

**TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 1 - 2022

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 SUBSEQUENTLY AMENDED, BY: REZONING FROM THE RF – RESIDENTIAL FARM DISTRICTS TO THE VC – VILLAGE CENTER DISTRICTS (“VC DISTRICTS”), THE PARCELS IDENTIFIED AS CUMBERLAND COUNTY TAX PARCEL IDENTIFICATION NOS. (AND ADDRESSES): (I) 21-08-0575-007 (175 ARMY HERITAGE DRIVE); (II) 21-08-0575-007A (RR W. TRINDLE ROAD); (III) 21-08-0575-010A (W. TRINDLE ROAD); (IV) 21-08-0573-053 (W. TRINDLE ROAD); AND (V) 21-08-0573-027 (1722 W. TRINDLE ROAD) ON THE MIDDLESEX TOWNSHIP ZONING MAP; AND REVISING THE TEXT TO DEFINE AND PERMIT “NEIGHBORHOOD DESIGN DEVELOPMENT” AS A NEW INNOVATIVE FORM OF MIXED USE DEVELOPMENT BY RIGHT IN THE VC DISTRICTS, SUBJECT TO SPECIFIC STANDARDS.

WHEREAS, the Board of Township Supervisors in and for the Township of Middlesex , Cumberland County, Pennsylvania (“Board of Supervisors”), under the powers vested in it by the “Second Class Township Code” of Pennsylvania, as enacted and amended, and the authority and procedures of the “Pennsylvania Municipalities Planning Code,” as enacted and amended, (“MPC”) as well as other laws of the Commonwealth of Pennsylvania, has enacted Ordinance No. 3-89 enacted June 30, 1989 known as the “Middlesex Township Zoning Ordinance”, as subsequently amended (“Zoning Ordinance”), which includes the “Middlesex Township Zoning Map” (“Zoning Map”), to implement comprehensive plans (i.e., municipal, county) and accomplish any of the purposes of the MPC;

WHEREAS, by adopting the “Middlesex Township Comprehensive Plan” on February 5, 2003 (“Township Plan”), the Board of Township Supervisors in and for the Township of Middlesex, Cumberland County, Pennsylvania (“Board of Supervisors”) has acknowledged that growth and change will occur and are vital to the well-being of Middlesex Township, and is committed to achieving a number of objectives regarding the development of land within its boundaries, so that growth is managed, development is consistent and orderly, and growth is beneficial; and

WHEREAS, by adopting Resolution No. 2022 - 7 on April 6, 2022 that amends the “Middlesex Township Comprehensive Plan”, adopted February 5, 2003 (“Township Plan”), specifically updating the “Future Land Use Map” to reclassify from the Agriculture Preservation category to the Mixed Use Commercial Residential category the parcels identified as Cumberland County Tax Parcel Identification Nos. (and addresses): (i) 21-08-0575-007 (175 Army Heritage Drive); (ii) 21-08-0575-007A (RR W. Trindle Road); (iii) 21-08-0575-010A (W. Trindle Road); (iv) 21-08-0573-053 (W. Trindle Road); and (v) 21-08-0573-027 (1722 W. Trindle Road) (“Subject Parcels”), the Board of Supervisors contemplates changes in past and future land use and development patterns occurring in the mixed use growth and development area of the Township, the region and Cumberland County (“County”) along W. Trindle Road (SR 0641), and specifically the Subject Parcels; and

WHEREAS, the Mixed Use Commercial Residential category described in the Future Land Use plan and depicted on Future Land Use Map set forth in the Township Plan is generally consistent with the Village Center Districts’ (“VC Districts”): (i) character as described and regulated by Zoning Ordinance; and (ii) locations as depicted on the Zoning Map; and

WHEREAS, the entirety of the Subject Parcels is depicted as part of the Mixed Use Commercial Residential category on the Future Land Use Map of the Township Plan, and while a portion of the Subject Parcels already is zoned as part of the VC Districts as identified on the Zoning Map, the remainder of the Subject Parcels currently is not zoned as part of the VC Districts on the Zoning Map; and

WHEREAS, the Zoning Ordinance is intended to: (i) accommodate reasonable community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses; (ii) provide for the availability of all housing types encompassing all basic forms of housing (iii) encourage the most appropriate use of land throughout the Township; and (iv) promote the general welfare; (§ 1.02); and

WHEREAS, the purpose of the VC Districts includes: (i) encouraging the development of new properties; (ii) allowing flexibility in planning and induce creative and economic methods of residential development; and (iii) promoting the use of properties for trade and service activities which are compatible with residential use; (§ 9.01); and

WHEREAS, the “Cumberland County Comprehensive Plan 2017” (“County Plan”) already classifies a portion of the Subject Parcels as part of the traditional neighborhood/mixed use character future land use category intended to provide for planned mixed use areas in developing rural communities, which include differing combinations of pedestrian-oriented residential and non-residential uses (e.g., local services and economic opportunities for residents) that are compatible with each other; and

WHEREAS, pursuant to Sections 601 and 105 of the MPC, zoning ordinances are intended to: (i) accomplish coordinated development; (ii) provide for the general welfare by guiding and

protecting amenity, convenience, future governmental, economic, practical, and social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions; (iii) guide uses of land and structures, type and location of streets, public grounds and other facilities; and (iv) promote small business development and foster a business-friendly environment in this Commonwealth; and

WHEREAS, pursuant to Sections 604 and 605 of the MPC, zoning ordinances are to: (i) accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses; (ii) provide for the use of land within the municipality for residential housing of various dwelling types encompassing all basic forms of housing, including single-family and two-family dwellings, and a reasonable range of multifamily dwellings in various arrangements; (iii) promote, protect and facilitate the general welfare, and coordinated and practical community development; and (iv) encourage innovation and the promotion of flexibility, economy and ingenuity in development, including subdivisions and land developments as defined in the MPC, and for the purpose of authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in zoning ordinances; and

WHEREAS, the Zoning Ordinance and Zoning Map have been amended from time-to-time to, among other things, accommodate changing patterns of development and provide for new, or innovative forms of development and land use;

