

PLANNING DEPARTMENT
C u m b e r l a n d C o u n t y

Cumberland County Review Report

Cumberland County Planning Department
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Recommendation: *Disapproval*

Name of Amendment:				
Middlesex Township New Zoning Ordinance and Zoning Map				
Municipality:	Date Received:	Date Reviewed:	Reviewed By:	Checked By:
Middlesex Township	3/21/2025	4/17/2025	SH, EG, KS	Planning Commission
Type of Amendment:				
New Zoning Ordinance				

Explanation of Amendment:

Middlesex Township has submitted a new zoning ordinance and zoning map for review and comment. The proposed zoning ordinance will replace the existing Middlesex Township Zoning Ordinance that was adopted in 1989.

Consistency:

Cumberland County Comprehensive Plan

The 2024 Cumberland County Comprehensive Plan¹ is organized around the Cumberland Principles. These principles guide effective planning practices which benefit the environment, economic development, and the community. The following table determines consistency between the proposed amendment and the Cumberland Principles.

The Cumberland Principles (Comprehensive plan page number)	Consistency
Protect the Best First (page 20)	• Floodplain overlay is included in the ordinance. • North Mountain Conservation district is proposed. • The Appalachian Trail Corridor will be protected. • Agriculture district will protect sensitive farmland.
Grow In Not Out (page 29)	• High density residential development is permitted in the MU-1, MU-2 and ROO districts where there is public sewer and public water service. • Intense commercial development is centered on major transportation corridors served with public infrastructure.
Housing for All (page 37)	• The MU-1 and MU-2 districts include requirements for a mixture of housing types.

¹ <https://www.cumberlandcountypa.gov/4888/Comprehensive-Plan>

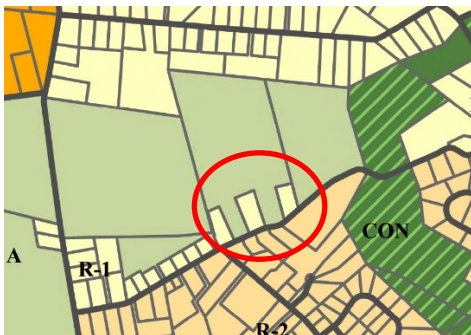
The Cumberland Principles (Comprehensive plan page number)	Consistency
	Housing variability is permitted in several zoning districts.
Plan for People and Places (page 44)	Many of the intense land uses come with setback and screening / buffering requirements.
Adapt and Stay Safe (page 64)	The floodplain overlay requirements meet the minimum requirements established by FEMA.
Open for Business (page 71)	- The redevelopment opportunity overlay (ROO) district is designed to improve the miracle mile corridor. - Nonresidential growth is encouraged along the Harrisburg Pike.

Middlesex Township Comprehensive Plan

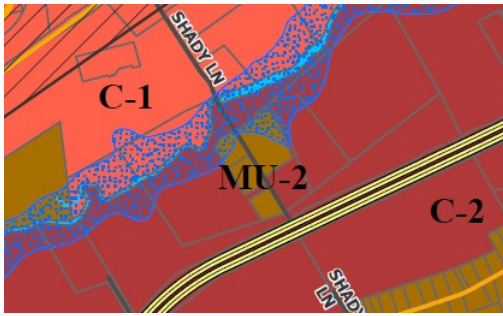
The Middlesex Township Comprehensive Plan was adopted in 2003. Since 2003, the township has seen significant residential and nonresidential growth and development. In addition, the township vision has likely changed and should be updated. CCPD recommends that the township update the comprehensive plan to guide growth and land use in Middlesex Township.

Comments and Recommendations:

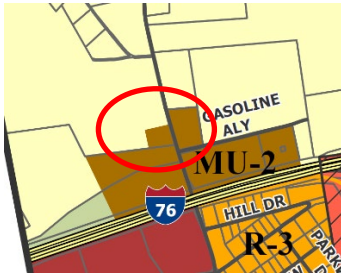
1. The township has received a number of map amendment requests to the proposed zoning map as well as formal zoning map amendment submissions to rezone parcels under the current zoning ordinance to Village Center, which is not a zoning district under the proposed zoning ordinance. The township should consider closing additional amendment submissions until such time as the zoning ordinance is approved to avoid confusion and promote transparency to the public which has access to the proposed draft ordinance and map on the township website. Applicant requested map amendments could be addressed as public comments on the zoning ordinance.
2. The area north of Ridge Drive should be zoned agriculture as single family detached dwellings are permitted on the same lot size as the R1 district (see below).



