



Middlesex Township Cumberland County, PA

Middlesex Township Zoning Ordinance

ENACTED: SEPTEMBER 3, 2025
EFFECTIVE: SEPTEMBER 3, 2025

Table of Text and Map Amendments

[illegible]

MIDDLESEX TOWNSHIP ZONING ORDINANCE
MIDDLESEX TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA

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ARTICLE 1 GENERAL ZONING PROVISIONS

Section 1.01 Short Title

This Ordinance shall be known and may be cited as the "Middlesex Township Zoning Ordinance", hereinafter referred to as "Ordinance."

ENACTED: September 3, 2025

EFFECTIVE: September 3, 2025

Section 1.02 Purpose

This Ordinance is intended to guide future growth and development by regulating land uses within Middlesex Township for the improvement of the health, safety, comfort, morals, and general welfare of its citizens.

This Ordinance has been enacted after considering the community development objectives specified in the Middlesex Township Comprehensive Plan, as adopted and amended by the Middlesex Township Board of Supervisors.

In addition to the stated community development objectives, the following items were duly considered in drafting and enacting this Ordinance:

- (A) To promote, protect, and facilitate any or all of the following:
 - 1. The public health, safety, and general welfare;
 - 2. The provisions of adequate light and air, access to incidental solar energy,
 - 3. The provision of public services and facilities, including vehicle parking, and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable, and adequate sewer and water supply for domestic, commercial, and other public requirements; and
 - 4. The preservation of the natural, scenic, cultural, and historic resources and landscapes and the protection of forests, wetlands, aquifers, and floodplains.
- (B) To provide for the use of land within the Township 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, manufactured housing, provided, however, that this Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- (C) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for the development of a variety of residential and nonresidential Uses including agriculture, forestry, and associated productions thereof.

Section 1.03 Authority

- (A) This Ordinance is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, "The Pennsylvania Municipalities Planning Code," July 31, 1968, as amended, hereinafter referred to as "MPC".
- (B) Disclaimer. It is recognized that: the Act of June 22, 1937 (P.L. 1987, NO. 394) known as "The Clean Streams Law"; the Act of May 31, 1945 (P.L. 1198, No 418) known as the "Surface Mining

Conservation and Reclamation Act”; the Act of April 27, 1966 (1st Special Session, P.L. 31, No. 1) known as “The Bituminous Mine Subsidence and Land Conservation Act”; the Act of September 24, 1968 (P.L. 1040, No. 318) known as the “Coal Refuse Disposal Control Act”; the Act of December 19, 1984 (P.L. 1140, No. 223) known as the “Non-coal Surface Mining Conservation and Reclamation Act”; the Act of June 30, 1981 (P.L. 128, No. 43) known as the “Agricultural Area Security Law”; the Act of June 10, 1982 (P.L. 454, No. 133) entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances”: and the Act of May 20, 1993 (P.L. 12, No. 6) known as the “Nutrient Management Act” preempt zoning ordinances. Therefore, suggestions, recommendations, options or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of those Acts. Nothing contrary to those Acts shall be mandated by this Ordinance.

Section 1.04 Jurisdiction

This Ordinance shall apply to all properties and uses located within the corporate limits of Middlesex Township, Pennsylvania, hereinafter referred to as “Township.”

Section 1.05 Applicability

- (A) The terms of this Ordinance shall be applied in consideration of the Middlesex Township Comprehensive Plan.
- (B) Inapplicability of Ordinance to Township and Municipal Authorities of Township.
 - 1. This Ordinance shall not apply to the uses, lands, and structures applicable to the Township’s or the Middlesex Township Municipal Authority’s ownership, use, and/or operation to promote, protect, and facilitate the public health, safety, and general welfare of the residents of Middlesex Township.
 - 2. This Ordinance shall not apply to the uses, lands, and structures of any municipal authority created solely by the Township.
- (C) The Township’s Subdivision and Land Development Ordinance shall provide design standards and other regulations pertaining to the development of land, whereas the Zoning Ordinance provides parameters on the use of land. Both documents correlate with each other to provide the overall regulations administered by the Township Board of Supervisors, Zoning Officer, and/or Zoning Hearing Board, as specified in said Ordinances.

Section 1.06 Interpretation

- (A) The regulations specified within this Ordinance shall be considered minimum regulations and all provisions shall be applied uniformly for each class of uses or structures as prescribed by Section 605 of the PA Municipalities Planning Code.
- (B) To determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the Township, in favor of the property Owner and against any implied extension of the restriction.

Section 1.07 Severability

Should a court of competent jurisdiction declare any Article, Section, or provision of this Ordinance invalid or unconstitutional, this decision shall not affect the validity or constitutionality of this Ordinance as a whole, or any part thereof, other than the part so declared to be invalid or unconstitutional.

Section 1.08 Zoning Officer Duties and Powers

- (A) The provisions of this Ordinance shall be administered by the Township's Zoning Officer. For the purposes of this Ordinance, the term Zoning Officer shall also include the term Assistant Zoning Officer; the position of which was created by the Township Board of Supervisors under Resolution 2014-7 to enforce provisions of this Ordinance, including, but not limited to, investigating complaints and alleged violations thereof, issuing enforcement notices, instituting and prosecuting enforcement proceeding and violations of this Ordinance and verifying complaints, citations and other legal instruments and documents relating thereto.
- (B) The Zoning Officer, and Assistant Zoning Officer, who both shall not hold any elected office in the Township, shall be appointed by the Township Board of Supervisors. The Zoning Officer/Assistant Zoning Officer shall meet qualifications established by the Board and shall be able to demonstrate to the satisfaction of the Board a working knowledge of municipal zoning. The Zoning Officer/Assistant Zoning Officer shall administer this Ordinance in accordance with its literal terms. The Zoning Officer/Assistant Zoning Officer shall ensure compliance with, and issuance of all permits required by this Ordinance. The Zoning Officer/Assistant Zoning Officer may institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment by the Township.
- (C) The administration and enforcement duties and powers of the Zoning Officer shall be as follows:
1. To enforce the provisions of this Ordinance.
 2. Maintain files of all applications for Zoning Permits along with plans submitted therewith as well as final certificates and permits.
 3. Maintain records of every complaint of a violation of the provisions of this Ordinance as well as action taken as a result of such complaints.

Section 1.09 Zoning Permit

- (A) General.
1. A Zoning Permit shall be required prior to the following activities:
 - a. The erection, alteration, enlargement or relocation of any Building, Structure, land or portion thereof;
 - b. The Use or change in the use of a Building, Structure or Land;
 - c. The alteration or expansion of a Nonconforming Lot, Structure, or Use as regulated under Section 4.12 and as defined in Article 6 of this Ordinance.
 - d. Earth Disturbance Activities as defined in Article 6 of this Ordinance.
 - e. The erection, placement, installation, alteration, relocation or replacement of a Sign as specified in Article 5 of this Ordinance;
 - f. Installation or alteration of driveways or parking areas; and
 - g. Erecting a Temporary Use, Structure, or Building.

2. No Zoning Permit shall be required for repairs or maintenance of any Building or Structure, provided such repairs do not change the Use or the exterior dimensions of the Building or Structure or otherwise violate the provisions of this Ordinance.
3. It shall be unlawful for any Person to commence work for the erection or alteration of any Building or Structure or to engage in the change in land use, until a Zoning Permit has been duly issued.
 - a. Where a permit is required, but the work is commenced or the Use is commenced or changed prior to obtaining such permit, the fees set by ordinance or resolution of the Township Board of Supervisors for such permit shall be doubled.
 - b. The doubling of the permit fee shall be required to reflect the additional expense incurred by the Township resulting from the need to inspect the property, issue any enforcement notices and/or process the application as soon as it is received.
 - c. The payment of such increased permit fee shall not relieve any Person from complying with all requirements of this Ordinance or any other applicable Township ordinances or from any penalties or enforcement actions authorized by this Ordinance.
4. Municipal Liability. The granting of a Zoning Permit for the erection and/or use of a Structure, Building or Lot shall not constitute a representation, guarantee or warranty of any kind or nature by Middlesex Township, or an official or employee, thereof, of the safety of any structure, Building, use or other proposed plan from cause whatsoever, and shall create no liability upon or a course of action against such public official or employee for any damage that may be pursuant thereto.

(B) Application.

1. Every application for a Zoning Permit shall contain, in addition to other applicable requirements that may be specified in this Ordinance, the following information:
 - a. The application shall be made by the Owner or lessee of any Building or Structure, or the agent of either; provided, however, that if the application is made by a Person other than the Owner or lessee, it shall be accompanied by a written authorization of the Owner or the qualified Person making an application, that the proposed work is authorized by this Owner. The full names and addresses of the Owner, lessee, Applicant, and of the responsible officers, if the Owner or lessee is a corporate body, shall be stated in the application.
 - b. The Property Identification Number as it appears on the latest tax records.
 - c. The required fee as established under Section 1.11 of this Article.
 - d. Site Plan Requirements. A site plan drawn to scale, one (1) inch to equal one hundred (100) feet and signed by the Person responsible for such drawing. However, instances when a new Building or Structure is proposed and a stormwater plan is required, the site plan shall be prepared by a Registered Design Professional. In all cases, the site plan shall include the following:
 - (1) North arrow, written and graphic, scale, and date of site plan.

- (2) A location map showing the location of the proposed activity or development within the Township.
- (3) The actual shape, dimensions, radii, angles, and area of the Lot on which the Structure is proposed to be erected, or the Lot in which it is situated if in an existing Building.
- (4) The exact size and locations of the proposed Building, Structure or Structures on the Lot, or alteration of an existing Building or Structure, and of other existing Building or Structure on the same Lot.
- (5) The dimensions of all yards in relation to the subject Building or Structures and the distances between such Structure and any other existing Building or Structures on the same Lot.
- (6) The existing and intended use of all Building or Structures, existing or proposed, the use of land, and the number of families or dwelling units the Building is designed to accommodate.
- (7) Such topographic or other information about the Building, Structure, the Lot, or neighboring Lot as may be necessary to determine that the proposed construction shall conform to the provisions of this Ordinance.
- (8) Proposed access driveway(s) showing all pertinent details including but not limited to driveway type, slope, property setbacks, connecting public roadway name, number and posted speed limit, drainpipes, culverts, property lines, width, type of surface, and clear sight distances. Proof of a Highway Occupancy (including a Minimum Use Driveway) Permit is required for access off state-owned Rights-of-Way.
- (9) The location of all existing Streets, drives, or other accessways.
- (10) The location of surface water bodies, the 100-year floodplain, and jurisdictional wetlands.
- (11) Other information as may be necessary to determine compliance with this Ordinance and all other Township ordinances and codes.

2. Additional Requirements for all Commercial and Industrial Uses. In addition to the above applicable requirements, the following information shall also be provided for commercial and industrial uses:

- a. A location map showing the tract to be developed, zone boundaries, adjoining tracts, significant natural features, and Streets for a distance of two hundred (200) feet from all tract boundaries.
- b. A site plan of the Lot, showing the location of all existing and proposed Buildings, Structures, driveways, parking Lots showing access drives, circulation patterns, curb cut accesses, parking stalls, access from Streets, screening fences and walls, waste disposal fields or other methods of sewage disposal, other construction features on the Lot, and the location of all topographical features.
- c. A description of the operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water

pollution, vibration, fire hazards, safety hazards or the emission of any potentially harmful or obnoxious matter or radiation.

- d. Evidence that the disposal of materials and wastes shall be accomplished in a manner that complies with state and federal regulations. Should the nature of the materials used or wastes generated change significantly, either in type or amount, the Owner shall so inform the Zoning Officer and shall provide additional evidence demonstrating continued compliance with the requirements of this Article.
 - e. Designation of how sanitary sewage and stormwater shall be disposed, and water supply obtained.
 - f. The proposed number of shifts to be worked and the maximum number of employees on each shift.
 - g. Where Use by more than one firm is anticipated, a list of firms which are likely to be located in the center, their GFA, and estimated number of employees.
3. The Zoning Permit application and all supporting documentation shall be made in duplicate. On the issuance of a Zoning Permit, the Township shall return one (1) copy of all filed documents to the Applicant.

(C) Review and Issuance.

- 1. The Township shall after the filing of a complete and properly prepared application, either issue or deny a Zoning Permit. If a Zoning Permit is denied, the Township shall state in writing to the Applicant the reasons for such denial, and the Applicant shall be informed of his right to appeal to the Zoning Hearing Board.
- 2. The Zoning Officer may call upon other Township staff and/or Township-appointed consultants in the review of submitted materials for applications.
- 3. No Zoning Permit shall be issued unless the proposed activity is in full conformity with all the provisions of this Ordinance, and the following:
 - a. Any conditions imposed upon the site or upon the Use by the Zoning Hearing Board or Board of Supervisors;
 - b. Any recorded Subdivision or Land Development Plan; and
 - c. The requirements of other applicable Township ordinances and codes.
- 4. No Zoning Permit shall be issued for any Structure upon a Lot without access to a Street or Highway.
- 5. Conditions of Permit.
 - a. No Zoning Permit shall be issued until the required fees prescribed under Section 1.11 of this Article shall be paid to the Township. The payment of fees under this Article shall not relieve the Applicant or holder of said Zoning Permit from payment of other fees that may be required by this Ordinance or by any other ordinances or law.

- b. The Zoning Permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel, or set aside any of the provisions of this Ordinance, except as stipulated by the Zoning Hearing Board.
 - c. All work or uses shall conform to the approved application and plans for which the Zoning Permit has been issued, as well as the approved Site Plan or Land Development Plan.
- 6. Every Zoning Permit shall expire after one (1) year from the date of issuance. If no zoning amendments or other codes or regulations affecting subject property have been enacted in the interim, the Township may authorize in writing the extension of either above periods of an additional six (6) months, following which no further work is to be undertaken without a new Zoning Permit. Such request shall be made in writing to the Zoning Officer.
- 7. The Applicant shall prominently display all approved Zoning Permits on the subject property during construction, renovation, reconstruction, repair, remodeling, or the conduct of other site improvements. The Applicant shall display the Zoning Permit within five (5) days of permit issuance or prior to the commencement of actual work on the site, whichever occurs first. The Applicant shall continuously display the Zoning Permit until the site receives its Certificate of Use.
- 8. Revocation of Permit. A Zoning Permit for any Structure or Use shall be revoked by the Zoning Officer or authorized representative if the holder of such permit has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit. Upon revocation of a permit, the holder may also be subject to the enforcement remedies and penalties provided by this Ordinance, by the other provisions of Township enacted ordinances, and by state and federal law.

(D) Temporary Uses.

- 1. The Township recognizes that there are certain uses, of a temporary nature, which are generally beneficial to the Township and its residents, such as:
 - a. The erection of a seasonal tent from which flowers, plants, produce, Christmas trees or fireworks are sold prior to observed holidays (permits evaluation shall consider impacts to the required parking, i.e., number of spaces reduced based on location and placement of temporary tent Structure.)
 - b. Temporary Signs per Article 5 of this Ordinance.
 - c. Dumpsters or storage pods.
 - d. Construction job site office trailers.
- 2. It is the intention of the Township to allow such temporary uses in accordance with the requirements of this Ordinance.
- 3. Where the proposed temporary Use is permitted within the zoning district, the Applicant shall apply to the Zoning Officer for a Zoning Permit. Any Zoning Permit shall specify the dates upon which the temporary Use may be operated, the temporary Structures which may be erected, and the Temporary Signs which may be erected.
- 4. The Zoning Hearing Board, by Special Exception, may authorize a temporary use in a district where such Use is not authorized if the Applicant meets the general requirements for

a Special Exception and demonstrates evidence of the temporary Use requirements. If the Applicant demonstrates to the satisfaction Zoning Hearing Board that its application meets all five (5) of the below criteria, the Zoning Hearing Board may, by Special Exception, authorize each such temporary Use. The decision of the Zoning Hearing Board shall identify the specific dates upon which the Use may be conducted and the specific tract or portion of the tract upon which the temporary Use may be conducted. Temporary uses may not exceed fifteen (15) days at any single time or thirty (30) days in any calendar year.

5. The Applicant for a temporary use, shall present evidence of the following:
 - a. Adequate off-street parking is provided.
 - b. Any signs are temporary in nature and do not exceed the number or area which would be permitted for a permanent use.
 - c. Other facilities, including but not limited to sewage disposal facilities and trash disposal are available for persons reasonably anticipated to attend the temporary Use.
 - d. A plan for addressing traffic to be generated by the temporary use. If necessary, the Applicant shall arrange for the provision of fire police or other persons to direct traffic to the temporary off-street parking facilities.
 - e. The temporary use shall contribute to the welfare of the Township and its residents, and shall not adversely affect the health, safety or welfare of adjoining residents or the uses permitted within the zone in which the temporary Use is proposed.
6. Failure to cease operation on the date specified in the temporary Zoning Permit or failure to remove all temporary Structures and Temporary Signs shall constitute a violation of this Ordinance.

Section 1.10 Zoning Certification Letter

- (A) A zoning certification letter shall be issued upon a request to certify the correct zoning classification and if the proposed use is permitted within the zoning district(s).
- (B) Requests for a zoning certification letter shall be accompanied by a development plan, as defined by this Ordinance, when, in the opinion of the Zoning Officer, such information is required to accurately certify the requested documentation.
- (C) Payment of Fees. No zoning certification letter shall be issued until the fees prescribed under Section 1.11 of this Ordinance are paid to the Township.

Section 1.11 Fees

- (A) The Board of Supervisors may, by resolution, establish fees for the administration of this Ordinance. All fees shall be determined by a schedule that is made available to the general public. The Board of Supervisors may reevaluate the fees schedule and make necessary alterations to it. Such alterations shall not be considered an amendment to this Ordinance and may be adopted at any public meeting of the Board of Supervisors.
- (B) Such fees shall be payable to the Township. Until all applicable fees, charges and expenses have been paid in full, the applications shall be considered incomplete, and no action shall be taken on any application or appeal.

Section 1.12 Violations and Penalties

- (A) Any Person, partnership or corporation who or which has violated the provisions of this Ordinance or of the MPC, as amended, upon being found liable thereof in a civil enforcement proceeding commenced by the Township, shall pay a judgment of not less than one hundred dollars (\$100.00) but no more than five hundred dollars (\$500.00) plus court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the Determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the Person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to Township.
- (B) The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem fine, pending a final adjudication of the violation and agreement.
- (C) Nothing contained in this Ordinance shall be construed or interpreted to grant any Person or entity other than the Township the right to commence any action for enforcement to this Ordinance.

Section 1.13 Appeals and Applications

- (A) An appeal or application for an amendment or variance from the terms of this Ordinance shall be filed with the Zoning Officer and shall contain the following information:
1. The name, address, and contact information of the Applicant.
 2. The name, address, and contact information of the Owner of the real estate to be affected by such proposal.
 3. A brief description and location of the real estate to be affected by such proposal, including the Property Identification Number
 4. A statement of the present zoning classification of the real estate in question, the improvements thereon, and the present Use.
 5. A statement of the Article of this Ordinance under which the appeal or application is filed and reasons why it should be granted or a statement of the Article of this Ordinance governing the situation in which the alleged erroneous ruling is being appealed and reasons for the appeal.
 6. An accurate description of the present improvements and the additions intended to be made under this application, indicating the size and use of such proposed improvements and general construction thereof. In addition, there shall be attached a site plan of the real estate to be affected, as required to accompany applications for permits as outlined in Section 1.09.

Section 1.14 Zoning Hearing Board

(A) Creation and Appointment.

1. Members. Pursuant to Article IX of the MPC, the Board of Supervisors does hereby create a Zoning Hearing Board and appoint five (5) members who shall be residents of the Township. Members of the Zoning Hearing Board shall be appointed by resolution of the Board of Supervisors. Their terms of office shall be five (5) years and shall be so fixed that the term of office of one (1) member shall expire each year. Members of the Zoning Hearing Board shall hold no other office, elected, or appointed, in the Township.
2. Alternates. Pursuant to Article 903(b) of the MPC, the Township may appoint by resolution at least one (1) but no more than three (3) residents of the Township to serve as alternate members of the Zoning Hearing Board. The term of office of an alternate member shall be three (3) years. Alternates shall hold no other office, elected, or appointed, in the Township.

(B) Removal of Members. Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors which appointed the member, taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

(C) Organization of Zoning Hearing Board. The Zoning Hearing Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board, but where two (2) members are disqualified from acting in a particular matter, the remaining member may act for the Zoning Hearing Board. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in Section 1.14(E). The Zoning Hearing Board may make, alter, and rescind rules and forms for its procedure, consistent with ordinances of the Township and laws of the Commonwealth of Pennsylvania. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Board of Supervisors as requested.

(D) Expenditures for Services. Within the limits of funds appropriated by the Board of Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be fixed by the Board of Supervisors, but in no case shall it exceed the rate of compensation authorized to be paid to members of the Board of Supervisors.

(E) Hearings. A hearing conducted by the Zoning Hearing Board shall be held within sixty (60) days from the date of the Applicant's request unless the Applicant has agreed in writing to an extension of time. The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements.

1. Notice. Public Notice shall be given, and written notice shall be given to the Applicant, the Township Secretary, the Township Planning Commission, and to any Person who has made timely request for the same. Written notices shall be given at such time and in such a manner as shall be prescribed by the Zoning Hearing Board and the requirements of the MPC 53 P.S. §10101 et seq., provided that the notices conform to the following:
 - a. Written notices shall state the time, date, and location of the proposed hearing, along with a description of the nature of the matter to be considered.

- b. Written notice shall be conspicuously posted on the affected tract of land at least seven (7) calendar days prior to the hearing.
 - c. At least seven (7) business days prior to the hearing, the Applicant shall provide written notice by U.S. Mail to all Landowners within two hundred (200) feet of the affected tract of land. Landowners are determined by the then-current Cumberland County tax records. Provided, however, that failure to give the notice as required by this Article shall not invalidate any action taken by the Zoning Hearing Board.
2. Conduct of Hearing. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member as a hearing officer. The decision, or where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- a. The parties to the hearing shall be Middlesex Township and any Person affected by the application who has made timely appearance of record before the Zoning Hearing Board, and any other Person including civic, or community organizations permitted to appear by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances in writing.
 - b. The chairperson of the Zoning Hearing Board or the hearing officer presiding shall have the power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
 - c. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
 - d. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
 - e. The Zoning Hearing Board or the hearing officer shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the Zoning Hearing Board if the transcript is ordered by the Zoning Hearing Board or hearing officer. It shall be paid by the Person appealing from the decision of the Zoning Hearing Board if such appeal is made, and in either event, the cost of additional copies shall be paid by the Person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
 - f. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

3. Decision.

- a. The Zoning Hearing Board or the hearing officer shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) calendar days after the last hearing before the Zoning Hearing Board or hearing officer.
- b. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons, therefore. Conclusions based on any provisions of this act or of any ordinance, rule, or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
- c. If the hearing is conducted by a hearing officer, and there has been no stipulation that the officer's decision or findings are final, the Zoning Hearing Board shall make its report and recommendations available to the parties within forty-five (45) calendar days, and the parties shall be entitled to make written findings to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than thirty (30) calendar days after the decision of the hearing officer.
- d. Where the Zoning Hearing Board has power to render a report and the Zoning Hearing Board or the hearing officer as the case may be, fails to render the same within the period required by this subsection, or fails to hold the required hearing within sixty (60) calendar days from the date of the Applicant's request for a hearing, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing to an extension of time.
- e. When a decision has been rendered in favor of the Applicant because of the failure of the Zoning Hearing Board to meet or render a decision, the Zoning Hearing Board shall give Public Notice of the said decision within ten (10) days from the last day it could have met to render a decision in the same manner as provided in Section 1.15(E)1. If the Zoning Hearing Board fails to provide such notice, the Applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such a decision is erroneous.
- f. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the Applicant personally or mailed to them not later than the next business day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

(F) Jurisdiction. The Zoning Hearing Board shall have exclusive Jurisdiction to hear and render final adjudications in the following matters:

- 1. Substantive challenges to the validity of any land Use ordinance, except those brought before the Board of Supervisors pursuant to Sections 609.1 and 916.1 of the MPC.
- 2. Appeals from the Determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any Nonconforming Use, Structure or Lot.

3. Appeals from a Determination by the Zoning Officer or the Township Engineer with reference to the administration of any floodplain or flood hazard ordinance or such provisions within a land Use ordinance.
4. Applications for variances from the terms of this Ordinance pursuant to Article 910.2 of the MPC.
5. Applications for Special Exceptions under this Ordinance pursuant to Article 912.1 of the MPC.
6. Appeals from the Zoning Officer's Determination under Article 916.2 of the MPC.
7. Appeals from the Determination of the Zoning Officer or the Township Engineer in the administration of any land Use ordinance or provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to development not involving applications under Article V or VII of the MPC.

(G) Board of Supervisors. The Board of Supervisors shall have exclusive Jurisdiction to and render final adjudications in the following matters:

1. All applications for approvals of planned residential development under Article VII of the MPC pursuant to the provisions of Section 702 of the MPC.
2. All applications pursuant to Section 508 of the MPC, for approval of Subdivisions or Land Developments under Article V of the MPC.
3. Applications for Conditional Use under the express provisions as specified under Section 1.15 of this Ordinance.
4. Applications for a curative amendment to this Ordinance or pursuant to Sections 609.1 and 916.1(a) of the MPC.
5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in Article 609 of the MPC.
6. Appeals from the Determination of the Zoning Officer or the Township Engineer in the administration of any land Use ordinance or provisions thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to applications for Land Development under Articles V and VII of the MPC. Where such Determination relates only to development not involving an Article V or VII application, the appeal from such Determination of the Zoning Officer or the Township Engineer shall be to the Zoning Hearing Board pursuant to this Article. Where the applicable land Use ordinance vests jurisdiction for final administration of Subdivision and Land Development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission, and all appeals from the decision of the Planning Commission shall be to court.

(H) Zoning Hearing Board Functions.

1. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in each case.

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the zoning district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
- c. That such necessary hardship has not been created by the appellant.
- d. That the variance, if authorized, shall not alter the essential character of the zoning district in which the property is located, nor substantially or permanently impair the appropriate Use or development of an adjacent property, nor be detrimental to the public welfare.
- e. That the variance, if authorized, shall represent the minimum variance that shall afford relief and shall represent the least modification possible of the regulation in issue.
- f. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and this Ordinance.
- g. Township Planning Commission Review. The Township Planning Commission shall be provided with an opportunity to review and provide comment and recommendations on a zoning variance application. However, such review and recommendation shall not delay the convening of a hearing on the application to be heard by the Zoning Hearing Board and the applicant shall be provided reasonable notice of the date, time, and location of the meeting of the Planning Commission where the application will be reviewed. The comments and recommendations of the Planning Commission shall be provided in writing to the Zoning Hearing Board and the applicant by the Zoning Officer at or by the time of the first hearing on the application before the Zoning Hearing Board.