WHEREAS, the Zoning Ordinance does not define or permit “Neighborhood Design Development” as an innovative form of mixed use development in the VC Districts;

WHEREAS, in accordance with Section 603(j) of the MPC, the Board of Supervisors has identified a need to provide general consistency between the Township Plan, the County Plan and the Zoning Ordinance, including the Zoning Map; and

WHEREAS, both the Township Plan and the County Plan set forth several land use, economic development, housing, transportation and other goals or objectives generally encouraging the use of innovative or flexible planning techniques, incentives and standards for creating neighborhoods with a compatible mixture of housing and nonresidential uses (e.g., businesses) appropriately located in growth and development areas that are served or planned to be served by a full range of infrastructure and utilities;

WHEREAS, the Board of Supervisors, believes that it is in the best interest of the Township as a whole to implement elements of the Township Plan and County Plan, and purposes of the Zoning Ordinance and zoning standards, by amending the Zoning Ordinance and Zoning Map, so as to: (i) rezone all or portions of the Subject Parcels from the RF Districts to the VC Districts; and (ii) define and permit “Neighborhood Design Development” as an innovative form of mixed use development by right in the VC Districts, subject to specific standards; and

WHEREAS, the Board of Supervisors, desires to amend the Zoning Ordinance and Zoning Map via the following amendment that is generally consistent with, and better implements elements of, the findings, goals, objectives or initiatives described above.

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

SECTION 1: Ordinance No. 3-89 enacted June 30, 1989 known as the “Middlesex Township Zoning Ordinance”, as subsequently amended, is hereby amended as follows:

A. ZONING MAP CHANGE

Article III (Entitled “Establishment of Zoning Districts and Map”), specifically Section 3.02 (Entitled “Zoning Map”) and the “Middlesex Township Zoning Map” are hereby amended by rezoning from the RF – Residential Farm Districts to the VC – Village Center Districts all or portions of the parcels identified as Cumberland County Tax Parcel Identification Nos. (and addresses): (i) 21-08-0575-007 (175 Army Heritage Drive); (ii) 21-08-0575-007A (RR W. Trindle Road); (iii) 21-08-0575-010A (W. Trindle Road); (iv) 21-08-0573-053 (W. Trindle Road); and (v) 21-08-0573-027 (1722 W. Trindle Road) that are depicted with yellow shading and purple dashed outline on Exhibit ‘A’ which is attached to and made a part of this Ordinance. The area that is to be rezoned is hereby intended and deemed to include the entire contiguous area that is bounded to the:

1. North by the parcel identified as Cumberland County Tax Parcel Identification No. 21-08-0575-121EX with an address of Army Heritage Drive;
2. Northeast and east by the parcels identified as Cumberland County Tax Parcel Identification Nos. (and addresses): (i) 21-08-0573-025 (60 Horners Road & 98 Horners Road) (ii) 21-08-0573-114 (30 Horners Road); (iii) 21-08-0573-030 (390 S. Middlesex Road);
3. East by the parcel identified as Cumberland County Tax Parcel Identification No. 21-08-0573-029 with an address of 1650 W. Trindle Road;
4. South and southwest by the: (i) right-of-way of W. Trindle Road (SR 0641), together with the portion of the right-of-way of W. Trindle Road that adjoins the parcels identified as Cumberland County Tax Parcel Identification Nos. (and addresses): (a) 21-08-0573-053 (W. Trindle Road); (b) 21-08-0573-027 (1722 W. Trindle Road); and (c) 21-08-0575-010A (W. Trindle Road) and is located to the north of the centerline of such right-of-way; and (ii) parcels identified as Cumberland County Tax Parcel Identification Nos.

(and addresses): (a) 21-08-0573-028 (2 Horners Road); (b) 21-08-0575-010B (1730 W. Trindle Road); (c) 21-08-0575-010 (1736 W. Trindle Road through 1742 W. Trindle Road); (d) 21-08-0575-010C (1746 W. Trindle Road); (e) 21-08-0575-009 (W. Trindle Road); and (f) the portion of the parcel identified as Cumberland County Tax Parcel Identification No. 21-08-0575-007 with an address of 175 Army Heritage Drive that already is zoned as VC – Village Center Districts and is not proposed to be rezoned under this Section 1.A; and

5. West by the right-of-way of Army Heritage Drive (T-512), together with the portion of the right-of-way of Army Heritage Drive that adjoins the parcel identified as Cumberland County Tax Parcel Identification No. 21-08-0575-007 with an address of 175 Army Heritage Drive and is located to the east of the centerline of such right-of-way.

B. TEXT CHANGES

1. Article II (Entitled “Definitions”), specifically Section 2.03 (Entitled “Terms Defined”) is hereby amended by adding and including and incorporating the following term and definition, in alphabetical order, as follows:

Neighborhood Design Development: An optional type of mixed use development including a compatible mixture of residential, business and other nonresidential uses, including lots and buildings that provide for a mix of uses on the same lot or within the same building on both the horizontal and vertical planes. Residences, shops, offices, workplaces, public gathering spaces and parks are generally interwoven within the development so that all are within relatively close proximity to each other. The development is relatively compact and oriented toward pedestrian activity. Generally, the development has a center and an edge. Generally, the streets are laid out with an interconnected network of streets, alleys and walkways and blocks that provide multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles. The development is subject to flexible standards that help to balance form and function.

2. Article IX (Entitled “VC – Village Center Districts”), specifically Section 9.02 (Entitled “Permitted Uses”) is hereby amended by adding and including and incorporating the following use, as new subsection 9.02.N., as follows:

N. Neighborhood Design Development, subject to the requirements of Section 14.63.

3. Article XIV (Entitled "Supplementary Regulations"), is hereby amended by adding and including and incorporating the following regulations for Neighborhood Design Development, as new Section 14.63, as follows:

SECTION 14.63 NEIGHBORHOOD DESIGN DEVELOPMENT.

