

TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 4- 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", AS AMENDED, BY AMENDING ARTICLE XVI, UDA-UNIFIED DEVELOPMENT AREA OVERLAY DISTRICT, PROVIDING FOR A TRADITIONAL NEIGHBORHOOD DEVELOPMENT OPTION WITHIN THE UDA-UNIFIED DEVELOPMENT AREA OVERLAY DISTRICT, AMENDING ARTICLE III AND AMENDING ARTICLE II TO PROVIDE NEW DEFINITIONS.

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 new terms and definitions:

Accessory Dwelling Units: A dwelling clearly subordinate to the principal building on the same lot and serving a purpose customarily incidental to the principal residential building. This unit will be considered an Accessory Dwelling Unit if it is 1) located in a separate structure or offers an independent entrance, 2) provides sleeping, cooking, and bathroom facilities independent from the principal dwelling, 3) is occupied by family relations of the primary residence and 4) the unit is occupied by no more than two people.

Buffered: The transition of one site to another through the design and placement of trees, shrubs and/or fences to create at least a partially obscured view between sites.

Flag Lots: A lot that does not fulfill the minimum street frontage requirement for the respective zoning district, but that does have sufficient lot width away from the lot's street frontage, and is configured so that access to the public street is by a narrow staff portion containing a private driveway accessing a building site. No more than two such lots may be adjacent to one another, and where two lots are provided, a shared driveway may be provided for the two lots. The front yard of a flag lot is measured from the place parallel to the street where the lot width complies with the underlying zoning district for lot width. Once created, a flag lot cannot be subdivided into smaller lots.

Landscape Design Elements: The design and placement of trees, shrubs and grasses or ground cover to create an attractive amenity in the landscape.

Rear Access Lane: A lane for the purpose of providing access to rear yard parking for a group of lots. Such a lane may be designated within a right-of-way or by way of easements.

UDA Single-Family Detached Dwelling: A single-family detached dwelling

TND Single-Family Village Detached Dwelling: A single-family detached dwelling located in a Traditional Neighborhood Development (TND).

Stabilized Shoulder: An engineered roadway shoulder adjacent to a travel lane, constructed of stone, suitable for emergency use and narrow enough to discourage parking on the shoulder.

Streetscape Design Elements: Street trees, hedges, sidewalks, grass verge between street and sidewalk, pedestrian-oriented streetlights, bollards, fencing, bicycle racks, identification signage, benches, refuse receptacles or other similar features.

Traditional Neighborhood Development (TND): A compact community consisting of residential and non-residential land use, linked by an interconnected network of streets, alleys, and sidewalks, and accentuated by parks, meadows and/or greens, buildings placed close to the street, on-street parking, varied building block lengths and compatible with a rural community.

Travel Lane: A vehicular lane designated for use by moving vehicles.

UDA Open Space: Land reserved, dedicated or conserved in perpetuity for passive recreation, active recreation, multi-use trails and rear access farm lanes used for trails, private open space, common open space and natural areas and / or outdoor civic spaces.

SECTION 2: Article III , Section 3.11.A of the Middlesex Township Zoning Ordinance is hereby amended and new Section 3.11.C thereof is hereby added as follows:

SECTION 3.11 - Establishment of Unified Development Area Overlay District.

- A. Overlay Concept. The UDA - Unified Development Area Overlay District shall be an overlay to portions of existing underlying zoning districts as shown on the official Middlesex Township Zoning Map.
- B. (As previously enacted)
- C. The provisions of the Middlesex Township Zoning Ordinance and the Middlesex Township Subdivision and Land Development Ordinance shall apply to all UDA Development except to the extent specifically provided for in Article XVI, UDA -

Unified Development Area Overlay District, of the Middlesex Township Zoning Ordinance. In the event of a conflict between the provisions of Article XVI and either the Middlesex Township Zoning Ordinance or the Middlesex Township Subdivision and Land Development Ordinance, the provisions of Article XVI shall prevail and apply.

SECTION 3: Article XVI, UDA – Unified Development Area Overlay District, is hereby amended to provide in its entirety as follows:

ARTICLE XVI
UDA - UNIFIED DEVELOPMENT AREA OVERLAY DISTRICT

SECTION 16.01 - INTENDED PURPOSE. In addition to the general goals listed in the statement of Purposes (Section 1.02) and the Community Development Objectives (Section 1.03), it is the purpose of the Unified Development Area Overlay District:

- A. To assure that the provisions of the Middlesex Township Zoning Ordinance, which are concerned in part with the uniform treatment of dwelling type, bulk, density, intensity, and UDA Open Space within each zoning district, shall not be applied in a manner that would distort the objectives of said zoning ordinance.
- B. To encourage innovations in residential and non-residential development and renewal, including a Traditional Neighborhood Development (TND), so that the growing demand for housing and other development may be met by a greater variety in type, design, and layout of dwellings and other buildings and structures and by the conservation and more efficient use of UDA Open Space ancillary to said dwellings and community facilities.
- C. To provide greater opportunities for better housing, community facilities and recreation in the Township.
- D. To encourage a more efficient use of land and of public services and to reflect changes in the technology of land development, including a Traditional Neighborhood Development (TND), so that economies from the type and size of the development secured may inure to benefit those who need homes and for other uses. In addition to the above, economic efficiencies associated with the development plan will provide less cost and maintenance for roadways, stormwater management facilities and development infrastructure through progressive design principals that minimize length of roadway per lot and through homeowners' associations' responsibilities for certain property maintenance.
- E. To encourage flexible land development, including a Traditional Neighborhood Development (TND), which will respect and conserve natural resources such as streams, lakes, floodplains, groundwater, wetlands, wooded areas, steep-sloped areas, and areas of unusual beauty or importance to the natural ecosystem.

- F. In aid of the foregoing purposes, to provide a procedure which can relate the type, design, and layout of residential and non-residential development to the particular site and the particular demand for housing and community facilities existing at the time of development in a manner consistent with the preservation of property values within existing residential and non-residential areas, and to assure that the increased flexibility of regulations over land development authorized herein is carried out under such administrative standards and procedures as shall encourage the disposition of proposals for land development without undue delay, including as an option the Traditional Neighborhood Development (TND) design provided herein.
- G. To promote the inclusion within larger developments of on-site community conveniences and facilities, as well as passive and active open space areas.
- H. To be consistent with rural Central Pennsylvania and the Middlesex Township Comprehensive Plan.

SECTION 16.02 - ELIGIBILITY REQUIREMENTS FOR
UDA OVERLAY DISTRICT DEVELOPMENTS.