2. Special Exceptions. See Section 1.15 of this Ordinance.

- (I) Parties Appellant Before Zoning Hearing Board. Appeals under Section 1.14 may be filed with the Zoning Hearing Board in writing by the landowner affected or any officer or agency of the Township, or any Person aggrieved. Requests for a variance under Section 1.14.(H).1 and for Special Exceptions under Section 1.15 of this Ordinance may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.
- (J) Time Limitations. The time limitations for raising certain issues and filing certain proceedings with the Zoning Hearing Board shall be the following:
 - 1. No Person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency, or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such Person alleges

and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such Person has succeeded to his interest after such approval he shall be bound by the knowledge of his predecessor in interest.

2. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative plan, or from an adverse decision by a Zoning Officer on a challenge to the validity of this Ordinance or Zoning Map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.

- (K) Stay of Proceedings. Upon filing of any proceeding with the Zoning Hearing Board and during its pendency before the Zoning Hearing Board all Land Development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals on petition after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the Applicant, the Applicant may petition the court having jurisdiction of zoning appeals to order such persons to post a bond as a condition to continuing the proceedings before the Zoning Hearing Board. The question of whether such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

Section 1.15 Special Exception Use Procedures

- (A) General.

1. It is the intent of this Section to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various zoning districts established in Article 2 of this Ordinance.
2. Where the Board of Supervisors has stated, under Article 3 of this Ordinance, Special Exceptions to be granted or denied by the Zoning Hearing Board pursuant to the standards and criteria specified below, the Zoning Hearing Board shall hear and decide requests for such Special Exceptions in accordance with such standards and criteria. In granting a Special Exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.

- (B) Application. Each application for a Special Exception use shall be accompanied by a proposed Site Plan as specified under Section 1.09 of this Ordinance.

- (C) Referral to Middlesex Township Planning Commission.

1. In its review of the Special Exception application, the Township Planning Commission shall take into consideration the public health, safety, and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may recommend appropriate conditions and safeguards as may be required in order that the result of its recommendation may, to the maximum extent possible, further the expressed intent of this Ordinance and the accomplishment of the following objectives in particular.

- a. That all proposed structures, equipment, or material shall be readily accessible for fire and police protection.
 - b. That the proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
 - c. That, in addition to the above, in the case of any use located in, or directly adjacent to, a Residential District:
 - (1) The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access Streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said Residential District or conflict with the normal traffic of the neighborhood; and
 - (2) The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
 - (3) Planning Commission Recommendation. Within thirty (30) calendar days of the submission of the special exception application to the Township, the Planning Commission shall forward its written recommendations to the Zoning Hearing Board. The Commission may recommend approval, disapproval, or modification. In the case of disapproval or modification the Commission shall set forth the reasons for the recommendation in writing.
- (D) Standards and Criteria. In any instance where the Zoning Hearing Board is required to consider a Special Exception to this Ordinance in accordance with the provisions of this Ordinance, the Zoning Hearing Board shall, among other things, consider the following standards and conditions:
- 1. That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
 - 2. That, in addition to the above, in the case of any use located in, or directly adjacent to, a residentially zoned district:
 - a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access Streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residentially zoned district or conflict with the normal traffic of the neighborhood; and
 - b. The location and height of buildings, the location, nature and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the

use will not hinder or discourage the appropriate development and use of adjacent land and buildings/

3. That the suitability of the property for the Use desired and assure itself that the proposed change is consistent with the spirit, purpose, and intent of this Ordinance;
 4. That the proposed use shall not substantially injure or detract from the use of neighboring property or the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded;
 5. That the proposed use shall serve the best interests of the Township, the convenience of the community (where applicable), and the public welfare;
 6. That the effect of the proposed use upon the logical, efficient, and economical extension of public services and facilities such as public water, sewers, police, and fire protection, and public schools;
 7. That the suitability of the proposed location of an industrial or commercial use with respect to probable effects upon roadway traffic and assure adequate access arrangements to protect all Streets from undue congestion and hazard;
 9. Impose such conditions, in addition to those required, as are necessary to assure that the intent of this Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of Buildings, planting and its maintenance as a sight or sound screen, the minimizing of noxious, offensive or hazardous elements, adequate standards of parking and sanitation; and
 10. Imposed such conditions that consider the health, safety, and welfare of the general public including but not limited to parking, lighting, traffic, sewer and water needs, noise and others as may be deemed appropriate by the Zoning Hearing Board.
- (E) Zoning Hearing Board Action. The Zoning Hearing Board shall conduct a public hearing on each application for a Special Exception use in accordance with Section 1.14(E) of this Ordinance.
- (F) Conditions and Safeguards of Special Exception Permits. The Zoning Hearing Board may require the Special Exception use permits be periodically renewed. Such renewal shall be granted upon a determination by the Zoning Hearing Board to the effect that such conditions as may have been prescribed by the Zoning Hearing Board in conjunction with the issuance of the original permit have not been or are being no longer complied with. In such cases, a period of sixty (60) days shall be granted the applicant for full compliance prior to the revocation of said permit.
- (G) Effect of Special Exception Approval. Any use for which a Special Exception use permit may be granted shall be deemed to be a conforming use in the zoning district in which such use is located provided that such permit shall be deemed to affect only the Lot or portion thereof for which such permit shall have been granted.

Section 1.16 Conditional Use Procedures

- (A) General.
1. It is the intent of this Section to provide special controls and regulations for particular uses which may, under certain conditions, be conducted within the various zoning districts established in Article 2 of this Ordinance.

2. Where the Board of Supervisors has stated, under Article 3 of this Ordinance, Conditional Uses to be granted or denied by the Board of Supervisors pursuant to the standards and criteria specified below, the Board of Supervisors shall hear and decide requests for such Conditional Uses in accordance with such standards and criteria. In granting a Conditional Uses, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance.
- (B) Application. Each application for a Conditional Use shall be accompanied by a proposed Site Plan as specified under Section 1.09 of this Ordinance.
- (C) Standards and Criteria. Each Applicant shall demonstrate compliance with the following standards and criteria:
1. The proposed use shall be consistent with the purpose and intent of this Ordinance and all other applicable Township ordinances and codes.
 2. The proposed use shall not detract from the use and enjoyment of adjoining or nearby properties;
 3. The proposed use shall not affect a change in the character of the subject property's neighborhood;
 4. Adequate public facilities (e.g., schools, fire, police and ambulance protection, sewer, water, and other utilities, vehicular access, etc.) are available to serve the proposed use;
 5. That the use of adjacent land and Buildings shall not be discouraged and the value of adjacent land and Buildings shall not be impaired by the location, nature and Height of Buildings, walls and fences;
 6. That the use shall have proper location with respect to existing or future Streets, and shall not create traffic congestion or cause nonresidential traffic on local residential Streets;
 7. The proposed use shall comply with those criteria specifically listed in Article 3 of this Ordinance. In addition, the proposed use shall comply with all other applicable regulations of this Ordinance; and
 8. The proposed use shall not substantially impair the integrity of the Township's Comprehensive Plan.
- (D) Conditions. The Board of Supervisors in approving conditional use applications, may attach conditions considered necessary to protect the public welfare and the purposes listed above, including conditions which are more restrictive than those established for other uses in the same zone. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Article.
- (E) Site Plan Approval. Any site plan presented in support of the conditional use pursuant to paragraph (B) shall become an official part of the record for said conditional use. Approval of any conditional use shall also bind the use in accordance with the submitted site plan; therefore, should a change in the site plan be required as part of the approval of the use, the Applicant shall revise the site plan prior to the issuance of a Zoning Permit. Any subsequent change to the use on the subject property not reflected on the originally approved site plan, shall require the obtainment of another conditional use approval.

(F) Hearing Procedures.

1. Before voting on the approval of a conditional use, the Board of Supervisors shall, within sixty (60) days from receipt of the applicant's application, hold a public hearing thereon, pursuant to Public Notice. The Board of Supervisors shall submit each such application to the Township Planning Commission at least thirty (30) days prior to the hearing on such application to provide the Township Planning Commission an opportunity to submit recommendations. If, after any public hearing held upon an application, the proposed application is revised, the Board of Supervisors shall hold another public hearing, pursuant to Public Notice, before proceeding to vote on the application.
2. Public Notice, as defined herein, and written notice shall be given to the Applicant, the Zoning Officer, such other persons as the Board of Supervisors shall designate by ordinance, and to any Person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provisions, by rules of the Board of Supervisors. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one (1) week prior to the hearing.
3. The Board of Supervisors may prescribe reasonable fees with respect to hearings. Fees for said hearings may include compensation for the secretary, stenographer, notice and advertising costs, and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses, expenses for engineering, architectural, or other technical consultants, or expert witness costs.
4. The parties to the hearing shall be the Township, any Person affected by the application who has made timely appearance of record before the Board of Supervisors, and any other Person, including civic or community organizations permitted to appear by the Board of Supervisors. The Board of Supervisors shall have power to require that all persons who wish to be considered parties enter appearance in writing on forms provided by the Board of Supervisors for that purpose.
5. The Chairperson or Acting Chairperson of the Board of Supervisors shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and paper, including witnesses and documents requested by the parties.
6. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
7. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
8. The Board of Supervisors may keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the Applicant and the Board of Supervisors. The cost of the original transcript shall be paid by the Board of Supervisors if the transcript is ordered by the Board of Supervisors; or shall be paid by the Person appealing the decision of the Board of Supervisors if such appeal is made, and in either event, the cost of additional copies shall be paid by the Person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.
9. The Board of Supervisors shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity

for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.

10. The hearing shall be conducted by the Board of Supervisors or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where there is no decision, the findings shall be made by the Board of Supervisors. However, the appellant or the Applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the Board of Supervisors and accept the decision or findings of the hearing officer as final.
11. The Board of Supervisors shall render a written decision or, when no decision is called for, make written finds on the conditional use application within forty-five (45) days after the last hearing before the Board of Supervisors. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this act or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.
12. Where the Board of Supervisors fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in this subsection, the decision shall be deemed to have been rendered in favor of the Applicant unless the Applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the Applicant because of the failure of the Board of Supervisors to meet or render a decision as hereinabove provided, the Board of Supervisors shall give Public Notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the Public Notice requirements of this Ordinance. If the Board of Supervisors shall fail to provide such notice, the Applicant may do so.

(G) Time Limitation.

1. If a conditional use is granted, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the conditional use is finally granted, and the Building or alteration, as the case may be, shall be completed within three (3) years of said date. For good cause, the Board of Supervisors may at any time, upon application in writing, extend either of these deadlines.
2. Should the appellant or Applicant fail to obtain the necessary permits within said two (2) year period or having obtained the permit should the fail to commence work thereunder within such two (2) year period, it shall be conclusively presumed that the appellant or Applicant has waived, withdrawn, or abandoned his application, and all approvals and permits granted to him shall be deemed automatically rescinded by the Board of Supervisors.
3. Should the appellant commence construction or alternation within said two (2) year period, but should he fail to complete such construction or alteration within said three (3) year period, the Board of Supervisors may, upon ten (10) days' notice in writing, rescind or revoke the granted conditional use, if the Board of Supervisors finds that no good cause appears for the failure to complete within such three (3) year period, and if the Board of Supervisors further finds that conditions have altered or changed in the interval since the granting of the conditional use that revocation or rescission of the action is justified.

4. As an alternative to the preceding, an Applicant can request, as part of the original application before the Board, the granting of a timetable associated with the request which would supersede the deadlines imposed in paragraphs (F).1.-3. In so doing, the Applicant shall demonstrate that the times requested are logically related to normal and expected progress of the project. In approving a timetable under this section, the Board shall establish and bind a definite time frame for (1) issuance of a Zoning Permit, and (2) completion of construction of the project.

Section 1.17 Enforcement Notification

- (A) Whenever the Zoning Officer or other authorized Township representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant thereto, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Article.
- (B) The enforcement notice shall be sent to the Owner of record of the parcel on which the violation has occurred, to any Person who has filed a written request to receive enforcement notices regarding that parcel, and to any other Person requested in writing by the Owner of record.
- (C) An enforcement notice shall state at least the following:
 1. The name of the Owner of record and any other Person against whom the Township intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 4. The date before which the steps for compliance shall be commenced, not to exceed thirty (30) days from receipt of notice, and the date before which the steps shall be completed.
 5. An outline of remedial action which, if taken, shall affect compliance with the provisions of this Ordinance, or any part thereof, and with any regulations adopted pursuant thereto.
 6. A statement indicating that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time, in accordance with procedures set forth elsewhere in this Ordinance.
 7. A statement indicating that failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- (D) In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.
- (E) Any filing fees paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court in a subsequent appeal, rules in the appealing party's favor.
- (F) Causes of Action. In case any Building, Structure, landscaping, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of any ordinance enacted by the Township or prior enabling laws, the Board of Supervisors or, with the

approval of the Board of Supervisors, an officer of the Township, or any aggrieved Owner or tenant of real property who shows that his property or Person shall be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such Building, Structure, landscaping or land, or prevent, in or about such premises, any act, conduct, business or Use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint to the Board of Supervisors. No such action may be maintained until such notice has been given.

- (G) Supplementary Provisions. No Zoning Permit, Certificate of Use, or any other permit referenced in this Ordinance shall be issued with respect to a property unless the Owner(s) of that property is/are in compliance with all other ordinances, laws, and regulations of federal and state government, the Township, and Middlesex Township Municipal Authority. Additionally, no such permit shall be issued where a charge for drinking water, wastewater, and stormwater Use, real estate taxes, or other municipal charges associated with the Use or ownership of the property have not been paid and are past due.

Section 1.18 Amendments

- (A) General.

1. Board of Supervisors Action.
 - a. The Board of Supervisors may, from time to time, amend, supplement, or repeal any of the regulations and provisions of this Ordinance.
 - b. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a Public Hearing thereon, pursuant to Public Notice. In addition, if the proposed amendment involves a Zoning Map change, notice of said Public Hearing shall be conspicuously posted by the Township at points deemed sufficient by the Township along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one (1) week prior to the date of the hearing.
 - c. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit each such amendment to the Planning Commission at least thirty (30) days prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.
2. Report of the Planning Commission. In making such report on a proposed amendment, the Planning Commission shall make inquiry and recommendation concerning the items specified below:
 - a. Concerning a proposed amendment to or change in the text of this Ordinance:
 - (1) Whether such change is consistent with the aims and principles embodied in this Ordinance as to the particular zoning district(s) concerned.
 - (2) Which areas, land uses, Structures and establishments in the Township shall be directly affected by such change, and in what way they shall be affected.
 - (3) The indirect implications of such change in its effect on other regulations.

- (4) Whether such proposed amendment is consistent with the aims of the Township Comprehensive Plan.
 - b. Concerning a proposed amendment involving a change in the Zoning Map:
 - (1) Whether the uses permitted by the proposed change would be appropriate in the area concerned.
 - (2) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed because of such change.
 - (3) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
 - (4) The effect of the proposed amendment upon the growth of the Township is envisaged by the Township's Comprehensive Plan.
 - (5) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the Township and the probable effect thereof.
 3. Referral to County Planning Commission. The Board of Supervisors shall at least thirty (30) days prior to the Public Hearing, refer the proposed amendment to the Cumberland County Planning Commission for recommendations.
 4. Board of Supervisors Public Hearing. By motion adopted at a public meeting of the Board of Supervisors, the Board of Supervisors shall fix the time and place of a Public Hearing on the proposed amendment pursuant to Public Notice.
 5. If, after any Public Hearing held upon an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Board of Supervisor's shall hold another Public Hearing, pursuant to Public Notice, before proceeding to vote on the amendment.
 6. Within thirty (30) days after enactment, a copy of the amendment to this Ordinance shall be forwarded to the county planning agency.

(B) Procedure for Landowner Curative Amendments.

 1. A landowner who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the Use or development of land in which the landowner's interest may submit a curative amendment to the Board of Supervisors with a written request that his challenge and proposed amendment be heard and decided as provided in Article 916.1 of the MPC. The curative amendment and challenge shall be referred to the Planning Commission, and the Cumberland County Planning Commission provided in MPC Section 609 and notice of the hearing thereon shall be given as provided in Articles 610 and 916.1 of the MPC.
 2. The hearing shall be conducted in accordance with Article 908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this Article, be references to the Board of Supervisors. If the Township does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity of this Ordinance

and Zoning Map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

3. The Board of Supervisors, if it determines that a validity challenge has merit, may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment that shall cure the challenged defects. The Board of Supervisors shall consider the curative amendments, plans, and explanatory material submitted by the landowner and shall consider:
 - a. The impact of the proposal upon roads, sewer facilities, water supplies, schools, and other public service facilities.
 - b. If the proposal is for residential Use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map.
 - c. The suitability of the site for the intensity of Use proposed by the site's soils, slopes, woodlands, Wetlands, floodplains, aquifers, natural resources, and other natural features.
 - d. The impact of the proposed Use on the site's soils, slopes, woodlands, Wetlands, floodplains, natural resources, and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development, and any adverse environmental impacts.
 - e. The impact of the proposal on the preservation of agriculture and other land uses, which are essential to public health and welfare.

(C) Procedure for Municipal Curative Amendments.

1. If the Township determines that this Ordinance, or any portion hereof, is substantially invalid, it shall take the following actions:
 - a. The Township shall declare by formal action, this Ordinance or portions hereof substantially invalid, and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days of such declaration and proposal, the Board of Supervisors shall:
 - (1) By resolution, make specific findings setting forth the declared invalidity of this Ordinance which may include:
 - (a) References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - (b) Reference to a class of Use or uses which requires revision; or,
 - (c) Reference to this Ordinance which requires revisions.
 - (2) Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
2. Within one hundred eighty (180) days from the date of the declaration and proposal, the Township shall enact a curative amendment to validate or reaffirm the validity of this

Ordinance pursuant to the provisions of Article 609 of the MPC, in order to cure the declared invalidity of this Ordinance.

3. Upon the initiation of the procedures, as set forth in Section 1.18(C)1, the Board of Supervisors shall not be required to entertain or consider any landowner's curative amendment filed under Article 609.1 of the MPC, nor shall the Zoning Hearing Board be required to give a report requested under Article 909.1 or 916.1 of the MPC subsequent to the declaration and proposal based upon the grounds identical to or substantially similar to those specified in the resolution required by Section 1.18(C)1a(1). Upon completion of the procedures as set forth in Section 1.18(C)1 and Section 1.18(C)2, no rights to a cure pursuant to the provisions of Articles 609.1 and 916.1 of the MPC shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this Article.
4. The Township, having utilized the procedures set forth in this Ordinance, may not again utilize said procedure for a period of thirty-six (36) months following the date of enactment of a curative amendment or reaffirmation of the validity of this Ordinance. Provided, however, if after the date of declaration and proposal there is a substantially new duty imposed upon the Township by virtue of a change in statute or a Pennsylvania Appellate Court decision to propose a curative amendment to this Ordinance to fulfill said duty or obligation.

- (D) Applicability of Ordinance Amendments. When an application for either a Special Exception or a Conditional Use has been respectively filed with the Zoning Hearing Board or Board of Supervisors, and the subject matter of such application would ultimately constitute either a Subdivision or Land Development as defined in Article 6 of this Ordinance, no change or amendment of this Ordinance shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. Provided, further, should such an application be approved by either the Zoning Hearing Board or Board of Supervisors, as relevant, applicant shall be entitled to proceed with the submission of either land development or subdivision plans within a period of six (6) months or longer as may be approved by either the Zoning Hearing Board or the Board of Supervisors following the date of such approval in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed before either the Zoning Hearing Board or Board of Supervisors, as relevant. If either a land development or subdivision plan is so filed within said period, such plan shall be subject to the provisions of MPC Section 508(1) through (4), and specifically to the time limitations of MPC Section 508(4) which shall commence as of the date of filing such land development or subdivision plan.

ARTICLE 2 ZONING DISTRICTS**Section 2.01 Establishment of Zoning Districts**

The following zoning districts are hereby established in the Township.

Table 2.01, Zoning Districts

BASE ZONING DISTRICTS	SPECIAL OVERLAY DISTRICTS
CONSERVATION AND AGRICULTURAL DISTRICTS North Mountain Conservation District (NMC) Appalachian Trail Conservation District (ATC) Agriculture District (A) RESIDENTIAL DISTRICTS Low Density Residential District (R-1) Medium Density Residential District (R-2) Medium-High Density Residential District (R-3) High Density Residential District (R-4) MIXED USE DISTRICTS Mixed-Use Neighborhood District (MU-1) Mixed-Use Village District (MU-2) INSTITUTIONAL AND COMMERCIAL DISTRICTS Institutional District (INS) Commercial Highway District (C-1) Light Industrial-Commercial District (C-2) INDUSTRIAL DISTRICT Industrial District (I)	Airport Hazard Overlay District (AHO) Data Center Overlay District (DCO) Floodplain Conservation Overlay District (FCO) Riparian Buffer Overlay District (RBO) Redevelopment Opportunity Overlay District (ROO) Wellhead Protection Overlay District (WPO)

Section 2.02 Zoning Map

The base zoning districts established by Subparagraph 2.01 are delineated on the Township's official Zoning Map, which is adopted, and incorporated herein in its entirety, as part of this Ordinance.

- (A) Promptly following enactment of this Ordinance, the Zoning Officer shall place the following legend on the official Zoning Map adopted as part of this Ordinance, the Township Board of Supervisors Chairperson shall execute the same on behalf of the Board of Supervisors and the Township Secretary shall attest to the same: "On <DATE>, by official action of Township Board of Supervisors, the map bearing this legend was adopted as the official Zoning Map of the Township by enactment of the Zoning Ordinance of Middlesex Township, Cumberland County, Pennsylvania."
- (B) No changes of any nature shall be made in the official Zoning Map except in conformity with the procedures set forth in Section 1.18 Amendments of this Ordinance. Any unauthorized change of whatever kind by any Person or Persons shall be considered a violation of this Ordinance.
- (C) A certified Zoning Map shall be filed with the Township Secretary, Township Planning Commission, and the Cumberland County Planning Commission.

Section 2.03 Rules for Interpretation of Zoning District Boundaries

Where uncertainty exists as to the boundaries of zoning districts as shown on the official Zoning Map, the following rules shall apply:

- (A) Boundaries indicated as approximately following the centerlines of Streets, highways, and Alleys shall be construed to follow such centerlines.
- (B) Boundaries indicated as approximately following the center of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- (C) Boundaries indicated as approximately following property lines or platted Lot lines, shall be construed as following such lines.
- (D) Boundaries indicated as approximately following Township boundaries shall be construed as following Township boundaries.
- (E) Boundaries that are in un-subdivided property or where a zoning district boundary divides a Lot shall be determined using the map scale as shown thereon.

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Section 2.04 North Mountain Conservation District (NMC)

- (A) The purpose of the North Mountain Conservation District (NMC) is to (1) minimize the potential for erosion, sedimentation, and flooding; (2) protect future property owners from adverse conditions; and (3) protect and retain natural forested and steeply sloped resources within the North Mountain area of the Township. Development is discouraged and limited to single family dwellings that are serviced by on-Lot sewer and water systems and that have a minimal impact on natural features including the minimal removal of trees and natural vegetation to accommodate site development.

Many of the soils present in the NMC District are rated by the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey as having severe limitations for uses such as septic tank absorption fields, dwellings with basements, and local roads and Streets. The Soil Survey indicates that a rating of severe means "soil properties are so unfavorable and so difficult to correct or overcome as to require major soil reclamation, special designs, or intensive maintenance."

- (B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

- (C) Bulk and Area Regulations. Table 2.04 specifies the district's bulk and area regulations.

- (D) Conservation Design. The North Mountain Conservation Design standards specified Section 4.13 of this Ordinance shall apply.

Table 2.04, North Mountain Conservation District (NMC) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Minimum Yard Setbacks			Maximum Building Height
				Front	Side	Rear	
Agriculture	0 acres (no minimum)	200 ft.	10%	50 ft.	25 ft. each	50 ft.	100 ft.
Single-Family Detached Dwellings w/On Lot Water and Sewer	4 acres*	300 ft.	20%	50 ft.	25 ft. each	50 ft.	40 ft.
Residential Accessory Uses	As allowed by the permitted principal use.			50 ft.	25 ft. each	25 ft.	30 ft.
Public Parks, Playgrounds and Open Space	2 acres	150 ft.	20%	30 ft.	20 ft. each	30 ft.	40 ft.
All Other Permitted Uses as specified in Article 3, Table 3.02.1	4 acres	300 ft.	20%	75 ft.	50 ft. each	75 ft.	40 ft.

* All uses relying upon on-Lot disposal systems shall comply with the Middlesex Township On-Lot Management Ordinance.

Section 2.05 Appalachian Trail Conservation District (ATC)

- (A) Purpose. The purpose of the Appalachian Trail Conservation District (ATC) is to preserve the natural, scenic, historic, and aesthetic values of the Appalachian National Scenic Trail and to conserve and maintain it as a public natural resource.
- (B) Authority. The Pennsylvania Appalachian Trail Act (Act of Jun. 11, 2008, P.L. 175, No. 24) authorizes municipalities through which the Appalachian Trail passes to preserve the natural, scenic, historic, and esthetic values of the trail and to conserve and maintain it as a public natural resource. Such action shall include the adoption, implementation and enforcement of zoning ordinances as the governing body deems necessary to preserve those values.
- (C) Permitted Uses. The permitted uses are those as specified in Article 3, Table 3.02.1 of this Ordinance: However, such uses are be permitted without the erection of new Buildings or Structures.
- (D) Prohibited Activities. Unless specifically permitted to do so by the U.S. Department of Interior, National Park Service, the following activities are prohibited to be conducted in the ATC District:
1. Clearing of vegetation, other than (i) maintenance by a federal, state, or municipal agency, the Appalachian Trail Conservancy, or Trail Club (partnered with the ATC), and (ii) permissible timber harvesting as authorized in subsection (C).2 above.
 2. Storage of hazardous/noxious materials.
 3. Use of motor or wheeled vehicle traffic, except for agriculture, recreation, or forestry uses.
 4. Construction of parking Lots, except for federal, state, county, or municipally owned Lots.
 5. Construction of any type of permanent structure, except for federal, state, county, or municipally owned structures.
 6. Installation of above-ground utilities including cell and wind towers.

Table 2.05, Appalachian Trail Conservation District (ATC) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
All Permitted Uses as specified in Article 3, Table 3.02.1*	4 acres	300 ft.	20%	75 ft.	50 ft. each	75 ft.	40 ft.

