

**TOWNSHIP OF MIDDLESEX
CUMBERLAND COUNTY, PENNSYLVANIA**

ORDINANCE NO. 3 - 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 LI – LIGHT INDUSTRIAL
DISTRICT TO THE VC – VILLAGE CENTER DISTRICT,
PORTIONS OF THE PARCELS IDENTIFIED AS
CUMBERLAND COUNTY TAX PARCEL
IDENTIFICATION NOS. 21-08-0575-003D AND 21-08-0575-
003E, AS DEPICTED ON THE MIDDLESEX TOWNSHIP
ZONING MAP.**

WHEREAS, the Board of 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 adopted 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”);

WHEREAS, by adopting the “Middlesex Township Comprehensive Plan” on February 5, 2003 (“Comprehensive Plan”), the 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 May 20, 2022, that amends the Comprehensive Plan, specifically updating the “Future Land Use Map” to reclassify from the Industrial category to the Mixed Use Commercial Residential category the parcels identified as Cumberland County Tax Parcel Identification Nos. 21-08-0575-003D and 21-08-0575-003E (“Subject Parcels”), the Board of Supervisors contemplates changes in past and future land use and development patterns occurring in the portion of the Township along Claremont Road and Harmony Hall Drive, and specifically the Subject Parcels; and

WHEREAS, the Mixed Use Commercial Residential category described and depicted on Future Land Use Map set forth in the Comprehensive Plan is generally consistent with the character of the VC-Village Center District (“VC District”) as described and regulated by

Zoning Ordinance and locations as depicted on the Zoning Map; and

WHEREAS, portions of the Subject Parcels are depicted as part of the Mixed Use Commercial Residential category on the Future Land Use Map of the Comprehensive Plan, and the Subject Parcels are not currently zoned as part of the VC District 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 District includes allowing flexibility in planning and inducing creative and economic methods of residential development (§ 9.01); 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, in accordance with Section 603(j) of the MPC, the Board of Supervisors has identified a need to provide general consistency between the Comprehensive Plan and the Zoning Ordinance, including the Zoning Map; and

WHEREAS, the Board of Supervisors, believes that it is in the best interest of the

Township as a whole to implement elements of the Comprehensive Plan, and purposes of the Zoning Ordinance and zoning standards, by amending the Zoning Ordinance and Zoning Map, so as to rezone portions of the Subject Parcels currently in the LI District from the LI District to the VC District; and

WHEREAS, a portion of 21-08-0575-003E is currently zoned OS – Conservation/Open Space in accordance with Article V, Section 5.01 of the Zoning Ordinance, and the Board of Supervisors believes it is in the best interest of the Township for that portion to remain zoned OS – Conservation/Open Space; and

WHEREAS, a portion of 21-08-0575-003E is currently in the FP – Floodplain Conservation Overlay District, and the Board of Supervisors believes it is in the best interest of the Township for that portion to remain in the FP – Floodplain Conservation Overlay District; 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 LI – Light Industrial District to the VC – Village Center District all or portions of the parcels identified as Cumberland County Tax Parcel Identification Nos. 21-08-0575-003D and 21-08-0575-003E that are described in Exhibit “A” and depicted in Exhibit “B” which are attached to and made a part of this Ordinance. The portion of 21-08-0575-003E zoned OS – Conservation/Open Space will remain OS – Conservation/Open Space in accordance with Article V, Section 5.01 of the Zoning Ordinance, and the portion of 21-08-0575-003E subject to the FP – Floodplain Conservation Overlay District will remain subject to the FP – Floodplain Conservation Overlay District.

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.

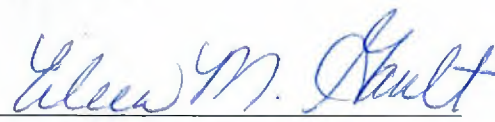
SECTION 6: This Ordinance shall become effective in accordance with applicable law.

ENACTED AND ORDAINED this 20th day of May, 2022.