- A. No application for a UDA Development under Article XVI shall be considered or approved by the Board of Township Supervisors unless the following requirements are met:
 - 1. The proposed UDA Development shall consist of one or more contiguous parcels of land under single ownership. Parcels may not be removed from the interior of any UDA Development and no contiguous lots are permitted to form an interior area or lot that is not part of a proposed UDA Development.
 - 2. The proposed UDA Development shall be situated entirely within the UDA Overlay District, as depicted on the Middlesex Township Zoning Map.
 - 3. The proposed UDA Development shall be served only by the municipal water supply system and municipal sanitary sewer system as owned by the Middlesex Township Municipal Authority. The applicant shall provide proof from the Middlesex Township Municipal Authority to the Board of Township Supervisors that capacity for both utilities is available for the proposed UDA Development.
 - 4. In a UDA Development an applicant may choose to comply with the Traditional Neighborhood Development (TND) standards in which a minimum of forty-five percent (45%) of the gross land area of the UDA Development shall be devoted to UDA Open Space; otherwise a minimum of forty percent (40%) of the gross land area of the proposed UDA

Development shall be devoted to UDA Open Space. (For purposes of this Article XVI, the term “gross land area” shall mean the area contained within the existing boundaries of the land, whether consisting of one or more contiguous parcels, on which development consistent with the provisions of this Article XVI is proposed.)

5. The maximum traffic impact density for the total UDA Development shall not exceed 1.6 traffic impact units per gross acre, with traffic impact units for individual residential uses as follows:
 - a. A UDA Single-family detached dwelling unit shall equal 1.0 traffic impact unit.
 - b. A TND Single-family village detached dwelling unit shall equal 0.612 traffic impact unit.
 - c. A single-family semi-detached dwelling unit (e.g. duplex) shall equal 0.612 traffic impact unit.
 - d. A single-family attached dwelling unit (e.g. townhouse) shall equal 0.612 traffic impact unit.
 - e. A multi-family dwelling (e.g. apartment or condominium) unit shall equal 0.693 traffic impact unit.
 - f. An assisted living facility and/or nursing home use shall equal 0.25 traffic impact unit per bed.
 - g. An accessory dwelling unit shall equal 0.25 traffic impact units.
 6. In no case shall the maximum gross residential density for the total UDA Development Tract exceed 2.0 dwelling units per gross acre.
 7. Proposed uses must be consistent with Comprehensive Plan and those permitted by this Ordinance.
- B. A proposed UDA Development shall be permitted by the Board of Township Supervisors of the Township of Middlesex only upon conditional use approval, which approval shall include approval of a Master Development Plan for a UDA Development. Said Master Development Plan shall be in compliance with the requirements of this Article XVI, and shall incorporate specific elements and requirements of Section 16.08 as described herein. Once the applicant is granted the Conditional Use by the Board of Township Supervisors, the applicant may proceed with filing either preliminary and/or final subdivision and land development plans in phases, so long as each phase is consistent with the approved Master Development Plan.

SECTION 16.03 - CONTENT OF APPLICATION FOR APPROVAL OF THE MASTER DEVELOPMENT PLAN.

- A. Applications for conditional use approval of the UDA Development shall include the submission of a Master Development Plan and accompanying supporting data for said plan as required herein. The applicant shall demonstrate compliance with the higher standards for UDA Open Space preservation to qualify for the Traditional Neighborhood Development (TND) standards outlined in this ordinance. The conceptual design elements shown on the plan shall be indicated in sufficient detail to serve as a firm commitment by the applicant with regard to the future development of the gross land area and for the Board of Township Supervisors and the Planning Commission to evaluate the effect of the Master Development Plan on the health, safety and general welfare of the Township. A fixed dimensional layout showing exact building locations, shapes, dimensions, landscape plans and other engineering details, such as those required for land development approval, shall not be required for conditional use approval of the UDA Development or Master Development Plan.
- B. The required contents of and specifications for preparing the Master Development Plan are as follows:
 - 1. Conceptual site plan prepared by a professional engineer, or professional landscape architect, with the individual(s) preparing the plan being licensed and registered to practice as such under the laws of the Commonwealth of Pennsylvania, which plan shall include but not be limited to such conceptual design elements and information as follows:
 - a. Shall be drawn at a scale of not less than one (1) inch equals two hundred (200) feet.
 - b. The total gross area (acreage) of entire development.
 - c. The acreage of impervious area and its percentage of the total gross land area
 - d. The acreage of UDA Open Space and its percentage of the total gross land area
 - e. The number of lots for each type of residential use
 - f. The total number of residential dwelling units
 - g. The gross residential density
 - h. The number of dwelling units for each type of residential use and percentage in relation to the total number of residential units.

- i. The acreage of each type of non-residential use
- j. The percentage of the gross land area proposed for non-residential use
- k. General vehicular and non-vehicular circulation patterns for the entire tract
- l. Points of access to the site
- m. A UDA Open Space proposal which shall include the location of all of the proposed UDA Open Space, the proposed use of each, and the facilities that are anticipated to be placed thereon
- n. Typical lot and building layouts and landscape features for each category of dwelling unit
- o. Boundaries and conceptual depiction of the location and proposed use in each area of the development which shall include depictions of each residential and non-residential use
- p. Location, dimensions of streets and rights-of-way of the proposed road network
- q. Lot lines
- r. Location of proposed public utilities
- s. Schematic groupings of buildings and structures including a schedule of gross floor areas and heights
- t. Schematic provision of storm water management facilities accompanied by a written analysis and conclusions as to anticipated storm water management methods
- u. Any other data as found necessary by the Township Planning Commission and Board of Supervisors

C. Additional required supporting data and plans:

- 1. A Water supply proposal and feasibility report from the Municipal Authority
- 2. A Sewage service proposal feasibility report from the Municipal Authority

3. Architectural documents in accordance with Section 16.07.A.11 of this Ordinance
4. The Natural Features Analysis in accordance with Section 16.06.A of this Ordinance
5. The Community Impact Analysis prepared in accordance with Section 16.06.B of this Ordinance
6. A narrative that generally describes the proposed covenants, restrictions and development standards
7. A Supplementary Parking Needs Report in accordance with Section 16.07.B.8.f of this Ordinance.

SECTION 16.04 – PROCEDURES.

The following procedures shall apply to the proposed UDA Development:

- A. Conditional Use Review of Master Development Plan Application. The Master Development Plan Application and all supporting documents and filing fees shall be submitted to the Zoning Officer. The notice, hearing and decision procedures set forth in Article XVIII, Section 18.13 shall be followed.
- B. Criteria For Master Development Plan Application Review. The Board of Township Supervisors shall consider the following criteria when evaluating Master Development Plan Applications submitted under the provisions of this Article XVI:
 1. The natural environments of the tract, with particular reference to preservation of streams, woodlands, Pennsylvania Natural Diversity Index Sites, woodlands and slopes in excess of twenty-five percent (25%), protection against soil erosion and water contamination, and provision for flood and surface water run off control.
 2. Location of development areas, uses described in Section 16.05, infrastructure and UDA Open Space shall take into account the following:
 - a. Suitability with respect to topography and drainage.
 - b. Compatibility with surrounding land use.
 - c. Preservation of significant natural features and vegetation.
 - d. Preservation of significant visual resources.
 3. Consideration of traffic improvements designed to alleviate potential vehicular traffic congestion resulting from implementation of the Master Development Plan on a phase-by-phase basis, including any off-site

improvements demonstrated to be required as a result of the UDA Development.