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

Section 2.06 Agriculture District (A)

(A) Purpose. The purpose of the Agriculture District (A) is to:

1. Protect and stabilize general agriculture as an ongoing economic activity within Middlesex Township by encouraging those land uses and activities that are agricultural in nature or act in direct support thereof;
2. Support landowners that want to continue the property's agricultural use and production or apply to attain "Preserved Farm" status through the Cumberland County Agricultural Conservation Easement Program;
3. Protect agriculture uses from incompatible uses that may conflict or interfere with normal and customary agricultural practices within the district;
4. Minimize the amount of land consumed for nonagricultural purposes by encouraging nonagricultural development to occur on smaller parcels;
5. Provide for the continuation of Agricultural Use operations; and
6. Retain the core area of farmland in the Township that strongly contributes to its rural character.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.
3. Conservation Plan. Any agriculture, horticulture or forestry-related uses which involves earthmoving activities, or the commercial harvesting or timbering of vegetation, shall follow the current Ordinance 102 and NPDES Phase II Requirements for Construction Activities (Ordinance 102 Erosion Control of Title 25 Rules and Regulations, Department of Environmental Protection).

(C) Bulk and Area Regulations. Table 2.06 specifies the District's bulk and area regulations.

(D) Pennsylvania Right to Farm Law Notice. All lands within the Agriculture District (A) are located within an area where land is used for commercial agricultural production, Owners, residents, and other users of this property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including, but not limited to, noise, odors, the operation of machinery of any kind, including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort, and possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of Pennsylvania Act 133 of 1982, "The Right to Farm Law", may bar them from obtaining a legal judgement against such normal agricultural operations. From the effective date of this Ordinance, all subsequent subdivision plans submitted within this District shall require a note which duplicates this Section, and which shall be transferred to the purchaser by the seller.

Table 2.06, Agriculture District (A) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
Agriculture	0 acres (no minimum)	200 ft.	10%	40ft.	20 ft. each	40 ft.	100 ft.
Single-Family Detached Dwellings w/On Lot Water and Sewer*	60,000	200 ft.	35%	40 ft.	20 ft. each	40 ft.	40 ft.
Accessory Uses	As allowed by the permitted principal use.			50 ft.	25 ft. each	25 ft.	30 ft.
Public Parks, Playgrounds and Open Space	30,000 square feet	100 ft.	20%	25 ft.	15 ft. each	25 ft.	405 ft.
All Other Permitted Uses as specified in Article 3, Table 3.02.1	5 acres	300 ft.	20%	40 ft.	40 ft. each	45 ft.	40 ft.

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

Section 2.07 Low Density Residential District (R-1)

(A) Purpose.

The Low-Density Residential District (R-1) comprises areas of the Township whose predominant land uses are agriculture and low density residential existing Lot sizes of approximately one and one half (1 ½) acres or larger. The purpose of the district is to protect and stabilize these areas' essential characteristics, minimize conflicting land uses detrimental to agricultural uses and limit development that requires highways and other public services and facilities in excess of those required by agriculture and low density residential uses.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

(C) Bulk and Area Regulations. Table 2.07 specifies the district's bulk and area regulations.

(D) Conservation Subdivision Design. As of the enactment date of this Ordinance, in areas where public water and sewer utilities are available (or provided) for on Lots having a total area of twelve (12) or more acres, the Conservation Subdivision Design standards specified under Section 4.06 of this Ordinance shall be used to encourage preservation of Open Space and natural habitat while allowing increased development density. Lots less than twelve (12) acres must meet the bulk and area regulations specified in Table 2.07.

Table 2.07, Low Density Residential District (R-1) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
Agriculture	0 acres (no minimum)	200 ft.	10%	40 ft.	20 ft. each	40 ft.	100 ft.
Single-Family Detached Dwellings w/On Lot Water and Sewer	60,000 square feet*	200 ft.	35%	40 ft.	20 ft. each	40 ft.	40 ft.
Single Family Detached Dwellings w/Public Water or Public Sewer	40,000 square feet	125 ft.	35%	35 ft.	15 ft. each	35 ft.	40 ft.
Single Family Detached Dwellings w/Public Water and Public Sewer	15,000 square feet	100 ft.	35%	35 ft.	15 ft. each	35 ft.	40 ft.
Accessory Uses	As allowed by the permitted principal use.			40 ft.	10 ft. each	20 ft.	30 ft.
Public Parks, Playgrounds and Open Space	30,000 square feet	100 ft.	20%	25 ft.	15 ft. each	25 ft.	40 ft.
All Other Permitted Uses as specified in Article 3, Table 3.02.1	5 acres**	400 ft.	20%	40 ft.	40 ft. each	45 ft.	40 ft.
CONSERVATION SUBDIVISION DESIGN (SEE SECTION 4.06 FOR DESIGN STANDARDS) Public Water and Public Sewer Services Required Minimum Tract Size = 12 Acres							

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

** Five-acre minimum Lot size unless otherwise specified in this Ordinance.

Section 2.08 Medium Density Residential District (R-2)

(A) Purpose.

The Medium Density Residential District (R-2) encompasses areas of the Township where single family residential development exists on Lots that are approximately 15,000 square feet to one (1) acre in size and include public water and sanitary sewer services where available. The purpose of the district is to protect and stabilize the existing residential character and promote and encourage a safe and healthful environment for family life.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

(C) Bulk and Area Regulations. Table 2.08 specifies the district's bulk and area regulations.

Table 2.08, Medium Density Residential District (R-2) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
Agriculture	0 acres (no minimum)	200 ft.	10%	35 ft.	20 ft. each	35 ft.	100 ft.
Single-Family Detached Dwellings w/On Lot Water and Sewer	60,000 square feet*	200 ft.	40%	35 ft.	20 ft. each	35 ft.	40 ft.
Single Family Detached Dwellings w/Public Water or Public Sewer	20,000 square feet*	100 ft.	40%	35 ft.	15 ft. each	35 ft.	40 ft.
Single Family Detached Dwellings w/Public Water and Public Sewer	15,000 square feet	100 ft.	40%	35 ft.	15 ft. each	35 ft.	40 ft.
Accessory Uses	As allowed by the permitted principal use.			35 ft.	10 ft. each	20 ft.	30 ft.
Public Parks, Playgrounds and Open Space	15,000 square feet	100 ft.	40%	25 ft.	15 ft. each	25 ft.	40 ft.
All Other Permitted Uses as specified in Article 3, Table 3.02.1	5 acres**	300 ft.	25%	50 ft.	30 ft. each	50 ft.	40 ft.

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

** Five-acre minimum Lot size unless otherwise specified in this Ordinance.

Section 2.09 Medium-High Density Residential District (R-3)

(A) Purpose.

The purpose of the Medium-High Density Residential District (R-3) is designed to accommodate medium-high density development and is composed of areas in the Township where such development is not presently located. The regulations for this District are intended to protect and stabilize prevailing characteristics and to promote a safe and healthful environment for family life. To these ends, development is limited to (a) medium-high density, where public water and sanitary sewerage services are presently available or are provided by the Person or entity seeking to develop the area contained in such district, or (b) single-family residential use on Lots having not less than sixty thousand (60,000) square feet of surface area on which a lawful source of potable water is available and on which a lawful on-site sanitary sewage disposal facility can be installed.

It shall further be the intent of this District to:

1. Provide for more environmentally sensitive residential development by preserving the natural character of open fields, stands of trees, surface waterbodies, terrain, and similar natural features.
2. Protect the public health, safety and welfare through the preservation of the Township's potential groundwater resources as identified in the study entitled, Groundwater Availability and Well Siting Study (Middlesex Township, Cumberland County, Pennsylvania, September 1999) and the Addendum to this study and/or in any subsequent study performed on behalf of the Township or Municipal Authority and adopted by the Board of Supervisors from time to time.
3. Encourage the preservation of Open Space, rural lands, and natural resources through the application of the Open Space Development Design standards specified in Subsection (D) below.
4. Minimize potential adverse impacts from new residential development on adjacent properties devoted to non-residential uses.
5. Provide an opportunity for flexibility in Lot design and dwelling types not afforded by conventional residential development.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

(C) Bulk and Area Regulations. Table 2.09 specifies the district's bulk and area regulations.

(D) Open Space Development. In the R-3 District, it shall be optional to utilize one (1) or more contiguous parcels of land having a total area of ten (10) or more acres for an Open Space Residential Development. Standards for Open Space Residential Development are provided in Section 4.16 of this Ordinance. The Open Space Residential Development site shall be serviced by public water service and public sewer services approved by the Pennsylvania Department of Environmental Protection (DEP).

Table 2.09, Medium-High Density Residential District (R-3) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
CONVENTIONAL DEVELOPMENT*							
Agriculture	0 acres (no minimum)	200 ft.	10%	25 ft.	20 ft. each	25 ft.	100 ft.
Single-Family Detached Dwellings w/On Lot Water and Sewer	60,000 square feet*	150 ft.	30%	25 ft.	20 ft. each	25 ft.	40 ft.
Single Family Detached Dwellings w/Public Water or Public Sewer	20,000 square feet*	100 ft.	40%	25 ft.	15 ft. each	25 ft.	40 ft.
Single Family Detached Dwellings w/Public Water and Public Sewer	15,000 square feet	100 ft.	40%	35 ft.	15 ft. each	35 ft.	40 ft.
Single Family Semi-Detached, Duplex Dwellings w/Public Water and Public Sewer	15,000 square feet	100 ft.	40 %	25 ft.	15 ft.	35 ft.	40 ft.
Single Family Attached, Townhouse Dwellings w/Public Water and Public Sewer	7,500 sq. s.	100 ft.	40 %	25 ft.	15 ft.	35 ft.	40 ft.
Place of Worship and Governmental Facilities	5 acres	200 ft.	50%	50 ft.	50 ft. each	50 ft.	40 ft.
Public Parks, Playgrounds, and Open Space w/On Lot Water and Sewer	60,000 square feet*	100 ft.	40%	25 ft.	15 ft. each	25 ft.	40 ft.
Public Parks, Playgrounds, and Open Space w/Public Water or Public Sewer	1 acre	100 ft.	30%	25 ft.	15 ft. each	25 ft.	40 ft.
All Other Permitted Uses as specified in Article 3, Table 3.02.1	5 acres**	300 ft.	25%	50 ft.	30 ft. each	50 ft.	40 ft.
OPEN SPACE RESIDENTIAL DEVELOPMENT (SEE THE FOLLOWING BULK AND AERA STANDARDS; SEE SECTION 4.16 FOR DESIGN STANDARDS)							
Public Water and Public Sewer Services Required Minimum Tract Size = 10 Acres Maximum Density = 3.5 Dwelling Units Per Acre***							
Single Family Detached	10,000 square feet	80 ft. at the Lot frontage, and 60 ft. if along the turnaround of a cul-de- sac	50%	25 ft. except along a Collector Rd. where such Setback shall be 30'	10 ft. There shall be two (2) Side Yards	30 ft. There shall be a Rear Yard	40 ft.

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PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
Single-Family Semi-Attached	8,000 square feet	35 ft.	70% for fee simple Lots 50% for common ownership	25 ft.	10 ft. each	25 ft.	40 ft.
Single Family Attached, Townhouse Dwellings****	2,000 square feet	18 ft., except end units shall be 25 ft.					
All Other Permitted Uses as specified in Article 3, Table 3.02.1	1 acre	150 ft.	20%	30 ft.	20 ft. each	30 ft.	40 ft.
Accessory Uses	As allowed by the permitted principal use.			35 ft.	10 ft. each	20 ft.	30 ft.
Public Parks, Playgrounds and Open Space	10,000 square feet	80 ft.	40%	25 ft.	15 ft. each	25 ft.	40 ft.
Principal Building Separation Distances for Planned Communities in Common Ownership				25 ft.	10 ft.	20 ft.	N/A

* All residential Building Lots shall be located outside a Zone I wellhead protection area established for new public drinking water supply wells. Lot size subject to PADEP approval for on-Lot sewage disposal systems.

** Five-acre minimum Lot size unless otherwise specified in this Ordinance.

*** The maximum number of dwelling units shall equal 3.5 dwelling units per acre, calculated by excluding the minimum required Open Space.

**** The maximum number of dwelling units per row or attached units shall be eight (8).

Section 2.10 High Density Residential District (R-4)**(A) Purpose.**

The purpose of the High-Density Residential District (R-4) is to establish standards of performance and promote the desirable benefits that planned manufactured home communities may have upon the Township. It is further the intent of this District to ensure the interdependency and compatibility of such planned manufactured home communities with essential utilities, amenities, and surrounding land uses in the Township.

It shall further be the intent of this District to:

1. Reflect the changes in the technology of home Building and land development so that resulting economies may convey the benefits derived therefrom to those who need homes;
2. Further the general welfare by extending greater opportunities for better and more affordable housing to all present and prospective residents of the Township;
3. Provide for better quality and greater variety in type, design and layout of planned manufactured home communities than has been evident in many planned manufactured home communities in the past by enforcing uniform standards, desirable design criteria, and encouraging innovative site design approaches;
4. Encourage a diversity in manufactured housing types and prices; and
5. Encourage planned manufactured home communities that are beneficial rather than detrimental to property values and the general welfare of the area in which they are proposed.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

(C) Bulk and Area Regulations. In addition to the Mobile Home Park Regulations specified in Article VIII of the Middlesex Township Subdivision and Land Development Ordinance, the following bulk and area regulations shall govern the design of planned manufactured home communities. All other provisions of the applicable district shall apply:

1. See Table 2.10 for the required bulk and area regulations.
2. Minimum Tract Size. A minimum of twenty (20) contiguous acres shall be required to qualify as a site for a manufactured home community.
3. Density. The gross density of a manufactured home community shall be four (4) manufactured home units per acre, provided adequate community or public sewer service and central water service are utilized.
4. Common Open Space.
 - a. A minimum of thirty (30) percent of the total tract area devoted to a manufactured home community shall be reserved for common Open Space. Such land area may

not include any of the required manufactured home community buffer area as described in Subsection (C)5 below.

- b. At least twenty-five (25) percent of the Open Space areas shall be located in an area not subject to flooding and which is usable for active recreation. No such active recreational Open Space areas shall be less than one quarter ($\frac{1}{4}$) acre in size.

5. Buffer. A minimum buffer of fifty (50) feet shall be provided from all tract boundaries and any Street Right-of-Way bordering the tract. Manufactured home Lots, structures, or buildings shall not be located within the buffer.

Table 2.10, High Density Residential District (R-4) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
PUBLIC WATER AND PUBLIC SEWER (OR PADEP APPROVED COMMUNITY SYSTEMS)							
Agriculture	0 acres (no minimum)	200 ft.	10%	35 ft.	15 ft. each	35 ft.	100 ft.
Manufactured Home, Single- Wide	6,000 square feet	35 ft.	50%	35 ft.	15 ft. each	35 ft.	40 ft.
Manufactured Home, Double- Wide	7,500 square feet	45 ft.	50%	35 ft.	15 ft. each	35 ft.	40 ft.
Accessory Uses	As allowed by the permitted principal Use		10% of net Lot area	Not permitted	10 ft. each	10 ft.	30 ft.
Manufactured Home Community Office and Service Buildings	6,000 square feet	35 ft.	50%	35 ft.	15 ft. each	35 ft.	40 ft.
All Other Permitted Uses as specified in Article 3, Table 3.02.1	5 acres*	300 ft.	25%	50 ft.	30 ft. each	50 ft.	40 ft.

* Five-acre minimum Lot size unless otherwise specified in this Ordinance.

Section 2.11 Mixed-Use Neighborhood District (MU-1)**(A) Purpose.**

The Mixed-Use Neighborhood District (MU-1) is a neighborhood character area zone intended to encourage low-impact, Mixed-Use development compatible with adjacent medium density residential areas in close proximity to Collector or Arterial Roads. The district permits a mix of residential uses supported by neighborhood-scaled commercial uses having limited impacts on surrounding residential areas. Mixed-Use Development is intended to be pedestrian-oriented and compatible with the scale and characteristics of adjacent residentially zoned areas or low-rise commercial areas.

It shall further be the intent of this District to:

1. Provide for more environmentally sensitive residential development by preserving the natural character of open fields, stands of trees, surface waterbodies, terrain and similar natural features.
2. Protect the public health, safety and welfare through the preservation of the Township's potential groundwater resources as identified in the study entitled, Groundwater Availability and Well Siting Study (Middlesex Township, Cumberland County, Pennsylvania, September 1999) and the Addendum to this study and/or in any subsequent study performed on behalf of the Township or Municipal Authority and adopted by the Board of Supervisors from time to time.
3. Assure the permanent preservation of Open Space, rural lands, and natural resources.
4. Minimize potential adverse impacts from new residential development on adjacent properties devoted to non-residential uses.
5. Provide an opportunity for flexibility in Lot design and dwelling types not afforded by conventional residential development.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

(C) Required Dwelling Mix. For a parcel or contiguous parcels of less than (30) acres total acres, the 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) and no one (1) permitted dwelling type shall be less than ten (10) percent or more than sixty (60) percent of the total number of dwelling units.

(D) Maximum Density. The maximum gross residential density for Mixed-Use development shall not exceed 4.0 dwelling units per gross acre.

(E) Neighborhood Design Development. In the MU-1 District, it shall be a use by right and to utilize the Neighborhood Design Development standards specified under Section 4.11 of this Ordinance on a parcel or contiguous parcels of land having a total area of thirty (30) or more acres. 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).

(F) Bulk and Area Regulations. Table 2.11 specify the district's bulk and area regulations.

Table 2.11, Mixed-Use Neighborhood District (MU-1) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
ON-LOT WATER AND SEWER OR PUBLIC WATER AND ON-LOT SEWER							
Agriculture	0 acres (no minimum)	200 ft.	10%	40 ft.	20 ft. each	45 ft.	100 ft.
Single-Family Detached Dwellings	60,000 square feet*	200 ft.	35%	40 ft.	20 ft. each	45 ft.	40 ft.
Place of Worship and Government Facilities	5 acres	300 ft.	50%	50 ft.	50 ft. each	50 ft.	40 ft.
Other Permitted Non- Residential Uses as specified in Article 3, Table 3.02.1	3 acres	250 ft.	50%	50 ft.	50 ft. each	50 ft.	40 ft.
Accessory Uses	N/A		10% of net Lot area	Not permitted	10 ft. each	10 ft.	30 ft.
PUBLIC WATER AND PUBLIC SEWER / ON-LOT WATER AND PUBLIC SEWER							
Single Family Detached Dwellings	10,000 square feet	80 ft.	50%	35 ft.	15 ft. each	35 ft.	40 ft.
Single-Family Semi-Detached, Duplex Dwellings	3,500 square feet per dwelling unit	80 ft.	50%	30 ft.	10 ft. each	30 ft.	40 ft.
Single-Family Attached, Townhouse Dwellings	2,000 square feet	20 ft.	50%	Building Separation: Side to Side = 15 ft. Rear to Rear or Side = 40 ft.			40 ft.
Other Permitted Non- Residential Uses as specified in Article 3, Table 3.02.1	10,000 square feet	80 ft.	50%	35 ft.	15 ft. each	35 ft.	40 ft.
Residential Accessory Uses	N/A		10% of net Lot area	Not permitted	10 ft. each	10 ft.	30 ft.

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

Section 2.12 Mixed-Use Village District (MU-2)**(A) Purpose.**

The Mixed-Use Village District (MU-2) is designed to create opportunities along certain transportation corridors having immediate access to interstate highways that provide for a compatible mix of land uses, including residential, retail, and offices. The allowable residential density ranges from ten (10) to twenty (20) dwelling units per acre. Development is intended to be pedestrian-oriented, provide a strong relationship between buildings and sidewalks, and complement the scale of surrounding residentially zoned areas.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

(C) Required Dwelling Mix. For a parcel or contiguous parcels of less than (30) acres total acres, the 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) and no one (1) permitted dwelling type shall be less than ten (10) percent or more than sixty (60) percent of the total number of dwelling units.

(D) Neighborhood Design Development. In the MU-2 District, it shall be a use by right and to utilize the Neighborhood Design Development standards specified under Section 4.11 of this Ordinance on a parcel or contiguous parcels of land having a total area of thirty (30) or more acres. 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).

(E) Bulk and Area Regulations. Table 2.12 specifies the district's bulk and area regulations.

Table 2.12, Mixed-Use Village District (MU-2) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
ON-LOT WATER AND SEWER							
Agriculture	0 acres (no minimum)	200 ft.	10%	35 ft.	20 ft. each	35 ft.	100 ft.
Single Family Detached Dwellings	60,000 square feet*	200 ft.	50%	35 ft.	20 ft. each	35 ft.	40 ft.
Single-Family Semi-Attached, Duplex Dwellings	45,000 square feet per dwelling unit*	150 ft.	50%	35 ft.	20 ft. each	35 ft.	40 ft.
Single-Family Attached, Townhouse Dwellings	2,000 square feet	20 ft.	50%	Building Separation: Side to Side = 15 ft. Rear to Rear or Side = 40 ft.			40 ft.
Hotel and Motel	1 acre	150 ft.	50%	35 ft.	20 ft.	35 ft.	65 ft.
Other Permitted Non- Residential Uses as specified in Article 3, Table 3.02.1**	1 acre*	150 ft.	50%	35 ft.	20 ft. each	50 ft.	40 ft.
Accessory Uses	N/A			Not permitted	10 ft. each	10 ft.	25 ft.
PUBLIC WATER AND PUBLIC SEWER / ON-LOT WATER AND PUBLIC SEWER / PUBLIC WATER AND ON-LOT SEWER							
Single Family Detached Dwellings	10,000 square feet	80 ft.	50%	35 ft.	15 ft. each	35 ft.	40 ft.
Single-Family Semi-Detached, Duplex Dwellings	3,500 square feet per dwelling unit	80 ft.	50%	30 ft.	10 ft. each	30 ft.	40 ft.
Single-Family Attached, Townhouse Dwellings	2,000 square feet	20 ft.	50%	Building Separation: Side to Side = 15 ft. Rear to Rear or Side = 40 ft.			40 ft.
Multi-family Dwellings	None	100 ft.	50%	30 ft.	10 ft.	10 ft.	40 ft.
				Building Separation: 30 ft.			
Other Permitted Non- Residential Uses as specified in Article 3, Table 3.02.1	10,000 square feet	80 ft.	50%	35 ft.	15 ft. each	35 ft.	40 ft.
Residential Accessory Uses	N/A		10% of net Lot area	Not permitted	10 ft. each	10 ft.	25 ft.
NEIGHBORHOOD DESIGN DEVELOPMENT (SEE SECTION 4.11 FOR BULK, AREA, AND DESIGN STANDARDS)							

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

Section 2.13 Institutional District (INS)

(A) Purpose.

The Institutional District (INS) is designed to provide for public, semi-public, and privately-owned land uses which serve the Township's educational, religious, social, healthcare, recreational, and cultural needs. These regulations are designed to provide for institutional land uses in developed areas of the Township served by public infrastructure and convenient transportation access for residents and visitors.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

(C) Bulk and Area Regulations. Table 2.13 specifies the district's bulk and area regulations.

Table 2.13, Institutional District (INS) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
ON-LOT WATER AND SEWER							
Agriculture	0 acres (no minimum)	200 ft.	10%	40 ft.	20 ft. each	45 ft.	100 ft.
All Permitted Uses as specified in Article 3, Table 3.02.1	60,000 square feet*	200 ft.	60%	40 ft.	20 ft. each	45 ft.	50 ft.
PUBLIC WATER OR PUBLIC SEWER							
All Permitted Uses as specified in Article 3, Table 3.02.1	50,000 square feet*	175 ft.	60%	35 ft.	20 ft. each	35 ft.	50 ft.
PUBLIC WATER AND PUBLIC SEWER							
All Permitted Uses as specified in Article 3, Table 3.02.1	40,000 square feet	150 ft.	50%	35 ft.	20 ft. each	35 ft.	50 ft.

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

Section 2.14 Commercial Highway District (C-1)

(A) Purpose.

The Commercial Highway District (C-1) is designed to provide for establishments offering accommodations or services to motorists and outlying neighborhoods, and to provide for non-pedestrian-oriented retail, wholesale, service, and repair activities that do not contribute to the creation of unattractive, congested and unsafe highway conditions.

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).

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

(C) Bulk and Area Regulations. Table 2.14 specifies the district's bulk and area regulations.

Table 2.14, Commercial Highway District (C-1) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Imperviou s Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
ON-LOT WATER AND SEWER							
Agriculture	0 acres (no minimum)	200 ft.	10%	40 ft.	20 ft. each	45 ft.	100 ft.
Hotel and Motel	1 acre	150 ft.	50%	35 ft.	20 ft.	35 ft.	65 ft.
All Other Permitted Uses as specified in Article 3, Table 3.02.1	60,000 square feet*	150 ft.	70%	35 ft.**	20 ft. each***	35 ft.	50 ft.
PUBLIC WATER AND/OR PUBLIC SEWER							
All Permitted Uses as specified in Article 3, Table 3.02.1	30,000 square feet*	100 ft.	70%	35 ft.**	15 ft. each***	35 ft.	50 ft.

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

** Front Yard Setbacks shall be a minimum of seventy-five (75) feet when uses are fronting Arterial Streets or grade separated highway interchange roadways.

*** Side yard requirement when abutting residential use or district is one hundred (100) feet.

Section 2.15 Light Industrial-Commercial District (C-2)

(A) Purpose.

The Light Industrial-Commercial District (C-2) is designed to permit and encourage appropriate sites to be used for limited industries. Such limited industries are characterized by uses of large sites, attractive buildings, and inoffensive manufacturing and production processes. Such districts are further intended to encourage the harmonious and appropriate physical development of the Township by providing gradual transitions between adjacent non-industrial and commercial uses. To these ends, the District is intended to discourage and minimize air and water pollution, noise, glare, heat, vibration, fire, and safety hazards and other environmental detriments.

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.

(C) Bulk and Area Regulations. Table 2.15 specifies the district's bulk and area regulations.

Table 2.15, Light Industrial-Commercial District (C-2) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side	Rear	
ON-LOT WATER AND SEWER							
All Permitted Uses as specified in Article 3, Table 3.02.1, Except Hotel and Motel	3 acres*	200 ft.	65%	35 ft.	20 ft. each**	35 ft.	50 ft.
Hotel and Motel	1 acre	150 ft.	50%	35 ft.	20 ft.	35 ft.	65 ft.
PUBLIC WATER AND/OR PUBLIC SEWER							
All Permitted Uses as specified in Article 3, Table 3.02.1, Except Hotel and Motel	30,000 square feet**	100 ft.	65%	35 ft.	20 ft. each**	35 ft.	50 ft.
Hotel and Motel	1 acre	150 ft.	50%	35 ft.	20 ft.	35 ft.	65 ft.

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

** Side yard requirement when abutting residential use or district is one hundred (100) feet.

Section 2.16 Industrial District (I)

(A) Purpose.

