

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 3 -03

AN ORDINANCE OF THE TOWNSHIP OF MIDDLESEX, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE 3-89 ENACTED JUNE 30, 1989, KNOWN AS THE "MIDDLESEX TOWNSHIP ZONING ORDINANCE" BY PERMITTING NO-IMPACT HOME-BASED BUSINESSES, PROVIDING FOR DWELLING INSPECTION AND SETTING PROCEDURES AND FEES FOR THE ISSUANCE AND RENEWAL OF PERMITS FOR NO-IMPACT HOME-BASED BUSINESSES

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: Article II, Section 2.03 of the Middlesex Township Zoning Ordinance is hereby amended to include the following additional term:

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 premise, 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 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, 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.

SECTION 2: The following Articles and Sections of the Middlesex Township Zoning Ordinance are hereby amended as follows:

A. Article V, OS-Conservation/Open Space Districts, Section 5.03 is hereby amended to include the following additional accessory use:

G. No-impact Home-based Business, subject to the conditions and requirements of Section 14.54.

B. Article VI, RF-Residential Farm Districts, Section 6.03 is hereby amended to include the following additional accessory use:

G. No-impact Home-based Business, subject to the conditions and requirements of Section 14.54.

C. Article VII, RC-Residential Country Districts, Section 7.03 is hereby amended to include the following additional accessory use:

G. No-impact Home-based Business, subject to the conditions and requirements of Section 14.54.

D. Article VIII, RS-Residential Suburban Districts, Section 8.03 is hereby amended to include the following additional accessory use:

F. No-impact Home-based Business, subject to the conditions and requirements of Section 14.54.

E. Article IX, VC-Village Center Districts, Section 9.03 is hereby amended to include the following additional accessory use:

G. No-impact Home-based Business, subject to the conditions and requirements of Section 14.54.

F. Article XVI, UDA-Unified Development Overlay Area District, Section 16.05A.1, is hereby amended to include the following additional use:

g. No-impact Home-based Business, subject to the conditions and requirements of Section 14.54.

G. Article XXII, RT-Residential Towne District, Table I, is hereby amended to include the following provision under "Accessory uses" therein:

7.a. No-impact Home-based Business, subject to the conditions and requirements of Section 14.54.

SECTION 3: Article XIV, Supplementary Regulations, is hereby amended to include the following additional Section:

SECTION 14.54. No impact Home-based Business.

A. A no-impact home-based business shall not be permitted when permitting such a use supersedes any deed restriction, covenant or agreement restricting the use of land or any master deed, bylaw or other document applicable to a common interest ownership community.

B. A permit issued by the Township Zoning Officer shall be required as a condition precedent to the legal operation of a no-impact home-based business. The following procedures and conditions shall apply for the issuance or renewal of a permit for a no-impact home-based business:

1. An application for a permit for a no-impact home-based business shall be submitted on a form prescribed by the Township, with all necessary documents and information specified by such form to the Zoning Officer, together with the payment of a non-refundable permit application fee as described in B.5., below.

2. Upon the submission of a fully completed and signed no-impact home-based business application, supporting documents and required fee, the Zoning Officer shall conduct an inspection of the residential dwelling in which the business is to be located prior to the issuance of a permit.

3. Any permit issued by the Zoning Officer for a no-impact home-based business shall be valid for five years from the date of issuance.

4. A permit issued allowing the operation of a no-impact home-based business shall not renew automatically. No less than thirty (30) days prior to the expiration of

the five-year period of the permit, a renewal application shall be submitted with any required renewal permit fee to the Zoning Officer, if it is proposed that the use continue.

5. The fee for the review and issuance of the initial permit for a no-impact home-based business shall be \$25.00, which fee shall be non-refundable should the permit not be issued. A renewal permit fee, if any, shall be established by Resolution of the Board of Supervisors. The Board of Supervisors may from time to time modify both the initial permit fee and renewal permit fee by Resolution.

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.

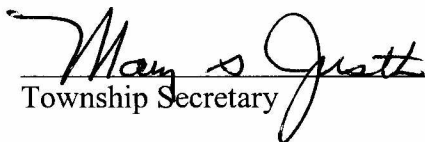
SECTION 5: If any section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this or the Middlesex Township Zoning Ordinance as a whole, or any other section, 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, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or 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.

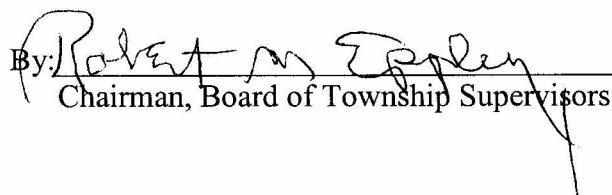
SECTION 6: This Ordinance shall become effective in accordance with applicable law.

ORDAINED AND ENACTED this 13th day of August, 2003.

ATTEST:

TOWNSHIP OF MIDDLESEX


Township Secretary

By: 
Chairman, Board of Township Supervisors

(SEAL)