4. Provision for the ownership and restrictions of the proposed UDA Open Space, which will secure proper maintenance and preservation thereof for open space purposes.
 5. Preservation of historic sites and structures.
 6. Determination of suitability with respect to each of the purpose statements in Section 16.01.
 7. Compliance with the applicable standards of this Article.
 8. Determination of compliance with the Traditional Neighborhood Development (TND) standards for UDA Open Space if that option is pursued.
- C. Authority to Attach Reasonable Conditions to Approval. In approving the Master Development Plan Application, the Board of Township Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Article, as it may deem necessary to protect the health, safety and welfare of the Township residents.
- D. Submission of Subdivision and Land Development Plan. Approval of the Master Development Plan Application shall not effect a subdivision or land development of any part of the Master Development Plan Tract. The developer, or any successor to the developer, for all or any portion of the UDA Development, shall comply with the Middlesex Township Subdivision and Land Development Ordinance procedures and requirements to the extent that Ordinance is not inconsistent with the approved Master Development Plan for the UDA Development. Applications for subdivision and land development approvals may be for individual phases of the UDA Development. Conditional use approval of the Master Development Plan Application by the Board of Township Supervisors will be in lieu of any other zoning or use approval otherwise required with respect to uses approved as a part of the Master Development Plan Application.
- E. Vested Right to Proceed. The applicant, or any successor to the applicant, for all or any portion of the UDA Development, shall have a vested right to proceed according to the Master Development Plan Application, and no subsequent change or amendment to the zoning, subdivision and land development ordinance, or other governing ordinance or regulation, shall be applied to affect adversely the right of the applicant, or any successor, to commence or complete any aspect of the approved Master Development Plan Application, or materially increase the amount of site improvements or the projected cost of construction of buildings

and site improvements, for a period of twenty (20) years from the date of conditional use approval of the Master Development Plan Application.

F. Amendment of Master Development Plan Application.

1. Once conditional use approval is granted by the Board of Township Supervisors for the Master Development Plan showing a UDA Development to be developed in phases, after approval by the Board of Township Supervisors of a final subdivision and land development plan for individual phases as required by the Middlesex Township Subdivision and Land Development Ordinance, and after obtaining development related approvals required by other Federal, State or local laws and/or ordinances, development may be commenced for individual phases only in a manner which is generally consistent with the approved Master Development Plan. The Board of Supervisors, in its discretion, may approve changes to the Master Development Plan if such changes do not materially alter the use, density, number or type of buildings or units, street classifications or other aspects of the Master Development Plan.
2. The Board of Township Supervisors may permit material changes to the Master Development Plan upon application for amendment by an applicant representing the entirety of, or any portion of, the UDA Development by following the procedures and criteria outlined in Section 18.13 of this Ordinance.

SECTION 16.05 - LAND USE AND DENSITY REQUIREMENTS.

A. Uses permitted in a UDA Development are as follows:

1. Residential Uses:
 - a. UDA Single-family detached dwellings
 - b. TND Single-family village detached dwellings
 - c. Single-family semi-detached dwellings (e.g. duplex)
 - d. Single-family attached dwellings (e.g. townhouses)
 - e. Multi-family dwellings (e.g. apartments or condominiums)
 - f. Assisted living facilities and nursing homes only if ancillary to the residential development in accordance with conditions contained herein.
 - g. No-impact home-based businesses, subject to the conditions and requirements of Section 14.54.
2. Non-residential Uses:
 - a. Local convenience uses of the retail and service type that could be considered incidental or accessory to residential uses. Examples of such uses are convenience grocery stores, drug stores, medical and

dental clinics, restaurants, bed & breakfasts, office, studios and other uses of a similar character.

- b. Community services such as meeting rooms, health facilities, and other uses of a similar character for use by the residents.
- c. Community facilities such as schools and churches.
- d. Golf Courses, including accessory uses, buildings and structures customarily associated with a golf course, such as, but not limited to, a club house, locker rooms, maintenance and storage buildings, practice driving range and putting greens, rest room facilities and lightning shelters, provided, however, that the golf course is developed in conjunction with a residential development approved as part of the UDA Development.

3. Accessory Uses:

- a. Accessory Dwelling Units when located on and secondary to a UDA Single-Family Detached Lot or TND Single Family Village Detached Lot.
 - i. An accessory dwelling unit shall be no less than 400 square feet, shall not exceed 1,200 square feet, the habitable floor area of the accessory dwelling unit shall not exceed 30% of the habitable floor area of the principal residence and shall not provide more than one bedroom.
 - ii. Where the unit complies with the definition of Accessory Dwelling Unit and 16.05.A.3.a.i, the unit shall not be considered a dwelling unit for purposes of determining maximum gross residential density.
- b. Other accessory uses as permitted in the underlying zoning district by the Middlesex Township Zoning Ordinance.

4. Active and passive recreational uses in conjunction with the UDA Open Space requirements of this Ordinance.

5. Any of the above permitted residential, non-residential or recreational uses may be combined in a mixed-use building.

B. UDA Developments shall have a mix of residential uses consisting of the following dwelling types which meet the proportions provided below.

- 1. UDA Single-Family Detached: A minimum of forty percent (40%) of all proposed dwelling units
- 2. Single-Family Semi-Detached (e.g. duplex): A maximum of thirty five percent (35%) of all proposed dwelling units.

3. Single-Family Attached (e.g. townhouses): A maximum of thirty-five (35%) of all proposed dwelling units.
 4. Multi-Family Apartments or Assisted Living Facilities: A maximum of ten percent (10%) of all proposed dwelling units.
 5. Nursing Homes: A maximum of two percent (2%) of all proposed dwelling units. For purposes of this provision, four (4) beds shall constitute one (1) dwelling unit.
 6. No-Impact Home-Based Business.
- C. The mix of uses permitted in 16.05.B shall be expanded as defined below for UDA Developments using the Traditional Neighborhood Development (TND) option. TND Developments shall have a mix of residential uses consisting of the dwelling types and proportions described in Section 16.05.B above, except as provided for specifically below:
1. UDA Single-Family Detached: A minimum of thirty percent (30%) of all proposed dwelling units
 2. TND Single-Family Village Detached: A maximum of 50% of all proposed dwelling units
 3. The sum of UDA Single-Family Detached and TND Single-Family Village Detached shall not exceed a maximum of 90% of all proposed dwelling units.
 4. Multi-Family Apartments (e.g. apartments or condominiums) or Assisted Living Facilities: A maximum of fifteen percent (15%) of all proposed dwelling units.
 5. Accessory Dwelling Units: A maximum of ten percent (10%) of the total number of dwelling units may be Accessory Dwelling Units.
- D. The UDA Development shall be regulated by the following standards relative to impervious coverage:
1. Impervious area shall not exceed thirty percent (30%) of the gross land area for a Traditional Neighborhood Development (TND); otherwise the impervious area shall not exceed twenty-five percent (25 %) of the gross land area.
 2. The maximum impervious area permitted on any lot for UDA Single family detached use shall be fifty percent (50%) of the lot area.