The Industrial District (I) is to provide for the development of medium to heavy industrial uses that provide needed employment opportunities for the Township and greater Carlisle region and provide a strong tax base for the Township and school district. Industrial development has inherent characteristics that require special attention and protection. The District regulates uses that are detrimental to the public's health, safety, and welfare, and have significant environmental impacts. Due regard must be given to industrial needs for adequate site locations with availability of water and sewer systems, transportation, and compatibility with surrounding development.

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).

(B) Use Regulations.

1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
2. All uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.
3. Optional development standards are provided in Section 2.20 Redevelopment Opportunity Overlay District (ROO) to encourage reinvestment, revitalization, and overall enhancement of certain land along the Harrisburg Pike (SR 0011, "Miracle Mile") corridor.

(C) Bulk and Area Regulations. Table 2.16 specifies the district's bulk and area regulations.

Table 2.16, Industrial District (I) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS						
	Min. Lot Size	Min. Lot Width	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
				Front	Side**	Rear	
ON-LOT WATER AND SEWER							
Warehouse and Distribution	5 acres*	400 ft.	75%	50 ft.	35 ft.	50 ft.	50 ft.
All Other Permitted Uses as specified in Article 3, Table 3.02.1	3 acres*	200 ft.	75%	35 ft.	20 ft.**	35 ft.	50 ft.
PUBLIC WATER AND/OR PUBLIC SEWER							
Warehouse and Distribution	5 acres*	400 ft.	75%	50 ft.	35 ft.	50 ft.	50 ft.
All Permitted Uses as specified in Article 3, Table 3.02.1	1 acre	120 ft.	75%	35 ft.	20 ft.**	35 ft.	50 ft.

* Lot size subject to PADEP approval for on-Lot sewage disposal systems.

** Side yard requirement when abutting residential use or district is one hundred (100) feet.

Section 2.17 Airport Hazard Overlay District (AHO)

- (A) Purpose. The purpose of the Airport Hazard Overlay District (AHO) is to create an airport district overlay that considers safety issues around the Carlisle Airport located in adjacent South Middleton Township. A portion of the airport hazard area affects certain land area in Middlesex Township. The AHO District regulates and restricts the heights of constructed structures and objects of natural growth, creates appropriate zones, establishing the boundaries thereof and providing for changes in the restrictions and boundaries of such zones, creates the permitting process for use within said zones and provides for enforcement, assessment of violation penalties, an appeals process, and judicial review.
- (B) Authority. Act 164 of 1984 (Pennsylvania Laws Relating to Aviation), Subchapter B, "Airport Zoning Act", Section 5912, grants powers to any municipality that is affected by an airport hazard area to adopt, administer, and enforce airport zoning regulations for such airport hazard area.
- (C) Relation to Other Zone Districts. The AHO District shall not modify the boundaries of any underlying zoning district. Where identified, the AHO District shall impose certain requirements on land use and construction in addition to those contained in the underlying zoning district.
- (D) Establishment of Airport Zones: There are hereby created and established certain zones within the AHO District, as defined in Article 6 of this Ordinance and depicted on Figure 2.17.1, Federal Aviation Regulations (FAR), Part 77 Surface Areas, and illustrated on Figure 2.17.2 Carlisle Airport Hazard Area Map, hereby adopted as part of this Ordinance, which include:
1. Approach Surface Zone
 2. Conical Surface Zone
 3. Horizontal Surface Zone
 4. Primary Surface Zone
 5. Transitional Surface Zone
- (E) Zoning Permit Applications.
1. As regulated by Act 164 and defined by 14 Code of Federal Regulations Part 77.13(a) (as amended or replaced), any Person who plans to erect a new structure, to add to an existing structure, or to erect and maintain any object (natural or manmade), in the vicinity of the airport, shall first notify the Pennsylvania Department of Transportation Bureau of Aviation (BOA) by submitting PENNDOT Form AV-57 to obtain an obstruction review of the proposal at least 30 calendar days prior to commencement thereof.
 2. The Department's BOA response must be included with a zoning permit application for it to be considered complete. If the Department's BOA returns a determination of no penetration of airspace, the permit request should be considered in compliance with the intent of these AHO District regulations. If the Department's BOA returns a determination of a penetration of airspace, the zoning permit shall be denied, and the project sponsor may seek a variance from such regulations as outlined in Subsection (F).
 3. No zoning permit is required to make maintenance repairs to or to replace parts of existing structures which do not enlarge or increase the height of an existing structure.

Figure 2.17.1, Federal Aviation Regulations (FAR), Part 77 Surface Areas

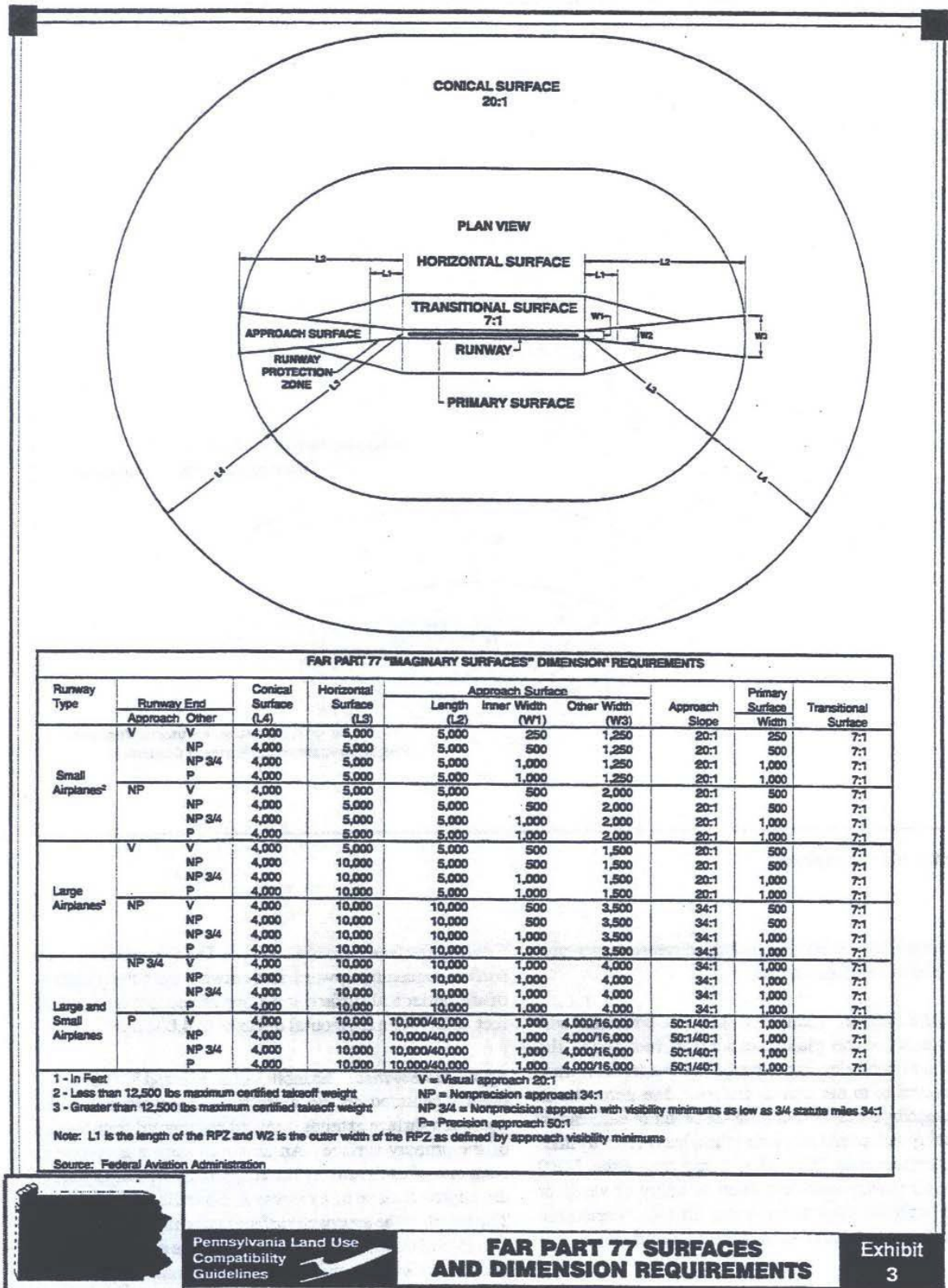
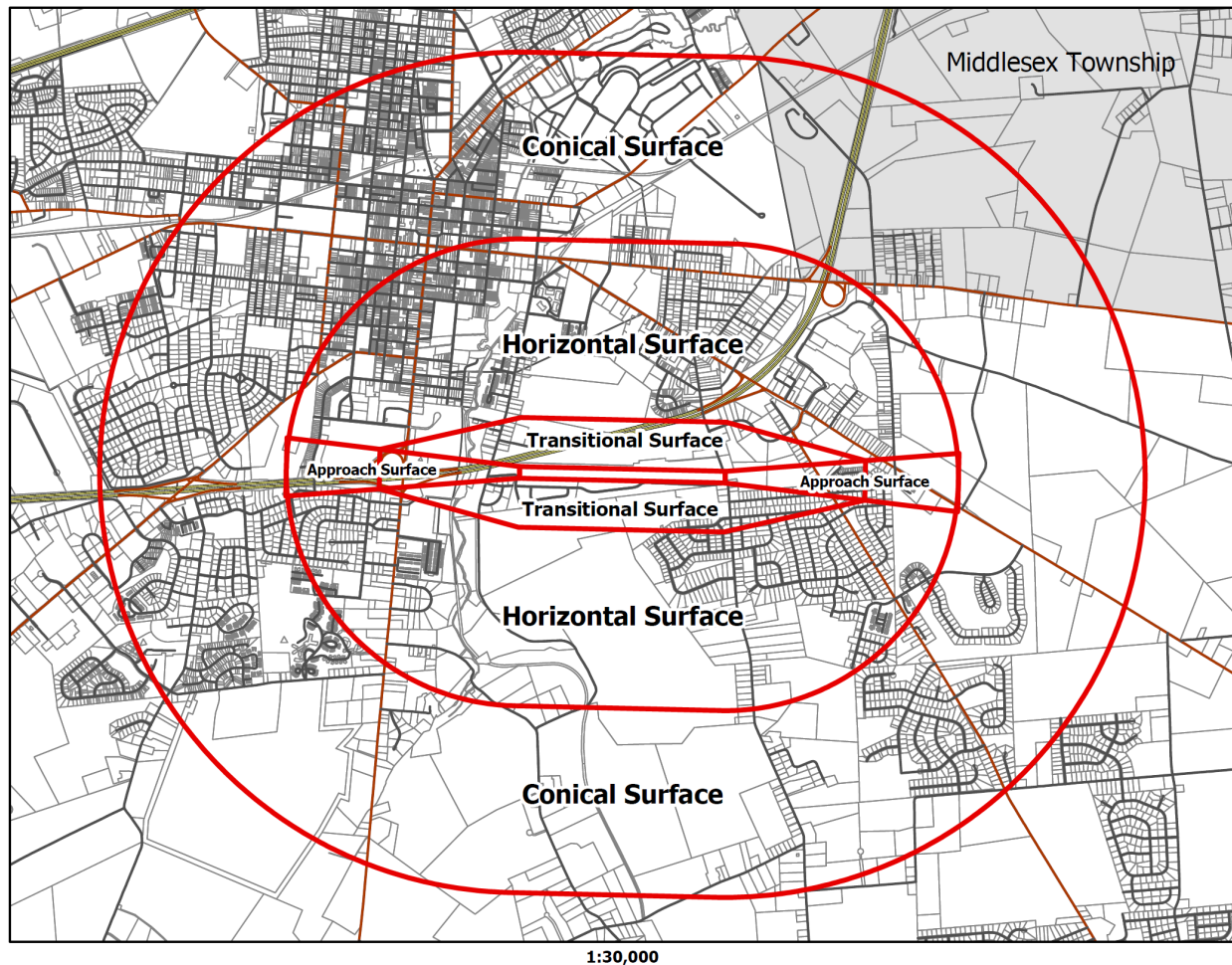


Figure 2.17.2, Carlisle Airport Hazard Map



(F) Variance.

1. Any request for a variance shall include documentation in compliance with 14 Code of Federal Regulations Part 77 Subpart B (FAA Form 7460-1 as amended or replaced). Determinations of whether to grant a variance will depend on the determinations made by the FAA and the Department's BOA as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. In particular, the request for a variance shall consider which of the following categories the FAA has placed the proposed construction in:
 - a. No Objection. The subject construction is determined not exceed obstruction standards and marking/lighting is not required to mitigate potential hazard. Under this determination a variance shall be granted.
 - b. Conditional Determination. The proposed construction/alteration is determined to create some level of encroachment into an airport hazard area which can be effectively mitigated. Under this determination, a variance shall be granted contingent upon implementation of mitigating measures as described in Subsection (I), Obstruction Marking and Lighting.

- c. Obstruction Marking and Lighting. The proposed construction/alteration is determined to be a hazard and is thus objectionable. A variance shall be denied and the reasons for this determination shall be outlined to the applicant.
- 2. Such requests for variances shall be granted where it is duly found that a literal application or enforcement of these regulations will result in unnecessary hardship and that relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the intent of this Ordinance.
- (G) Use Restrictions. Notwithstanding any other provisions of this Ordinance, no use shall be made of land or water within the AHO District in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise endanger or interfere with the landing, takeoff or maneuvering of aircraft utilizing the Carlisle Airport.
- (H) Pre-Existing Non-Conforming Uses: The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance, or otherwise interfere with the continuance of a nonconforming use. No nonconforming use shall be structurally altered or permitted to grow higher, so as to increase the nonconformity, and a nonconforming use, once substantially abated (subject to the underlying zoning ordinance,) may only be reestablished consistent with the provisions herein.
- (I) Obstruction Marking and Lighting. Any permit or variance granted pursuant to the provisions of this Ordinance may be conditioned according to the process described in Subsection (F) to require the owner of the structure or object of natural growth in question to permit the Township, at its own expense, or require the Person requesting the permit or variance, to install, operate, and maintain such marking or lighting as deemed necessary to assure both ground and air safety.
- (J) Violations and Penalties. Subject to Section 1.12 of this Ordinance.
- (K) Appeals. Subject to Section 1.13 of this Ordinance.
- (L) Conflicting Regulations. Where there exists a conflict between any of these regulations or limitations prescribed in this Ordinance and any other regulation applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

Section 2.18 Data Center Overlay District (DCO)

- (A) Purpose. The purpose of the Data Center Overlay District (DCO District) is to accommodate data centers and complementary supporting uses in proximity to existing electric transmission lines and infrastructure, subject to and in exchange for complying with certain design criteria.
- (B) Boundaries of District. The boundaries of the DCO District shall be as delineated on the Zoning Map specified in Section 2.02 of this Ordinance.
- (C) Applicability. The DCO District shall be an optional overlay district for certain land as depicted on the Zoning Map.
- (D) Required Utilities. Public water and public sewer shall be required. However, private wells may also be permitted for a Data Center use subject to the requirements specified under Section 3.05(G)2.e.
- (E) Use Regulations.
1. Permitted Uses and Use regulations are specified in Article 3 Zoning Uses.
 2. Unless otherwise modified by the standards specified under the DCO District, all uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.
- (F) Bulk and Area Regulations. Table 2.18 specifies the DCO District's bulk and area regulations, which shall prevail over the underlying zoning district's bulk and area standards.

Table 2.18, Data Center Overlay District (DCO) Bulk and Area Regulations

Permitted Uses Per Table 3.02.1	Bulk and Area Regulations							
	Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
					Front	Side	Rear	
PUBLIC WATER AND PUBLIC SEWER								
All Permitted Uses as Specified in Table 3.02.1	25 acres	200 ft.	70%	70%	35 ft.	35 ft.	75 ft.	

- (G) Design Criteria.
1. Façade Standards.
 - a. Principal Façades. The principal Façade requirements apply to all Building Façades that are oriented and face toward an abutting: (i) public Street; (ii) lot with an existing residential use within 1,000 feet of the Building Façade; or (iii) lot within a Residential District within 1,000 feet of the Building Façade.
 - (1) Requirements.
 - (a) Differentiated Surfaces. Principal Façades of a Building must incorporate the following standards at horizontal linear intervals that may vary in frequency but must be no less frequent than every one hundred fifty (150) horizontal linear feet or no less frequent than three (3) times (x) the average height of the Building:

- i. Fenestration or Fenestration and (Optional) Green-Wall; and
 - ii. A change in one of the following design elements:
 - [A] Building material;
 - [B] Pattern;
 - [C] Texture;
 - [D] Color; or
 - [E] Accent materials.
- (b) Consistent Design. When a Building has more than one (1) principal Façade, the principal Façades of such Building must be consistent in terms of design, materials, details, and treatment.
- (c) Fenestration. Each principal Façade of a Building must include Fenestration as follows:
- i. Fenestration Surface Coverage of the Façade. Fenestration must comprise at least thirty (30) percent of the total surface coverage area of the principal Façade.
 - [A] Distributed Fenestration Coverage. Fenestration provided to meet the:
 - [1] Required thirty (30) percent total surface coverage area of the principal Façade must be located in separated, individual placements or clustered bays; and
 - [2] Each placement or bay may count towards no more than seven and one-half (7.5) percent of such total surface coverage area.
 - ii. Fenestration Coverage Pattern. The placement pattern of individual or clustered bays of Fenestration must be distributed horizontally and vertically across the principal Façade.
 - iii. Fenestration Consistent Design with Principal Façade. The Fenestration must be compatible with the other design, materials, details, and treatment used on the same principal Façade.
 - iv. Green-Wall Treatment.
 - [A] A Green-Wall treatment may be provided in lieu of up to half of the Fenestration surface coverage

of the Façade requirement of Section 2.18(G)1.a.(1)(c)i of this Ordinance.

[B] When provided, Green-Wall treatments must provide the following:

[1] Maintenance. The owner, or the owner's agent, is responsible for the repair, replacement, and maintenance of the Green-Wall for the duration of the use.

[2] Distributed Green-Wall Surface Coverage. Green-Wall areas must be provided to meet up to half of the required thirty (30) percent total surface coverage area of the principal Façade of a Building.

[3] Green-Wall Coverage Pattern. The Green-Wall areas must be distributed horizontally and vertically across the principal Façade.

b. Mechanical Equipment Façade Standards. Where two (2) principal Façades are required on opposing sides of a Building pursuant to Section 2.18(G)1 of this Ordinance up to one (1) mechanical equipment Façade pursuant to Section 2.18(G)1.b.(1) may be provided in lieu of one (1) such required principal Façade if such principal Façade is oriented and faces toward an abutting public Street.

(1) Requirements.

(a) Mechanical Equipment Façade. Optional mechanical equipment Façades must provide the following:

i. Partial or Full Visual Screening of Mechanical Equipment. Mechanical equipment attached to or mounted on the Building Façade must be partially or fully visually screened from view at the ground level from the nearest abutting public Street using mesh, lattice, cladding, or grillwork or a combination of these methods, or similar methods so as to ensure that the mechanical equipment is partially or fully screened to the maximum extent that permits necessary ventilation for any equipment; and

ii. Differentiated Surfaces. The mechanical equipment Façade, including any provided screening methods, must incorporate a change in at least one (1) of the following design elements at horizontal linear intervals that may vary in frequency but must be no less frequent than every one hundred fifty (150) horizontal linear feet or no less frequent than three (3) times (x) the average height of the Building:

[A] Building material;

- [B] Pattern;
- [C] Texture;
- [D] Color; or
- [E] Accent materials.

- c. Main Entrance Feature Standards. Each Building must include at least one (1) main entrance feature that meets the requirements of Section 2.18(G)1.c.(1) of this Ordinance.

- (1) Requirements.

- (a) Main Entrance Feature. Main entrance features must meet the following requirements:

- i. Entrance Feature Design. Main entrance features must either project or recess from the main Building plane, and/or be differentiated from the remainder of the Building Façade by a change in Building material.
 - ii. Foundation Plantings or Enhanced Landscaping. Main entrance features must incorporate foundation plantings consisting of a mix of evergreen and deciduous shrubs, grasses, sedges, or rushes, and/or herbaceous perennials, ferns, or vines for a minimum of fifty (50) percent of the length of the Façade. These foundation plantings are in addition to any required plantings and landscape treatments.

- 2. Site Design Standards.

- a. Loading Space Location. Loading spaces are permitted to be located on only one (1) Façade.

- b. Mechanical Equipment.

- (1) Location and Screening of Mechanical Equipment. All ground level and roof top mechanical equipment must meet the following standards:

- (a) Mechanical equipment must be fully screened on all sides. Such visually solid screen must be constructed with a design, materials, details, and treatment compatible with those used on the nearest principal Façade of the Building;
 - i. Perforation for Ventilated Screening. Screening for mechanical equipment may incorporate perforated surfaces on screening walls as necessary to permit ventilation of mechanical equipment.
 - ii. Separation from Residential. Ground mounted mechanical equipment must be separated from an abutting lot: (i) with an existing residential use; or (ii) within a Residential

District, by a principal Building, or fully screened from view from abutting residential lot(s).

- iii. Ground Mounted Prohibited in Front Yards. Ground mounted mechanical equipment must not be located in any required front yard setback.

- c. Setbacks and Building Massing Adjacent to Residential. Unless specified herein, the following requirements apply when a Building is to be located on a lot abutting a lot: (i) with an existing residential use; or (ii) within a Residential District, or separated by a Public Local, Collector Minor Arterial Street a from a lot: (i) with an existing residential use; or (ii) within a Residential District (i.e., common lot line):

- (1) Minimum Parking Setback. Parking must be setback at least fifty (50) feet from such common lot or abutting right-of-way line.

- (2) Minimum Setback for Structures. Structures must be setback at least one hundred (100) feet from such common lot line abutting right-of-way.

- d. Soundproofing. Mechanical equipment, whether on a roof top, on the ground level, or elsewhere on the exterior of the lot abutting a lot: (i) with an existing residential use; or (ii) within a Residential District any, must be screened on all four (4) sides by an acoustical barrier. For purposes of this section, acoustical barrier is defined as an exterior solid or louvred wall containing sound-proofing materials designed to absorb noise and protect neighboring properties from noise pollution.

- (H) 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 DCO District standards of Section 2.18 of this Ordinance, or other area, dimensional and design related standards of this Ordinance, which impact the layout and design of development within the DCO District, in order to encourage the use of innovative design. Any conditional use application requesting a modification of a DCO District 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 DCO District as specified under Section 2.18(A) of this Ordinance;
 - b. Statement of Purposes (Section 1.02) of this Ordinance; and
 - c. 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 DCO District.
 - 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 2.19 Floodplain Conservation Overlay District (FCO)

- (A) Statutory Authorization. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978 as amended by Act 65 of 2022, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Middlesex does hereby order as follows.
- (B) General Provisions.
1. Intent. The intent of this Section is to:
 - a. Promote the general health, welfare, and safety of the community.
 - b. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 - c. Minimize danger to public health by protecting water supply and natural drainage.
 - d. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
 - e. Comply with federal and state floodplain management requirements.
 2. Applicability. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township of Middlesex unless a Permit has been obtained from the Floodplain Administrator.
 3. Abrogation and Greater Restrictions. This ordinance supersedes any other conflicting provisions which may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.
 4. Warning and Disclaimer of Liability.
 - a. The degree of flood protection sought by the provisions of this Section is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas will be free from flooding or flood damages.
 - b. This Section shall not create liability on the part of the Township of Middlesex or any officer or employee thereof for any flood damages that result from reliance on this Ordinance, or any administrative decision lawfully made thereunder.

(C) Administration.

1. Designation of the Floodplain Administrator.

- a. The Zoning Officer is hereby appointed to administer and enforce this Ordinance and is referred to herein as the Floodplain Administrator. The Floodplain Administrator shall:
 - (1) Fulfill the duties and responsibilities set forth in these regulations,
 - (2) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees, or
 - (3) Enter into a written agreement or written contract with another agency or private sector entity to administer specific provisions of these regulations.
- b. Administration of any part of these regulations by another entity shall not relieve the Township of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations at 44 C.F.R. Section 59.22.
- c. In the absence of a designated Floodplain Administrator, the Floodplain Administrator duties are to be fulfilled by the Township Manager.

2. Permits Required. A Permit shall be required before any construction or development is undertaken within any area of the Township of Middlesex.

3. Duties and Responsibilities of the Floodplain Administrator.

- a. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- b. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- c. In the case of existing structures, prior to the issuance of any Permit, the Floodplain Administrator shall review the proposed cost of improvements or repairs and the pre-improvement market value of the structure, so that a substantial improvement/substantial damage determination can be made, in accordance with FEMA's Substantial Improvement/Substantial Damage Desk Reference.
- d. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the Permit and information provided on the permit application and with all applicable municipal laws and ordinances. He/she shall make as many inspections during and upon completion of the work as are necessary.

- e. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any Building, structure, premises, or development in the identified floodplain area, upon presentation of proper credentials, with the permission of the property owner or a tenant, at any reasonable hour to enforce the provisions of this Ordinance. In the absence of such consent, the Floodplain Administrator must obtain an administrative warrant.
- f. In the event the Floodplain Administrator discovers that the work does not comply with the Permit or permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Board of Supervisors for whatever action it considers necessary.
- g. The Floodplain Administrator shall maintain in perpetuity, or for the lifetime of the structure, all records associated with the requirements of this Ordinance including, but not limited to, finished construction elevation data, permitting, inspection and enforcement.
- h. The Floodplain Administrator is the official responsible for submitting a biennial report to FEMA concerning community participation in the National Flood Insurance Program as requested.
- i. The responsibility, authority and means to implement the commitments of the Floodplain Administrator can be delegated from the person identified. However, the ultimate responsibility lies with the person identified in the floodplain ordinance as the Floodplain Administrator.
- j. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2018 IBC and the 2018 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.

4. Application Procedures and Requirements.

- a. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by the Township of Middlesex. Such application shall contain the following:
 - (1) Name and address of applicant.
 - (2) Name and address of owner of land on which proposed construction is to occur.
 - (3) Name and address of contractor.
 - (4) Site location including address.
 - (5) Listing of other permits required.
 - (6) Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the Building before the flood damage occurred where appropriate.