A. The purpose of the Neighborhood Design Development is to encourage:

1. Innovation and promote flexibility, economy, and ingenuity in development generally consistent with the applicable provisions of the Pennsylvania Municipalities Planning Code, including Article VI, and the Cumberland County Comprehensive Plan ("County Plan") and the Middlesex Township Comprehensive Plan ("Township Plan").
2. Compatible mixed use growth and development at appropriate sizes, densities and intensities in appropriate locations.
3. An efficient use of land, resulting in vertical and horizontal mixture of uses, smaller networks of utilities and streets and lower housing or infrastructure construction and maintenance costs.
4. A balance between neighborhood form and function.
5. Safe and convenient pedestrian, bicycle and vehicle circulation.
6. Persons to work, shop, gather and recreate in and around the neighborhood within which they live.
7. The creation of a sense of place and a community spirit that promotes social interaction.

B. Interpretation and Application.

1. The provisions of the Middlesex Township Zoning Ordinance ("Zoning Ordinance") and the Middlesex Township Subdivision and Land Development Ordinance ("SLDO") shall apply to the Neighborhood Design Development except to the extent specifically provided for in this Section 14.63. In the event of a conflict between the provisions of this Section 14.63 and either the Zoning Ordinance or the SLDO, the provisions of this Section 14.63 shall prevail and apply.
2. Any standard set forth elsewhere in the Zoning Ordinance or SLDO requiring that certain lots or uses be provided with additional setback, buffer yard (and screening), or separation distances, from adjoining or adjacent residential lots or uses beyond those set forth in this Section 14.63 shall not apply in instances where both such certain lot or use and such residential lot or use are located within the Neighborhood Design Development.

C. Neighborhood Design Development Site Standards.

1. Conceptual Master Plan.

- a. All uses, development and open space areas must be designed and constructed as coordinated, cohesive and integral components of the Neighborhood Design Development. Accordingly, the initial final subdivision or land development plan for the Neighborhood Design Development shall include a plan sheet conceptually depicting the proposed or anticipated ultimate build-out and development of the Neighborhood Design Development (i.e., "Conceptual Master Plan"). The Conceptual Master Plan shall show relationships among the various proposed or anticipated lots, buildings, uses parking areas, vehicle and pedestrian routes, open space areas and amenities. The Conceptual Master Plan must show the approximate locations and uses of buildings and lots, as well as the approximate locations of parking areas, vehicle and pedestrian routes, open space areas and amenities. The Conceptual Master Plan may include a range of permitted uses, as opposed to identifying each specific use; however the Conceptual Master Plan shall show proposed uses in enough detail to verify that the ultimate build-out and development of the Neighborhood Design Development is intended to function cohesively as an integrated development. The Conceptual Master Plan may be revised with each subsequent subdivision or land development plan provided that it is included as a plan sheet as part of a final plan for any phase and still complies with the applicable provisions of Section 14.63 of the Zoning Ordinance. Subdivision and/or land development plans for portions of the development proposed under the Conceptual Master Plan may be submitted and approved as preliminary/final plans.
- b. The Conceptual Master Plan shall be 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. To the extent practical and feasible, the Conceptual Master Plan shall include the following:
 - (1) Drawn at a scale of not less than one (1) inch equals two hundred (200) feet.
 - (2) The total gross area (acreage) of entire Neighborhood Design Development site.
 - (3) Anticipated acreage of impervious area and its percentage of the total gross land area.

- (4) Anticipated acreage of open space and its percentage of the total gross land area.
- (5) Anticipated number of lots for each type of residential use.
- (6) Anticipated total number of residential dwelling units.
- (7) Anticipated number of dwelling units for each type of residential use and percentage in relation to the total number of residential units.
- (8) Anticipated acreage of each type of nonresidential use.
- (9) Anticipated percentage of the gross land area proposed for nonresidential use.
- (10) General vehicular and non-vehicular circulation patterns for the entire tract.
- (11) Points of access to the Neighborhood Design Development site.
- (12) General location of all proposed open space, the proposed use of each, and the facilities that are anticipated to be placed thereon.
- (13) Typical lot and building layouts and landscape features for each category of dwelling unit.
- (14) Boundaries and conceptual depiction of the location and proposed use in each area of the Neighborhood Design Development which shall include depictions of each residential and nonresidential use.
- (15) General location, dimensions of street and alley rights-of-way of the proposed road network.
- (16) Conceptual lot lines.
- (17) General location of proposed public utilities.
- (18) Schematic groupings of buildings and structures including a schedule of gross floor areas and heights.
- (19) Schematic provision of storm water management facilities and general locations.

- c. A Traffic Impact Study prepared in accordance with the applicable provisions of Section 717 of the SLDO, shall be submitted as part of the Conceptual Master Plan.
- 2. Minimum Area. The minimum number of acres that may be developed as a Neighborhood Design Development site is 30 contiguous acres.
- 3. Required Utilities. The Neighborhood Design Development site shall be serviced by public water service and public sewer services approved by the Pennsylvania Department of Environmental Protection (DEP).
- 4. Maximum Impervious Area. The maximum impervious area of the Neighborhood Design Development site is 65%.
- 5. Minimum Open Space. The minimum amount of open space required as part of a Neighborhood Design Development shall be 25% of Neighborhood Design Development site area. See Section 14.63.M.
- 6. Required Dwelling Mix.
 - a. The Neighborhood Design Development site must include a minimum of three (3) different categories of permitted dwelling types (i.e., single-family detached dwelling, single-family semi-detached dwelling, single-family attached dwelling or multi-family dwelling).
 - b. No one (1) permitted dwelling type shall be less than 10% or more than 60% of the total number of dwelling units in the Neighborhood Design Development. For Neighborhood Design Developments that include four (4) or more different categories of dwelling types, the percentage set forth in this subsection shall apply only to three (3) of the dwelling types.