3. The maximum impervious area permitted on any lot for all other uses shall be sixty-five percent (65 %) of the lot area.
- E. The areas set aside for non-residential uses and community services and/or facilities shall not exceed the following maximums:
1. The total area of all lots set aside for uses identified in Section 16.05A.2a within the UDA Development shall not exceed three percent (3%) of the gross land area.
 2. The total area of all lots set aside for community services and/or facilities, including those defined in 16.05.A.2b and A.2c (not including active recreation areas) within the UDA Development shall not exceed three percent (3%) of the gross land area.
 3. The areas set aside for non-residential use and community services and/or facilities within the UDA Development may be combined.

SECTION 16.06 - SITE ANALYSIS.

The applicant must demonstrate to the satisfaction of the Board of Township Supervisors during the conditional use approval process that both the opportunities provided and the constraints imposed by natural features and community facilities have been considered in the site design of the proposed Master Development Plan.

- A. A Natural Features Analysis is required to determine which specific areas of the gross land area are suitable for development and which areas shall be preserved in their natural state. The Natural Features Analysis shall consist of the identification and analyses of the following:
1. An analysis of the site topography, before and after construction. Said analysis can be based upon, at a minimum, an interpolation of existing U.S.G.S mapping and shall include:
 - a. Delineation of slope areas according to the following categories: 0-8%, 8-15%, 15-25% and over 25% slope.
 - b. Wooded/forested areas and areas containing significant tree clusters shall be identified and mapped. In addition, where wooded/forested areas are proposed to be disturbed, dominant tree species should be identified with individual mature trees having a caliper of six (6) inches or more located.
 - c. Areas containing other natural amenities shall be mapped based upon a reliable source of information.

- d. A conceptual finish grading plan at a contour interval sufficient enough to demonstrate that the development site can be graded without excessive earthmoving.
 - e. The conceptual finished grading plan shall indicate those areas where trees will be removed as a result of site grading so as to ascertain that the development site can be graded without excessive adverse impact or destruction of natural amenities.
 - f. The conceptual finished grading plan shall indicate those areas where natural amenities are adversely impacted and or destroyed so as to ascertain that development site can be graded without excessive adverse impact or destruction of natural amenities.
 - g. The applicant shall also provide a conceptual Erosion and Sediment Pollution Control Plan, which should illustrate and otherwise identify the method and the means by which erosion will be controlled during construction to the extent that the site's natural features and amenities are not impacted.
- 2. An analysis of natural drainage patterns and water resources. Using existing topographic, soils, geologic, aerial, photographic, GIS and other existing published data, all streams, natural drainage swales, ponds or lakes, wetlands and marsh areas, floodplain areas, permanent and seasonal high water table areas shall be identified and included in the analysis. The applicant must demonstrate that natural elements and drainage patterns will be preserved to the extent feasible and incorporated into the final design of the development.
 - 3. Identification of the areas of the site proposed to be disturbed that are found to have inadequate natural surface drainage. The method by which said natural surface drainage must be enhanced to accommodate the proposed development shall be described.
 - 4. An analysis of the characteristics of rock formations underlying the site and a delineation of all aquifers (particularly those locally subject to pollution and with low groundwater yields) shall be delineated, including the highlighting of shallow depth-to-bedrock areas, and areas in which rock formations are unstable. Existing available geologic and hydrogeologic data shall also be considered. An analysis of these natural features followed by conclusions indicating that these features will neither be adversely impacted by the proposed development nor pose any limitations that cannot be overcome. A recommendation as to how limitations can be overcome is also required.

5. An analysis of on-site soils. Mapping shall be provided, based on an interpolation of the then current Soil Survey of Cumberland and Perry Counties published by the United States Department of Agriculture, Soil Conservation Service, or any successor publication, indicating the location of site specific soil types and whether they are categorized as Class I or Class II agricultural soils. Soils shall be further described in detail including their limitations for use as construction material. In addition, an analysis is required followed by conclusions drawn therefrom indicating that the on-site soils will neither be adversely impacted by the proposed development nor will they pose any limitations that cannot be overcome. A recommendation as to how limitations can be overcome is also required.
 6. An analysis of the existing on-site vegetation (other than trees and woods as required above) describing the type of cover, calculating the percentage that will be removed, and illustrating location of said removal.
- B. A Community Impact Analysis is required in order to identify and address the potential effects and impacts of the development upon existing and proposed community facilities. Applicable provisions of the Community Impact Analysis shall be prepared in accordance with provisions contained in Section 717, Traffic Impact and Section 718, Environmental Impact Assessment Report of the Middlesex Township Subdivision and Land Development Ordinance. The facilities required to be analyzed are as follows:
1. Transportation and surrounding roadway system
 2. Water supply
 3. Sewage disposal
 4. Public utilities, such as electricity, gas, telephone and cable television
 5. Solid waste disposal
 6. Emergency Services, such as police, fire protection, and ambulance
 7. Schools
 8. Recreation

The analysis shall contain a detailed description as to how any identified impacts will be addressed and mitigated by the applicant.

SECTION 16.07 - SITE DESIGN REQUIREMENTS

The results of the Natural Features Analysis and Community Impact Analysis as required by Sections 16.06.A and 16.06.B shall be used as the basis upon which the site is to be designed. In addition, the following specifics shall apply with respect to the types of uses proposed:

- A. Residential Uses:

1. The following minimum area, bulk and spacing requirements shall apply. Where the applicant chooses to comply with higher standards for a Traditional Neighborhood Development (TND) as defined in this ordinance, the bulk and area standards for that development shall permit smaller setbacks as defined below.
 - a. UDA Single-family detached dwelling units:
 - Lot area - 7,500 square feet minimum with a development-wide required average of no less than 9,000 sq. ft.
 - Front yard - 15 feet within a TND; 30 feet otherwise
 - Side yard - 15 feet aggregate; 5 feet minimum
 - Rear yard - 20 feet for the primary structure and 5 feet for detached garages or semi-detached garages that are physically connected to the primary structure within a TND; 30 feet otherwise
 - b. TND Single-family village detached dwelling units:
 - Lot area - 5,000 square feet minimum and a 7,500 square feet maximum.
 - Front yard - 10 feet within a TND
 - Side yard - 15 feet aggregate; 5 feet minimum
 - Rear yard - 10 feet for lots with front access driveways and 5 feet for lots with rear access driveways within a TND
 - c. Single-family semi-detached dwellings (e.g. duplexes):
 - Lot area - 3,500 square feet minimum per unit with a development wide average of no less than 4, 000 sq. ft per unit
 - Front yard - 10 feet within a TND; 30 feet otherwise
 - Side yard - 10 feet (one side, 0 for party wall)
 - Rear yard - 10 feet for lots with front access driveways and 5 feet for lots with rear access lanes within a TND; 30 feet otherwise
 - d. Single-family attached dwellings (e.g. townhouses):
 - Lot Area - None
 - Unit Width - 20 feet minimum. An 18 feet minimum width is allowed if the width of the entire structure results in an average unit width greater than 20 feet.
 - Front yard within a TND - 10 feet for lots with front access driveways and 5 feet for lots with rear access driveways
 - Front yards not in a TND - 20 feet for lots with front access driveways and 5 feet for lots with rear access driveways
 - Building separation - side to side - 15 feet
 - Building separation - rear to rear or side - 40 feet