- (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
- b. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 - (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - (2) All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards;
 - (4) Structures will be anchored to prevent floatation, collapse, or lateral movement;
 - (5) Building materials are flood-resistant;
 - (6) Appropriate practices that minimize flood damage have been used; and
 - (7) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and located to prevent water entry or accumulation.
- c. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
 - (1) A completed Permit Application Form.
 - (2) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (a) North arrow, scale, and date;
 - (b) Topographic contour lines, if available;
 - (c) The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - (d) The location of all existing Streets, driveways, and other access ways; and
 - (e) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

- (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - (a) The proposed lowest floor elevation of any proposed Building based upon North American Vertical Datum of 1988;
 - (b) The elevation of the base flood;
 - (c) Supplemental information as may be necessary under 34 PA Code, the 2018 IBC or the 2018 IRC, or the latest revision thereof as adopted by the Commonwealth of Pennsylvania.
- (4) The following data and documentation:
 - (a) Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - (b) If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood.
 - (c) Documentation, certified by a Registered Design Professional, to show that the effect of any proposed development within a Floodway Area specified in Section (D)2.(a) will not increase the base flood elevation at any point.
 - (d) Documentation, certified by a Registered Design Professional, to show that the cumulative effect of any proposed development within an AE Area/District without floodway specified in Section (D)2.(b) when combined with all other existing and anticipated development, will not increase the base flood elevation more than one (1) foot at any point within the community.
 - (e) A document, certified by a Registered Design Professional, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.
 - (f) Detailed information needed to determine compliance with Section (E)3.(f), Storage, and Section (E)4., Development Which May Endanger Human Life, including:
 - i. The amount, location and purpose of any materials or substances referred to in Sections (E)3.(f) and (E)4 which are intended to be used, produced, stored or otherwise maintained on site.
 - ii. A description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section (E)4 during a base flood.

- (g) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - (h) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
 - d. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administrator.
- 5. Review of Application by Others. A copy of all plans and applications for any proposed construction or development in any identified floodplain area to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g., planning commission, municipal engineer, etc.) for review and comment.
- 6. Changes. After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing and shall be submitted by the applicant to Floodplain Administrator for consideration.
- 7. Placards. In addition to the Permit, the Floodplain Administrator shall issue a placard, or similar document, which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit, the date of its issuance, and be signed by the Floodplain Administrator.
- 8. Start of Construction.
 - a. Work on the proposed construction or development shall begin within one hundred eighty (180) days after the date of issuance of the Permit. Work shall also be completed within twelve (12) months after the date of issuance of the Permit or the Permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The issuance of the Permit does not refer to or provide zoning approval.
 - b. The actual start of construction means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of Streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.
 - c. Time extensions shall be granted only if a written request is submitted by the applicant, who sets forth sufficient and reasonable cause for the Floodplain

Administrator to approve such a request and the original Permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

9. Enforcement.

- a. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of the Permit, any information on the Permit application or any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall comply with the requirements of the MPC and the following:
 - (1) Be in writing;
 - (2) Include a statement of the reasons for its issuance;
 - (3) Allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires;
 - (4) Be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice in the same manner as an enforcement notice under the Middlesex Township Zoning Ordinance;
 - (5) Contain an outline of remedial actions which, if taken, will effect compliance with the provisions of this Ordinance.
- b. Violations and Penalties. See Section 1.12 of this Ordinance.

10. Appeals.

- a. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Section, may appeal to the Zoning Hearing Board. Such appeal must be filed, in writing, within thirty (30) days after the decision, determination or action of the Floodplain Administrator.
- b. Upon receipt of such appeal the Zoning Hearing Board shall consider the appeal in accordance with the procedures set forth in Section 1.13 of this Ordinance.
- c. Any person aggrieved by any decision of the Zoning Hearing Board may appeal to the Court of Common Pleas of Cumberland County, as provided by the laws of the Commonwealth of Pennsylvania including the Pennsylvania Flood Plain Management Act.

(D) Identification of Floodplain Areas.

- 1. Identification. The identified floodplain area, also known as the FP-Floodplain Conservation District, shall be:
 - a. Any areas of Township of Middlesex, classified as Special Flood Hazard Areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated September 7, 2023, and issued by the Federal

Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

- b. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Township of Middlesex and declared to be a part of this Ordinance.

2. Description and Special Requirements of Identified Floodplain Areas. The identified floodplain area shall consist of the following specific areas:

- a. The Floodway Area shall be those areas identified in the FIS and the FIRM as floodway and which represent the channel of a Watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation by more than one (1) foot at any point. This term shall also include floodway areas which have been identified in other available studies or sources of information for those Special Flood Hazard Areas where no floodway has been identified in the FIS and FIRM.

- (1) Permitted Uses. In the Floodway Area the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided that they do not require structures, fill or storage of materials and equipment:

- (a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, Truck farming, forestry, sod farming and wild crop harvesting.
- (b) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas.
- (c) Accessory residential uses, such as yard areas, gardens, play areas, and porous playing areas.
- (d) Accessory industrial and commercial uses such as yard areas, porous paving and loading areas and airport landing strips.

- (2) Uses Permitted by Special Exception.

- (a) The following uses and activities may be permitted by Special Exception as allowed by the Zoning Hearing Board provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other provisions of this Ordinance:
 - i. Structures, except mobile/manufactured homes, accessory to the uses and activities of Section (D)2.(a) above.
 - ii. Utilities and public facilities and improvements such as railroads, Streets, bridges, transmission lines, pipelines,

- water and sewage treatment plants and other similar or related uses.
 - iii. Water-related uses and activities such as marinas, docks, wharves, piers, etc.
 - iv. Extraction of sand, gravel and other materials.
 - v. Temporary uses such as circuses, carnivals, and similar activities.
 - vi. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, or involving development which may endanger human life as detailed in Section (E)4., and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent flotation or movement, or can be readily removed from the area within the time available after flood warning.
 - vii. Other uses and activities similar to those described in (i) through (vi), above, provided they cause no increase in flood heights or velocities. All uses, activities, and structural developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and this Ordinance.
- (b) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (c) Within any floodway area, no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
- b. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
- (1) The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided and a floodway has been delineated.
 - (2) AE Area without floodway shall be those areas identified as an AE zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided but no floodway has been determined.
- (a) No encroachments, including fill, new construction, substantial improvements, or other development shall be permitted in an AE

Zone without floodway, unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed development together with all other existing and anticipated development, would not result in an increase in flood levels of more than one foot within the entire community during the occurrence of the base flood discharge.

- (b) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any Watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.

- c. The A Area/District shall be those areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no base flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable sources shall be used when available. Where other acceptable information is not available, the base flood elevation shall be determined by using the elevation of a point on the boundary of the identified floodplain area which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by a Registered Design Professional, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality. In the absence of any of the above data or documentation, the community may require elevation of the lowest floor to be at least three (3) feet above the highest adjacent grade.

- d. The AO and AH Area/ District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual-chance shallow flooding where average depths are between one (1) and (3) three feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.

- 3. Changes in Identification of Area. The Identified Floodplain Area may be revised or modified by the Board of Supervisors where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change to the Special Flood Hazard Area, approval must be obtained from FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes to the Special Flood Hazard Area by submitting technical or scientific data. See Section (E)1.(b) for situations where FEMA notification is required.
- 4. Boundary Disputes. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Township of Middlesex and any party aggrieved by this decision or determination may appeal to the Board of Supervisors. The burden of proof shall be on the appellant.
- 5. Jurisdictional Boundary Changes. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community

shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in 44 CFR §60.3.

(E) Technical Provisions.

1. General.

a. Alteration or Relocation of Watercourse.

- (1) No encroachment, alteration, or improvement of any kind shall be made to any Watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have first been obtained from the Department of Environmental Protection Regional Office.
- (2) No encroachment, alteration, or improvement of any kind shall be made to any Watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the Watercourse in any way.
- (3) In addition, FEMA and the Pennsylvania Emergency Management Agency shall be notified prior to any alteration or relocation of any Watercourse.

b. When Township of Middlesex proposes to permit the following encroachments:

- (1) Any development that causes a rise in the base flood elevations within the floodway; or
- (2) Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation; or
- (3) Alteration or relocation of a stream (including but not limited to installing culverts and bridges) the applicant shall (as per 44 CFR §65.12):
 - (a) Apply to FEMA for conditional approval of such action prior to permitting the encroachments to occur.
 - (b) Upon receipt of the FEMA Administrator's conditional approval of map change and prior to approving the proposed encroachments, a community shall provide evidence to FEMA of the adoption of floodplain management ordinances incorporating the increased base flood elevations and / or revised floodway reflecting the post-project condition.
 - (c) Upon completion of the proposed encroachments, the applicant shall provide as-built certifications. FEMA will initiate a final map revision upon receipt of such certifications in accordance with 44 CFR § 67.

c. Any new construction, development, uses or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

2. Elevation and Floodproofing Requirements.

a. Residential Structures.

- (1) In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation.
- (2) In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation determined in accordance with Section (D)2.(c).
- (3) In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- (4) The design and construction standards and specifications contained in the 2018 International Building Code (IBC) and in the 2018 International Residential Code (IRC) or the latest edition thereof adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.

b. Non-residential Structures.

- (1) In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the Regulatory Flood Elevation, or be designed and constructed so that the space enclosed below the Regulatory Flood Elevation:
 - (a) Is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water; and
 - (b) Has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (2) In A Zones, where no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the Regulatory Flood Elevation determined in accordance with Section (D)2.(c).
- (3) In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
- (4) Any non-residential structure, or part thereof, made watertight below the Regulatory Flood Elevation shall be floodproofed in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended in EP 11 65.08.2-314, December 1995) or with some other equivalent standard. All plans and specifications for

such floodproofing shall be accompanied by a statement certified by a Registered Design Professional, which states that the proposed design and methods of construction are in conformance with the above referenced standards. There should be a statement submitted with the permit application and a statement submitted with the as-built Floodproofing Certificate prior to the issuance of the Certificate of Occupancy.

(5) Any non-residential structure that will be floodproofed must submit the following to the Floodplain Administrator along with the non-residential Floodproofing Certificate and prior to the issuance of the Certificate of Occupancy:

(a) An Inspection and Maintenance Plan detailing the annual maintenance of floodproofed components ensuring that all components will operate properly under flood conditions. Components that must be inspected include at a minimum:

- i. Mechanical equipment such as sump pumps and generators,
- ii. Flood shields and closures,
- iii. Walls and wall penetrations, and
- iv. Levees and berms (as applicable).

(b) Flood Emergency Operation Plan detailing the procedures to be followed during a flooding event and must include information pertaining to how all components will operate properly under all conditions, including power failures. The design professional must produce the plan. An adequate plan must include the following:

- i. An established chain of command and responsibility with leadership responsibilities clearly defined for all aspects of the plan.
- ii. A procedure for notification of necessary parties when flooding threatens and flood warnings are issued. Personnel required to be at the Building should have a planned and safe means of ingress and should have no other emergency response duties during a flood event. Alternates should be assigned in the event that the primary persons responsible are unable to complete their assigned duties under the plan.
- iii. A list of specific duties assigned to ensure that all responsibilities are addressed expeditiously. The locations of materials necessary to properly install all floodproofing components must be included in the list.
- iv. An evacuation plan for all personnel or occupants; those without duties for the flood emergency as well as those with duties for implementing the plan. All possible ingress and egress routes must be identified.

- v. A periodic training and exercise program to keep personnel and occupants aware of their duties and responsibilities. Training drills should be held at least once a year and should be coordinated with community officials.
- (6) The design and construction standards and specifications contained in the 2018 International Building Code (IBC) and in the 2018 International Residential Code (IRC) or the latest revision thereof as adopted by the Commonwealth of Pennsylvania, and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized, where they are more restrictive.
- c. Space Below the Lowest Floor.
 - (1) Basements are prohibited.
 - (2) Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, Building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 - (3) Designs for meeting this requirement must either be certified by a Registered Design Professional, or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space installed on two (2) separate walls.
 - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- d. Historic Structures. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this Ordinance, must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.
- e. Accessory Structures. Structures accessory to a principal Building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:

- (1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
 - (2) GFA shall not exceed six hundred (600) square feet.
 - (3) The structure will have a low damage potential.
 - (4) The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 - (5) Power lines, wiring, and outlets will be elevated to the Regulatory Flood Elevation.
 - (6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
 - (7) Sanitary facilities are prohibited.
 - (8) The structure shall be adequately anchored to prevent flotation, collapse, and lateral movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a Registered Design Professional, or meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (c) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - (9) For accessory structures that are two hundred (200) square feet or larger in area (footprint) and that are below the base flood elevation, a signed Declaration of Land Restriction (Nonconversion Agreement) shall be recorded on the property deed prior to issuance of the Certificate of Occupancy.
3. Design and Construction Standards. The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:
- a. Fill. If fill is used, it shall:
 - (1) Extend laterally at least fifteen (15) feet beyond the Building line from all points;
 - (2) Consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;

- (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - (4) Be no steeper than one (1) vertical to two (2) horizontal feet unless substantiated data justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
 - (5) Be used to the extent to which it does not adversely affect adjacent properties.
- b. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure proper drainage along Streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- c. Water and Sanitary Sewer Facilities and Systems.
 - (1) All new or replacement water supply and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - (3) No part of any on-site waste disposal system shall be located within any identified floodplain area except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - (4) The design and construction provisions of the UCC and FEMA #348, "Protecting Building Utilities From Flood Damages" and "The International Private Sewage Disposal Code" shall be utilized.
- d. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- e. Streets. The finished elevation of all new Streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
- f. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section (E)4., Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation or floodproofed to the maximum extent possible.
- g. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

h. Anchoring.

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

i. Floors, Walls, and Ceilings.

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the Building.
- (2) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- (4) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

j. Paints and Adhesives.

- (1) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of "marine" or "water-resistant" quality.
- (2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (3) All wooden components (doors, trim, cabinets, etc.) used at or below the Regulatory Flood Elevation shall be finished with a "marine" or "water-resistant" paint or other finishing material.

k. Electrical Components.

- (1) Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.

l. Equipment.

- (1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist flotation, collapse, and lateral movement.

- (2) Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.
 - m. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.
 - n. Uniform Construction Code Coordination. The Standards and Specifications contained in 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and sub-sections of this Ordinance, to the extent that they are more restrictive and supplement the requirements of this Ordinance.
 - (1) International Building Code (IBC) 2018 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: (2)Secs. 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - (2) International Residential Building Code (IRC) 2018 or the latest revision thereof as adopted by the Commonwealth of Pennsylvania: Secs. R104, R105, R109, R322, Appendix E, and Appendix J.
4. Development That May Endanger Human Life.
- a. In accordance with the Pennsylvania Flood Plain Management Act as amended, and the regulations originally adopted by the Department of Community and Economic Development, to be further adopted or amended by the Pennsylvania Emergency Management Agency in consultation with the Department of Environmental Protection required by the Act, any new or substantially improved structure which:
 - (1) Will be used for the production or storage of any of the following dangerous materials or substances; or
 - (2) Will be used for any activity requiring the maintenance of a supply of more than five hundred fifty (550) gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
 - (3) Will involve the production, storage, or use of any amount of radioactive substances;
 - (4) Shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
 - Acetone
 - Ammonia
 - Benzene
 - Calcium carbide
 - Carbon disulfide
 - Celluloid
 - Chlorine
 - Hydrochloric acid
 - Hydrocyanic acid

- Magnesium
 - Nitric acid and oxides of nitrogen
 - Petroleum products (gasoline, fuel oil, etc.)
 - Phosphorus
 - Potassium
 - Sodium
 - Sulphur and sulphur products
 - Pesticides (including insecticides, fungicides, and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated.
 - b. Within any Floodway Area, any structure of the kind described in Subsection A., above, shall be prohibited. Where permitted within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Section (E)4.(a), above, shall be elevated to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation and built in accordance with Sections (E)1., (E)2., and (E)3.
 - c. Where permitted within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Section (E)4.(a) above, shall be built in accordance with Sections (E)1., (E)2., and (E)3 including:
 - (1) Elevated, or designed and constructed to remain completely dry up to at least one and one half (1 ½) feet above base flood elevation, and
 - (2) Designed to prevent pollution from the structure or activity during the course of a base flood.
 - d. Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.
5. Special Requirements for Subdivisions and Development. All subdivision proposals and development proposals containing at least 50 Lots or at least 5 acres, whichever is the lesser, in Identified Floodplain Areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR). Submittal requirements and processing fees shall be the responsibility of the applicant.
6. Special Requirements for Manufactured Homes.
- a. Within any Floodway Area/District, manufactured homes shall be prohibited.
 - b. Where permitted within any Identified Floodplain Area, all manufactured homes, and any improvements thereto, shall be:
 - (1) Placed on a permanent foundation;
 - (2) Elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above base flood elevation; and

- (3) Anchored to resist flotation, collapse, or lateral movement.

c. Equipment Requirement.

- (1) Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation and shall be anchored to resist flotation, collapse, and lateral movement.
- (2) Ductwork shall be elevated to or above the Regulatory Flood Elevation or floodproofed to remain water resistant.

- d. Installation of manufactured homes shall be done in accordance with the manufacturers' installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2018 "International Residential Building Code" or the "U.S. Department of Housing and Urban Development's Permanent Foundations for Manufactured Housing," 1984 Edition, draft or latest revision thereto and 34 PA Code Ordinance 401-405 shall apply.

- e. Consideration shall be given to the installation requirements of the 2018 IBC, and the 2018 IRC or the latest revision thereto as adopted by the Commonwealth of Pennsylvania, and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers' standards for anchoring cannot be provided or were not established for the proposed unit's installation.

7. Special Requirements for Recreational Vehicles.

- a. Within any Identified Floodplain Area the storage of recreational vehicles shall be prohibited. If a variance is obtained in accordance with the criteria in Section (H), then the following provisions apply:
- b. Recreational vehicles in Zones A, A1-30, AH and AE must:
 - (1) Be on the site for fewer than one hundred eighty (180) consecutive days;
 - (2) Be fully licensed and ready for highway use, and
 - (3) Be removed from the floodplain when an official flood warning is issued by Middlesex Township.

(F) Activities Requiring Special Permits.

- 1. General. In accordance with the administrative regulations originally adopted by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act as amended, to be further adopted or amended by the Pennsylvania Emergency Management Agency in consultation with the Department of Environmental Protection as required by the Act, the following activities shall be prohibited within any Identified Floodplain Area unless a Special Permit has been issued by the Township of Middlesex:

- a. The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (1) Hospitals.
 - (2) Nursing Homes.
 - (3) Jails or Prisons.
 - b. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.
2. Application Requirements for Special Permits. Applicants for Special Permits shall provide five copies of the following items:
- a. A written request including a completed Permit Application Form.
 - b. A small scale map showing the vicinity in which the proposed site is located.
 - c. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (1) North arrow, scale and date;
 - (2) Topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 - (3) All property and Lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - (4) The location of all existing Streets, driveways, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - (5) The location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - (6) The location of the floodplain boundary line, information and spot elevations
 - d. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior Building elevations, as appropriate;
 - (2) For any proposed Building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - (3) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood;

- (4) Detailed information concerning any proposed floodproofing measures, including the Flood Emergency Operation Plan and the Inspection and Maintenance Plan;
 - (5) Cross section drawings for all proposed Streets, driveways, other accessways, and parking areas, showing all Rights-of-Way and pavement widths;
 - (6) Profile drawings for all proposed Streets, driveways, and vehicular accessways including existing and proposed grades; and
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- e. The following data and documentation:
- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - (2) Certification from a Registered Design Professional that the proposed construction has been adequately designed to protect against damage from the base flood;
 - (3) A statement, certified by a Registered Design Professional, which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood, including a statement concerning the effects such pollution may have on human life;
 - (4) A statement certified by a Registered Design Professional, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation and flows;
 - (5) A statement, certified by a Registered Design Professional, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation and flows;
 - (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development";
 - (7) Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
 - (8) Any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
 - (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

3. Application Review Procedures. Upon receipt of an application for a Special Permit by the Township of Middlesex the following procedures shall apply in addition to those of Subsection (C):
- a. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Cumberland County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Township Planning Commission and Township Engineer for review and comment.
 - b. If an application is received that is incomplete, the Township of Middlesex shall notify the applicant in writing, stating in what respect the application is deficient.
 - c. If the Township decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
 - d. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Pennsylvania Emergency Management Agency, by registered or certified mail, within five (5) working days after the date of approval.
 - e. Before issuing the Special Permit, the Township of Middlesex shall allow the Pennsylvania Emergency Management Agency thirty (30) days, after receipt of the notification by the Agency, to review the application and decision made by the Township of Middlesex.
 - f. If the Township does not receive any communication from the Pennsylvania Emergency Management Agency during the thirty (30) day review period, it may issue a Special Permit to the applicant.
 - g. If the Pennsylvania Emergency Management Agency should decide to disapprove an application, it shall notify the Township of Middlesex and the applicant, in writing, of the reasons for the disapproval, and the Township of Middlesex shall not issue the Special Permit.
4. Special Technical Requirements.
- a. In addition to the requirements of Section (E), the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section (E) of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
 - b. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:

- a. The structure will survive inundation by waters of the base flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE.
 - b. The lowest floor (including basement) will be elevated to at least one and one half (1½) feet above base flood elevation.
 - c. The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood.
- (2) Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- (3) All hydrologic and hydraulic analyses shall be undertaken only by Registered Design Professional, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township of Middlesex and the Pennsylvania Emergency Management Agency.

(G) Existing Structures in Identified Floodplain Areas

1. Existing Structures. The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section (G)2. shall apply.
2. Improvements. The following provisions shall apply whenever any improvement is made to an existing structure located within any Identified Floodplain Area:
 - a. No expansion or enlargement of an existing structure shall be allowed within any Floodway Area/District that would cause any increase in BFE.
 - b. No expansion or enlargement of an existing structure shall be allowed within AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
 - c. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
 - d. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2018 IBC and the 2018 IRC or most recent revision thereof as adopted by the Commonwealth of Pennsylvania.
 - e. Within any Floodway Area/District as specified under Section (D)2.(a) no new construction or development shall be allowed, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
 - f. Within any AE Area/District without Floodway as specified under Section (D)2.(b), no new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any Watercourse, unless the

appropriate permit is obtained from the PA Department of Environmental Protection Southcentral Regional Office.

(H) Variances

1. General. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township of Middlesex Zoning Hearing Board may, upon request, grant relief from the strict application of the requirements.
2. Variance Procedures and Conditions. Requests for variances shall be considered by the Township of Middlesex Zoning Hearing Board in accordance with the procedures contained in Section (C)10. and the following:
 - a. No variance shall be granted for any construction, development, use, or activity within any Floodway Area/District that would cause any increase in the BFE.
 - b. No variance shall be granted for any construction, development, use, or activity within any AE Area/District without floodway that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
 - c. No variances shall be granted for a proposed accessory structure that exceeds six hundred (600) square feet in size. A signed Non-Conversion Agreement is required as a condition of receiving the variance.
 - d. Except for a possible modification of the Regulatory Flood Elevation requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit, Section (F).6., or to Development Which May Endanger Human Life, Section (E)4.
 - e. If granted, a variance shall involve only the least modification necessary to provide relief.
 - f. In granting any variance, the Township of Middlesex Zoning Hearing Board shall attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
 - g. Whenever a variance is granted, the Township of Middlesex Zoning Hearing Board shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance.
 - (2) Such variances may increase the risks to life and property.
 - h. In reviewing any request for a variance, the Township of Middlesex Zoning Hearing Board shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.

- (3) That the granting of the variance will neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- i. A complete record of all variance requests and related actions shall be maintained by the Township of Middlesex Zoning Hearing Board. In addition, a report of all variances granted during the year shall be included in the annual report to the FEMA.
- j. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one (1) percent annual chance flood.

Section 2.20 Redevelopment Opportunity Overlay District (ROO)

- (A) Purpose. The purpose of the Redevelopment Opportunity Overlay District (ROO District) is as follows:
1. Recognize the uniqueness of the Harrisburg Pike (SR 0011) corridor area including around the convergence of major transportation corridors (Interstate 76 (SR 0076), Interstate 81 (0081) and Harrisburg Pike, i.e., the “Miracle Mile”);
 2. Encourage reinvestment, revitalization, and overall enhancement of the Miracle Mile corridor area via infill, replacement and redevelopment opportunities on previously developed or underutilized land by providing greater flexibility in both the variety of permitted uses and development standards; and
 3. Provide an optional set of standards that help to encourage innovation and promote flexibility, economy, and ingenuity in development (i.e., infill, replacement and redevelopment) which generally is consistent with the applicable provisions of the Pennsylvania Municipalities Planning Code, including Article VI (specifically §§ 603(c)(5), 603(c)(6), 605(2)(i), 605(2)(vii) and 605(3)), the Cumberland County Comprehensive Plan and the Middlesex Township Comprehensive Plan.
- (B) Boundaries of District. The boundaries of the ROO District shall be as delineated on the Zoning Map specified in Section 2.02 of this Ordinance.
- (C) Applicability. The ROO District shall be an optional overlay district for certain land as depicted on the official Middlesex Township Zoning Map. While the ROO Overlay confers alternative use and development options to be employed at the discretion of the Applicant, any land located within the ROO District may be developed pursuant to either the standards of the ROO District or the standards of the underlying zoning district, but not both.
- (D) Required Utilities. Public water and public sewer shall be required.
- (E) Use Regulations.
1. Permitted uses and use regulations for permitted uses are specified in Article 3 Zoning Uses.
 2. Unless otherwise modified by the standards specified under the ROO District, all uses permitted within this District shall also comply with the Supplemental Regulations contained in Article 4 of this Ordinance.
- (F) Bulk and Area Regulations. Table 2.20 specifies the district’s bulk and area regulations, which shall prevail over the underlying zoning district’s bulk and area standards.

Table 2.20, Redevelopment Opportunity Overlay District (ROO) Bulk and Area Regulations

PERMITTED USES PER TABLE 3.02.1	BULK AND AREA REGULATIONS							
	Min. Lot Size	Min. Lot Width		Max. Impervious Coverage	Min. Yard Setbacks			Max. Building Height
					Front	Side	Rear	
ON-LOT WATER AND SEWER								
All Permitted Uses as Specified in Table 3.02.1	None	50 ft.		70%	50 ft.	10 ft., except that 25 ft. but not less than 50% of the building height for a nonresidential use adjoining residential use or district	65 ft.	

(G) Density. The following maximum densities shall apply to the specified uses.

1. Multi-Family Dwellings (e.g., apartments or condominiums): 18 dwelling units per net acre.

(H) Master Plan Requirement.

1. For a redevelopment of an existing developed property(ies) or development of vacant property(ies), development within the ROO District shall be depicted on a master plan prepared and submitted pursuant to the Conditional Use requirements specified in Section 1.16 of this Ordinance.
2. For redevelopment of existing developed properties, or an expansion of up to twenty-five (25) percent of an existing Building, development within the ROO District shall be depicted on a land development plan, with no master plan or Conditional Use process required. The Land Development Plan shall be prepared pursuant to the requirements of the Middlesex Township Subdivision and Land Development Ordinance.
3. An applicant must demonstrate through the required master plan how the proposed ROO District development meets the design criteria listed Subsection (I) below. The standards under each criterion must be used to satisfy the criterion, or the applicant must request a modification as set forth in Subsection (J) below. Before a development may be approved, the Township Board of Supervisors must make findings that the proposal satisfies the standards and applicable master plans for the proposed ROO Development.