D. Permitted Uses.

- 1. Any accessory building, structure or use that is secondary and incidental to a principal building or use on a lot shall be permitted by right on such lot, specifically including, but not limited to:
 - a. Outdoor seating and dining areas.
 - b. Drive-up, drive-through and drive-in facilities.
 - c. Dwelling units, limited to:
 - (1) Only on a lot with a single-family detached dwelling, single-family semi-detached dwelling, two-family dwelling or single-family attached dwelling; and

- (2) Not more than one per lot.
 - d. Signs.
 - e. Fences.
 - f. Parking.
 - g. Resource removal, mineral extraction and related processing, stockpiling and storage of materials removed from the Neighborhood Design Development site during construction and development of the Neighborhood Design Development site.
- 2. Mixed uses, consisting of combinations of residential or nonresidential uses that are permitted in the Neighborhood Design Development shall be permitted to occupy the same building or lot, provided the applicable requirements of this Section 14.63 are met. Uses shall be permitted to be mixed both on the horizontal and vertical planes.
 - 3. More than one (1) principal use or structure or accessory use or structure shall be permitted to occupy the same building or lot, provided the applicable requirements of this Section 14.63 are met.
 - 4. Uses Permitted by Right. The following uses shall be permitted by right when established as part of, and within an approved Neighborhood Design Development. Certain permitted uses are subject to additional specific standards as noted below:
 - a. Residential Uses:
 - (1) Single-family detached dwellings.
 - (2) Single-family semi-detached dwellings.
 - (3) Single-family attached dwellings (e.g., townhouses).
 - (4) Two-family dwellings.
 - (5) Multi-family dwellings (e.g., apartments or condominiums).
 - (6) Assisted living facilities and nursing homes.
 - (7) Bed and breakfast inns, subject to the conditions and requirements of Section 14.42.
 - (8) Any other residential uses and dwellings of a similar character to the permitted residential uses and dwellings, in lieu of Section 14.21.

b. Nonresidential Uses.

- (1) Agriculture.
- (2) Retail businesses, such as, but not limited to, variety stores, apparel stores, drug stores, grocery stores, eating and drinking establishments, liquor stores, antique shops, auction houses, music shops, sporting goods stores, and book, stationery, magazine, candy and tobacco shops.
- (3) Business services, such as, but not limited to, banks, credit unions, loan companies and other financial institutions, real estate and insurance agencies, utility offices, government, business and professional offices, and veterinary clinics.
- (4) Personal services, such as, but not limited to, barber shops, beauty salons, photographic studios, coin operated laundromats, tailor, dressmaking, millinery and dry cleaning and laundry pick-up stations where the processing is to be done elsewhere.
- (5) Repair services, such as, but not limited to ,radio, television and appliance shops, plumbing shops, carpenter shops, upholstery shops, and shoe-repair shops.
- (6) Public and semi-public buildings and uses.
- (7) Essential municipal and public utility services and installations.
- (8) Places of worship including accessory building, such as, but not limited to, parish houses and church school facilities.
- (9) Public schools, private schools, commercial schools, vocational schools, colleges, universities and post graduate schools.
- (10) Philanthropic and religious institutions, hospitals, and sanitarium for medical care.
- (11) Membership clubs and camps, and outdoor recreation facilities, such as, but not limited to, private playgrounds, golf clubs, swimming pools and tennis courts.
- (12) Hotels, motels and tourist homes.
- (13) Commercial recreation and entertainment facilities.
- (14) Day care centers.

- (15) Personal wireless service facility, subject to the conditions and requirements of Section 14.52.
- (16) Community services, such as, but not limited to, meeting rooms, health facilities, and other uses of a similar character for use by residents and their invited guests.
- (17) Self-storage facility, subject to the conditions and requirements of Section 14.62, but not Section 14.62.I.
- (18) Massage establishments, subject to the conditions and requirements of Sections 14.57.B.5 and 14.57.B.6.
- (19) Any other nonresidential uses of a similar character to permitted nonresidential uses, in lieu of Sections 9.04.A and 14.21.

E. Lot and Building Standards.

1. Frontage required onto improved street, alley or open space.

- a. In lieu of the frontage requirements of Section 14.05, a proposed:
 - (1) New lot shall be permitted to directly adjoin (i.e., abut) and have frontage along:
 - (a) A street or alley right-of-way; or
 - (b) An open space lot.
 - (2) Land development or principal building shall be permitted to be on a lot directly adjoining and having frontage along:
 - (a) A street or alley right-of-way; or
 - (b) An open space lot.
- b. For purposes of this Section 14.63, the front lot line or front yard, respectively of a:
 - (1) Lot that adjoins a street or an open space lot, shall be the lot line or yard adjoining the street or open space lot, as applicable; and
 - (2) Lot that adjoins an alley but does not adjoin a street or an open space lot at any point, shall be the lot line or yard adjoining the alley.
- c. The corner lot provisions of Section 14.06.B shall not apply.

2. All lots shall have access to at least one (1) street right-of-way or alley.
3. Flag lots shall be permitted as long as the lot has at least 20 feet of frontage and access in compliance with Sections 14.63.E.1 and 14.63.E.2.
4. The area and dimensional requirements shall be as follows:
 - a. Minimum Lot Area.
 - (1) Single-family detached dwellings: 2,500 square feet per dwelling unit.
 - (2) Single-family semi-detached dwellings, two-family dwellings and single-family attached dwellings, end units: 1,400 square feet per dwelling unit. Single-family attached dwellings, interior units: 1,200 square feet per dwelling unit.
 - (3) All other uses including buildings with mixed uses (i.e., residential and nonresidential): No minimum lot area.
 - b. Minimum Lot Width.
 - (1) Single-family detached dwellings and all other uses including buildings with mixed uses (i.e., residential and nonresidential), except as set forth below: 40 feet.
 - (2) Single-family semi-detached dwellings, two-family dwellings and single-family attached dwellings, end units: 20 feet per dwelling unit. Single-family attached dwellings, interior units: 16 feet.
 - c. Minimum Yard Setbacks.
 - (1) Front, along.
 - (a) A Local Street or Alley, or An Open Space Lot located Between and Adjoining the Lot and a Street or Alley: 5 feet.
 - (b) A Collector Street: 10 feet.
 - (c) An Arterial Street, in lieu of Section 14.15.A: 15 feet.
 - (2) Side.
 - (a) Single-family detached dwellings and all other uses including mixed uses (i.e., residential and nonresidential) in detached principal buildings, and detached accessory buildings, except as set forth below: 5 feet.

