

MIDDLESEX TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 – 2009

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE NO. 3-89 KNOWN AS THE "MIDDLESEX TOWNSHIP ZONING ORDINANCE" WITH RESPECT TO CERTAIN INSTITUTIONAL USES.

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: Ordinance No. 3-89 entitled "Middlesex Township Zoning Ordinance" enacted June 30, 1989, and subsequently amended, is hereby amended as follows:

A. Article II, Section 2.03, is hereby amended to include the following additional and/or revised definitions:

Cemetery: A principal use of land, building(s) or structure(s) for the interring of the dead. A cemetery may include as accessory uses a caretaker dwelling for the primary cemetery caretaker and his family and a Place of Worship subordinate to the cemetery.

Dormitory: Any building or portion thereof used for the housing of students or members of a religious order, including convents and monasteries. A dormitory is permitted only as an accessory use for a school, college, post-graduate school, place of worship, convent, monastery, or similar institution in those zoning districts specified in this Ordinance.

Place of Worship: A principal use of land or building(s) by a nonprofit religious institution for spiritual worship. A Place of Worship may include as an accessory use a clergy, rectory, parish house or manor as a single family dwelling for the primary religious leader and his family.

School: A principal use of land or building(s) in which supervised education or instruction is offered in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or lawfully constituted ecclesiastical governing body, person, partnership or corporation meeting the educational requirements of the Commonwealth of Pennsylvania, according to the following categories:

1. **Public School:** A school licensed by the Department of Education for the purpose of providing nursery, kindergarten, elementary, secondary, adult education, post-secondary, post-graduate, or any educational combination thereof; and that offers a completion certificate or diploma. Such a school secures the major part of its funding from a governmental agency and is operated by a school district or other organized governmental unit.
2. **Private School:** A school that offers nursery, kindergarten, elementary, secondary, post-secondary, post-graduate, or any educational combination thereof; and that offers a completion certificate or diploma. Such a school does not secure the major part of its funding from any governmental agency and may or may not be operated as a gainful business. Private Schools may include colleges, universities, post-graduate schools and parochial schools supported and controlled by a church or religious organization.
3. **Commercial School:** A school that may offer a wide range of educational or instructional activities and may offer a completion certificate or diploma (excluding vocational trade schools as defined below). Such a school may be operated as a gainful business by some person or organization other than a public school district and does not secure the major part of its funding from any governmental agency. Commercial Schools may include business schools, technical schools, schools of dance, schools of the martial arts and other similar schools.
4. **Vocational Trade School:** A secondary or higher education school primarily teaching usable skills to prepare students for jobs in a trade; that offers a completion certificate or diploma and meet the requirements of the Commonwealth of Pennsylvania for a vocational school. Such a school may, or may not, be operated as a gainful business and principally offers training in any of the following or similar occupations:
 - A. Truck driving;
 - B. Engineer repairs;
 - C. Building construction and general contracting;
 - D. Woodworking;
 - E. Masonry;
 - F. Plumbing;
 - G. Electrical contracting.

School District: A district that serves as a unit for state financing and administration of elementary and secondary schools.

B. Article VI, RF – Residential Farm Districts, is hereby amended as follows:

1. Section 6.02.G is hereby amended to provide as follows:

G. Public Schools, excluding accessory dormitory facilities, and Municipal Buildings. (See Section 14.29)

2. Section 6.04.E and F are hereby amended to provide as follows:

E. Places of Worship, excluding accessory dormitory facilities (See Section 14.27); and Cemeteries. (See Section 14.28)

F. Private Schools, excluding accessory dormitory facilities. (See Section 14.29)

C. Article VII, RC – Residential Country Districts, is hereby amended as follows:

1. Section 7.02.B and C are hereby amended to provide as follows:

B. Places of Worship, excluding accessory dormitory facilities. (See Section 14.27)

C. Public Schools, excluding accessory dormitory facilities. (See Section 14.29)

2. Section 7.04.D is hereby amended to provide as follows:

D. Private Nursery, Kindergarten, Elementary and Secondary Schools, each excluding accessory dormitory facilities. (See Section 14.29)