(I) Mixed Use Design Criteria.

1. Non-residential uses shall be clustered together into groupings to allow for shared use of vehicle parking areas and loading areas.
2. At least twenty (20) percent of the Building area shall be mixed use containing both residential and non-residential uses. Vertical mixed-use construction shall be encouraged.
3. Residential and non-residential buildings shall be grouped along Streets to promote pedestrian connectivity and walkability between buildings.
4. Multimodal Design.
 - a. Pedestrian facilities shall connect the development to adjacent land uses and provide connections through the development to the public Street Right-of-Way.

- b. Public or private Streets shall connect the development to adjacent neighborhoods and zoning districts.
- c. Surface parking shall be located behind buildings, toward the interior of Lots, and should be screened from view from adjacent Streets. Alternative surface parking designs may be approved by the Board of Supervisors, but such designs shall clearly demonstrate the methods and/or technologies that provide safety for pedestrians and bicyclists.
- d. Parking shall not be located on Street corners.
- e. Cul-de-sacs are prohibited.
- f. Pedestrian Scaled Lighting.
 - (1) Pedestrian scaled lighting shall be used to enhance security and improve visibility of sidewalks.
 - (2) Pedestrian scaled Street lighting shall be designed based on the Illuminating Engineering Society of North America Design Guideline: Recommended Lighting for Walkways & Class 1 Bikeways (IESNA DG-5-94).
- g. Access Management. The functional classification and the speed limit of a Street that abuts a property proposed for development will determine the location, number, and spacing between vehicular access points allowed onto the Street. Functional classification of Streets can be found in the Middlesex Township Comprehensive Plan (Figure 8.1 Roadway Classification and Traffic Volumes Map dated October 18, 1999) and in consultation with the Township Engineer.
 - (1) Vehicular access to properties proposed for development shall be controlled and provided by use of driveways in accordance with at least one of the following access management requirements set forth in Subsections (l)4.g.(1)(a), (l)4.g.(1)(b), and (l)4.g.(1)(c) below:
 - (a) Existing or proposed driveways that provide access to properties proposed for development and intersect an Arterial or Collector Street shall be separated from other existing or proposed driveways at minimum distances of:
 - i. Six hundred (600) feet for Arterial Streets; and
 - ii. Three hundred (300) feet for Collector Streets.

Separation distances shall be measured from the centerline of one driveway to the centerline of the next driveway. When this requirement has been satisfied, access locations must be checked to assure compliance with safe sight distance. Safe sight distance must be measured per Pennsylvania Department of Transportation Publication 201, Engineering and Traffic Studies.

 - (b) Provide shared vehicular access between two or more adjoining land uses that make use of a shared driveway onto an adjoining Arterial Street or Collector Street, pursuant to Section 703.1.7 of

the Middlesex Township Subdivision and Land Development Ordinance.

- (c) In circumstances where it is not possible to provide vehicular access in accordance with Subsections (l)4.g.(1)(a) and (l)4.g.(1)(b), above, the proposed development shall be permitted to have one (1) driveway that intersects the cartway of the applicable Collector or Arterial Street and shall not exceed twenty-four (24) feet in width (exclusive of curb radii) or such greater width that is required by the Pennsylvania Department of Transportation. If in the event a developer provides evidence that this requirement impedes on the flow of tractor-trailers that would deliver goods to the Lot, the developer may widen the cartway to the minimum width it would take to allow Truck deliveries to occur safely on the Lot.
- (2) Driveways servicing two or more adjoining land uses, shall be improved to local Street standards as shown in Table 703.1 of the Middlesex Township Subdivision and Land Development Ordinance, and Intersection Design shall be for a Collector Street with an Arterial Street intersection, as shown in Table 703.2 of the Middlesex Township Subdivision and Land Development Ordinance.
- (3) As an incentive to implement Subsections (l)4.g.(1)(a) and (l)4.g.(1)(b), above, a developer that implements either Subsection (l)4.g.(1)(a) or Subsection (l)4.g.(1)(b) shall be permitted to increase:
 - (a) The Impervious coverage limitation on its Lot by an additional ten (10) percent, or
 - (b) The height limitation by an additional twenty (20) feet.

h. Shared Parking.

- (1) Shared parking shall be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day, especially for multi-story, vertically mixed-use buildings.
- (2) The minimum number of parking spaces for a development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures of the either Urban Land Institute's Shared Parking (3rd Edition, February 2020) or Institute of Transportation Engineers Parking Generation Manual (5th Edition, February 2019).
- (3) The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the above cited ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. If the shared parking plan assumes use of an existing parking facility, then field surveys shall be conducted to determine actual parking accumulation. If possible, these surveys should consider the seasonal peak period for the combination of land uses involved.

- (4) Shared Parking Agreement. If a privately-owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces is required.
- (5) Shared Parking Plan. The following are required submissions for a shared parking proposal:
 - (a) Site plan of parking spaces intended for shared parking and their proximity to land uses that they will serve.
 - (b) A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
 - (c) A pedestrian circulation plan that shows connections and walkways between parking areas and land uses.
 - (d) These paths should be as direct and short as possible.
 - (e) A safety and security plan that addresses lighting and maintenance of the parking areas.
- i. Outdoor Trash Disposal. Outdoor trash dumpsters, collection areas and receptacles and mechanical equipment not enclosed in the main structure shall be located behind buildings (or to the extent possible, within the Building envelope) and screened in a manner compatible with the proposed architecture and landscaping. Said screening shall be designed to reduce the visibility of said trash disposal facilities and prevent the escape of waste, debris, or litter from the site. Said facilities and screening shall be designated on the master plan. Access to said facilities shall be from the Alley or service drive.
- (J) Modifications. The Board of Supervisors may allow for modification of the ROO District Mixed Use Design Criteria specified in Subsection (I) above to achieve the Conditional Use approval outcomes of the master plan required under Subsection (H) above.

Section 2.21 Riparian Buffer Overlay District (RBO)

- (A) Purpose. Under the authority of the MPC, as amended, other Commonwealth and federal statutes, and in recognition of the fact that natural features contribute to the quality of life in the Township, the following riparian buffer regulations are enacted to provide reasonable controls governing the restoration, conservation, disturbance, and management of existing riparian corridors by establishing a designated Riparian Buffer Overlay District (RBO).
- (B) The Riparian Buffer Overlay Zoning District shall apply to all properties or any other improvements that require subdivision or land development plan submission if they are within or touch the Riparian Buffer Overlay Zoning District within Middlesex Township.
- (C) Any required riparian buffer preservation and maintenance shall remain the sole responsibility of each individual property Owner or as otherwise stipulated by the stormwater management design criteria specified in the Middlesex Township Subdivision and Land Development Ordinance.
- (D) In addition, the specific purposes and intent of this section are to:
1. Conserve the natural features important to land or water resources (e.g., headwater areas, groundwater recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, prime wildlife habitats).
 2. Conserve natural, scenic, and recreation areas within and adjacent to riparian areas for the region's benefit.
 3. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances that reach watercourses, wetlands, subsurface, and surface water bodies by using scientifically proven processes including filtration, deposition, absorption, adsorption, plant uptake, and denitrification, and by stabilization. Further, to minimize concentrated flows using level spreaders and/or similar stormwater management devices used to disburse concentrated flow uniformly over the ground as sheet flow.
 4. Improve and maintain the safety, reliability, and adequacy of the Township's water supply for domestic, agricultural, commercial, industrial, and recreational uses along with sustaining diverse populations of aquatic plants and animals.
 5. Regulate the land use, siting, and engineering of development to be consistent with the intent and objectives of this section and accepted conservation practices, as well assure that the impacts of such development remain within the carrying capacity of existing natural resources.
 6. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices, specifically erosion control, of the Pennsylvania Clean Streams Law, 1397 Act 394, P.L. 1987, Ordinance 102 of the Administrative Code (as amended October 10, 1980, Act 157 P.L.), Title 25, and any subsequent amendments thereto, as administered by the Pennsylvania Department of Environmental Protection and the Cumberland County Conservation District.
- (E) Definition, Establishment, Width Determination, Applicability, and Interpretation.
1. Definition. The Riparian Buffer Overlay is a zoning district consisting of areas surrounding Perennial Watercourses. These areas intercept surface water runoff, subsurface flow, and deep groundwater flows from upland sources and remove or buffer the impact of nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters.

2. Establishment. The establishment of a Riparian Buffer Overlay Zoning District applies to the following areas which are identified on the officially adopted Zoning Map of Middlesex Township:
 - a. Lands adjacent to perennial watercourses within Middlesex Township.
 - b. Water bodies and wetlands as regulated by state and/or federal designation.
3. Width Determination.
 - a. The boundary of the riparian buffer shall be all those areas located parallel to and a minimum distance of fifty (50) feet from each side of the top of banks of all perennial watercourses within the Township; measured in a direction away from the perennial Watercourse, horizontally on a line parallel to the water surface in the perennial Watercourse, beginning at the top of the defined bank at bankfull flow, with the location of the top of defined bank being reviewed by the Township Engineer and approved by the Board of Supervisors.
 - b. Where slopes of twenty-five (25) percent or greater are located within the fifty (50) foot riparian buffer area, this buffer area shall extend the entire distance of the steep sloped area.
 - c. The Riparian Buffer Overlay Zoning District shall also include a minimum buffer width of fifty (50) feet around the entire perimeter of the outer edge of wetlands and water bodies greater than 5,000 square feet in area and not located along a stream.
4. Applicability. The provisions of this section shall apply as follows:
 - a. The developer/Applicant shall be responsible for identifying the location of the Riparian Buffer Overlay Zoning District boundary on any plan that is submitted to Middlesex Township for the following:
 - (1) Subdivision or land development as defined in the Middlesex Township Subdivision and Land Development Ordinance.
 - (2) Approval for improvements that require a zoning or Building permit. Although mitigation may not be required for such activity, the boundary must still be delineated. Such permit(s) shall only be required when construction or erection of any buildings or structure(s) within or touching the Riparian Buffer Overlay Zone is located on the ground or attached to something on the ground and is greater than 1,000 square feet in size.
 - b. This initial delineation of the overlay district boundary shall be subject to review and approval by the Zoning Officer.
 - c. These requirements shall not apply to any existing (as of the date of the enactment of this Ordinance) primary or accessory Buildings or to any of the following: agricultural uses, transportation facilities, fences, lawns, gardens, utility lines, decks and piers, or to interior renovations, septic and essential services.

5. Interpretation of Ordinance Provisions. In interpreting the language of the Riparian Buffer Overlay District and the extent of the underlying zoning district(s) regulating the use of property, where doubt exists between regulations, the stricter regulation shall govern. Any challenges to the Township's interpretation of the applicability of the Riparian Buffer Overlay Zoning District shall be appealed in accordance with the requirements outlined Section 1.13 Appeals of this Ordinance.
- (F) Uses Permitted. The following uses not involving Buildings or Structures are permitted in the Riparian Buffer Overlay Zoning District. No buildings shall be constructed, or impervious areas shall be created within the riparian buffer area and no land disturbance or woodland disturbance, except regulated activities permitted by the State (i.e. permitted stream or wetland crossing); provisions for unpaved trail access; selective removal of a safety hazard; removal of diseased trees; invasive or noxious plant species; and vegetation management in accordance with a Township approved landscaping plan or Open Space management plan or a soil or stream conservation project, including reforestation and stream bank stabilization approved by the Township, County, State or Federal governments.
1. Uses Permitted by Right. The following uses, when permitted in the underlying zoning district, shall be permitted by right:
- a. Agricultural Operation not to include grazing.
 - b. Common Open Space.
 - c. Forestry Operation in accordance with the Pennsylvania Clean Stream Law (35 P.S. §§ 691.1—691.1001) and regulations at 25 Pa. Code Ordinance 102, plus the best management practices outlined in the 2001 edition of the Pennsylvania State University College of Agricultural Sciences' publication entitled *Best Management Practices for Pennsylvania Forests*.
 - d. Level spreaders or other similar stormwater structures used to disperse concentrated stormwater runoff uniformly over the ground surface as sheet flow. These devices shall be located a minimum of fifty (50) feet from the edge of any identified Watercourse or water body, subject to any other conditions imposed by the Board of Supervisors.
 - e. Naturalized stormwater basins in compliance with the Pennsylvania Clean Stream Law (35 P.S. §§ 691.1—691.1001) and regulations at 25 Pa. Code Ordinance 102. The entire basin shall be located a minimum of fifty (50) feet from the edge of any identified Watercourse or water body, subject to any other conditions imposed by the Board of Supervisors.
 - f. Nature Preserve.
 - g. New stream crossings for roads, centralized sewer and/or water lines and public utility transmission lines and/or their related appurtenances (i.e., towers, well houses, pump and lift stations), provided that they are:
 - (1) Designed and installed in accordance with the stream crossing standards outlined under Section 2.17(H) of this Ordinance.
 - (2) All disturbance must be mitigated at a ratio of 1:1 for each square foot of disturbance and compliance with the Pennsylvania Clean Stream Law (35 P.S. §§ 691.1—691.1001) and regulations at 25 Pa. Code Ordinance

102, plus the best management practices outlined in the 2001 edition of the Pennsylvania State University College of Agricultural Sciences' publication entitled *Best Management Practices for Pennsylvania Forests*.

- h. Public Park.
 - i. Passive use areas such as camps, campgrounds and picnic areas and active recreation areas such as ball fields, playgrounds and courts. These uses shall be designed in a manner that shall not create concentrated stormwater flow; subject to any other conditions as imposed by the Board of Supervisors. The use of level spreaders or similar devices may be required.
 - j. Placement of research and monitoring devices such as staff gauges, water recording, water quality testing, cross vanes, weirs and related demonstration facilities.
 - k. Removal of trees where such removal is necessary as a means to eliminate dead, diseased or hazardous stands of trees that jeopardize public safety, provided that such removal is in compliance with the Pennsylvania Clean Stream Law (35 P.S. §§ 691.1—691.1001) and regulations at 25 Pa. Code Ordinance 102, plus the best management practices outlined in the 2001 edition of the Pennsylvania State University College of Agricultural Sciences' publication entitled *Best Management Practices for Pennsylvania Forests*.
 - l. Stream bank stabilization and/or recommended native tree reforestation, in compliance with the recommendations of this section and as outlined in the latest edition of the Pennsylvania State University College of Agricultural Sciences' publication entitled *Best Management Practices for Pennsylvania Forests*.
 - m. Stream crossings for farm vehicles and/or livestock if part of a federal, state and/or privately funded Cumberland County Conservation District and/or local nonprofit riparian buffer improvement project.
 - n. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands and native planting and reforestation in compliance with the recommendations of this section and the best management practices outlined in the latest edition of the Pennsylvania State University College of Agricultural Sciences' publication entitled *Best Management Practices for Pennsylvania Forests*.
2. Required Yards. The required setback area may incorporate a portion of the zoning overlay; however, at least one-half (1/2) of each required front, side or rear yards on any private lots shall be entirely outside of the Riparian Buffer Overlay District.

(G) Riparian Buffer Management. No development activities shall be permitted within the Riparian Buffer Overlay Zoning District unless specifically permitted by this section. All such activities are subject to the following:

- 1. Subdivision and Land Development. Within the Riparian Buffer Overlay Zoning District, subdivision, land development or redevelopment shall only be permitted when the impacts of such actions are mitigated at a 1:1 square foot replacement ratio.
- 2. Zoning and Building Permits. For activities that only require a zoning and/or Building Permit and include improvements within the Riparian Buffer Overlay Zoning District, riparian buffer

replacement or restoration is recommended only. If provided, the buffer should be at a 1:1 square foot replacement ratio for all disturbances.

3. Projects for which mitigation is only recommended and for which a buffer is provided shall identify the existing conditions (vegetation, floodplain, wetlands, soils, slopes, etc.), all proposed activities and, if applicable, any proposed management techniques, including any measures necessary to offset disturbances to land within the Riparian Buffer Overlay Zoning District.

4. Vegetation Selection.

- a. When a subdivision or land development is proposed and there is no established vegetated or wooded riparian buffer, forested and unforested vegetation shall be established through natural succession, by selective planting or vegetation to stimulate growth of native species and discourage invasive species. Planting selection and planting in the riparian buffer conservation area shall be in accordance with riparian forested buffer guidance published by the Township, County, State or Federal governments.
- b. To function properly, dominant native vegetation in the riparian buffer should be selected from the list of native plants most suited to riparian areas. The Township may also require that the suitability of planting species be verified by local qualified experts at the Cumberland County Conservation District, the Pennsylvania State Cooperative Extension and/or other state and federal forest agencies.
- c. As part of riparian buffer restoration, it is required that any/all noxious species existing within the buffer area and/or within the site be removed. Property owners and developers should ensure that invasive species are removed to not adversely impact any native species planted.
- d. For maximum effect, the riparian buffer should be composed of three layers of vegetation or more.
 - (1) Canopy and understory trees to form a tree canopy. Canopy and understory trees should be one and one-half (1-½) to two and one-half (2-½)) calipers in diameter at breast Height, eight (8) feet to ten (10) feet tall at planting. Canopy trees should be planted a minimum of twenty (20) feet to twenty-five (25) feet on center in staggered rows, and understory trees should be planted a minimum of fifteen (15) feet on center, also in staggered rows.
 - (2) Shrubs to support a dense, healthy and diverse understory. Shrubs should be planted in between canopy and understory trees at a minimum distance of between three (3) feet and five (5) feet apart.
 - (3) Grasses, sedges, flowering perennials and other groundcover. Grasses, sedges, flowering perennials and groundcovers should be planted one (1) foot to three (3) feet apart.

- (H) Stream Crossing Standards. All stream crossings permitted under Section 2.21(E)1 shall comply with and incorporate as required the following minimum standards:

1. Any stream crossings requiring any activity in, under and/or over any body of water shall first consult the PA Department of Environmental Protection's South Central Regional Office, Watershed Management Permitting and Technical Services Section.
 2. The width of any Right-of-Way shall not be greater than the minimum Right-of-Way width required by Township ordinances unless additional Right-of-Way is offered for dedication.
 3. Stream crossings shall be designed to cross in a manner that minimizes disturbance.
 4. Stream crossings shall be separated by a minimum of 1,000 feet of stream length.
 5. Bridges, with the appropriate federal and/or state permits, shall be used in place of culverts when crossings would require a seventy-two-inch-or-greater diameter pipe. When culverts are installed, they shall be designed to retain the natural stream channel bottom to ensure the passage of water during low flow or dry weather periods.
- (l) Inspection of Riparian Buffer Overlay Zoning District. The Riparian Buffer Overlay Zoning District may also be inspected periodically by the Township Engineer or Zoning Officer to determine compliance with this Section or when excessive or potentially problematic erosion, sedimentation, hazardous trees or an unauthorized activity or structure is brought to the attention of Middlesex Township officials.

Section 2.22 Wellhead Protection Overlay District (WPO)

- (A) Purpose. The purpose of the WPO District is to safeguard the public health, safety, and welfare, by providing regulation of land use and the manufacture, use, storage, transport, or disposal of hazardous and other substances which pose a threat to the quality and quantity of groundwater being extracted from the Middlesex Township Municipal Authority groundwater supply well(s). It is the further intent of this District to recognize and protect a uniquely vulnerable groundwater resource area, defined by a carbonate geologic formation which is prone to the development of sinkholes and fractures that allow rapid infiltration of contaminants to these wells.

It shall further be the intent of this District to achieve the following objectives:

1. To limit land uses and activities involving the generation, use, transport, or storage of hazardous substances;
2. To regulate other land uses and activities with the potential to pollute groundwater;
3. To protect and enhance surface and groundwater quality from the impacts of development on stormwater quality with Best Management Practices; and
4. To alert landowners, potential buyers, appraisers, assessors and lessees of the legal restrictions inherent in certain land uses and activities in this Overlay District.

- (B) Authority. Section 1428 of the Federal Safe Drinking Water Act Amendments of 1986 requires states to establish Wellhead Protection Programs to protect groundwater from contamination. In Pennsylvania, the responsibilities for development and implementation of Wellhead Protection Programs is shared between water suppliers, the Commonwealth, and local municipal governments. The Pennsylvania Department of Environmental Protection (DEP) recognizes that, in Pennsylvania, DEP is responsible for regulating water suppliers and discharges of contaminants. DEP also recognizes that it is the responsibility of local governments to regulate land use. Middlesex Township is empowered, under the provisions of the MPC to enact ordinances regulating development and land uses.

- (C) General Provisions. General provisions relating to the WPO District are as follows:

1. No area within the WPO District shall hereafter be used without full compliance with the terms of this Section and other applicable federal, state, and local regulations.
2. The WPO District established hereby shall be an overlay on any zoning district(s) now or hereafter enacted to regulate the use of land in Middlesex Township.
 - a. The WPO District shall have no effect on the permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the WPO District, as defined herein, and said uses are in conflict with the permitted uses in the WPO District.
 - b. In those areas of the Township where the WPO District applies, the requirements of the WPO District, if more restrictive, shall supersede the requirements of the underlying zoning district(s).
 - c. The land use restrictions and the land development regulations set forth herein have been carefully determined through engineering and scientific study to be the minimum restriction or regulation necessary to protect the future quality and quantity of this Township's public water supply. Therefore, there shall be no change

in the underlying zoning districts or zoning regulations, such that density and impervious coverage limitations are affected, without further engineering and scientific study documenting that any such change will not adversely affect this Township's public water supply.

- d. In the event of a judicial decision(s) which modifies, changes, or reduces any: (1) restriction on the use or development of land, (2) boundary for Wellhead Protection Area zones or WPO District, or (3) underlying zoning classifications within the WPO Districts, such modification, change or reduction shall be to the minimum extent necessary to satisfy both the judicial objection and the purpose of this Section.
3. The provisions hereof relating to the WPO District shall not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions relating to the WPO District impose greater restrictions, such provisions shall prevail.
4. The following activities and land uses are exempt from the provisions of the WPO District:
 - a. Retail sales establishments that store and handle hazardous substances for resale in their original, unopened containers.
 - b. Office use where there is no storage and handling of hazardous substances.
 - c. The transportation of any hazardous substance through the Wellhead Protection Areas (WHPAs) zone(s) defined in Subsection (D) provided the transporting vehicle is in transit.
 - d. Storage and use of hazardous substances in conjunction with municipal water supply and treatment activities.
 - e. Existing Land Uses. All lawfully existing land uses located within a WHPAs at the time this Ordinance is enacted shall be exempt from the application of this Ordinance. Nothing herein shall be deemed to exempt such existing land uses from compliance with any other statute, ordinance or rule of common law.
5. Disputes regarding boundary designations of or within the WPO District or any zone shall be decided by the Township Engineer. Any decision concerning the boundary of the WPO District by the Township Engineer may be appealed by an aggrieved party to the Zoning Hearing Board. All other disputes, and the authority for the administration and enforcement of this Ordinance, shall be with the Zoning Officer.
6. In any dispute arising under the provisions of this Section, the burden of proof shall be on the Person(s) challenging the Ordinance, or provisions therein, upon presentation of clear and convincing evidence. The governing body and the Zoning Hearing Board shall have the right to consult with independent consultants for purposes of testing, analysis, opinion, or the like. All costs associated with such consultation shall be shared equally by the parties to the dispute.

(D) Designation and Interpretation of District Boundary.

1. The WPO District consists of all lands located within the Wellhead Protection Area (WHPA) zone defined below.

- a. WHPA Zone 1 is the protective area surrounding the Middlesex Township Municipal Authority Well #1. The protective area is a minimum 400-foot radius measured from the wellhead.

2. Boundary Interpretation.

- a. Each application for land development or subdivision containing land within the WPO District shall be submitted in accordance with such other provisions of the ordinances of Middlesex Township as are applicable thereto. Any area of the WPO District that falls within the subject Lot or Lots shall be shown on the site plan through shading of such area or areas.
- b. Any party seeking land development and/or subdivision approval in what might be a WPO District shall have the burden to present evidence of the boundaries of the District in the area in question. This presentation must include applicable geographic data with respect to the property and any other pertinent documentation for consideration. The Township Engineer shall review the information and shall make determination regarding the boundaries of lands within the WHPA.

(E) Regulated Land Uses and Activities.

- 1. Table 2.22 WPO District Regulated Land Uses and Activities sets forth various land uses/activities and the extent of regulation permitted within the WHPA Zone 1. In the event of judicial decision affecting any of the land uses/activities or regulations set forth herein, it is the intent of this Ordinance that any provision found to be illegal shall be stricken, and the remaining provisions shall remain in full force and effect.
- 2. Full authority for the administration/application of all criteria, terms and conditions of this Section shall be with the Zoning Officer.

Table 2.22, WPO District Regulated Land Uses and Activities

Land Uses and Activities	WHPA Zone 1
1. Abandonment of Wells	a. Wells shall be sealed within 30 days of abandonment b. A zoning permit demonstrating planned compliance with DEP's water well abandonment guidelines shall be required prior to the sealing of a well. Certification by a licensed well driller or a Registered Design Professional of the sealing of the well consistent with DEP guidelines shall be required.
2. Above Underground Storage Tanks ²	Not Permitted
3. Alteration of Natural Site Features Prior to Receiving All Required Permits & Approvals	Not Permitted
4. Cemeteries	Not Permitted
5. Collection and Transfer Facilities for Solid Waste or Hazardous Substances, Including Battery & Drum Recycling & Reprocessing	Not Permitted

Land Uses and Activities	WHPA Zone 1
6. Commercial or Municipal Solid Waste Recycling & Composting Facilities	Not Permitted
7. Commercial Slaughtering, Rendering, Tanneries	Not Permitted
8. Commercial Truck or Rail Tanker Cleaning Operations Where Hazardous Substances Are Involved	Not Permitted
9. Exempted Storage Tanks	Not permitted
10. Geothermal Exchange Systems (groundwater & ground loop)	Not Permitted
11. Golf Courses	Not Permitted
12. Industrial, Commercial or Institutional Facilities Which Use, Store, Transport, or Dispose of Hazardous Substances	Not Permitted
13. Junked Materials Whether on the Land Surface, in Sinkholes, Streams, Wetlands or Other Water Bodies	Not Permitted
14. Land Application of Manure, Fertilizer, and Pesticides	Not permitted
15. Land Application of Sewage Sludge	Not Permitted
16. Liquid Petroleum Product Transmission Lines	Not Permitted
17. Manufacture, Use or Storage of Hazardous Substances as a Principal Activity	Not Permitted
18. Manure Storage Facility	Not permitted
19. Nonbagged Bulk (1+ ton) Storage and Application of Road Salt & De-icing Chemicals	Not permitted
20. On-Lot Sewage Disposal Systems (OLDS)	Not permitted
21. Open Burning of Materials Containing Hazardous Substances	Not Permitted
22. Quarries & Mining Operations	Not Permitted
23. Residential Dwellings	Not Permitted
24. Sanitary Landfills & Junkyards	Not Permitted
25. Sewage Treatment Plants & Large-scale Community or Package Sewage Disposal Systems (not including municipally owned and operated pump stations or service lines)	Not Permitted
26. Small-scale Community or Package On Lot Disposal Systems (OLDS)	Not Permitted
27. The Withdrawal of 100,000 GPD or More of Water from Wells or Springs other than by the Middlesex Township Municipal Authority.	Not permitted
28. Underground Injection Wells	Not Permitted
29. Well Construction	Only municipal water supply wells may be constructed

ARTICLE 3 ZONING USES

Section 3.01 General Provisions

The following general provisions apply to the uses outlined in this Article.