- (b) Single-family semi-detached dwellings, two-family dwellings and single-family attached dwellings and all other uses including mixed uses (i.e., residential and nonresidential) in attached principal buildings, and attached accessory buildings:
 - i. Attached side (i.e., interior side): 0 feet.
 - ii. Unattached side (i.e., exterior side): 5 feet.
 - (3) Rear. All uses and accessory buildings: 5 feet.
 - (4) Outdoor seating and dining areas: 3 feet minimum yard setback requirement.
- d. Permitted Projections into Required Yard Setbacks.
 - (1) Entry stoops, steps and ramps may extend into any required yard setback.
 - (2) Unenclosed porches, decks and patios may project into any required yard setback a maximum of 50% of the required yard setback.
 - (3) Typical architectural features, including cornices, eaves, gutters, bay windows, windowsills, chimneys and decorative stone, brick or other façade material may project a maximum of two (2') feet into any required yard setback.
- e. Maximum Building Height.
 - (1) Single-family detached dwellings, single-family semi-detached dwellings, two-family dwellings and single-family attached dwellings: 40 feet.
 - (2) Apartment buildings, mixed use (residential and nonresidential) buildings and nonresidential buildings:
 - (a) Habitable space: 50 feet.
 - (b) Architectural and non-habitable features: 65 feet.
 - (3) Accessory buildings and structures. Same as maximum building height limitation for applicable principal use or structure.
- f. Maximum impervious area.
 - (1) Single-family detached dwellings: 70%.

- (2) All other lots: None, except that the total maximum impervious area limitation of Section 14.63.C.4 shall apply to the entire Neighborhood Design Development site.

F. Parking Standards. See Section 14.10, except as follows:

1. Minimum Required Parking Spaces. In lieu of Section 14.10.A, the following shall apply:
 - a. Single-family detached dwellings, single-family semi-detached dwellings and two-family dwellings: 2 spaces per dwelling unit.
 - b. For all other uses, parking shall be provided to meet the demand in accordance with the following:
 - (1) The applicant shall calculate the parking demand based on accepted standards, such as published in the most recent version of the Institute of Transportation Engineers Parking Generation Manual or another acceptable standard, including studies from a previous project with similar parking requirements.
 - (2) The applicant shall conduct a shared parking analysis that projects parking needs based on the peak hour of parking demand. For example, a building with first-floor retail and office space and upper-floor residential will be able to adjust total parking demand to address the fact that peak residential parking demand will occur in the evening, while peak office parking demand will occur during the day. This analysis shall be based on accepted standards, such as published in the most recent version of the Institute of Transportation Engineers Parking Generation Manual, the Urban Land Institute Shared Parking study, or another acceptable standard.
 - (3) Uses not specifically listed in the most recent version of the Institute of Transportation Engineers Parking Generation Manual or another acceptable standard shall comply with the requirements for the most similar use listed in the applicable publication, unless the applicant proves, to the satisfaction of the Zoning Officer, that an alternative standard should be used for that use.
2. Areas Computed as Parking Spaces. In lieu of Section 14.10.B, the following shall apply:

- a. Areas which may be computed as open or enclosed parking spaces include any private garage, carport, driveway, parking lot and any other on-lot or off-street area available for parking.
 - b. A street right-of-way where on-street parking is designed and permitted may be computed as open parking spaces for purposes of determining compliance with the minimum number of required parking spaces.
- 3. Size of Spaces. In lieu of Section 14.10.C, an off-street parking space shall have a minimum area of 162 square feet with minimum dimensions of nine (9') feet wide and 18 feet long, exclusive of access drives or aisles.
- 4. Access Setbacks. In lieu of the setback requirement of Section 14.10.E, parking area entrances/exits shall not be located within thirty (30') feet from street or alley intersections with alleys.
- 5. Combined Spaces and Multiple Uses in Single Structure. In lieu of Sections 14.10.H and 14.10.I, see Section 14.63.F.1.b.
- 6. Location and Ownership. In lieu of Section 14.10.J:
 - a. Required parking spaces must be located within 600 feet of the entrance to a building or use that is regularly used by patrons or occupants, and directly accessible by pedestrians using sidewalks or other designated pedestrian pathways or trails. The 600-foot distance limitation may be increased to 800 feet for nonresidential uses if the following conditions are met:
 - (1) Signs are installed to identify such offsite parking spaces as being available for use by patrons or occupants of such nonresidential use.
 - (2) Signs that notify patrons of the availability of such offsite parking spaces shall be installed within or at the entrances to parking area serving the nonresidential use and directional signs shall be installed at appropriate locations between the nonresidential use and the offsite parking spaces so as to direct motorists to such offsite parking spaces from the nonresidential use.
 - (3) A sidewalk or other designated pedestrian pathway or trail is established to allow pedestrians to walk between the parking area and such nonresidential use.
 - b. Parking spaces need not be on the same lot or in the same ownership as the use to which they accessory, but the spaces shall be subject to deed restriction, binding the owner and his heirs and assigns to maintain the required number of spaces available either:

- (1) Throughout the existence of such use to which they are accessory; or
- (2) Until such spaces are provided elsewhere.

7. Parking Lot Setbacks.

- a. Parking lots of five (5) or more spaces shall be set back at least five (5') feet from any lot line. There shall be no setback required from any lot line adjoining an alley.
- b. In parking lots with five (5) or more parking spaces where spaces are oriented toward and will result in vehicle lights shining onto a single-family detached dwelling, single-family semi-detached dwelling, two-family dwelling or single-family attached dwelling on an adjoining lot, such parking spaces shall be screened from the adjoining lot by a fence, wall or landscaping with a height of at least four (4') feet.