D. Article VIII, RS – Residential Suburban Districts, is hereby amended as follows:

1. Section 8.02.C and D are hereby amended to provide as follows:

C. Places of Worship, excluding accessory dormitory facilities. (See Section 14.27)

D. Public Schools, excluding accessory dormitory facilities. (See Section 14.29)

2. Section 8.04.D is hereby amended to provide as follows:

D. Private Nursery, Kindergarten, Elementary and Secondary Schools, each excluding accessory dormitory facilities. (See Section 14.29)

E. Article IX, VC – Village Center Districts, is hereby amended as follows:

1. Section 9.04.B and D are hereby amended to provide as follows:

B. Places of Worship including accessory dormitory facilities. (See Section 14.27)

D. Public Schools, Private Schools, Commercial Schools, Colleges, Universities and Post-Graduate Schools, each excluding accessory dormitory facilities. (See Section 14.29)

F. Article X, CH – Commercial Highway Districts, is hereby amended as follows:

1. Section 10.03.N and O are hereby amended to provide as follows:

N. Private Schools, Colleges, Universities, Post-Graduate Schools, Commercial Schools and Vocational Trade Schools, each including accessory dormitory facilities. (See Section 14.29)

O. Places of Worship, including accessory buildings and uses such as church school and dormitory facilities.

G. Article XI, LI – Light Industrial Districts, is hereby amended as follows:

1. Section 11.03 is hereby amended to include the following additional provision:

14. Commercial Schools and Vocational Trade Schools, including accessory dormitory facilities. (See Section 14.29)

2. Section 11.04 is hereby amended to include the following additional provision:

C. Commercial Schools and Vocational Trade Schools subordinate to a permitted Principal Use, including accessory dormitory facilities. (See Section 14.29)

H. Article XII, IG – Industrial General Districts, is hereby amended as follows:

1. Section 12.03 is hereby amended to include the following additional provision:

18. Vocational Trade Schools, excluding accessory dormitory facilities. (See Section 14.29)

2. Section 12.04 is hereby amended to include the following additional provision:

C. Vocational Trade Schools subordinate to a permitted Principal Use, excluding accessory dormitory facilities. (See Section 14.29)

3. Section 12.05 is hereby amended to include the following additional provision:

E. Commercial Schools, excluding accessory dormitory facilities.
(See Section 14.29)

I. Article XIV, Supplementary Regulations, Sections 14.27, 14.28 are hereby amended in their entirety as follows:

A. Permitted Uses

1. Places of worship including, but not limited to churches, synagogues, temples, chapels and halls.
2. Religious education building but not parochial school.
3. Recreation and cultural center uses when accessory to worship activity.
4. A single family dwelling for the primary religious leader and his family, when accessory to a place of worship and related to worship activity, such as a clergy, rectory, parish house or manor.
5. Convents, monasteries and dormitories are permitted as an accessory use only in the VC and CH zoning districts.

B. Area and Bulk Regulations All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

1. The minimum lot area shall be two (2) acres without accessory dormitory facilities and four (4) acres with accessory dormitory facilities; however, if the principal structure shall have space for more than 500 persons one additional acre shall be required for each additional successive increment of 200 persons or part thereof.
2. The minimum front, side and rear yards shall be as follows:
50 feet for lots containing less than 10 acres of lot area
75 feet for lots containing from 10 to 50 acres of lot area
100 feet for lots containing more than 50 acres of lot area
3. The maximum lot coverage (principal and accessory buildings) shall be calculated as follows:
 - a. for a lot containing 10 or less acres, 20%.
 - b. for a lot containing 50 or less acres but more than 10 acres: 2 acres plus .04 acres for each full acre over 10 acres.
 - c. for a lot containing more than 50 acres, 3.6 acres plus .025 acres for

each full acre over 50 acres.