- (A) Except as permitted for Multi-family Dwelling Buildings and residential developments approved as part of a Planned Community, no residential Lot shall have erected upon it more than one (1) principal Building.
- (B) Unless otherwise prohibited by this Ordinance, more than one (1) principal Mixed-Use or non-residential use may be erected on a single Lot provided that all Lot and Yard requirements, standards, and other requirements of this Ordinance shall be met for each Structure, as though it were on an individual Lot.
- (C) No Building, Structure, or Land shall be used in any way other than the uses permitted in the zoning district in which the Building, Structure, or Land is located, with the exception of the Continuation of Existing Uses specified in Paragraph (D) below.
- (D) Continuation of Existing Uses. The continuation of any Use existing and permitted at the time of adoption of these regulations is permitted, subject to the Nonconformities standards specified under Section 4.12, Nonconformities, of this Ordinance.

Section 3.02 Applicability

- (A) Table 3.02.1, Permitted Uses, identifies the Principal, Accessory, and Temporary Uses allowed in each zoning district and are defined in this Ordinance.
- (B) Principal, Accessory, and Temporary Uses are given one of the following designations specified in Table 3.02.1.
 - 1. Permitted by Right ("R"). These Uses are permitted automatically by right in the zoning districts in which they are listed are subject to the general regulations under this Ordinance.
 - 2. Permitted by Special Exception ("SE"). These Uses are not permitted by right but are subject to the Special Exception standards and criteria specified in Section 1.15 of this Ordinance.
 - 3. Permitted by Conditional Use ("C"). These Uses are not permitted by right but subject to specific standards and more detailed and formal review procedures as specified under Section 1.16 of this Ordinance.
 - 4. Non-Permitted Uses. Uses not permitted (whether expressly permitted or permitted upon interpretation and classification by the Zoning Officer) within a zoning district shall be deemed excluded. The Zoning Officer shall make a Determination of the classification of all land Uses within the context and intent of this Ordinance and may issue a Determination regarding whether a particular Use is permitted or excluded in a zoning district, all in accordance with this Ordinance.
- (C) Permitted Uses are grouped into general categories, which are further broken into subcategories and specific Use types that are specifically defined in this Ordinance.

Section 3.03 Unlisted Uses

- (A) If a Use is clearly not provided for in this Ordinance, whether as Permitted by Right, Permitted by Special Exception, or Permitted by Conditional Use, within any Zoning District within the Township, then the proposed Use shall be considered a Conditional Use and shall be approved pursuant to the requirements specified under Section 1.16 of this Ordinance. In addition to such requirements, the proposed Use shall also be approved based on the following Use character eligibility standards:
1. The proposed Use shall be consistent with and meet the stated purpose and intent of the zoning district within which the Use is being proposed.
 2. The proposed Use shall be consistent with and uphold the general form, function, and design character of the neighborhood within which the Use is being proposed.
 3. The Use shall be similar to and compatible with the permitted uses in the zone in which the subject property is located, is not permitted in any other zone under the terms of this Ordinance, and in no way is in conflict with the general purposes and intent of this Ordinance.
 4. The Use shall consider the community development goals and objectives of the Middlesex Township Comprehensive Plan.
- (B) The burden of proof shall be upon the Applicant to demonstrate that the proposed Use meets the foregoing criteria and would not be detrimental to the public health, safety, and welfare of the Township and its residents.
- (C) For the purposes of this section, a specifically denied Use shall be considered a Use that is not a permitted Use in the zoning district in question but is a permitted Use in another zoning district.

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Table 3.02.1, Permitted Uses.

Table 3.02.1, Permitted Uses MIDDLESEX TOWNSHIP ZONING ORDINANCE DISTRICT USE TABLE Key: R = Permitted by Right SE = Permitted by Special Exception C = Permitted by Conditional Use Blank Cell = Non-Permitted Use	MAPPED ZONING DISTRICTS														
	North Mountain Conservation District (NMC)	Appalachian Trail Conservation District (ATC)	Agriculture District (A)	Low Density Residential District (R-1)	Medium Density Residential District (R-2)	Medium-High Density Residential District (R-3)	High Density Residential District (R-4)	Mixed-Use Neighborhood District (MU-1)	Mixed-Use Village District (MU-2)	Institutional District (INS)	Commercial Highway District (C-1)	Light Industrial-Commercial District (C-2)	Industrial District (I)	Redevelopment Opportunity District (ROO)	Data Center Overlay District (DCO)
PRINCIPAL USES (SECTION 3.04)															
<i>RESIDENTIAL AND LODGING USES [SECTION 3.04 PARAGRAPH (A)]</i>															
Bed and Breakfast	R		R	SE	SE	R			R						
Community Residence, Group Home	R		R	R	R	R	R	R	R	R					
Community Residence, Halfway House										SE	SE	SE			
Community Residence, Sober Living Facility/Recovery House										SE	SE	SE			
Dwelling, Multi-Family, Apartment									R						
Dwelling, Multi-Family Conversion						SE			R						
Dwelling, Single Family Detached	R		R	R	R	R		R	R						
Dwelling, Single Family Semi-Detached, Duplex						R		R	R						
Dwelling, Single Family Attached, Townhouse						R			R						
Dwelling, Tiny Home	R		R	R	R	R	R	R	R						
Hotel									R		R	R			
Live-Work Unit								R	R		R	R	R		
Manufactured Home							R								
Manufactured Home Community							R								
Mixed-Use Building								R	R						
Motel									R		R	R			
Rooming House / Boarding House						SE			SE	SE	R	SE			
Temporary Shelter Facility										SE	SE	SE			

Table 3.02.1, Permitted Uses MIDDLESEX TOWNSHIP ZONING ORDINANCE DISTRICT USE TABLE Key: R = Permitted by Right SE = Permitted by Special Exception C = Permitted by Conditional Use Blank Cell = Non-Permitted Use	MAPPED ZONING DISTRICTS														
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CIVIC AND INSTITUTIONAL USES [SECTION 3.04 PARAGRAPH (B)]															
Assembly, General									R	R	R	R			
Assembly, Neighborhood						R	R	R	R	R					
Cemetery	R		R	SE	SE	SE		R	R	R					
Government Facility	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Hospital									SE	R	R	R		R	
Library/Museum				SE	SE	SE			R	R	R	R		R	
Long-Term Care Facility									R	R	R	R		R	
Place of Worship	R		R	SE	SE	SE	R	R	R	R	R	R		R	
Police/Fire/EMS	R		R	R	R	R	R	R	R	R	R	R	R	R	
School, Pre-K, K-12, and Vocational Education				SE	SE	SE			R	R	R	R	R	R	
School, Post-Secondary Education				SE					R	R	SE				
Stadium/Arena										SE	SE	SE		SE	
AGRICULTURE, FORESTRY, AND OPEN SPACE USES [SECTION 3.04 PARAGRAPH (C)]															
Agricultural Operation	R	R	R	R	R	R		R	R	R	R	R	R	R	R
Commercial Stock Yard and/or Feedlot			R												
Community Garden	R		R	R	R	R	R	R	R	R					
Equine Activities	R		R	R				SE	R						
Forestry Operation	R	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Nature Preserve	R	R	R	R	R	R			R	R					R
Recreation Facility, Commercial or Private								SE	R	SE	R	R			R

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Recreation Facility, Public	R		R	R	R	R	R	R	R	R					R
Shooting Range, Indoor	SE		SE								SE	SE	SE	SE	
Shooting Range, Outdoor	SE		SE												
COMMERCIAL BUSINESS USES [SECTION 3.04 PARAGRAPH (D)]															
Commercial Equipment and Supply											R	R	R		
Construction Trade and Contractor			R									R	R		
Convenience Store								R	R		R	R	R	R	
Drive Through Only Facility											R	R			
General Retail								R	R		R	R			
Grocery Store								R	R		R	R			
Medical Marijuana Dispensary											R	R	R	R	
Neighborhood Retail								R	R		R				
Outdoor Retail Sales Lot									SE		R	R			
Planned Center, Commercial											R	C			
Public Market			R					R	R	SE	R	R			
SERVICE USES [SECTION 3.04 PARAGRAPH (E)]															
Adult Day Care Center								R	R	R		R			
Assisted Living Facility								R	R	R		R			
Automobile Car Wash								SE	SE		R	R	R	R	
Automobile Repair and/or Towing Service									R		R	R	R	R	
Automobile Sales and Rental Service									R		R	R	R	R	

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Brew Pub									R		R	R			
Childcare Center								R	R		C				
Community Service								R	R						
Drinking Place								R	R		R	R		R	
Eating Place								R	R		R	R		R	
Electronic Cigarette / Vaporizer Store								R	R			R		R	
Entertainment Assembly								SE	R		SE	R		R	
Family Childcare Home			R	R	R	R		R	R						
Family Entertainment Center									R		R				
Funeral Home / Mortuary									SE		R	R			
General Service									R	R	R	R		R	
Group Childcare Home				SE	SE	SE			SE	SE					
Kennel			SE									R			
Massage Establishment									R		SE				
Medical Clinic				SE				R	R	R	R	R		R	
Microbrewery, Microdistillery, Microwinery									R		R	R	R	R	
Methadone Treatment Facility										C	C				
Neighborhood Service								R	R						
Pawn Shop/Check Cashing Establishment											R	R		R	
Private Club	SE			SE	SE				R		R	R			

Table 3.02.1, Permitted Uses MIDDLESEX TOWNSHIP ZONING ORDINANCE DISTRICT USE TABLE Key: R = Permitted by Right SE = Permitted by Special Exception C = Permitted by Conditional Use Blank Cell = Non-Permitted Use	MAPPED ZONING DISTRICTS														
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Recreational Campground	SE		SE												
Self-Storage Facility									R		R	R	R	R	
Smoking Places								R	R		R	R	R		
Tattoo/Piercing Parlor								R	R		R	R			
Truck Repair and/or Towing Service													R		
Truck Sales and Rental Service													R		
Truck Stop													C		
Truck Wash													R		
ADULT USES [SECTION 3.04 PARAGRAPH (F)]															
Adult Establishments													R		
EMPLOYMENT USES [SECTION 3.04 PARAGRAPH (G)]															
Craftsman Industrial			R						R	R	R	R	R	R	
Data Center													R		R
Office Uses								R	R		SE	R		R	C
INFRASTRUCTURE USES [SECTION 3.04 PARAGRAPH (H)]															
Airport											SE	SE			
Heliport										R	R	R	R	R	
Helistop									SE	R	R	R	R	R	
Parking as a Principal Use									R		SE	SE	SE	SE	
Principal Solar Energy Systems (PSES)											C		C		
Principal Wind Energy Systems (PWES)	C														

Table 3.02.1, Permitted Uses MIDDLESEX TOWNSHIP ZONING ORDINANCE DISTRICT USE TABLE Key: R = Permitted by Right SE = Permitted by Special Exception C = Permitted by Conditional Use Blank Cell = Non-Permitted Use	MAPPED ZONING DISTRICTS														
	North Mountain Conservation District (NMC)	Appalachian Trail Conservation District (ATC)	Agriculture District (A)	Low Density Residential District (R-1)	Medium Density Residential District (R-2)	Medium-High Density Residential District (R-3)	High Density Residential District (R-4)	Mixed-Use Neighborhood District (MU-1)	Mixed-Use Village District (MU-2)	Institutional District (INS)	Commercial Highway District (C-1)	Light Industrial-Commercial District (C-2)	Industrial District (I)	Redevelopment Opportunity District (ROO)	Data Center Overlay District (DCO)
Transit Bus Stops							R	R	R	R	R	R	R	R	R
Transit Facility											R	R	R	R	
Transportation and Essential Services	R		R	R	R	R	R	R	R	R	R	R	R	R	R
Wireless Communications Facilities (Small Wireless Communications Inside the Public Rights-of-Way)	R		R	R	R	R	R	R	R	R	R	R	R	R	R
Wireless Communications Facilities (Small Wireless Communications Outside the Public Rights-of-Way)									R	R	R	R	R	R	R
Wireless Communications Facilities (Tower-Based)	SE		SE							SE	SE	SE	SE	SE	SE
INDUSTRIAL USES [SECTION 3.04 PARAGRAPH (I)]															
Automotive Dismantler and Recycler													SE		
Brewery, Distillery, Winery			R								R	R	R	R	
Junkyards													SE		
Meat Processing Establishment			R										R		
Medical Marijuana Grower / Processor Facility													R		
Mining and Mineral Extraction			C												
Outdoor Storage Yard													R		
Planned Center, Industrial												C	C		
Solid Waste Disposal Facility													C		
Truck Terminal													C		
Truck or Truck Trailer Parking													C		
Warehouse and Distribution													C		

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Yard Waste Composting Facility			SE							SE			R		
ACCESSORY USES (SECTION 3.05)															
Accessory Dwelling Unit	R		R	R	R	R		R	R						
Accessory Solar Energy Systems	R		R	R	R	R	R	R	R	R	R	R	R	R	R
Accessory Wind Energy Systems	R		R	R	R	R	R	R	R	R	R	R	R	R	R
Agricultural Commercial Enterprise			R	SE					R						
Agritourism Marketing Enterprise			R	SE					R						
Airstrip, Heliport/Helistop			SE	SE					SE	R	R	R		R	
Automobile Car Wash											R	R	R	R	
Carport, Portable or Temporary	R		R	R	R	R									
Community Garden	R		R	R	R	R	R	R	R	R	R				
Drive-Through Facility									R		R	R	R	R	
Electric Vehicle Charging Station, Levels 1 & 2	R		R	R	R	R	R	R	R	R	R	R	R	R	R
Electric Vehicle Charging Station, Level 3			R					R	R	R	R	R	R	R	R
Farm Occupation	R		R	R					R						
Keeping of Chickens (for non-commercial purposes)	R		R	R	R	R	R	R	R						
Keeping of Honeybees	R		R	R	R	R	R	R	R						
Keeping of Exotic Wildlife	SE		SE						R						
Keeping of Livestock			R	R											
Manure Storage Facility	R		R												

Table 3.02.1, Permitted Uses MIDDLESEX TOWNSHIP ZONING ORDINANCE DISTRICT USE TABLE Key: R = Permitted by Right SE = Permitted by Special Exception C = Permitted by Conditional Use Blank Cell = Non-Permitted Use	MAPPED ZONING DISTRICTS														
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Mineral and Resource Extraction Activities Associated with a Land Development Project	R		R	R	R	R	R	R	R	R	R	R	R	R	R
No-Impact Home-Based Business	R		R	R	R	R	R	R	R						
Outdoor Dining Area								R	R		R			R	
Outdoor Display and Sales			R	SE				R	R	R	R	R	R	R	
Outdoor Storage Yard											R	R	R		
Parking	R	R	R	R	R	R	R	R	R	R	R	R	R	R	
Short-Term Rental	SE		SE	SE	SE	R	R	R	R						
Signs	See Article 5, Signs														
Water Cooling and/or Storage Systems for Data Centers													R		R
TEMPORARY USES (SECTION 3.06)															
Farmers Market	R		R	R				R	R					R	
Model Home and/or Subdivision Sales Office				R	R	R	R	R	R					SE	
Open Air Market			R	R					R					R	
Temporary Construction Site Trailer	R		R	R	R	R	R	R	R	R	R	R	R	R	R
Temporary Outdoor Event	R	R	R	R	R	R	R	R	R	R	R	R	R	R	

Section 3.04 Principal Uses

(A) Residential and Lodging Uses.

A category of Uses for residential and overnight accommodations.

1. Bed and Breakfast.

A privately owned, Single-Family Detached Dwelling Unit having a maximum of eight (8) rooms, all without cooking facilities, rented to guests daily with the service of providing breakfast to the guests by the proprietor facility. The following supplemental use regulations shall apply:

- a. Shall not alter the residential nature of the neighborhood and/or the character of the Dwelling as a residence.
- b. Kitchen facilities shall comply with 7 PA Code Ordinance 46, Pennsylvania Food Code, as administered by the Pennsylvania Department of Agriculture.
- c. Access to guestrooms shall be via a main entrance, lobby, or foyer within the Building. No guestroom shall have a separate exterior access, except as may be required by applicable fire or Building codes.
- d. No employees who are not otherwise eligible to be a member of the same household with the Owner of the Bed and Breakfast may live on-site.
- e. A Bed and Breakfast may have a Sign in accordance with Article 5 of this Ordinance.

2. Community Residence, Group Home.

A residential facility, also sometimes referred to as a “community living arrangement,” licensed by the Commonwealth of Pennsylvania, that provides a home for not more than eight (8) handicapped, as defined by the Fair Housing Amendments Act, 42 U.S.C. §§ 3601 *et seq.*, or elderly individuals, excluding staff who do not reside on the property, who live and cook together as a single housekeeping unit. This definition shall not include a facility housing persons released from or under the jurisdiction of a government bureau of corrections or similar institution. This definition does not include persons occupying a hotel, dormitory, lodge, halfway house, sober living facility/community residence, boarding house or institution. A Group Home shall be a stable living environment which anticipates, contemplates, expects, and projects that occupants thereof shall reside in the group home for a term of not less than one (1) year in duration. The following supplemental use regulations shall apply:

- a. In a narrative form, a statement of the proposed use, including its location, number of residents, name, telephone number, and contact person of the sponsoring agency.
- b. A statement that all required approvals, permits, and licenses have been granted from the Federal, State, and County governments or other public agencies.
- c. Accommodations in a Group Home shall be provided for no more than the maximum number of occupants or residents as permitted by the applicable Building code, fire code, and any other similar code that sets forth a maximum

occupancy limit for a dwelling or Building. Applications for a group home shall specify the maximum number of residents or occupants to be housed or cared for at the facility.

- d. The Group Home shall comply with all zoning regulations in the district in which the Group Home is located.
- e. All other information that is required by the Middlesex Township Building Code Official prior to issuing a Building permit shall also be provided to the Township.
- f. The Group Home shall maintain a similar appearance, condition, and character to the existing dwellings in the immediate vicinity of the Group Home.
- g. Occupants of the Group Home facilities shall live as a single housekeeping unit.
- h. Under no circumstances shall any uses qualifying for or falling under the definition of halfway house or Sober Living Facility/Recovery House/recovery house be considered a Group Home.

3. Community Residence, Halfway House.

A dwelling occupied by not more than eight (8) transitionally institutionalized individuals that are inmates in prerelease status or inmates granted parole by the Pennsylvania Board of Probation and Parole who need specialized housing, treatment and/or counseling that provides supervised housing as an alternative to imprisonment, including but not limited to pre-release, work-release, probationary programs, or active criminal rehabilitation for the supervision of who have violated the law and who are sent to a halfway house upon release from, or in lieu of being sent to, a penal institution or juvenile detention center. The following supplemental use regulations shall apply.

- a. A halfway house must be licensed where required by an appropriate government agency (agencies) and shall comply with all applicable rules and regulations of the licensing body (bodies). A copy of any required license must be delivered to the Township before beginning the use.
- b. A halfway house shall be directly affiliated with a parent institution or organization that shall provide full-time supervision and administration to the residents of the house.
- c. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
- d. The residents of the halfway house shall reside on-premises to benefit from the services provided.
- e. Property shall be served by public water and public sewer.
- f. The halfway house shall not be located within 1,000 feet of any religious structure, public recreation facility, school facility, daycare center, or public library.
- g. The halfway house shall not be located with 1,000 feet of another halfway house.
- h. A minimum of four hundred (400) square feet of outdoor Open Space shall be provided per each resident.

- i. In addition to the Special Exception review requirements specified under Section 1.15 of this Ordinance, each application shall be accompanied by a statement describing the following:
 - (1) The character of the halfway house;
 - (2) The policies and goals of the halfway house and the means proposed to accomplish those goals;
 - (3) The characteristics of the residents and the number of residents to be served;
 - (4) The operating methods and procedures to be used; and
 - (5) Any other facts relevant to the proposed operation of the halfway house.
- j. Any Special Exception granted for the halfway house shall be bound to the type and number of offenders listed on the application. Any change in the type or number of offenders being housed shall require a new Special Exception.

4. Community Residence, Sober Living Facility/Recovery House.

A residential facility used by four (4) or more individuals residing together voluntarily or by court requirement to recover from drug, alcohol, and/or substance abuse and that does not include the current illegal use of or addition to a controlled substance as defined in 21 U.S. Code §802. Such facility must also serve as a transitional environment between rehabilitation facilities and reintegration into their future lives. This definition shall include sober houses, recovery houses, or sober living environments, but are not required to be licensed by Pennsylvania Department of Drug and Alcohol Programs. This term specifically excludes individuals and groups occupying: a boarding or rooming house, a lodging house; a club; a group home; a fraternity; a hotel; or a similar living environment. The following supplemental use regulations shall apply.

- a. Registration with the Commonwealth and compliance with all regulations for licensure or certification as promulgated by the Department of Drug and Alcohol Programs in accordance with 71 P.S. § 613.13, as amended, or such other commonwealth agency or department as authorized by law. In the event that the Sober Living Facility/Recovery House is not registered and is not required to be licensed or certified by the Commonwealth, then the Sober Living Facility/Recovery House shall provide either:
 - (1) Documentation that it would comply if subject to licensure and certification; or
 - (2) Documentation that the Sober Living Facility/Recovery House is a member in good standing and in compliance with all rules and/or regulations of a recognized countywide, statewide, or nationwide Association of Recovery Homes or equivalent professional accrediting organization.
- b. Prior to issuance of a Certificate of Occupancy by the Building Code Official, proof of licensure must be provided to the Zoning Officer. Additionally, and annually on January 31st of each year thereafter each operator must provide similar proof of Commonwealth registration and compliance or continued status as

a member in good standing and in compliance with all the rules and/or regulations of a recognized county, state, or national professional association.

- c. Residents of a Sober Living Facility/Recovery House shall maintain a single housekeeping unit with shared use of living areas, eating areas, bathrooms, food preparation, and serving areas and shall share mealtimes and housekeeping responsibilities.
- d. A Sober Living Facility/Recovery House shall be directly affiliated with a parent institution or organization who shall provide full-time supervision and administration to the residents of the house.
- e. Property shall be served by public water and public sewer.
- f. Accommodations in a Sober Living Facility/Recovery House shall be provided for no more than the maximum number of occupants or residents as permitted by the applicable Building code, fire code, and any other similar code that sets forth a maximum occupancy limit for a dwelling or Building. Applications for a Sober Living Facility/Recovery House shall specify the maximum number of residents or occupants to be housed or cared for at the facility.
- g. Off-Street parking must be adequate to accommodate the needs of the residents and staff of the Sober Living Facility/Recovery House. Parking shall be provided in accordance with Section 4.15 of this Ordinance.
- h. A Sober Living Facility/Recovery House shall not alter the essential character of the neighborhood or district in which it is located.
- i. A minimum of four hundred (400) square feet of outdoor Open Space shall be provided per each resident.
- j. In addition to the Special Exception review requirements specified under Section 1.15 of this Ordinance, each Special Exception application shall be accompanied with a statement describing the following:
 - (1) The nature and character of the Sober Living Facility/Recovery House;
 - (2) The policies and the goals of the Sober Living Facility/Recovery House;
 - (3) The management and administration structure;
 - (4) The history of the parent institution and the characteristics of the residents, along with the number of residents to be served; and
 - (5) All other facts relevant to the operation of the Sober Living Facility/Recovery House.

5. Dwelling.

Any Building or structure designed for living quarters for one (1) or more Families or housekeeping units, including manufactured homes that are supported by a permanent foundation. Dwelling units include permanent provisions for living, sleeping, eating, cooking and sanitation, thus providing a complete independent living arrangement.

a. Multi-Family Dwelling, Apartment.

A Building containing two (2) or more Dwelling Units (i.e., Apartments) and which can be occupied by two (2) or more families. The following supplemental use regulations shall apply:

- (1) Maximum Density. The maximum dwelling units per acre shall be limited to the following:
 - (a) MU-1 District. Ten (10) units per acre.
 - (b) MU-2 District. Fifteen (15) units per acre, except a maximum of thirty-six (36) units per acre may be permitted when developed as part of a Neighborhood Design Development pursuant to Section 4.11 of this Ordinance.
 - (c) ROO District. Eighteen (18) units per acre.
- (2) Property shall be served by public water and public sewer.
- (3) A landscaping plan for the entire tract shall be required. A landscape architect licensed by the Commonwealth of Pennsylvania shall be retained to complete such a plan to ensure the proper species, use, and arrangement of plant materials. All areas of the development not covered by impervious surfaces shall be landscaped and maintained with suitable ground cover and plants. Existing vegetation is encouraged to be preserved for landscaping purposes.
- (4) A minimum of fifty (50) percent of the gross area of the Multi-Family Dwelling development shall be set aside as common Open Space.
- (5) The minimum separation between multi-family buildings shall be twenty (20) feet.
- (6) All multifamily buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof surfaces of fifty (50) feet or more are prohibited. At least every fifty (50) linear feet, wall and roof planes shall contain offsets or setbacks with a differential in horizontal plane of at least four (4) feet.
- (7) Indoor and outdoor areas of active or passive recreation shall be provided on the property and be maintained at all times. Playground equipment shall be inspected annually by a Certified Park Safety Inspector (CPSI) and a copy of the inspection report be provided to the Zoning Officer. All identified deficiencies shall be corrected within thirty (30) calendar days.
- (8) Multi-family Dwelling Accessory Buildings.
 - (a) Detached garages, carports and other accessory structures, including, but not limited to, grouped mailboxes, storage and maintenance facilities, recreational facilities, picnic shelters, and

gazebos, shall incorporate compatible materials and scale as the primary multifamily buildings, except that flat and shed roofs are prohibited.

- (b) Rear walls of detached garages and carports that back onto the Street shall be articulated through the use of windows, trellises, or a variety of roof planes.

- (9) Scale and Massing. The following standards shall apply to buildings with a GFA greater than 40,000 square feet:

- (a) Large Building masses shall be divided into heights and sizes that relate to human scale by incorporating changes in Building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, or small-scale lighting.

- (b) Vertical Definition. The maximum length of any Building wall that is parallel with, and oriented toward, the public Street is one hundred (100) feet without vertical definition. Vertical definition may be in the form of changes in color and materials, modulations of sufficient width and depth to define the vertical element or some combination of these techniques.