- e. Multi-family dwellings (e.g. apartments & condominiums),
Assisted Living Facilities, Nursing homes:

Front yard -	10 feet within a TND; otherwise 30 feet
Side yard -	10 feet
Rear yard	10 feet

Building separation - 20 feet within a TND; otherwise 30 feet

2. Building set-backs and distances between buildings shall be varied from the minimum in order to create interesting architecture in the layout and character of housing, but shall, in all cases, comply with the minimum requirements of Section 16.07.A.1. When the Traditional Neighborhood Development option is selected the following architectural elements shall be permitted within the building setbacks:
 - a. Unenclosed porches, entry stoops and steps may extend up to 8 ft. into a required front yard setback
 - b. Porches may project a maximum of 2 ft. into a required side yard setback, provided that any such projection shall be set back from the side lot line at least 3 ft.
 - c. Cornices, eaves, gutters, bay windows and chimneys may project a maximum of 2 ft. into a required setback, provided that any such projection shall be set back from the lot line at least 3 ft.
 - d. With the exception of stairs, or stoops of less than 8 feet in width or site walls, the minimum separation between sidewalks and porches or other building projections shall be 4 feet.
3. Dwelling unit structures shall be located and arranged so as to promote acoustic and visual privacy for residents within and adjacent to the development.
4. Structures within the UDA Development shall be located so that there will be minimal adverse impact upon other structures such as excluding natural light or invading the privacy of adjacent structures.
5. Dwelling unit structures shall be located and sited so as to promote pedestrian and visual access to UDA Open Space wherever possible.
6. Dwellings shall be arranged in clusters so as to reduce the amount of improvements required to support residences, thereby minimizing both development and maintenance costs, and to provide immediate access to UDA Open Space.
7. There shall be an UDA Open Space around the perimeter of the UDA Development. All individual lot lines shall be located no closer than thirty-

five (35) feet from the perimeter boundary line, however existing farm roads within this perimeter open space may be utilized as rear access lanes serving lots and still meet this requirement.

8. No building shall be located within seventy-five (75) feet of the right-of-way of an arterial street. Unless buildings are designed to face an arterial street buildings shall be buffered from arterial streets by landscape design elements, vegetative plantings and/or fences.
9. The following additional requirements shall apply:
 - a. No building shall be located within five (5) feet of a public or private street right-of-way line.
 - b. No building shall be located within fifteen (15) feet of any other building.
 - c. There shall be a minimum of fifteen (15) feet between UDA Single-family detached dwellings and attached dwellings or multi-family dwellings. The individual dwelling types shall be buffered from each other by combinations of landscape design elements, vegetative plantings and/or fences. The buffer between dwelling types may be satisfied by locating a street between them.
 - d. The maximum dimension of multi-family structures shall be one hundred forty (140) feet however, to promote a diversity of building types, up to 15% of the multi-family structures are permitted to reach a maximum dimension of one hundred seventy five (175) feet. The maximum number of dwelling units per row of attached and townhome buildings shall be seven (7). To the extent applicable and not otherwise specifically addressed in this Article XVI, the provisions of Article XIV, Section 14.38 of the Middlesex Township Zoning Ordinance shall apply.
 - e. Architectural documents must supplement development plans proposing assisted living and nursing home facilities. Said documents are required at the preliminary subdivision and land development plan approval stage of the planning process and are subject to the review and approval of the Board of Township Supervisors. Documents shall be based on architectural compatibility and proper land planning concepts.
 - f. Development plans proposing assisted living and nursing home facilities must demonstrate that said facilities can only be accessed without having to pass through the residential sectors of the development. Routes providing access to these facilities through

residential areas of the development are prohibited. Access driveway(s) must intersect only with either collector roads exterior to the development or within the development in such a manner so as not to cause facility-generated traffic to pass through other residential areas of the development.

- g. No proposed structure or building shall have a height in excess of thirty-five (35) feet as defined in Article II, Section 2.03 of the Middlesex Township Zoning Ordinance.
 - h. Up to five percent (5%) of the total number of UDA Single-family detached and TND Single-family village detached dwellings may be developed as flag lots, which are considered a special condition. Buildings on flag lots shall be oriented to take advantage of natural features and relate functionally and visually to adjacent UDA Open Space. Flag lots shall comply with the minimum lot area and side yard setbacks as required for UDA Single-Family Detached and UDA Single-Family Village Detached dwelling units. A minimum ten (10) foot setback for front and rear yard areas shall be provided for any flag lot. The minimum lot width for a stem of a flag lot shall be twenty (20) feet however up to two adjacent flag lots may share one driveway on one stem.
- 10. A pedestrian path system must be provided to interconnect all of the UDA Open Space.
 - a. The pedestrian path system must interconnect all of the UDA Open Space and shall avoid crossing arterial or collector streets wherever possible.
 - b. Access corridors connecting UDA Open Space areas between lots shall be a minimum of fifteen (15) feet in width.
 - c. Connecting pathways within UDA Open Space areas shall be improved to a minimum of four (4) feet in width.
 - d. Street sidewalks can be an ancillary component of the pedestrian path system so long as they connect to other components of the system resulting in one contiguous / continuous pathway.
 - e. The pedestrian path system may be substituted for the required sidewalks if the pedestrian path system complies with the provisions immediately above.

11. Typical Architectural Documents are required to be submitted with the Master Development Plan and must contain the following information:
- a. Plan and elevation views.
 - b. Exterior materials of all residential and non-residential structures.
 - c. Architectural documents can be illustrative only and may be modified later on in the planning process.
 - d. Unified Development Area Developments and Traditional Neighborhood Developments shall be required to prepare architectural and community design guidelines which expand upon and demonstrate compliance with the following principles:
 - i. Streetscape Design – Buildings shall generally define the streetscape experience through the use of generally consistent front yard setbacks on an individual block as well as the general use of sidewalks, planting strips, unenclosed porches, street trees, shade trees and other vertical elements such as walls, hedges and/or fences to define the front yards and street edges.
 - ii. Site Planning for TNDs only – Buildings shall generally be oriented with the main body of the structure and front entrance close to the street, the garage visibility from the street shall generally be deemphasized and off-street parking shall generally be discouraged in front yards.
 - iii. Façade Design – The front façade of a building shall generally face a street or UDA Open Space and shall generally be emphasized through vertical alignment of windows, proportions, entrance treatments, details and compatible materials on all sides. The design of visibly exposed side and rear elevations should be compatible with the design of the front façade.
 - iv. Entries, Porches, Doors, & Lighting – Special emphasis shall be placed on the design of entries, porches, doors and lighting based upon the details, scale and proportion appropriate to the selected architectural style.
 - v. Windows and Dormers – Windows shall generally be architecturally compatible with the design, materials, colors and detail of a building. For TNDs only, facades facing a public street or park space shall generally receive special

emphasis with regard to the type, placement and number of windows provided.

