

**TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3 - 2020

**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, TO
PROVIDE FOR MODIFICATIONS OF THE STANDARDS
OF THE UDA – UNIFIED DEVELOPMENT AREA
OVERLAY DISTRICT (ARTICLE XVI) BY CONDITIONAL
USE.**

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. Article XVI (Entitled, "UDA – Unified Development Area Overlay District"), Section 16.02.A.6, is amended as indicated by the blackline and strikeout interlineations below, with strikeout interlineations indicating deletions of language and underlined interlineations indicating insertions of language to read as follows:
 - 6. ~~In~~ Except as permitted pursuant to Section 16.04.G (Modifications of UDA District Overlay Standards), in no case shall the maximum gross residential density for the total UDA Development Tract exceed 2.0 dwelling units per gross acre.
- B. Article XVI (Entitled, "UDA – Unified Development Area Overlay District"), Section 16.04 (Entitled, "Procedures"), is amended to include the following as new subsection 16.04.G to read as follows:
 - G. Modifications of UDA District Overlay 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, permit the modification of the UDA District Overlay standards of this Article XVI in order to encourage the use of innovative design. An applicant desiring to obtain such modification(s) shall, when making application for conditional use approval for a UDA Development proposal, also make application for conditional use approval for such

modification(s). The Board of Township Supervisors shall consider both conditional use approval requests simultaneously. If conditional use approval is not required by this Article XVI, then such conditional use approval for modification(s) of the standard of this Article XVI shall be made prior to approval of a subdivision or land development plan for any portion of a UDA Development that does not comply with the standard sought to be modified. Any conditional use to permit a modification of a UDA District Overlay 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 UDA District Overlay (Section 16.01);
 - b. statement of Purposes (Section 1.02) and Community Development Objectives (Section 1.03) of the Middlesex Township Zoning Ordinance; and
 - c. Middlesex Township Comprehensive 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 UDA Development.
3. The modification will not result in a use that otherwise is not permitted in a UDA Development as set forth in Section 16.05.A, nor exceed the maximum gross residential density for the total UDA Development Tract, as set forth in Section 16.02.A.6, by more than 0.5 dwelling unit per gross acre.
4. 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: 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 3: If any section, sub-section, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance is declared by any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not effect or impair the validity of this Ordinance or 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 4: 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 5: This Ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED this 25th day of September, 2020.

TOWNSHIP OF MIDDLESEX

By: _____

Chairman, Board of Township
Supervisors

ATTEST:

Eileen M. Gault

Township Secretary

(Township Seal)