height above the highest point on the roof and must be
setback from the property boundary by a distance equal to or greater than their height
above the highest point on the roof. Typical building appurtenances do not include
structures such as alternative tower structures, antennas, antenna support structures,
monopoles or tall structures that are part of a personal wireless service facility addressed
in Article XIV, Section 14.52 of this Ordinance.

SECTION 2: Article XXII of the Middlesex Township Zoning Ordinance is hereby amended to provide in its entirety as follows:

ARTICLE XXII

RT - RESIDENTIAL TOWNE DISTRICT

Section 22.01 - Purpose. The RT Residential Towne District is designed to accommodate medium-high density development and is composed of areas in the Township where such development is not presently located. The regulations for this district are intended to protect and stabilize prevailing characteristics and to promote a safe and healthful environment for family life. To these ends, development is limited to (a) medium-high density, where public water and sanitary sewerage services are presently available or are provided by the person or entity seeking to develop the area contained in such district, or (b) single-family residential use on lots having not less than sixty thousand (60,000) square feet of surface area on which a lawful source of potable water is available and on which a lawful on-site sanitary sewage disposal facility can be installed.

Section 22.02 - Objectives. The following objectives shall be considered in review of any application for development in the RT District:

- A. To provide for more environmentally sensitive residential development by preserving the natural character of open fields, stands of trees, surface waterbodies, terrain and similar natural features.
- B. To protect the public health, safety and welfare through the preservation of the Township's potential groundwater resources as identified in the study entitled, Groundwater Availability and Well Siting Study (Middlesex Township, Cumberland County, Pennsylvania, September 1999) and the Addendum to this study and/or in any subsequent study performed on behalf of the Township or Municipal Authority and adopted by the Board of Supervisors from time to time.
- C. To assure the permanent preservation of open space, rural lands and natural resources.
- D. To minimize potential adverse impacts from new residential development on adjacent properties devoted to non-residential uses.
- E. To provide an opportunity for flexibility in lot design and dwelling types not afforded by conventional residential development.

Section 22.03 - Definitions. The following terms are defined to assist in the Township's administration of this Ordinance.

Conventional Development: Development other than Open Space Development.

Open Space Residential Development: Open space residential development is an enhanced variation on the cluster development technique where a substantial percentage of the site is dedicated to open space. The purpose of this more advanced technique is to preserve a substantial amount of land for conservation uses, while still allowing full-density development.

Zone I: A circular area with a 400-foot radius centered on a well for purposes of wellhead protection as required by the Pennsylvania Department of Environmental Protection and the Township Engineer or a professional geologist.

The term “open space” shall have that meaning as set forth for that term in Article II, Section 2.03 of this Ordinance, as amplified, explained and limited by the provisions of this Article XXII.

The term “common open space” shall have the same meaning as “open space” as set forth immediately above.

Section 22.04 - Area of Application. The regulations set forth in this Article XXII shall apply to the areas designated RT District on the Official Zoning Map.

Section 22.05 - Use and Lot Requirements.

- A. Table 1 shows permitted, special exception and accessory uses for the RT District.
- B. All residential building lots shall be located outside a Zone I wellhead protection area established for new public drinking water supply wells.

Section 22.06 - Building Height Limit. No building shall be erected in excess of thirty-five feet (35') in height as measured at the front yard setback line, as provided in the definition of building height in Section 2.03.

Section 22.07 - Standards for Conventional Residential Development.

- A. Use and Lot Requirements

Table 1 provides a schedule of uses permitted as well as lot area requirements for conventional residential development in the RT District.

- B. Setbacks

Each lot shall meet front, side, rear and interior yard setback requirements not less than the depth or width as follows unless noted otherwise on the attached chart:

- 1. Front Yard Setback - Twenty-five feet (25')

2. Side Yard Setback - Twenty feet (20')
3. Rear Yard Setback - Twenty-five feet (25')
4. Driveway Setback - Three feet (3') from side lot line

C. On-Lot Sewage Disposal

The recharge areas of existing or potential water supplies and surface water bodies shall be those identified on Plate #2 in the Addendum to the Groundwater Availability and Well Siting Study (Middlesex Township, Cumberland County, Pennsylvania, September 1999). The recharge areas may be changed based upon hydrogeologic and other studies adopted by the Board of Supervisors from time to time.

Any parcel serviced by a Pennsylvania Department of Environmental Protection approved on-lot sewage disposal system that is located wholly or partially within the recharge area of any existing or potential public water supply source shall be subject to the following requirements:

1. The minimum lot size shall be sixty thousand (60,000) square feet.
2. Dwelling units may be grouped together. Care should be taken when determining the number of units that can be grouped so as to avoid developing a concentrated effluent plume discharging from the on-lot sewage disposal systems serving these units. As such, the number of units in a group shall be determined after completion of a hydrogeologic study to determine the extent to which the effluent is dispersed across the groundwater contours.

D. Impervious Coverage

No more than thirty percent (30%) of the lot area shall be occupied by impervious surface, which surface shall include, among other impervious surfaces, the building coverage area.