- vi. Columns, Cornices, & Rakes – The exterior of a building shall generally be articulated through the use of columns, cornices and rakes proportioned and detailed consistent with principles based on historical architectural styles.
- vii. Garage Design and Siting – A variety of garage and parking arrangements shall generally be provided to create more visually interesting streets and, where provided, rear access lanes. For TNDs only, although front access garages are acceptable, the majority of garage doors shall generally either be located behind the front façade of the main body of the residence or the garage door(s) shall generally face away from the street.
- viii. Fencing and Walls – Fence and wall standards shall define recommendations to address the various conditions that will occur in the site master plan including public spaces, open spaces, front , side and rear yards.
- ix. Yards and Landscaping – Front yard areas shall generally be located between the front wall of the building and the street and shall generally be planted with some combination of trees, shrubs, hedges, ground cover, perennials and/or annuals. Side and rear yards shall generally be designed to feature outdoor living spaces with suitable landscaping for screening.
- x. Special Condition Lots – These guidelines shall address the variety of special condition lots as may result in the conditional use site plan. Such special condition lots may include: corner & multiple frontage buildings, buildings terminating views, flag lots, wide-shallow lots, courtyard entry lots, lots backing to open space, lots facing open space, lots fronting on a pedestrian courtyard, lots facing toward a square or park, and accessory dwellings.

12. Streets shall be designed in accordance with the following general standards:

- a. The design specifications contained in the latest edition of the Township Subdivision and Land Development Ordinance shall govern except as indicated herein and as approved as a part of a conditional use approval.

- b. Streets should be designed to respect the natural and historic features of the site, village design character found in Central Pennsylvania, and to provide a varying streetscape.
- c. The Master Plan shall include a map identifying the streets that shall be designated as arterials, collectors, local access, marginal access, alley, service drive, cul-de-sac, rear access lane etc. and designate which streets will be offered for dedication to the Township. All streets identified for dedication to the Township shall be designed according to the standards outlined below unless the streets are specifically designated as private streets with private maintenance.
- d. The applicant may utilize alternative street configurations beyond those defined below where it demonstrates, to the satisfaction of the Board of Supervisors, that such street designs meet sound engineering principles and the safety and planning objectives of this ordinance.
- e. Street Design for UDA developments:
 - i. Collector Street Design Specifications:
 - (1) The development must be provided with at least one collector street and possibly more, if recommended by the Township Engineer and accepted by the Board of Supervisors, using sound principles of vehicular collection design.
 - (2) Where curb is required the width of the cartway can vary from a minimum of 36 feet (2 – 18 feet lanes) to a maximum of 40 feet. (2-20 feet lanes) based on density.
 - (3) Where no curb is required the width of the cartway shall be 24 feet wide (2 – 12 ft. lanes) with shoulder width varying from 6 ft to 8 ft. based on density.
 - ii. Local Street Design Specifications:
 - (1) Where curb is required cartway width can vary based on density and terrain from a minimum of 28 feet (2 – 14 ft lanes) to a maximum of 36 feet (2-18 ft. lanes).

- (2) Where no curb is required the cartway width can vary between 18 feet (2 – 9 ft. lanes) with 4 feet wide shoulders to a maximum of 24 feet (2 – 12 feet lanes) with 6 feet wide shoulders. Variation shall be based on density and terrain.
- f. Street Design for Traditional Neighborhood Developments:
 - i. Collector Street Design Specifications:
 - (1) Two-way collector streets with curbs shall have two travel lanes a minimum of twelve-feet (12 ft) adjacent to one pedestrian walkway
 - (2) Two-way collector streets without curbs shall have two travel lanes at a minimum width of twelve-feet (12 ft)
 - (3) One-way collector streets with curbs shall have a minimum four foot stabilized shoulder, one twelve foot minimum width travel lane, one on-street parking lane, a curb, a grass strip and a sidewalk. See 16.07.A.12 and 16.07.B.8.d for no parking zones between marked on-street parking spaces.
 - (4) On-street parking may be provided on one or both sides of the street.
 - (5) Collectors streets shall be design for possible dedication to the Township and shall be a minimum of a 40 foot right-of-way provided that it meets the need for travel lanes, parking and grass strips
 - ii. Local Street Design Specifications:
 - (1) Two-way local streets with curbs shall have two ten-foot (10ft) minimum travel lanes
 - (2) Two-way local streets without curbs shall have a two foot minimum stabilized shoulder and two ten-foot minimum travel lanes and at least one sidewalk
 - (3) On-street parking may be provided on one or both sides of the street
 - (4) Local streets shall be designed for possible dedication to the Township and shall be a minimum of a 40 foot right-of-way provided that it meets the need for the travel lanes, parking and grass strips
 - iii. Rear-Access Lane Design Specifications:
 - (1) If rear access lanes are to be privately owned and maintained they shall be a minimum of fourteen feet (14 ft) in width and permit two-way travel
 - (2) If rear access lanes are to be publicly owned at any time in the future they shall comply with a minimum fourteen (14) feet cartway width and a minimum 18 feet right-of-way width.

- (3) There shall be no parking within the cartway of a rear access lane to allow proper access for service and emergency vehicles.

13. On-Street Parking Specifications:

- a. On-street parking lanes shall be a min. of 7 ft. wide on local streets
- b. On-street parking lanes shall be a min. of 8 ft. wide on collector streets
- c. Where on-street parking is provided adjacent to a one-way travel lane of less than 16 feet, a four-foot no parking zone shall be designated between every three parking spaces to provide clear access for emergency equipment.

14. Engineering studies, prepared by a Professional Engineer licensed to practice in the Commonwealth of Pennsylvania with expertise in the field of civil engineering, supporting the selected design shall be submitted with the application.

15. Each development area serving fifty (50) or more dwelling units shall provide at least two means of access suitable for emergency use and subject to the approval of the Board of Township Supervisors.