3. The need for the area zoned MU2 between the Pennsylvania Turnpike and Interstate 81 should be evaluated. The properties are existing residential units in a remote location of the township with limited highway access. These properties are not consistent with the MU-2 purpose statement in the zoning ordinance. The township should consider making this area C2 (see below) to better fit with surrounding zoning and commercial land uses (kennel).



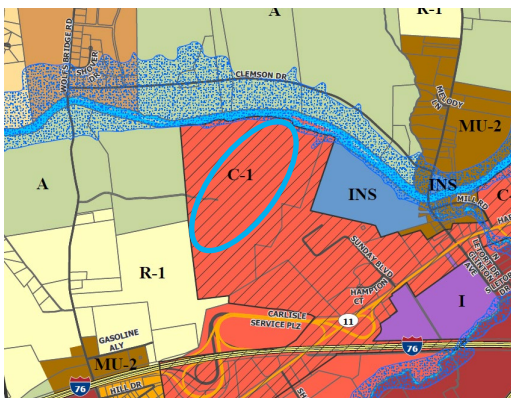
4. The MU2 district north of the Pennsylvania turnpike should follow parcel lines or a physical boundary (see below).



5. The township is proposing to change the following parcel from residential farm (RF) in the existing ordinance to commercial highway (C-1) and the redevelopment opportunity (ROO) overlay in the new zoning ordinance (see circled area below).

The area has limited accessibility to the Harrisburg Pike and therefore does not offer the development potential that other parcels in the proposed corridor provide. In addition, the area includes undeveloped land that is rural in character next to the Conodoguinet Creek.

One of the stated purposes of the ROO is to encourage reinvestment, revitalization and overall enhancement of the Miracle Mile corridor via infill, replacement and redevelopment opportunities on previously developed or underutilized land by providing greater flexibility. The defined area for the overlay district extends well beyond the immediate Harrisburg Pike corridor into areas that are not already developed. This contradicts the purpose of the overlay district.



6. The township should consider adding maximum building coverage requirements to the nonresidential and mixed-use zoning districts. These are regulated in the current zoning ordinance. This term is defined but not used in any of the districts.
7. Page 1, section 102. The draft ordinance references the community development objectives specified in the Middlesex Township Comprehensive Plan which was adopted in 2003. The township should

consider creating an updated list of community development objectives for the 2024 zoning ordinance. In addition, the township should review and update the comprehensive plan as growth and development has changed the township in the last 20 years. Many of the development objectives in the comprehensive plan are outdated and the future land use map does not appear to be consistent with the proposed zoning map.

8. Page 29, section 2.05.C. Permitted uses for the ATC district are listed in this section and again in article 3, table 3.02.1. The township should verify that the uses are consistent in each section of the ordinance. For example, table 3.02.1 notes that temporary outdoor events are permitted by right. This use is not listed on page 29. CCPD recommends listing the uses on table 3.02.1 to be consistent with other districts.
9. Page 42, table 2.11. The double asterisk represents the maximum gross residential density for a mixed-use development. The double asterisk is only shown for a place of worship and government facility. The maximum residential density should be listed in section 2.11, rather than a footnote in a table.
10. Page 44, table 2.12. The double asterisk is not found on the bulk and area regulation table. It appears that the 5 acre minimum lot size does not apply in the MU2 district.
11. Page 44, table 2.12. The bulk and area regulations should include dimensional requirements for areas that have public water and on-lot sewer.
12. Page 46, section 2.14. The township is proposing to add the use of warehouse, high-cube fulfillment center and warehouse, high-cube transload and short-term storage to the commercial highway (C-1) district. These uses contradict the purpose statement (see below).

The purpose of the commercial highway (C-1) district is to provide for establishments offering accommodations or services to motorists and outlying neighborhoods, and to provide for nonpedestrian-oriented retail, wholesale, service, and repair activities that do not contribute to the creation of unattractive, congested and unsafe highway conditions.

In addition, the C-1 district has been extended to include an area that is not located in proximity to the Harrisburg Pike and is currently used as agricultural land. This contradicts the second paragraph of the purpose statement which focuses on redevelopment of the miracle mile.

