

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 1 - 2016

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX,
CUMBERLAND COUNTY, PENNSYLVANIA, AMENDING
THE MIDDLESEX TOWNSHIP ZONING ORDINANCE WITH
RESPECT TO VEHICLE SALES AND SERVICES AND
SUPPLEMENTARY REGULATIONS FOR WHOLESALING,
STORING, WAREHOUSING AND DISTRIBUTION CENTERS.

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. Section 10.03.E of Article X, CH - Commercial Highway Districts, is hereby amended to add at the end thereof the following additional sentence:

Vehicle Sales and Services specifically excludes truck repair and service facilities.

- B. Section 14.61 of Article XIV, Supplementary Regulations, is hereby amended as follows:

1. Section 14.61.E is amended in its entirety to provide as follows:

E. Screen buffers in accordance with the Subdivision and Land Development Ordinance shall be provided in all buffer strips. Stormwater management facilities shall be permitted to be located within buffer strips.

2. Section 14.61.F is amended in its entirety to provide as follows:

F. The maximum building height shall be permitted to increase by 1 foot for every 2 feet by which the building exceeds all applicable minimum yard requirements, up to a maximum building height of 50 feet.

3. Section 14.61.J is amended in its entirety to provide as follows:

J. Electrical hookups to reduce idling of main and auxiliary engines when trucks are in a stationary position, shall be provided at loading dock positions and trailer parking spaces, approximately

where refrigerated trucks may be parked. Alternative energy hookups, such as natural gas, may be provided in lieu of electrical hookups when such systems are viably available and in significant use by industry. The installation of such hookups must be completed as a condition of the issuance of an occupancy permit.

4. New Section 14.61.K is hereby added as follows:

K. Wholesaling, Storing, Warehousing and Distribution Center Facilities
Refrigeration Noise Control

1. Audible sound from a facility that includes a refrigerated area shall not exceed seventy-five (75) dB(A) and seventy-five 75 dB(C), (L10, meaning not to be exceeded by more than 10% of the time), as measured at the facility property line. Any new broadband sound source is limited to raising noise levels no more than 5 dB(A) over the ambient baseline sound level. The ambient baseline sound level is defined as the sound level that is exceeded 90% of the time, the L90 level. "Pure tones", defined here as an octave band, may be no greater than 3 dB(A) over the two adjacent octave bands. All these readings are measured at the facility property line. That is, if tonal noises are present, higher levels of broadband background noise are needed to effectively mask the tone(s). In this respect, a penalty for pure tones of 5 dB(A) is assessed. Therefore, if a facility meets a sound pressure level standard of 75 dB(A), but produces a strong whistling, 5 dB(A) are subtracted from the standard. This forces the facility to meet a standard of 70 dB(A). Methods for measuring and reporting acoustic emissions from refrigeration equipment shall be equal to or exceed the minimum standards for precision described by the American National Standards Institute for sound measurement.
2. When a facility is developed that contains a refrigerated area, if at any time after construction the refrigeration equipment is claimed by or through Middlesex Township to exceed the audible sound standards in Paragraph 1 above, a noise study shall be performed by the property owner or facility owner in accordance with the requirements in Section 14.61.K.1 above within 30 days of the date of written notice by Middlesex Township to perform the noise study. The noise study shall be performed by an independent noise study expert and paid for by the property owner or facility owner. The study shall address and evaluate the requirements specified in Paragraph 1, above. The completed noise study must be submitted in writing to Middlesex Township for review no later than 30 days after the date of the notice that such study must be performed. If warranted based on the study results, remedial action shall be taken by the property owner and/or facility owner to insure compliance with the noise standards in this Section within thirty (30) days of written notification of the need for such remedial action by Middlesex Township, unless extended by the Board of Supervisors for good cause shown before the expiration of the thirty (30) day period.

3. The requirements of this Section 14.61.K shall be a condition for approval of any land development plan proposing a facility in Middlesex Township, shall be indicated as a note on any approved land development plan as being agreed to by the developer and property owner, and shall be a covenant running with the land on which the facility is located and binding upon the property owner, his, her or its heirs, representatives successors and assigns.

SECTION 2: Except only as amended, modified and changed herein, the Middlesex Township Zoning Ordinance as originally enacted and previously amended shall remain in all other respects in full force and effect.

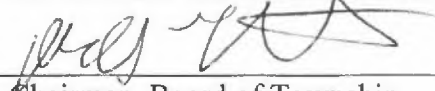
SECTION 3: If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Ordinance 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 Ordinance or the Middlesex Township Zoning Ordinance.

SECTION 4: In the event any provision added by this Ordinance to the Middlesex Township Zoning Ordinance has been numbered, lettered or otherwise designated out of sequence, same shall be corrected and/or correctly numbered, lettered or designated upon discovery of same.

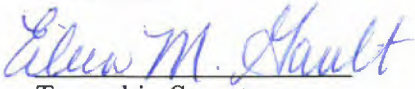
SECTION 5: This Ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED this 4 th day of January , 2016.

TOWNSHIP OF MIDDLESEX

By: 
Chairman, Board of Township
Supervisors

ATTEST:


Township Secretary

(Township Seal)