Section 22.08 - Standards for Open Space Residential Development.

- A. In the RT District, it shall be optional to utilize one or more contiguous parcels of land having a total area of ten (10) or more acres for an open space residential development.
- B. General
 1. Minimum Land Area - 10 Acres.
 2. Utility Requirements - Adequate public sewer and water facilities are required to service an open space residential development. The applicant

shall demonstrate to the satisfaction of the Township that adequate sewage treatment and disposal facilities can be provided, consistent with the Middlesex Township Sewage Facilities (Act 537) Plan, and further subject to demonstration of compliance with all applicable regulations of the Pennsylvania Department of Environmental Protection.

C. Design Standards

1. Density Requirements

The maximum number of dwelling units shall equal 3.5 units per acre, calculated by excluding the minimum required open space.

2. Lot Area Requirements for Single Family Detached Dwellings

(a) Minimum Lot Area - 10,000 square feet

(b) Minimum Lot Width - 80 feet at the lot frontage, and if along the turnaround of a cul-de-sac, 60 feet at the lot frontage

3. Setback Requirements for Single Family Detached Dwellings

(a) Minimum Front Setback - Twenty-five feet (25') except when along a collector road in a residential subdivision, where such setback shall be thirty feet (30').

(b) Minimum Side Setback - Ten feet (10'). There shall be two (2) side yards, except on corner lots.

(c) Minimum Rear Setback - Thirty feet (30'). There shall be a rear yard.

(d) The maximum impervious coverage for each lot shall be fifty percent (50%).

4. Area and Bulk Regulations Applicable to Semi-Detached Dwellings and Row or Attached Dwellings

(a) Lot Area Requirements

(1) Minimum Lot width for Semi-Detached Dwellings shall be thirty-five feet (35').

(2) Minimum Lot width for Row or Attached Dwellings shall be eighteen feet (18') except that end units shall have a lot width of twenty-five feet (25').

(b) The minimum yard requirements shall be as follows:

	<u>Front</u>	<u>One Side</u>	<u>Rear</u>
Semi-Detached Dwelling	25	10	25
Row or Attached Dwellings			
End Units	25	10	25
Other Units	25		25

(c) The maximum impervious coverage permitted shall be seventy percent (70%) for fee simple residential ownership and fifty percent (50%) for residential lots held in common ownership.

(d) The maximum building height as measured at the front yard setback line as provided in the definition of building height in Section 2.03 shall not exceed thirty-five feet (35').

5. Supplemental Regulations Applicable to Semi-Detached Dwellings and Row or Attached Dwellings

(a) The maximum number of dwelling units per row or attached dwellings shall be eight (8).

D. Open Space

1. (a) Within an open space residential development, a minimum of thirty percent (30%) of all land which is part of the open space residential development must be open space. For purposes of calculating the foregoing thirty percent (30%) open space any adjoining land conveyed to the Middlesex Township Municipal Authority or to Middlesex Township for purposes of wellhead development or protection may be included as part of the open space requirement set forth herein for the adjoining residential development. All open space areas shall be clearly depicted on subdivision and/or land development plans.

(b) The following areas shall not be calculated as open space:

(1) Areas devoted to public streets or rights-of-way.

(2) All areas within fee simple residential ownership and/or single family detached residential lots.

(3) All impervious areas on residential lots held within common ownership.

2. In general, the required open space to be set aside shall attempt to preserve natural areas such as groundwater recharge areas, wetlands, streams, mature woodlands, and mature hedgerows.

3. Access to Open Space

All lots for dwelling units shall have access to open space. Pedestrian access ways from the street to interior open space areas shall be not less than twelve (12') feet in width.

4. Ownership and Maintenance of Open Space

All or part of the common open space may be dedicated to the Township for public use or to the Township or Middlesex Township Municipal Authority (the "Municipal Authority") for municipal use. The Board of Supervisors and the Board of the Municipal Authority, at their sole discretion, shall have the right not to accept any dedication of open space.

When common open space is not dedicated to and accepted by the Township for public use or the Township or Municipal Authority for municipal use, it shall be owned, managed, controlled and insured by the developer, or if the developer is not the owner of the property to be developed, then by the owner, or a Homeowner's Association (Association), for the use and/or benefit of the residents of the open space residential development. If the Common Open Space is deeded to a Homeowners Association, covenants or other legal arrangements shall consist of at least the following:

- (a) Each purchaser (owner) is obligated to participate in the Homeowners Association and to support maintenance of the open areas by paying to the association assessment sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.
- (b) The Association shall insure, regulate, maintain and replace any common facilities.
- (c) Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure or noncompliance.
- (d) (1) Provide for agreement that if the township is required to perform any maintenance work pursuant to the items (a)

and (b) above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such cost has been paid.