It shall further be the intent of this District to encourage reinvestment, revitalization, and overall enhancement of certain land along the Harrisburg Pike (SR 0011, "Miracle Mile") corridor through development standards that encourage innovation and promote flexibility, economy, and ingenuity in development (i.e., infill, replacement and redevelopment).

13. Page 47, table 2.14. The proposed ordinance will permit warehouses in the commercial highway (C-1) district. The bulk and area regulations table should have specific requirements for a warehouse use (similar to table 2.16 on page 50). The township should justify the need for allowing warehousing in another less intense zoning district as it is already permitted in the industrial district.
14. Page 50, table 2.16. the bulk and area regulations table includes specific requirements for a 'warehouse/distribution' use.
 - a. Table 3.02.1 (permitted uses) on page 109 does not include 'warehouse/distribution' as a use. In addition, table 3.02.1 does not address any type of distribution use. The uses listed in the bulk and area regulations table should be consistent with the uses shown on the permitted use table to avoid challenges for excluding certain uses.
 - b. Table 2.16 permits a warehouse/distribution use with on-lot water and sewer service. CCPD recommends requiring public water and public sewer service as well as frontage to an arterial road for these uses.

- c. It appears that the rows on table 2.16 are duplicative. The area and bulk requirements for warehouse/distribution should be compared to the requirements in section 3.04.I.14.f on page 199.
- 15. Page 50, table 2.16. The township should review the bulk and area regulations. Does the 100 ft setback from a residential use or residential district apply to a warehouse/distribution use? If applicable, the double-asterisk should be shown.
- 16. Page 55, table 2.18. the bulk and area regulations for a data center permit 70% lot coverage and 70% impervious coverage. Both are defined as including all impervious surfaces. The township should remove the lot coverage requirement to be consistent with other zones.
- 17. Page 55, section 2.18.G – The township should consider the need for extensive façade standards for data center uses when other industrial/commercial buildings are not subjected to the same standards. If the township desires attractive facades for large industrial or commercial buildings, such standards should be applied to all building types, not just data centers.
- 18. Page 86, section 2.20. The ROO district uses several contemporary planning tools to achieve a higher standard of development that can revitalize the Carlisle Pike. However, those provisions are optional, and the C-1 district that surrounds the Carlisle Pike has no innovative planning requirements. The township should consider removing the C-1 district and making the ROO a fixed zoning district that would include the properties in the current C-1 zone. The township could review the ROO and modify requirements to make sure the zone allows appropriate uses and encourages attractive development patterns without overburdening property owners with regulation.
- 19. Page 87, table 2.20. The setbacks provided in the ROO district apply to all uses in the underlying district (the township has decided to add warehousing to the C-1 district). It appears that a proposed warehouse can be located with a 50 ft front yard setback and a 25 ft (but not less than 50% of the height) side/rear yard setback from residential uses. The township should compare this to the setback requirements on page 199, section 3.04.I.14.f.3 which requires a warehouse to be set back 500 feet from a residential use.

The requirements in section 3.04.I.14 should apply to all warehouse uses proposed in Middlesex Township.

- 20. Page 89, section 2.20.I.4.g.3. The township should reference these incentives (or this section) in the bulk and area regulations table.
- 21. Page 98-99 section 2.22.D. The wellhead protection area should be depicted on the zoning map.
- 22. Page 109, table 3.02.1. The list of permitted uses includes the following warehouse types:
 - a. Warehouse, high-cube cold storage
 - b. Warehouse, high-cube fulfillment center
 - c. Warehouse, high-cube parcel hub
 - d. Warehouse, high-cube transload and short-term storage
 - e. Warehouse, mini-warehouse

What is the purpose of these specific definitions? The township should justify why some warehouses are regulated different than other warehouses. From a land use perspective, how are these uses different? There is no need for defining these types of warehouses if they are not accompanied by land use regulations specific to each type.