8. Sections 14.10.K, 14.10.L and 14.10.M shall not apply.

G. Loading Standards. See Section 14.11, except as follows:

1. Off-street parking lots and areas shall be permitted to be used as loading berths, as long as such loading is conducted during hours when business operations open to the public are suspended.
2. Location and Access. In lieu of the setback requirement in Section 14.11.C, off-street loading berths and access to such berths shall be located at least 25 feet from the nearest point of intersection of any two (2) streets, and five (5') feet from the nearest point of intersection involving an alley.
3. Off-street loading berths shall be set back at least five (5') feet from any lot line. There shall be no setback required from any lot line adjoining an alley.

H. Driveway and Access Standards. See Section 14.12 and 14.15, except as follows:

1. The setback requirement of Section 14.12.A shall not apply.
2. In lieu of Section 14.15.B, driveways onto arterial streets shall comply with the applicable provisions of PennDOT or the SLDO.

I. Sign Standards.

1. See Section 14.16.
2. Additionally, the following signs shall also be permitted within a Neighborhood Design Development site:

- a. Changeable Message Signs.
- b. Neighborhood Design Development-Welcome Signs. Large, freestanding signs erected during the period of construction and/or development of the Neighborhood Design Development site by the contractor/developer or agent, which upon completion of the time frame listed below and removal of the initial development-related message/content, the sign shall be permitted to contain the Neighborhood Design Development name, logo and could also contain the phrase "Welcome to" or similar neighborhood development message, and shall be permitted to include advertising for businesses and other uses that are part of the approved Neighborhood Design Development site shall be permitted in accordance with the following provisions:
 - (1) The signs shall be permanent, except that the initial message/content shall be removed within 30 days of the sale or rental of the last lot or building space or completion of the proposed construction in the Neighborhood Design Development site.
 - (2) The area of any one sign shall not exceed 150 square feet and the height shall not exceed 20 feet.
 - (3) The signs shall be permitted to be illuminated.
 - (4) There shall be no more than two Neighborhood Design Development-welcome signs per Neighborhood Design Development site.
 - (5) The minimum lateral distance between Neighborhood Design Development-Welcome Signs shall be 500 feet.
- c. "A-frame" Signs. Freestanding, portable, temporary signs consisting of two (2) faces connected and hinged at the top and whose messages are generally targeted to pedestrians shall be permitted in accordance with the following provisions:
 - (1) Maximum Number of Signs: 1 sign per establishment. Additionally:
 - (a) For the purposes of this subsection, a parking area or structure shall be considered an establishment.
 - (b) An "A-frame" sign shall not count toward the maximum permitted number of freestanding signs.

- (2) Maximum Sign Area: 7 square feet.
- (3) Maximum Height: 3.5 feet.
- (4) Sign Placement.
 - (a) If a sign is located on a public or private sidewalk, a minimum of 36 inches of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
 - (b) The sign must be located on or near the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the purposes of this subsection, a public entrance includes a vehicular entrance into a parking area or structure.
 - (c) The signs shall be weighted, temporarily secured, or strategically placed so as to avoid being carried away by high winds.
- (5) Landscaping as provided in Section 14.16.F.18 is not required for "A-frame" signs.
- (6) A sign permit, as required in Section 14.16.J, shall not be required for "A-frame" signs.
- d. Wayfinding Signs. Permanent, off-premises or on-premises signs, located in a Neighborhood Design Development, which primarily provide wayfinding information such as distances or orientation information to businesses, uses, and other destinations, areas and places of interest in a Neighborhood Design Development, from a street or alley shall be permitted in accordance with the following provisions:
 - (1) Maximum Number of Signs: 4 signs per block between any street or alley intersection.
 - (2) Maximum Sign Area: 12 square feet.
 - (3) Maximum Height: 10 feet.
 - (4) Information. Sign copy is limited to name and/or logo of the Neighborhood Design Development and the destination/use distance and/or directional information. Multiple destinations/uses on one (1) lot must share a wayfinding sign. An additional two (2) square feet per face is permitted for each destination/use.

(5) Sign Placement.

- (a) Signs shall be permitted to be located in the street right-of-way, or located on private property, including upon a building, with written consent of the applicable owner.
- (b) Signs shall be located at street or alley intersections a maximum distance of one (1) mile from the use/destination.

(6) Landscaping as provided in Section 14.16.F.18 is not required for a wayfinding sign.

- e. Lots Adjoining Multiple Streets or Alleys. Lots adjoining on more than one (1) street, including alleys, shall be permitted to have signage as set forth in Table 1 along each adjoining street and alley. Along one street, sign area shall be the maximum permitted sign area set forth in Section 14.16, but for each additional street or alley, the maximum permitted sign area shall be reduced by 50%.

J. Fence and Wall Standards.

See Section 14.19, except in lieu of Section 14.19.D, the maximum height of a fence shall be eight (8') feet in any side or rear yard.

K. Trees and Shrubs in Street Rights-of-Way Standards.

- 1. In lieu of Section 14.20 of the Zoning Ordinance, street trees and shrubs shall be permitted to be planted and maintained in a street right-of-way in accordance with Section 14.63.S.
- 2. At any time, however, the Township has the right to remove or trim any tree, shrubbery or landscaping within its street right-of-way that the Township determines in its sole discretion presents a dangerous condition without any notice or liability to the owner of the adjoining property or applicable homeowners' or condominium association. This provision shall appear in the covenants or declarations applicable to property being developed within any Neighborhood Design Development.

L. Habitable Floor Area Standards.

See Section 14.22, except that accessory dwelling units shall have a minimum habitable floor area of 400 square feet, but if such dwelling unit is designed for and occupied exclusively by one person then the minimum habitable floor area shall be 300 square feet.