Maximum lot coverage in accordance with the above calculations is illustrated by the following examples in the table below:

Lot Area	Maximum Lot Coverage	Lot Area	Maximum Lot Coverage
2	0.4	30	2.8
3	0.6	35	3
4	0.8	40	3.2
6	1.2	45	3.4
7	1.4	50	3.6
8	1.6	60	3.85
9	1.8	70	4.1
10	2	80	4.35
11	2.04	90	4.6
15	2.2	100	4.85
20	2.4	150	6.1
25	2.6	200	7.35

4. The minimum open space area shall be 30 percent.
5. The maximum building height shall be the maximum building height as specified by in the zoning district in which the use is proposed as defined in Section 2.03 of this Ordinance.

C. Parking Requirements

1. Assembly halls and/or areas One (1) space per 200 sq. ft. of floor space or one (1) space per five (5) seats, whichever is greater.
2. Parish house and/or similar single family dwelling Two (2) spaces.
3. Convents, dormitories and similar uses One (1) space for every two (2) residents.

D. Supplemental Regulations

1. A Landscaping Plan shall be prepared for each site and approved by the Board of Supervisors in accordance with the requirements of the Subdivision and Land Development Ordinance.
2. A planted buffer strip with visual screening shall be required where the site abuts an existing residential use or a residential zoning district.
3. No parking area shall be permitted within the required front, side or rear yards.
4. Each site shall be easily accessible from an improved street or highway with safe ingress and egress for both vehicular and pedestrian traffic.
5. All play areas contiguous to any developed lot shall be fenced.

SECTION 14.28 - CEMETERIES

A. Permitted Uses

1. Cemeteries
2. Mausoleums
3. A single family dwelling for the primary cemetery caretaker and his family, when accessory to a cemetery.
4. A Place of Worship, when accessory and subordinate to a cemetery, excluding clergy houses and dormitory facilities. (See Section 14.27)

B. Area and Bulk Regulations. All area and bulk regulations of the prevailing zoning district shall apply with the following exceptions:

1. The minimum size of a cemetery shall be 4 acres without accessory caretaker dwelling and 8 acres with accessory caretaker dwelling.
2. The minimum front, side and rear yards shall be as follows:
75 feet for lots containing less than 10 acres of lot area
100 feet for lots containing 10 or more acres of lot area
3. The maximum impervious coverage permitted on any lot used as a cemetery is twenty percent (20%) of the total lot area.

4. The maximum building height shall be in accordance with the definition of building height as set forth in Section 2.03 of This Ordinance.

C. Parking Requirements

- | | |
|-----------------------|--|
| 1. Places of Worship | One (1) space per 200 sq. ft. of floor space or one (1) space per five (5) seats, whichever is greater |
| 2. Caretaker dwelling | Two (2) spaces |
| 3. Employees | One (1) space per full-time and part-time employee |

D. Supplemental Regulations

1. A Landscaping Plan shall be prepared for each site and approved by the Board of Supervisors in accordance with the requirements of the Subdivision and Land Development Ordinance.
2. A planted buffer strip with visual screening shall be required where the site abuts an existing residential use or a residential zoning district.
3. No part of a cemetery property in active use as an area for interment or burial of dead remains shall be located within the 100 year floodplain as regulated by Article XIII of This Ordinance.
4. All interment or burial of dead remains must be in accordance with all applicable Federal, state and local laws and regulations and evidence of such must be provided to the Board of Supervisors prior to a Certificate of Occupancy being issued for the cemetery use, and thereafter as requested by the Board of Supervisors.

Section 14.29 - Schools.