- (2) Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors.
- (3) Assurance that such covenants or equivalent provisions shall be evidenced by the recordation in the Office of Recorder of Deeds, of a perpetual declaration regarding maintenance of facilities as prescribed hereinabove and identifying the tract and each lot therein.
- (4) The declaration shall be referenced in the deed or other instrument of conveyance of each lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each lot of record, be incorporated by reference in the instrument of conveyance.
- (e) Guarantee that any association formed to own and maintain common open space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.
- (f) The Township will require that a landscape plan/maintenance plan for open space be submitted along with the preliminary plan. The landscape plan/maintenance plan will be prepared and maintained by the developer until such time as the developer conveys common facilities to the Association at which time the Association is obligated for maintenance.

Such covenants or equivalent legal arrangements shall be submitted for review with the Final Subdivision Plan and shall be reviewed and approved by the Board of Supervisors prior to the granting of final plan approval.

- (g) The developer or owner of the Open Space shall own and maintain the Open Space, until such time as the Open Space is conveyed to a Homeowners Association or the Township, who shall then be responsible for maintenance and replacement of the Open Space.

Common open space, whether owned by the developer or a Homeowners Association shall be insured as follows with limits not less than those stated below:

Bodily/Personal Injury Liability: \$1,000,000 each person; \$5,000,000 each occurrence.

Property Damage Liability: \$1,000,000 each occurrence; \$5,000,000 each aggregate.

5. Future Development of Open Space

Future development, subdivision, or sale of the required open space is prohibited except as provided in Section 22.08D.6, Use of Open Space, below.

6. Use of Open Space

- (a) Use of open space may include recreation equipment, pavilions, benches, paths and walkways, athletic fields, farming, woodlands, game preserves and similar uses for both passive and active recreation activities and, if dedicated to and accepted by the Township or Municipal Authority, for municipal or other governmental purposes.
- (b) Any structure or building accessory to recreation, conservation, or agriculture may be erected within the open space, subject to the approved open space plan. The accessory structures or buildings shall not exceed, in the aggregate, one (1) percent of the required open space area.
- (c) Residential accessory structures, such as sheds, garages, fences, etc. shall not be permitted in the open space area.

Section 22.09 - Stormwater Management

- A. Stormwater management facilities shall be included as part of the minimum required open space as defined in Section 22.08D of this Ordinance, as amended. However, the applicant must demonstrate to the satisfaction of the Board of Supervisors that such facilities are designed in accordance with the provisions of this section and the Middlesex Township Subdivision and Land Development Ordinance.

SECTION 3: If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal,

unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this or the Middlesex Township Zoning Ordinance as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this or the Middlesex Township Zoning Ordinance. The Board of Township Supervisors hereby declares that it would have adopted this Ordinance and each section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, sub-sections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

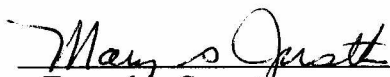
SECTION 4: Except only as amended, modified and changed herein, the Middlesex Township Zoning Ordinance as originally enacted and as previously amended shall remain in all other respects in full force and effect.

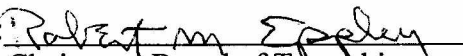
SECTION 5: This Ordinance shall become effective in accordance with applicable law.

ORDAINED AND ENACTED this 12th day of February, 2003.

ATTEST:

TOWNSHIP OF MIDDLESEX


Township Secretary

BY: 
Chairman, Board of Township
Supervisors

(SEAL)

**TABLE 1
RT - RESIDENTIAL TOWNE DISTRICT**

Use #	RT - Residential Towne District	Front Yard	Rear Yard	Side Yard	Public Water and Public Sewer		Public Sewer and No Public Water		No Public Water and No Public Sewer	
		Minimum	Minimum		Minimum		Minimum		Minimum	
			Lot Area	Lot Width	Lot Area	Lot Width	Lot Area	Lot Width		
PERMITTED USES										
1.	Single Family Dwellings	See Section 22.08			20,00 SQ. FT.	80 FT.	1 ACRE	100FT.	60,000 SQ. FT.	150FT.
2.	Churches and Places of Worship	50 FT.	50 FT.	25 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.
3.	Public Parks, Playgrounds and Open Space	50 FT.	50 FT.	50 FT.	1 ACRE	100 FT.	1 ACRE	100 FT.	60,000 SQ. FT.	100 FT.
4.	Forestry	See Section 14.53								
5.	Open Space Residential Development - Optional for tracts of 10 acres or greater pursuant to standards in Section 22.08 of this Ordinance.									
ACCESSORY USES										
6.	Accessory Buildings or Structures	See Section 14.01 of the Middlesex Township Zoning Ordinance								
7.	Signs	Pursuant to Article XIV of the Middlesex Township Zoning Ordinance								
SPECIAL EXCEPTION USES										
8.	Public Buildings and Governmental Institutions *	50 FT.	50 FT.	25 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.	5 ACRES	200 FT.
9.	Semi-Public or Private Recreational Areas	See Sections 14.31, 14.32 and 14.34 of the Middlesex Township Zoning Ordinance								
10.	Uses, which in the opinion of the Zoning Hearing Board, are of the same general character as those listed as permitted uses and which will not be detrimental to the intended purpose of these districts	Pursuant to the Zoning Hearing Board								

* where operation requirements necessitate locating within the district.