M. Open Space Standards.

1. General Standards.
 - a. The location and layout of the open space shall be designed and configured so as to:
 - (1) Serve residents of the Neighborhood Design Development site and/or the general public and achieve at least one (1) of the following objectives, and the applicant shall demonstrate those specific measures employed to achieve the applicable objective(s):
 - (a) Provision of usable areas that are conveniently accessible to residents within the Neighborhood Design Development site and/or the general public;
 - (b) Integration of greenbelts and trails throughout the Neighborhood Design Development site that link residences with onsite or adjoining parks, schools, businesses, or other similar features;
 - (c) Protection of natural resources (e.g., streams, ponds, wetlands, steep slopes, woodlands, unique geologic features, wildlife habitats, aquifer recharge areas, prime agricultural soils, etc.); or
 - (d) Protection of historical and/or archaeological sites.
 - (2) Have a width of not less than ten (10') feet.
 - b. Areas devoted to stormwater management facilities shall be permitted to be included upon not more than 80% of the minimum required open space area where such facilities are integrally incorporated into the overall open space design using best management practices to:
 - (1) Promote recharge of the groundwater system;
 - (2) Be available and appropriate for active or passive recreational use or scenic enjoyment; and
 - (3) Otherwise conform to the purposes, standards, and criteria for open space set forth in Section 14.63.M.1.a.
2. Standards for Ownership of Open Space. Open space shall be reserved for open space or passive and/or active recreational use by deed restriction, conservation easement, or other agreement in a form acceptable to the Township and duly recorded in the Office of the Recorder of Deeds of Cumberland County. Subject to such permanent restrictions, open space land

in any Neighborhood Design Development site shall be permitted to be owned by a homeowners' or condominium association, the Township, a land trust or other conservation organization recognized by the Township, or by a similar entity, shall be permitted to remain in private ownership, or any combination thereof.

3. Required open space and associated recreation facilities shall be credited towards the total amount of land or facilities required to be dedicated for recreational use required by Section 710 of the SLDO, payment of fees in lieu of dedication, for the Neighborhood Design Development site. The value of any recreation facility or improvement constructed within the open space area shall be permitted to count toward any required recreation land or fee required by Section 710 of the SLDO. These recreation fee or land credits shall be permitted to carry forward from phase to phase.
4. The payment of fees in lieu of dedication or provision of recreation land, shall be permitted pursuant to by Section 710 of the SLDO in the amount in effect on the date of adoption of this Section 14.63. The fee attributable to each dwelling unit shall be permitted to be paid in conjunction with issuance of the building permit for that dwelling unit.
5. A combination of required open space, recreation land or facilities dedicated or constructed, and fees in lieu of dedication or construction, required by Section 710 of the SLDO shall be permitted to satisfy recreation land dedication or facility construction requirements of Section 710.
6. The requirements of Section 710.B.6 of the SLDO shall not apply.

N. Street and Alley Standards. See Section 703 of the SLDO, except as follows:

1. Existing Streets. Notwithstanding Section 703.A.10 of the SLDO, whenever a subdivision or land development within the Neighborhood Design Development site adjoins a street that is owned by PennDOT, improvements including, without limitation, curbing, sidewalks, widening and installation of drainage facilities shall be made only to the extent required by PennDOT to facilitate development of the Neighborhood Design Development site.
2. Frontage and Access. In lieu of the frontage and access standards of Section 703.A.11 of the SLDO, the requirement of Section 14.63.E shall apply.
3. Street Alignment. In addition to the standards of Section 703.H.3 of the SLDO, straight portions of the street must be tangent to the beginning or ending of curves and the tangent length shall be a minimum of ten (10') feet. Intersections may connect radially to curves in cross street centerlines provided minimum sight distance is maintained.

4. Cul-de-Sac or Dead-End Streets. In lieu of the prohibition set forth in Section 703.F.7 of the SLDO, "eyebrow" protrusions and "hammerhead" type turnarounds (T-shaped) shall be permitted for privately-owned and maintained streets or alleys.
5. Street Alignment.
 - a. In addition to the standards of Section 703.H.2 of the SLDO, the centerline or horizontal radius for all streets shall be a minimum of 100 feet.
 - b. In addition to the standards of Section 703.H.3 of the SLDO, the tangent for horizontal reverse curves streets and alleys shall be a minimum of 10 feet.
6. Street Intersection. In addition to the standards of Section 703.J.5 of the SLDO, the minimum curb radius for:
 - a. A minor residential neighborhood or local access street/road with another minor residential neighborhood or local access street/road: 15 feet;
 - b. A minor residential neighborhood or local access street/road with an alley: 5 feet; and
 - c. An alley with an alley: 5 feet.
7. Intersection Sight Distance and Clear Sight Triangles. In addition to any standards of the SLDO, intersection sight distances shall be permitted in accordance with the following:
 - a. Minimum sight distance (including clear sight triangles) shall only be required at the approach of the intersection of two (2) streets where cross-traffic is not required to stop.
 - b. At intersections where minimum sight distance is required, the same shall be provided pursuant to clear sight triangles, measured in accordance with Section 703.K of the SLDO, or safe stopping sight distance measured from the edge of the main traveled portion of any street (i.e., edge of travel lane or travel way), exclusive of shoulder, auxiliary lane, and on-street parking lane, as opposed to edge of pavement, and shall otherwise be provided in accordance with the applicable provisions of Section 703 of the SLDO or PennDOT standards.
- O. Building Lot Standards. See Section 706 of the SLDO, except as follows

1. Lot Frontage. In addition to street rights-of-way as set forth in Section 706.A.6 of the SLDO, building lots also shall be permitted to:
 - a. Be an alley lot adjoining an alley but does not adjoin a street at any point (i.e., alley lot); or
 - b. Adjoin an open space lot located between and adjoining both such lot and a street.

See Section 14.63.E.

2. Notwithstanding Section 706.A.6.c of the SLDO, lots shall be permitted to adjoin, and buildings thereon shall be permitted to be oriented towards, an arterial street, provided that the primary access to those buildings shall not be directly from such arterial street.