A. Permitted Uses

1. Public Schools
2. Private Schools
3. Commercial Schools

4. Vocational Trade Schools

B. Area and Bulk Regulations All area and bulk regulations of the prevailing Zoning District shall apply with the following exceptions:

1. The minimum lot area shall be based upon the following standards for school sites:
 - (a) Commercial School or Vocational Trade Schools:
2 acres without dormitory facilities and
4 acres with dormitory facilities.
 - (b) Public or Private Nursery, Kindergarten and Elementary Schools:
5 acres without accessory dormitory facilities and
10 acres with accessory dormitory facilities.
 - (c) Public or Private Junior High Schools:
10 acres without accessory dormitory facilities and
20 acres with accessory dormitory facilities.
 - (d) Public or Private Senior High Schools:
15 acres without accessory dormitory facilities and
30 acres with accessory dormitory facilities.
 - (e) Public or Private Colleges, Universities and Post-Graduate Schools:
15 acres without accessory dormitory facilities and
30 acres with accessory dormitory facilities;
except in CH Districts, 2 acres without accessory dormitory facilities and
4 acres with accessory dormitory facilities
2. In addition to the above acreage, there shall be provided one additional acre of land for each 200 students or a part thereof.
3. The minimum front, side and rear yard shall be as follows:
50 feet for lots containing less than 10 acres of lot area
75 feet for lots containing from 10 to 50 acres of lot area
100 feet for lots containing more than 50 acres of lot area
4. The maximum lot coverage (principal and accessory buildings) shall be calculated as follows:
 - a. for a lot containing 10 or less acres, 20%.
 - b. for a lot containing 50 or less acres but more than 10 acres: 2 acres plus
.04 acres for each full acre over 10 acres.

- c. for a lot containing more than 50 acres, 3.6 acres plus .025 acres for each full acre over 50 acres.

Maximum lot coverage in accordance with the above calculations is illustrated by the following examples in the table below:

Lot Area	Maximum Lot Coverage	Lot Area	Maximum Lot Coverage
2	0.4	30	2.8
3	0.6	35	3
4	0.8	40	3.2
6	1.2	45	3.4
7	1.4	50	3.6
8	1.6	60	3.85
9	1.8	70	4.1
10	2	80	4.35
11	2.04	90	4.6
15	2.2	100	4.85
20	2.4	150	6.1
25	2.6	200	7.35

C. Parking Requirements

- | | |
|---|---|
| 1. Public or Private Nursery, Kindergarten and Elementary Schools | Two (2) spaces per classroom plus one (1) space for each five (5) seats in any auditorium or other place of assembly. |
| 2. Public or Private Junior High School | Four (4) spaces per classroom plus one (1) space for each five (5) seats in any auditorium or other place of assembly. |
| 3. Public or Private High School, College, University and Post-Graduate Schools | Senior Eight (8) spaces per classroom plus one (1) space for each five (5) seats in any auditorium or other place of assembly |
| 4. Commercial Schools or Vocational Trade Schools | Eight (8) spaces per classroom plus one (1) space for each five (5) seats in any auditorium or other place of assembly |

D. Supplemental Regulations

1. A Landscaping Plan shall be prepared for each site and approved by the Board of Supervisors in accordance with the requirements of the Subdivision and Land Development Ordinance.
2. A planted buffer strip with visual screening shall be required where the site abuts an existing residential use or a residential zoning district.
3. Each site shall be easily accessible from an improved street or highway with safe ingress and egress for both vehicular and pedestrian traffic.
4. School Dormitories are permitted as accessory uses subordinate to a permitted principal use only in the CH and LI zoning districts.

SECTION 2: 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 3: If any section, subsection, 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 affect or impair the validity of this or the Middlesex Township Zoning Ordinance as a whole, or any other section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or the Middlesex Township Zoning Ordinance.

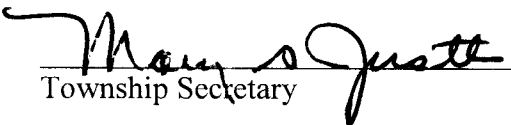
SECTION 4: This Ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED this 4th day of February, 2009.

TOWNSHIP OF MIDDLESEX

By: 
Chairman, Board of Township Supervisors

ATTEST:


Township Secretary

(Township Seal)