23. Page 109, table 3.02.1. On May 3, 2023, the township enacted an ordinance to remove the use of storing, warehousing and distribution centers from the commercial highway zoning district. However, the proposed ordinance will permit a 'warehouse, high-cube fulfillment center' and a 'warehouse, high-cube transload and short-term storage' in the commercial highway district. CCPD recommends removing all warehouse uses from the C-1 district.
24. Articles 3 and 4 are large, cumbersome and include a lot of regulation. For ease of the user and the zoning officer, and to reference subsections, it is recommended that a reference to the subsection should be placed at the bottom or side of each page. The zoning uses table should be modified to reference the page number where each use is defined and additional regulation listed. In addition, the numbering in the zoning ordinance should be reconfigured to include the article and subsections. An example of numbering is below:

602.12	Street Intersections.
602.12.1	All intersections with a State Route shall be subject to the approval of the Pennsylvania Department of Transportation (PennDOT). Copies of Highway Occupancy Permits from PennDOT shall be submitted for all proposed intersections with a State Route prior to Final Plan approval.
602.12.2	Multiple intersections involving the junction of more than two streets are prohibited. Only two, three, and four-way intersections are permitted.
602.12.3	The distance between the centerline intersections of streets shall be measured along the centerline of the street being intersected and conform with the following:

25. Page 133, section 3.04.D.4. The township should determine whether the section regulating a 'drive through only facility' should include a minimum queuing area for vehicle lines.
26. Page 135, table 3.04.2. The table includes a 'cigar, cigarettes, tobacco shop' as a typical neighborhood retail use. The township should determine whether this use may be considered a 'electronic cigarette / vaporizer store'. The definition should differentiate between these uses.
27. Page 141, section 3.04.E.13.a. The parking for an entertainment assembly is 11 spaces per 1,000 square feet of gross floor area and 0.3 space per seat. The township should determine how the square footage will be determined for an outdoor event.
28. Page 155, section 3.04.G.1. The definition of a 'craftsman industrial' use indicates the use is a small retail outlet and involves small scale production, assembly, and/or repair. The use may also include small-scale warehousing. The township should consider establishing a maximum building size or establishing a threshold for this 'small-scale' use.
29. Page 165, section 3.04.H.5.q.1. This section references West Pennsboro Township.
30. Page 170, section 3.04.H.6.b.2.g-h. The setback requirement for a principal wind facility from the Appalachian Trail, a historic resource, historic structure, or historic site and important bird areas is 2,500 feet. In addition, the setback from a wetland is 500 feet. The township should review as these setbacks seem excessive. What is the rationale for these requirements? Also, the township should compare these setbacks to those established for a principal solar energy system.
31. Page 178, section 3.04.H.10.c.1.b. This section indicates that small wireless communication facilities outside of the public rights-of-way are permitted by right in all districts except residential. This section should be compared to table 3.02.1. A small WCF outside of the right-of-way is also not permitted in the NMC, ATC, A, and MU1 districts.

32. Page 197, section 3.04.I.12. The definition of a 'truck terminal' includes warehousing, distribution and transfer facilities as an accessory use. What is the purpose of this definition? The township should review and clarify what is permitted with a truck terminal. Given the multiple types of warehouses now defined in the ordinance, the specific types of warehouses that would be considered truck terminals should be identified.
33. Page 198, section 3.04.I.14. The name of this section is 'warehouse/distribution'. Table 3.02.1 (permitted uses) does not include distribution as a land use, nor is the use defined as an industrial use. The township should address all land use on the table to avoid exclusionary challenges.
34. Page 198, section 3.04.I.14. Each of the warehouse uses defined in section 14 have a trip generation associated with the warehouse type. What is the purpose of these figures? Traffic generation is typically determined by a traffic engineer using the latest version of the ITE trip generation manual and local impacts to traffic patterns are addressed in a traffic impact study. No other uses in the ordinance include trip generation estimates.
35. Each of the proposed warehouse types reference a HCW as defined under subparagraph I above. It appears that these references should be changed to 14.a.
36. Page 199, section 3.04.I.14.e-f. The township should determine whether a mini-warehouse (i.e., self-storage) is required to meet the same setback, screening and location requirements as the other warehouse uses.
- It is recommended that a mini-warehouse include a maximum rental area. Other municipalities have seen large distribution centers approved as a mini-warehouse with a single tenant.
37. Page 199, section 3.04.I.14.f.1. A warehouse should be required to access and front on an arterial street with direct access to a highway interchange.
38. Page 200, section 3.04.I.14.f.9.iv. This section requires stacking lanes but does not include a specific distance. Many warehouses are designed and constructed without knowledge of the tenant or the need for stacking / staging areas. The ordinance should consider a calculation, or a specific requirement for stacking lanes, rather than an unenforceable and vague requirement.
39. Page 208, section 3.05.B.2.f. The township should clarify this section. Are accessory solar facilities prohibited in the front yard, or are they prohibited in front of the principal building?
- In addition, the township should verify that the side and rear yard setback requirements for accessory solar are the same as other accessory setbacks.
40. Page 235, section 4.01.A.1. This section should indicate that the dimensional requirements apply to nonresidential accessory structures. The height and setback requirements for a residential accessory building are noted in each zoning district.
41. Page 238, section 4.03.A.2.a. The requirement for a deciduous or evergreen tree per every 1,000 square feet of gross floor area appears to apply to nonresidential development. The township should consider specifying this in the ordinance. Further, the township should consider an additional requirement of one deciduous or evergreen tree per dwelling unit.
42. Page 238, section 4.03.A.2.b. This section refers to section 4.15.E.9 for landscaping requirements. The reference on page 238 should refer directly to the Middlesex Township Subdivision and Land Development Ordinance.
43. Page 272, section 4.12.B.4.I. This section should reference section 2.19 the floodplain conservation overlay (FCO) district.
44. Page 274, section 4.12.D.3.b. The section reference for a special exception should be changed to 1.15.