16. Additional single family lot design requirements:

- a. All UDA Single-family detached and UDA Single-family village lots will be required to accommodate a two-car garage that shall not be converted for another use.
- b. Each block or cluster of single-family lots shall provide overflow parking sufficient to accommodate 0.25 parking spaces for each dwelling unit in the cluster or block. This parking can be provided as on-street or off-street parking. Overflow parking requirements are as follows:
 - i. Overflow parking must have direct access to the adjacent street sidewalk and the developments Pedestrian path system.
 - ii. Where an overflow parking lot is provided, it shall be surrounded by a 10 feet wide landscaped buffer containing both trees and shrubbery.
 - iii. The development's Homeowners' Association or other responsible party as described in Section 16.08 shall own

and maintain overflow off-street parking areas serving multiple lots pursuant to this section.

- iv. Overflow parking lots shall be provided with safety lighting that may be located within the buffer so long as the illumination specifications of this Ordinance are maintained.
- v. Overflow parking lots shall be setback from the adjacent street right-of-way line a minimum distance of 10 feet, with buffer plantings to be located within the setback area.

- 17. Where building separations are less than fifteen (15) feet, primary buildings (excluding porches and similar appurtenances) shall be located no more than twenty (20) feet from the street right-of-way unless otherwise accessible to emergency vehicles.

B. Non-Residential Uses:

- 1. Must be architecturally compatible with residential structures.
- 2. Must be located within the Development, not on its perimeter.
- 3. Must be buffered from groups of residential dwelling types within the UDA Development by the use of landscape design elements, landscaping, and/or fences.
- 4. All non-residential uses shall have direct access to the development's pedestrian path system, and if possible within a convenient walking distance of residential dwelling units.
- 5. New Building Setback Requirements for non-residential and mixed-use buildings:
 - Front 10 feet for a TND; otherwise of sufficient distance
 - Yard: from the street right of way line to accommodate
 - efficient parking and at least a 10 foot wide
 - landscape buffer between the right of way line and
 - the parking area.
 - Side Yard: 10 feet for a TND; otherwise 25 feet
 - Rear Yard: 10 feet for a TND; otherwise 25 feet

Building setbacks shall not apply to existing buildings or structures.

6. Buffering Requirements: The commercial use must be screened from residential areas by use of landscape design elements, vegetative plantings and/or fences.
7. Signs for non-residential uses are permitted, subject to the following restrictions:
 - a. All signs shall conform to Article XIV, Section 14.16 of the Middlesex Township Zoning Ordinance.
 - b. A single ground-pole sign is permitted. Such sign shall be limited to a height of twelve (12) feet and shall otherwise conform to one-fourth (25%) of the dimensional requirements for ground-pole signs as detailed in Article XIV, Section 14.16 B. 3. of the Middlesex Township Zoning Ordinance.
 - c. Wall signs in accordance with Article XIV, Section 14.16 B. 2. of the Middlesex Township Zoning Ordinance shall be permitted on a structure for individual use and shall otherwise conform to the dimensional requirements for wall signs in Section 14.16 B. 2. of the Middlesex Township Zoning Ordinance.
8. Parking facilities shall be governed by Article XIV, Sections 14.10 and 14.11 of the Middlesex Township Zoning Ordinance and shall be designed solely for the intended non-residential commercial use.
 - a. Parking facilities may be shared with residential parking areas in the development. The Board may approve parking requirements from Section 14.10 for shared parking.
 - b. Visual screening shall be provided between non-residential parking areas and residential areas.
 - c. Lighting is required and shall be of the low-intensity type and shall be shielded from the view of all surrounding streets and lots. Article XIV, Section 14.18C.9 of the Middlesex Township Zoning Ordinance shall apply.
 - d. Where on-street parking is provided adjacent to a one-way travel lane of less than 16 feet, a four-foot no parking zone shall be designated between every three parking spaces to provide clear access for emergency equipment.
 - e. Where on-street parking is provided along a lot frontage, it shall be applied to meet off-street parking requirements for that same lot.

- f. A Supplemental Parking Needs Report shall be prepared by the applicant to demonstrate compliance with Article XIV, Sections 14.10 and 14.11 of the Middlesex Township Zoning Ordinance and the additional provisions outlined in the UDA Ordinance. This report shall include an evaluation of:
 - i. Shared parking
 - ii. Accessory dwelling unit parking
 - iii. Commercial parking
 - iv. On-street parking
 - g. The parking needs report shall demonstrate that the projected parking generation for individual sites as well as the development will be fulfilled with the parking as provided. Parking shall be evaluated on a daily use pattern and hour of the day use pattern to ensure that the development is not over-parked or under-parked.
9. No structure or building shall exceed of the greater of thirty-five (35) feet in height as defined in Article II Section 2.03 of the Middlesex Township Zoning Ordinance or three stories

C. Fences and Walls:

- 1. Front Fences & Walls at Residential Lots
Fences in front yards shall be non-solid decorative types with a maximum height of 4'-0" Piers, fence posts and gateways may have a maximum height of 5'-0" except for trellises and similar features which may have a maximum height of 9'-0".
- 2. Side and Rear Fences & Walls at Residential Lots
Fences and walls in side and rear yards shall be of complimentary, but simplified design to front fences and walls, and may include solid or non-solid wood, PVC, metal or masonry types with a maximum height of 6'-0". Piers, fence posts and gateways may have a maximum height of 7'-0" except for trellises and similar features which may have a maximum of 9'-0".
- 3. Service Enclosures
Service Enclosure shall be permitted to be just tall enough to obscure the equipment they are designed to hide. Where a wall or fence is used to screen utility meters, refuse containers and A/C compressors from public view, such screening device shall make provisions for service and utility company access to the enclosure.
- 4. Fences in UDA Open Spaces and Non-Residential Lots

In open space and non-residential locations fences shall be designed to be compatible with those fences commonly found in Traditional Neighborhood Developments, horse paddocks, open fields, agricultural fields, farmsteads and similar rural character locations. These fences shall be non-solid.

5. General

Where two local streets meet each other, a maximum 36" high fence, wall or landscape feature shall be permitted within the clear sight distance triangle. A planting strip a minimum of 1'-6" in width containing ground cover other than lawn shall be maintained between any fence or wall and a sidewalk or a rear access lane. All solid fences shall have a decorative cap and detailing. Chain link fencing is prohibited.

6. Additional Considerations

Where these design standards for fences and walls have not anticipated a particular condition that will enhance the streetscape and/or improves lot privacy or aesthetics, the applicant shall present testimony demonstrating the merits of such features for approval by the Board.

D. UDA Open Space.

1. The location, shape, size and character of the UDA Open Space should take into consideration the natural features and physical characteristics of the site as identified in Section 16.06.
2. UDA Open Space shall be designed as a contiguous area between residential areas with convenient pedestrian and maximization of visual access to residents of the development.
3. All UDA Open Space will be interconnected by a continuous pedestrian path system. All path systems are to be of hard material with the exception of paths in wetland areas. The materials and construction of wetland paths shall comply with environmental regulations.
4. Significant natural features such as woodland areas, steep slopes, floodplain areas, large trees, natural water courses and bodies of water, rock outcroppings, and scenic views shall be incorporated into the UDA Open Space whenever possible.
5. Not less than five percent (5%) of the total UDA Open Space shall be suitable and designed for use as an active recreation area. For each three hundred and fifty (350) lots there shall be one sports field, i.e. football, soccer, or baseball that is for the use of the development and the community at large. The facilities shall be owned and maintained by the

Homeowners' Association, who will also be responsible for scheduling of the facilities for use.