TOWNSHIP OF MIDDLESEX

By: 
Chairman, Board of Township
Supervisors

ATTEST:


Township Secretary

(Township Seal)

EXHIBIT "A"

DESCRIPTION OF LANDS TO BE REZONED

TAX PARCEL IDENTIFICATION NO. 21-08-0575-003D

ALL THAT CERTAIN tract or parcel of land, situate, lying and being in the Township of Middlesex, County of Cumberland and Commonwealth of Pennsylvania, as shown on Sheet 2 of 2 of a Final Subdivision Plan for Richard C. Reed, Jimmie C. George and Robert M. Frey dated June 25, 1987, and last revised July 6, 1987 as prepared by Gerrit J. Betz Associates, Inc., and as recorded in the Cumberland County Recorder of Deeds at Plan Book 53, Page 107A, being more particularly described, bounded and limited to wit:

BEGINNING at a point on the northerly dedicated right-of-way line of Claremont Road (L.R. 21066-a 30 foot dedicated right-of-way), said point being located the following two courses and distances from the centerline intersection of Claremont Road with Harmony Hall Drive (L.R. 21067): South 53 degrees 19 minutes 00 seconds West, a distance of 313.88 feet; thence North 33 degrees 21 minutes 47 seconds West, a distance of 30.05 feet to the point of beginning; thence from said point of beginning, North 33 degrees 21 minutes 47 seconds West, a distance of 588.18 feet to a point at the southwestern corner of Lot 5; thence along the southern line of Lot 5 North 56 degrees 49 minutes 15 seconds East, a distance of 260.89 feet to a point on the westerly right-of-way line of Harmony Hall Drive (30 foot wide dedicated right-of-way); thence along said right-of-way of Harmony Hall Drive, by a curve to the left having a radius of 1,204.59 feet, an arc distance of 51.25 feet to a point; thence still along said right-of-way South 35 degrees 37 minutes 00 seconds East, a distance of 490.69 feet to a point; thence by a curve to the right having a radius of 30.00 feet, an arc distance of 46.57 feet to a point; thence South 53 degrees 19 minutes 00 seconds West, a distance of 253.30 feet to a point, being the place and point of Beginning. Containing 3.61 acres and being Lot 4 as shown on the aforementioned subdivision plan.

SUBJECT to that area of land reserved for the rights of way of Harmony Hall Drive (L.R. 21067) and Claremont Road (L.R. 21066)

TAX PARCEL IDENTIFICATION NOS. 21-08-0575-003E

ALL THAT CERTAIN tract or parcel of land, situate, lying and being in the Township of Middlesex, County of Cumberland and Commonwealth of Pennsylvania, as shown on Sheet 2 of 2 of a Final Subdivision Plan for Richard C. Reed, Jimmie C. George and Robert M. Frey dated June 25, 1987, and last revised July 6, 1987 as prepared by Gerrit J. Betz Associates, Inc., and as recorded in the Cumberland County Recorder of Deeds at Plan Book 53, Page 107A, being more particularly described, bounded and limited to wit:

BEGINNING at a point on the northerly line of Lot 4 of the aforementioned subdivision plan, said point being located the following two courses and distances from the centerline intersection

of Claremont Road (L.R. 21066) with Harmony Hall Drive (L.R. 21067): South 53 degrees 19 minutes 00 seconds West, a distance of 313.88 feet; thence North 33 degrees 21 minutes 47 seconds West, a distance of 618.23 feet to the point of beginning; thence from said point of beginning, North 33 degrees 21 minutes 47 seconds West, a distance of 553.26 feet to a point in the Letort Spring; thence in the Letort Spring North 71 degrees 00 minutes 00 seconds East, a distance of 233.00 feet to a point in same; thence still in the Letort Spring North 77 degrees 35 minutes 00 seconds East, a distance of 59.92 feet to a point on the westerly dedicated right-of-way line of Harmony Hall Drive (50 foot wide dedicated right-of-way); thence along said right-of-way of Harmony Hall Drive South 30 degrees 44 minutes 30 seconds East, a distance of 424.12 feet to a point; thence by a curve to the left having a radius of 1,204.59 feet, an arc distance of 51.24 feet to a point on the northerly line of Lot 4; thence along the northerly line of Lot 4 South 56 degrees 49 minutes 15 seconds West, a distance of 260.89 feet to a point, being the place and point of Beginning. Containing 3 .23 acres and being Lot 5 as shown on the aforementioned subdivision plan.

SUBJECT to that area of land reserved for the right of way of Harmony Hall Drive (L.R. 21067) and other restrictions, easements and documents, recorded and unrecorded.

The portion of Tax Parcel No. 21-08-0575-003E within the OS – Conservation/Open Space District in accordance with Article V, Section 5.01 of the Zoning Ordinance will remain in the OS – Conservation/Open Space District.

EXHIBIT "B"