45. Page 280, section 4.15.C. The ordinance has 2 methods of determining parking, a prescriptive listing of parking requirements and a parking computation (section 4.15.D). Does an applicant need to comply with both? The ordinance should clarify.
46. Page 286, table 4.15.1. The parking space requirements for all warehouse classifications also notes 'distribution' as a land use. The use of distribution is not included as a use in any zoning district.
47. Page 289, section 4.15.E. The township should verify the numbering in this section.
48. Page 291, section 4.15.F.1.a. This section includes a requirement for noncompact parking spaces. The ordinance does not address compact or noncompact parking spaces. Consider removing the reference to noncompact parking spaces.
49. Page 292, section 4.15.F.3.a. The ordinance should prohibit vehicles from having to back into a public street except in the case of residential dwellings on local streets. The township should consider high density residential developments that may require vehicles to back into the street.
50. Page 319, section 5.04. The township solicitor should review the proposed signs to determine whether the language is content neutral. The following sign types are not content neutral:
 - a. Signs identifying semi-public uses
 - b. Property control signs
 - c. Individual business signs identifying the name and type of business and/or any trademark of the business conducted on the premises.
 - d. Real estate sale, sold, or rent signs
 - e. Auctions, garage, or yard sale signs
 - f. Political Yard Signs
 - g. Roadside stand signs for the sale of agricultural products
51. The following comments refer to section 6.02.A (definitions), page 347-388.
 - a. The ordinance should differentiate between an access drive and a driveway.
 - b. The definition of 'alley' should be consistent with the definition in the subdivision and land development ordinance (SLDO).
 - c. The definition of a 'building' should include tents, awnings, or vehicles to be consistent with the definition in the SLDO.
 - d. The definition of 'easement' should be consistent with the definition in the SLDO.
 - e. The township should clarify the requirement for lot width. Is this measurement taken at the street right-of-way, or the setback line? The definitions of 'frontage' and 'lot width' should be consistent.
 - f. The definition of 'lot coverage' includes porous pavement materials. This should be compared with the definition of pervious surface which includes 'permeable paving'. The township should determine whether porous pavement/permeable paving is considered impervious.
 - g. Page 355. The township should verify the alphabetical order of the definitions.
 - h. Page 369. The definition of a collector street indicates that these streets serve minor traffic generators, such as local elementary schools, small individual industrial plants, offices, commercial facilities and warehouses not served by principal and minor arterials.

Warehouses typically produce truck traffic and are not considered minor traffic generators. The township should consider removing warehouses from this roadway classification or limiting the size of warehouses served by a collector street to less than 50,000 square feet.

- i. The proposed ordinance defines the following terms that could be considered a use. The township should consider adding these uses to table 3.02.1 to avoid exclusionary challenges. The township solicitor should review the ordinance.

- i. 'industrial park/industrial center'

"Section 505 (b) and 609 (g) of the Municipalities Planning Code requires that amendments to municipal ordinances be filed with the county planning agency. If this amendment is approved, please forward a final copy to the county planning office so we may update our records."