6. Areas designated for UDA Open Space shall contain no structures other than those typically associated with parks such as pavilions, gazebos or shelters or those structures directly related to outdoor recreational uses and structures associated with utilities and maintenance of the open space.
7. All areas designated as UDA Open Space shall be made subject to a deed restriction or agreement in a form acceptable to the Board of Township Supervisors and duly recorded in the Office of the Recorder of Deeds Office of Cumberland County prohibiting subdivision of such open space.

E. Required Public Improvements:

1. Streets, street lights, street trees, landscape screening, the pedestrian path system, sewer, water, storm drainage, soil erosion control facilities, curbs, gutters, and sidewalks shall at a minimum be considered as required public improvements and shall be designed and constructed in accordance with the requirements and standards set forth in the Middlesex Township Subdivision and Land Development Ordinance.
2. Performance and maintenance guarantees are required for public improvements. The standards set forth in the Middlesex Township Subdivision and Land Development Ordinance shall dictate the requirements for placing said guarantees with the Township as well as the requirements for requesting release therefrom upon completion of improvements.

F. Lighting and Other Utilities.

1. All streets, off-street parking areas and areas of intensive pedestrian use shall be adequately lighted. All such lighting shall be designed and located so as to direct light away from the view of all surrounding adjacent residences and lots. Lighting shall be of a low-intensity type. Article XIV, Section 14.18 C.9 of the Middlesex Township Zoning Ordinance shall apply.
2. All telephone, electric, gas and cable television utilities shall be installed underground.

SECTION 16.08 - OWNERSHIP, MAINTENANCE AND PRESERVATION OF UDA OPEN SPACE.

- A. The developer shall provide for and establish an organization (or organizations) for the ownership, maintenance, and preservation of UDA Open Space. Such

organization(s) shall not be dissolved nor shall it (they) dispose of the open space, by sale or otherwise except to an organization(s) conceived and established to own and maintain the UDA Open Space, subject to the covenants and restrictions of the original Master Development Plan approval.

B. The developer shall establish a Homeowners' Association(s) in accordance with the following provisions:

1. The Homeowners' Associations(s) shall be established as an incorporated organizations(s) operating under recorded land agreements through which each lot owner (and any succeeding owner) is a member, and each lot is subject to a charge for a proportionate share of the expenses of the organization's activities. Specific provisions shall be established which define completely all membership requirements of all non-lot owners in the event rental units are included in the project.
2. The Homeowners' Association Declaration of Covenants, Conditions, and Restrictions shall as a minimum establish the following:
 - a. Property Rights including the owner's easements of enjoyment and delegation of use.
 - b. Membership and Voting Rights including any distinction between membership classes.
3. If the developer or owner proposes to construct the project over a period of separate phases, the Homeowners' Association(s) shall also be implemented in phases consistent with the development time schedule.
4. The Board of Township Supervisors reserves the right to review and approve the Articles of Incorporation and all Declarations of Covenants, Conditions, and Restrictions of the Homeowners' Association(s) as the same relate to the responsibility for on-going ownership and maintenance.

B. In the event that an organization established to own and maintain UDA Open Space, or any successor organization, shall at any time after establishment of the UDA Development fail to maintain the UDA Open Space in reasonable order and condition in accordance with the development plan, the Board of Township Supervisors may serve written notice upon such organization or upon the residents and owners of the UDA Development setting forth the manner in which the organization has failed to maintain the UDA Open Space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within sixty (60) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. The notice should also define the penalty and or fines that may be

imposed as a result of the failure to maintain. At the hearing the Board of Township Supervisors may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.

- C. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said period of sixty (60) days or any extension thereof, the Board of Township Supervisors, in order to preserve the taxable values of the properties within the UDA Development and to prevent the UDA Open Space from becoming a public nuisance, may enter upon said open space and maintain the same for a period to be established by the Board of Township Supervisors. Said maintenance shall not constitute a taking of said open space, nor vest in the public any rights to use the same.
- D. Before the expiration of the period of Township maintenance, the Board of Township Supervisors shall, upon its initiative or upon the request of the organization heretofore responsible for the maintenance of the UDA Open Space, call a public hearing upon notice to such organization, or to the residents of the UDA Development, to be held by the Board of Township Supervisors, at which hearing such organization or the residents of the UDA Development shall show cause why such maintenance by the Township shall not, at the option of the Board of Township Supervisors, continue for a succeeding period of time. If the Board of Township Supervisors shall determine that such organization is ready and able to maintain said UDA Open Space in reasonable condition, the Township shall cease to maintain said UDA Open Space at the end of the initial time period. If the Board of Township Supervisors shall determine that such organization is not ready and able to maintain said UDA Open Space in a reasonable condition, the Board may, in its discretion, continue to maintain said UDA Open Space during the next succeeding time period and, subject to a similar hearing and determination, in each time period thereafter.
- E. The decision of the Board of Township Supervisors shall be subject to the appeal to court in the same manner, and within the same time limitation, as is provided for zoning appeals in the Middlesex Township Zoning Ordinance.
- F. The cost of such maintenance by the Township shall be assessed ratably against the properties within the UDA Development that have a right of enjoyment of the UDA Open Space and shall become a lien on said properties. The Board of Township Supervisors shall have the right to file a lien upon the properties within the UDA Development for collection of such cost and to otherwise stand in the stead of the organization in enforcing its collection remedies.

SECTION 16.09 –DEVELOPMENT IN PHASES

- A. A UDA Development may be developed in phases if the following standards are met:
1. The location and approximate sequence of construction of each phase must be delineated on the Master Development Plan.
 2. All phases must be set up to be completed sequentially and must be consistent with the Master Development Plan.
 3. If phases are not completed sequentially and are instead varied, the developer must present a valid reason such as utility extension costs or real estate market conditions.
 4. All phases must be of a size and location that they constitute economically sound units of development.
 5. A developer's agreement shall be submitted and upon approval of the Board of Supervisors, entered into with the Township, which establishes the project commencement and completion dates of each phase of the development, the active and passive recreational use facilities, community facilities, UDA Open Space and non-residential commercial development.

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, 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.

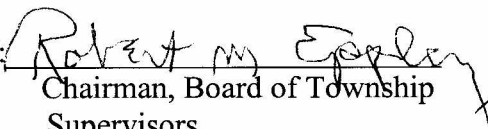
SECTION 6: This Ordinance shall become effective in accordance with applicable law.

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

ATTEST:

TOWNSHIP OF MIDDLESEX


Township Secretary
(SEAL)

BY: 
Chairman, Board of Township
Supervisors