P. Sidewalk and Pedestrian Pathway Standards. See Section 707 of the SLDO, except as follows:

1. Sidewalks shall not be required to be provided along:
 - a. Alleys; and
 - b. Existing exterior arterial or collector streets upon which the Neighborhood Design Development fronts, where a trail or pedestrian pathway is designed and constructed in accordance with Sections 14.63.P.1 or 14.63.P.2.
2. In lieu of installing sidewalks along existing exterior arterial or collector streets upon which the Neighborhood Design Development fronts, a trail or pedestrian pathway shall be permitted provided that such trail or pathway:
 - a. Will be open to the public and creates a continuous pedestrian pathway connecting either end of the Neighborhood Design Development site at points along or near such existing exterior arterial or collector street. Notwithstanding the foregoing, the trail or pathway shall not be required to extend or cross over streams, floodplains, steep slopes or other natural features that would require the construction or widening of a bridge or culvert; and
 - b. Otherwise, is designed and constructed in accordance with the applicable provisions of this Section and Section 707.C of the SLDO.
3. In addition to the width standard of Section 707.C.2 of the SLDO, trails or pathways shall be permitted to be located within a minimum 6-foot wide access easement.

Q. Curbing Standards. See Section 708 of the SLDO, except as follows:

1. Curbs shall not be required to be provided along:
 - a. Alleys; and
 - b. Existing exterior arterial or collector streets upon which the Neighborhood Design Development fronts.

R. Site Lighting Standards. See Section 711 of the SLDO, except as follows:

1. Residential Development Fixture Placement.
 - a. Street Lighting. In lieu of installing street lighting within the rights-of-way along streets in accordance with Section 711.F of the SLDO, yard lamp post style lighting (i.e., poles and fixtures) shall be permitted to be installed by the Developer on lots near the rights-of-way and within the front yards. All yard lamp post style lighting shall be privately owned and maintained by the owner of the adjoining property and/or a homeowners' or condominium association.
 - b. The provisions of Section 14.63.R.1.a shall not apply to Sections 711.F.1.a and 711.F.1.b of the SLDO regarding lighting at intersections.

S. Landscaping Standards. See Section 719 of the SLDO, except as follows:

1. Final Landscape Plan. Section 719.B.2.d of the SLDO regarding the identification and depiction of existing individual trees with trunks twenty (20") inches in diameter at breast height or greater shall only apply to such trees that are proposed to be removed.
2. Landscape Requirements. In lieu of Section 719.C.6.c of the SLDO:
 - a. Street trees shall be permitted to be planted and maintained in a street right-of-way.
 - b. Unless otherwise approved by the Board of Supervisors, all street trees and shrubs planted in street rights-of-way shall be privately owned and maintained by the owner of the adjoining property and/or a homeowners' or condominium association.
3. Screen Buffer. The screen buffer requirements of Sections 719.C.14.a.1) through 719.C.14.a.3) and 719.C.14.b.1) of the SLDO shall not apply to a lot or use that is within the Neighborhood Design Development and adjoins:
 - a. Another lot or use that also is within the Neighborhood Design Development; or

- b. An arterial street, where buildings on such lots are oriented with fronts facing such arterial street.

See Section 14.63.F.7.b regarding parking lot screening.

T. Modification of Standards. Consistent with Sections 603(c)(5) and 605(3) of the Pennsylvania Municipalities Planning Code, the Board of Township Supervisors may, by conditional use approval, authorize a modification of the Neighborhood Design Development standards of this Section 14.63, or other area, dimensional and design-related standards of the Zoning Ordinance, which impact the layout and design of the Neighborhood Design Development, in order to encourage the use of innovative design. Any conditional use application requesting a modification of a Neighborhood Design Development standard or other applicable zoning standard shall be subject to the following standards:

1. The modification is generally consistent with the applicable elements of the:
 - a. Intended purpose of the Neighborhood Design Development (Section 14.63.A);
 - b. Statement of Purposes (Section 1.02) and Community Development Objectives (Section 1.03) of the Zoning Ordinance;
 - c. Intended Purpose of the VC Districts (Section 9.01); and
 - d. Township Plan.
2. The modification will not result in any danger to the public health and safety, nor adversely impact adjoining properties or future inhabitants of the Neighborhood Design Development.
3. The modification will allow for equal or better results and represents the minimum amount of relief necessary to ensure compliance with the applicable standard.

SECTION 2: The Zoning Officer of the Township of Middlesex Township, or assigned designee, is directed to revise the “Middlesex Township Zoning Map” to delineate the rezoned area and boundary line changes as adopted hereby.

SECTION 3: Except only as amended, modified and changed herein, Ordinance No. 3-89 enacted June 30, 1989 known as the “Middlesex Township Zoning Ordinance”, as subsequently amended, shall remain in all other respects in full force and effect.

SECTION 4: 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 Ordinance No. 3-89 enacted June 30, 1989 known as the "Middlesex Township Zoning Ordinance", as subsequently amended, as a whole, or any other section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of this Ordinance or Ordinance No. 3-89 enacted June 30, 1989 known as the "Middlesex Township Zoning Ordinance", as subsequently amended.

SECTION 5: In the event any provision added by this Ordinance to Ordinance No. 3-89 enacted June 30, 1989 known as the "Middlesex Township Zoning Ordinance", as subsequently amended, has been numbered, lettered or otherwise designated out of sequence, the same shall be corrected and/or correctly numbered, lettered or designated upon discovery of same.

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

ENACTED AND ORDAINED this 6th day of **April** 2022.

TOWNSHIP OF MIDDLESEX

By: 
Vice-Chairman, Board of Township Supervisors

ATTEST:


Township Secretary

(Township Seal)

EXHIBIT 'A'

MAP DEPICTING ALL OR PORTIONS OF PARCELS IDENTIFIED AS CUMBERLAND COUNTY TAX PARCEL IDENTIFICATION NOS. (AND ADDRESSES): (I) 21-08-0575-007 (175 ARMY HERITAGE DRIVE); (II) 21-08-0575-007A (RR W. TRINDLE ROAD); (III) 21-08-0575-010A (W. TRINDLE ROAD); (IV) 21-08-0573-053 (W. TRINDLE ROAD); AND (V) 21-08-0573-027 (1722 W. TRINDLE ROAD) AND THE CONTIGUOUS AREA WITH YELLOW SHADING AND PURPLE DASHED OUTLINE TO BE REZONED FROM THE RF – RESIDENTIAL FARM DISTRICTS TO THE VC – VILLAGE CENTER DISTRICTS