- (c) Horizontal Definition. All buildings shall include design techniques that clearly define the Building's top, middle, and bottom, as follows:

- i. Top. Shall include sloped roofs, strong eave lines, cornice treatments, horizontal trellises, sunshades, or other similar architectural features.
- ii. Middle. Shall include windows, balconies, material changes, railings, or similar architectural treatments.
- iii. Bottom. Shall include pedestrian-oriented storefronts, pedestrian-scale Building tails, awnings, arcades, "earth" materials including concrete, stone, stucco, or other similar architectural treatments.

b. Multi-Family Conversion.

An existing Single-Family Detached Dwelling that has been converted or shall be converted to individual dwellings for more than one (1) family, without substantially altering the exterior of the Building. The following supplemental use regulations shall apply:

- (1) Minimum apartment size shall conform to the following scale:

<u>Number of Bedrooms</u>	<u>Usable Living Area</u>
1	500 Square Feet
2	650 Square Feet
3	850 Square Feet

- (2) Only existing, single-family detached dwellings may be converted for conversion apartment Use.
- (3) A maximum of four (4) units may be created by the conversion of a single-family detached Structure.

c. Single-Family Detached Dwelling.

A Building used by one (1) Family, having only (1) Dwelling Unit and surrounded by Open Space or yards and which is not attached to any other Building by any means. Only one (1) Single-Family Detached Dwelling shall be permitted for each legally subdivided Building Lot.

d. Single-Family Semi-Detached, Duplex.

One of two (2) Buildings arranged or designed as a Dwelling, located on abutting Lots and separated from each other by a solid partition—without openings—extending from the Basement floor to the highest point of the Roof along the dividing Lot line and separated from any other Building or Structures by space on all sides.

e. Single-Family Attached, Townhouse.

A Single-Family Attached Dwelling unit in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each is separated from any other unit by one (1) or more vertical common fire-resistant walls. Notwithstanding anything in this Ordinance to the contrary, in addition to an individual Townhouse unit on an individual lot, more than one (1) Townhouse unit and principal building with multiple Townhouse units are permitted to be located on one or more lots as part of a planned community.

f. Tiny Home.

A single-family detached dwelling not exceeding six hundred (600) square feet of heated floor area, meets applicable requirements of Township Building Code, and is placed on a permanent foundation. A tiny home that is located on the same lot as a principal dwelling unit is an Accessory Dwelling Unit. The following supplemental use regulations shall apply:

- (1) Tiny houses shall conform to the requirements of the International Residential Code as adopted and amended by the Township.
 - (a) Tiny houses include all residential structures, designed to be used as permanent or primary residences that meet the definitions in Appendix AQ of the International Residential Code as adopted and amended by the Township.
 - (b) The Township's adoption of the International Residential Code shall include the provisions contained in the International Residential Code Appendix AQ entitled 'Tiny Houses.'

6. Hotel.

A lodging establishment offering temporary lodging to the public consisting of eight (8) or more sleeping rooms with a bathroom for each room and providing daily room cleaning services and other guest services. In-room kitchen facilities may or may not be provided. Includes apartment or residential hotels. Secondary service uses may also be provided, such as restaurants and meeting rooms. The following supplemental use regulations shall apply:

- a. A private lobby shall be included.
- b. Rooms shall be accessed from the interior of the Building, including from interior courtyards, lobbies, or halls.
- c. Shall have direct access to and/or frontage on an Arterial or Collector Street.

7. Live-Work Unit.

A Building or portion of a Building:

- a. That combines a commercial or manufacturing activity allowed in the zone with a residential living space for the owner of the commercial or manufacturing business, or the owner's employee, and that person's household;
- b. Where the resident owner or employee of the business is responsible for the commercial or manufacturing activity performed; and
- c. Where the commercial or manufacturing activity conducted takes place subject to a valid business license associated with the premises.
- d. The following supplemental use regulations shall apply:
 - (1) Space Limitations. The residential portion shall remain accessory to the primary commercial use portion of the Building. Within each Live-Work Unit, the living area shall not exceed one third (1/3) of the total floor area of the Building.
 - (2) Direct Access. There shall be at least one (1) direct access between the working and living spaces within the Live-Work Unit.
 - (3) Residency. At least one (1) full-time employee who shall also be a resident of the property shall work in the work portion of the Live-Work Unit.
 - (4) Multiple Live-Work Units. Where there are multiple Live-Work Units within a single Building, each unit shall be physically separated from other units and uses within the Building, and access to individual units shall be from a common Open Space, corridor, hallway, or other common access areas.

8. Manufactured Home.

Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one or more pieces, by whatsoever name or title it is colloquially or commercially known but excluding transport trucks or vans equipped with sleeping space for a driver or drivers,

and travel trailers. Manufactured homes placed on fee-simple Lots shall be considered Single Family Detached Dwellings and be bound by the requirements there-imposed.

9. Manufactured Home Community.

A parcel or contiguous parcels of land that has been so designed and improved that it contains three (3) or more manufactured home spaces for the placement thereon of manufactured homes. A Manufactured Home Community shall be developed pursuant to standards specified by the Middlesex Township Subdivision and Land Development Ordinance.

10. Mixed-Use Building.

A Mixed-Use Building integrates residential and non-residential uses within the same Building where non-residential Uses are permitted on the first floor of the Building and Multi-family Dwelling Unit(s) are permitted on the upper floor(s). These Buildings shall comply with all standards for non-residential Buildings plus the following supplemental use regulations:

a. Uses permitted within a Mixed-Use Building include:

- (1) Civic and Institutional Uses.
- (2) Retail Uses.
- (3) Services Uses.
- (4) Multi-Family Dwelling

11. Motel.

A Building or group of Buildings, whether detached or in connected units, used as individual sleeping or dwelling units, designed with separate entrances, and designed for year-round occupancy, primarily for transient automobile travelers and providing for accessory off-street parking facilities. The term "motel" includes Buildings designated as tourist courts, tourist cabins, motor lodges and similar terms.

12. Rooming House / Boarding House.

A Dwelling arranged or used to provide overnight accommodations, with or without meals, for compensation by either transient or permanent occupants, of between three (3) and six (6) roomers, wherein no dining facilities are maintained for the roomer and in which bathrooms may or may not be shared. The following supplemental use regulations shall apply.

a. Rooming House and Boarding House are distinguished from Hotels, Motels, and Bed and Breakfast facilities by the following characteristics:

- (1) The length of stay is typically longer – typically a minimum of two (2) weeks – for Rooming House and Boarding House;
- (2) Roomers and boarders often have personal household appliances (such as toaster ovens and mini refrigerators);

- (3) There is no daily room cleaning or other guest services provided for rooming or Boarding House; and
 - (4) The architectural character of a Rooming House or Boarding House Structure is primarily residential in nature.
- b. The following supplemental use regulations shall apply to Rooming Houses and Boarding Houses:
 - (1) A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
 - (2) Minimum period of residency for all boarders/roomers shall be one (1) week.
 - (3) The Lot on which such Building is located must have a Lot Area, in addition to other area requirements of this Ordinance, of not less than 1,500 square feet for each person for whom accommodation is provided therein.
 - (4) Necessary permits for water supply and sanitary waste disposal must be obtained.
 - (5) The house must retain the character of a Single-Family Dwelling Unit.
 - (6) Off-Street parking shall be provided in accordance with the provisions specified under Section 4.15 of this Ordinance.

13. Temporary Shelter Facility.

A facility providing temporary, emergency housing, and social, health, and related services for families and/or individuals eighteen (18) years of age or older, who are without resources and access to shelter. The following regulations apply:

- a. The maximum number of residents of the lodging shall be based upon a ratio of one (1) Person for every fifty (50) square feet of interior space devoted to sleeping area, not to exceed one hundred (100) residents total.
- b. The facility shall have staffing on-site during all hours of operation.
- c. At least one (1) toilet and shower shall be provided for every fifteen (15) shelter beds.
- d. The Temporary Shelter facility shall be open to the individuals it serves for twenty-four (24) hours per day, including the provision of an indoor waiting area for Use by individuals when a portion of the facility is not open for operation. Lodging shall be provided on a reservation or referral basis so that clients shall not be required or allowed to queue for services outdoors.
- e. All functions associated with the Temporary Shelter facility, except for children's play areas, outdoor recreation areas, and parking shall take place within the Building housing the shelter.

(B) Civic and Institutional Uses.

A category of Uses related to fulfilling the needs of day-to-day community life including assembly, public services, educational facilities, and Hospitals.

1. Assembly.

A facility that has organized meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Includes such uses as community centers, auditoriums, civic centers, convention centers, performing arts facilities, private functional gatherings, and recreation centers.

- a. Assembly, General. An assembly Use that occupies a Building with ten thousand (10,000) square feet or more GFA.
- b. Assembly, Neighborhood. An assembly Use that occupies a Building with less than ten thousand (10,000) square feet of GFA.

2. Cemetery.

Land used or intended to be used for the burial or resting place of the deceased. The following supplemental use regulations shall apply:

- a. All burial plots or structures shall be located at least twenty (20) feet from any property line or Street line.
- b. Documentation shall be provided that water supplies of surrounding properties shall not be contaminated by burial activity within the proposed cemetery.
- c. No burial plots or facilities are permitted in the 100-year flood zone.

3. Government Facility.

A publicly owned and operated facility used for government services including administration, operations, maintenance, recreation, and public works. Outdoor storage of equipment and materials associated with the government facility use is permitted.

4. Hospital.

A Pennsylvania Department of Health-licensed institution providing medical care and health services to the community, primarily ill or injured patients. These services may be located in one Building or clustered in several Buildings, one of which shall provide emergency services, and may include additional hospital-affiliated Accessory Uses such as laboratories, in- and out-patient facilities, training facilities, medical offices, staff sleeping quarters (but not full-time residences), food service, heliports, pharmacies, laundry facilities, florists, vendors of medical equipment, opticians, and gift shops. The following performance standards shall apply:

- a. Minimum Lot Area shall be five (5) acres.
- b. The property shall front on an Arterial Street or Collector Street.
- c. The property shall be serviced by public water and public sewer utilities.

- d. Where more than one Building occupies a Lot, the interior Yard requirements specified under Section 4.04 of this Ordinance shall apply.
- e. A traffic impact study shall be prepared by a Registered Design Professional, in accordance with the traffic impact study requirements specified in the Middlesex Township Subdivision and Land Development Ordinance.
- f. Emergency entrances shall be located on a Building wall which faces away from adjoining residences or residential zones or is set back a minimum of five hundred (500) feet from the residences or residential zones.
- g. The institution shall submit a copy of its emergency operations plan (EOP) to the Township Emergency Management Agency or Coordinator. The EOP shall include detailed information regarding solid, medical and hazardous materials and waste handling including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes shall be accomplished in a manner that compiles with State and Federal regulations.
- h. Screening shall be provided in accordance with the standards specified in Section 4.03 of this Ordinance.

5. Library/Museum.

A use open to the general public that houses educational, cultural, artistic, or Historic information, resources, and exhibits. Includes such uses as libraries, museums, aquariums, planetariums, and exhibitions. May also include such accessory uses including, but not limited to, theater space, food service, gift shop, and meeting rooms.

6. Long-Term Care Facility.

A use that provides rehabilitative, restorative, and/or ongoing skilled nursing care to patients and residents in need of assistance with activities of daily living. Long-term care facilities include nursing homes, rehabilitation facilities, in-patient behavioral health facilities, and long-term chronic care hospitals.

7. Place of Worship.

Any Building used for the purposes by an established religious organization where such Building is primarily intended to be used as a place of worship. The term includes, but is not necessarily limited to church, temple, synagogue, and mosque. The following supplemental use regulations shall apply:

- a. Notwithstanding the bulk and area requirements specified under the zoning district where Place of Worship are permitted, the following shall apply to Place of Worship:
 - (1) Minimum Lot Area. One (1) acre.
 - (2) Minimum Lot Width. Two hundred (200) feet.
 - (3) Side Yard Setback. Fifty (50) feet on each side.
- b. All Place of Worship shall have vehicular access to an Arterial or Collector Street.

- c. All off-street parking areas shall be set back at least ten (10) feet from the closest property line and screened from adjoining properties.
- d. Place of Worship-Related Residences (Rectories and Convents).
 - (1) All residential uses shall be accessory and located upon the same Lot or directly adjacent to a Lot containing a Place of Worship.
 - (2) All residential uses shall be governed by the location, Height and bulk standards imposed upon other residences within the (R-1) Zone, except that any number of persons of a convent and/or seminary may share group quarters.
- e. Place of Worship-Related Cemeteries.
 - (1) All burial plots or structures shall be located at least twenty (20) feet from any property line or Street line.
 - (2) No burial plots or facilities are permitted in the 100-year flood zone.
- 8. Police/Fire/EMS.

A use from which public safety, and emergency operations and training services are delivered and may include storage space for emergency service vehicles. Training rooms, locker rooms, kitchens, and limited overnight accommodations may also be included within the facility.
- 9. School, Pre-K, K-12, and Vocational Education.

Public or private educational facilities for pre-school, kindergarten-12th grade education, including vocational educational training. Facilities may be on a larger-scale campus and include significant traffic and parking. May include gymnasium, theater, cafeteria, offices, classrooms, athletic facilities, and athletic fields. Use does not include Stadium/Arena but may include a Stadium/Arena as an Accessory Use. The following supplemental use regulations shall apply:

 - a. The Applicant shall meet all requirements of the Commonwealth of Pennsylvania Code, Title 25, Ordinance 171, Schools and State and Federal requirements for the construction, remodeling or alteration, or conversion of an existing property to an educational facility.
 - b. Notwithstanding the bulk and area requirements specified under the zoning district where Post-Secondary Education uses are permitted, the following shall apply:
 - (1) Minimum Lot Area. Five (5) acres.
 - (2) Minimum Lot Width. Two hundred (200) feet.
 - (3) Side Yard Setback. Fifty (50) feet on each side.
 - c. All Post-Secondary Education uses shall have vehicular access to an Arterial or Collector Street.

- d. All off-street parking areas shall be set back at least ten (10) feet from the closest property line and screened from adjoining properties.

10. School, Post-Secondary Education.

Public or private educational facilities providing for post-secondary education that grants associates, bachelors, masters, and/or doctoral degrees. Facilities may be on a larger-scale campus and include significant traffic and parking. May include gymnasium, theater, cafeteria, offices, classrooms, athletic facilities, and athletic fields. Does not include Stadium/Arena but may include a Stadium/Arena as an Accessory Use. The following supplemental use regulations shall apply:

- a. Notwithstanding the bulk and area requirements specified under the zoning district where Post-Secondary Education uses are permitted, the following shall apply:
 - (1) Minimum Lot Area. Five (5) acres.
 - (2) Minimum Lot Width. Two hundred (200) feet.
 - (3) Side Yard Setback. Fifty (50) feet on each side.
- b. All Post-Secondary Education uses shall have vehicular access to an Arterial or Collector Street.
- c. All off-street parking areas shall be set back at least ten (10) feet from the closest property line and screened from adjoining properties.

11. Stadium/Arena.

A Building or Structure seating more than one thousand (1,000) spectators in tiered seating at sporting events, concerts, meetings, and gatherings of large groups. A stadium/arena may be open air or covered by either a fixed or retractable Roof. The following supplemental use regulations shall apply:

- a. Major Entrances. A stadium/arena shall have multiple public entrances, including one major entrance on the Facade designated by the property Owner as the front setback. Such entrances shall be well-marked to cue access and Use through means of enhancement that may include but are not limited to architectural, landscape, or graphic treatments. Where possible, major entrances shall take advantage of prominent intersection locations.
- b. School Stadium. A Stadium/Arena is a permitted Accessory Use to a School.

(C) Agriculture, Forestry, and Open Space Uses.

A category of Uses generally applicable to the use of the land and may not require Buildings or other facilities uses for agriculture, active or passive, public, or private, outdoor recreation, education, or entertainment.

1. Agricultural Operation.

Any use of land or structures for an enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic,

horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry. The term includes: (1) any farmstead land on the tract; (2) a woodlot; and (3) any land which is rented to another Person and used for the purpose of producing an Agricultural Commodity. Agricultural Commodity includes any of the following transported or intended to be transported in commerce: (1) Agricultural, aquacultural, horticultural, floricultural, viticultural or dairy products. (2) Livestock and the products of livestock. (3) Ranch-raised fur-bearing animals and the products of ranch-raised fur-bearing animals. (4) The products of poultry or bee raising. (5) Forestry and forestry products. (6) Any products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.

2. Commercial Stockyard and/or Feedlot.

An Agricultural Operation that collects and temporarily stores livestock. The following supplemental use regulations shall apply:

- a. All live animals held outside shall be within secure holding pens or runways.
- b. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line nor five hundred (500) feet of any land within residential zone.
- c. All animal holding pens and/or areas used for the loading/unloading of animals shall be screened from all adjoining properties and shall include a minimum fifty (50) foot wide landscape strip.
- d. All access drives onto the site shall be provided in a dust and mud-free manner for a distance of at least two hundred (200) feet from the Street Right-of-Way line. The first fifty (50) of the access drive beginning with its connection with the Street Right-of-Way line shall be paved.
- e. The Owner and/or operator shall be responsible for removing any mud from public roads caused by persons traveling to and from the site.
- f. Adequate off-street parking and loading areas shall be provided. No parking or loading/unloading shall be permitted on or along any public road.
- g. The Applicant shall furnish evidence of any needed Nutrient Management Plan approved by the appropriate agency.
- h. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.

3. Community Garden.

A space used to grow plants for personal Use, education, recreation, community distribution, or beautification by members of the neighborhood community. Community Gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas

maintained or used by community group members. The following supplemental use regulations shall apply:

a. Requirements for Food Production.

- (1) The Site shall have reliable and legal access to an onsite source of water. use of water storage systems for non-potable uses are permitted.
- (2) The Site shall be operated in a manner that prevents the drainage of water or chemicals onto any neighboring property.
- (3) Site operators shall ensure that soils are suitable for food production and shall obtain any permits for operation required by law.
- (4) Tools, supplies, and machinery shall be stored in an enclosed Structure or removed from the property daily. All chemicals and fuels shall be stored off the ground in an enclosed, locked Structure when the Site is unattended.
- (5) The Site shall be maintained using organic agricultural practices, including the use of organic chemicals, when applicable. Use of pesticides shall be in accordance with Pennsylvania's Pesticide Control Act of 1973 (Act of Mar. 1, 1974, P.L. 90, No. 24).
- (6) At the end of the growing season (and no later than December 15 of each year), all plant material shall be cut to no more than six (6) inches in height, unless there is an agricultural reason for keeping the plant materials uncut.

b. Operating Rules. Applicants shall establish operating rules addressing the governance structure of the Community Garden, hours of operation, maintenance, assignment of garden plots when applicable, and security requirements.

c. Garden Coordinator. Applicants shall identify a garden coordinator to manage the garden and act as the point of contact with the Township. The coordinator shall be an employee or volunteer of a public entity, non-profit organization, or other community-based organization. Applicants shall file the name and telephone number of the garden coordinator and a copy of the operating rules with the Zoning Officer. One identification Sign containing the name and phone number of the Garden Coordinator for the site is required to be posted at the community garden site. The Sign shall be visible from the most active adjacent Street.

4. Equine Activities.

Includes the following activities as prescribed by Pennsylvania's Equine Activity Immunity Act, Act of Dec. 22, 2005, P.L. 472, No. 93:

- a. Equine training, teaching, riding instruction, shows, fairs, parades, competitions or performances which involve breeds of equine participating in an activity. This includes, but not be limited to, dressage, hunter and jumper shows, Grand Prix jumping, three-day eventing, combined training, rodeos, reining, cutting, team penning and sorting, driving, pulling, barrel racing, steeple chasing, English and Western performance riding and endurance and nonendurance trail riding. This paragraph shall also include Western games, gymkhana, hunting, packing, therapeutic riding and driving and recreational riding.

- b. Equine or rider and driver training, teaching, instruction, or evaluation. This paragraph includes clinics, seminars and demonstrations.
- c. Boarding equines, including normal daily care.
- d. Recreational rides or drives which involve riding or other activity involving the use of an equine.
- e. Placing, removing, or replacing of horseshoes or the trimming of an equine's hooves.
- f. The following performance standards apply to all Equine Activities:
 - (1) Minimum Lot Size. One (1) acre.
 - (2) Number of Horses Permitted. Maximum one (1) per acre.
 - (3) Events. Special events, including training, where horse trailers or similar vehicles shall be parked in the Right-of-Way shall be regulated by Temporary Use Zoning Permit issued by the Zoning Officer, and shall be subject to an approved parking and staging plan.
 - (4) Fences. All turnouts shall be enclosed by a fence that is a minimum of fifty-four (54) inches high and is compliant with the provisions of this Ordinance.

5. Forestry Operation.

The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development. The following supplemental use regulations shall apply:

- a. To encourage maintenance and management of forested or wooded Open Space and promote the conduct of forestry as a sound and economically viable use of forested land and forestry activities, including, but not limited to timber harvesting, and to be in compliance with the MPC, as amended, forestry shall be a permitted Use by right in all zoning districts. The following standards apply to all timber harvesting within the Township. These provisions do not apply to the cutting of trees for the personal use of the landowner or for pre-commercial timber stand improvement.
- b. Policy and Purpose. To conserve forested Open Space and the environmental and economic benefits they provide, it is the policy of Middlesex Township to encourage the owners of forestland to continue to use their land for forestry purposes, including the long-term production of timber, recreation, wildlife, and amenity values. The timber harvesting regulations are intended to further this policy by promoting good forest stewardship, protecting the rights of adjoining Property Owners, minimizing the potential for adverse environmental impacts, and avoiding unreasonable and unnecessary restrictions on the right to practice forestry.
- c. Permit Required, Notification, Insurance and Surety.

- (1) When a property Owner wishes to conduct or permit to be conducted a logging or timber harvesting operation on his property, such Owner shall obtain a zoning permit from the Township. The fee schedule for logging and timber harvesting zoning permit shall be as indicated in the current Township Fee Schedule resolution.
 - (2) This section shall not apply to:
 - (a) Work performed on clearing subdivision roads and Rights-of-Way approved by the Board of Supervisors of the Township.
 - (b) Individual Lots affected by the logging operation of less than one (1) acre in size, provided that the entire logging or timber-harvesting operation does not exceed a total of one (1) acre.
 - (3) The Township shall be notified in writing before any logging or timber harvesting operation begins so that the Township may determine if other Township permits or approvals are required for the particular operation. Should a logging and timber harvesting permit be required for the particular operation, the Township shall be notified at the following times:
 - (a) Seven (7) business days prior to starting the operation.
 - (b) Five (5) business days prior to terminating the operation.
- d. Submission Requirements for Zoning Permit Application. The logging and timber harvesting application shall be filed with the Township and shall contain the following:
- (1) A project narrative/description containing the following information:
 - (a) Purpose of the proposed operation including range and species of trees selected for harvesting.
 - (b) Total land area involved in the proposed logging operation shall be shown on a survey plan prepared by a Professional Land Surveyor.
 - (c) An Erosion and Sedimentation Control Plan prepared in accordance with 25 Pennsylvania Code, PA Ordinance 102 regulations.
 - (d) Written description outlining the revegetation of the landing area, skid trails, harvest area and any other disturbance locations.
 - (e) Stormwater control measures to be utilized.
 - (f) Stream crossings and wetland protection measures to be utilized.
 - (g) Provide proof of written notification to each adjacent property Owner of the proposed logging or timber-harvesting operation with statement that the application is available to be viewed in the Township offices. A copy of such notification letter shall be included with the Applicant's submission.

- (h) A narrative indicating that the logging operator shall address and comply with the requirements of all applicable commonwealth laws and regulations, including, but not limited to the Erosion and Sedimentation Control Plan as required under subparagraph (c) above.

e. Logging Operation Practices and Regulations.

- (1) No logging operation or removal of products shall take place between the hours of 7:00 PM and 8:00 AM prevailing time or any time on Sundays or legal holidays.
- (2) Any logging operation in existence at the time of the enactment of this article may continue without interruption, provided that application is made within thirty (30) days of said enactment for a zoning permit under the provisions of this article and that such permit is granted.
- (3) The maximum term of any permit issued pursuant to this article shall be for six (6) months. However, since the logging operation may be adversely affected or delayed by unusual circumstances of weather or other occurrences, one additional six (6) month extension, after payment of a renewal fee equal to the initial permit fee, may be granted by the Township.
- (4) Trees falling on adjacent properties as a result of a logging or timber harvesting operation shall immediately be returned to the landowner's property, who shall be responsible for any damage, cost, or restoration to the affected adjacent property.
- (5) Timbering or logging activity shall not be performed within ten (10) feet of any unmarked property line which has not been surveyed to accurately demonstrate location of trees in relationship to the property boundaries.
- (6) The Township shall have authority to order the suspension of any logging or timber harvesting operation if activities are not in compliance with any federal, state, or local municipal ordinance or regulation, or in violation of the permit requirements and conditions.
- (7) Felling or skidding on or across any public road or Right-of-Way is prohibited without the express written consent of the Township or the Pennsylvania Department of Transportation, whichever is responsible for maintenance of such public road or Right-of-Way.
- (8) No tops or slash shall be left on any public or private roadway or pedestrian trail providing access to adjoining residential property.
- (9) No tops or slash shall be left on or across the boundary of any property adjoining the logging or timber harvesting operation without the written consent of the Owner thereof.
- (10) All litter resulting from a logging or timber-harvesting operation shall be removed from the site before the operator vacates it.

- (11) Upon completion of the logging or timber harvesting operation, all disturbed areas, including, but not limited to, the landing area(s), skid trails and any disturbed areas shall be revegetated pursuant to the Erosion and Sedimentation Control Plans, the Stormwater Management Plans and the permit requirements.

f. Road Maintenance, Protection and Bonding.

- (1) The Township shall have the authority to suspend any logging or timber harvesting operation should the Township determine that conditions of the logging or timber harvesting operation shall cause or likely make damage to a Township-maintained roadway.
- (2) The repair of roads, bridges and culverts damaged as a result of a logging or timber harvesting operation shall be repaired to the satisfaction of the Township.
- (3) The permittee, logging operator, or a designated representative shall not create a new or utilize an existing access onto a state-maintained roadway without first showing proof that the access is permitted by the Pennsylvania Department of Transportation.
- (4) The permittee, logging operator, or a designated representative shall not create a new or utilize an existing access onto a Township-maintained roadway without first obtaining permission from the Township for utilizing said access.
- (5) Any disturbance along a Township-maintained roadway to create a new or improve upon an existing access shall be reconstructed back into its original condition as it was prior to the commencement of the logging or timber harvesting operation.

g. Waivers and Enforcement.

- (1) The Township's Zoning Officer (or equivalent otherwise titled Township Official), or his/her designee, shall be the enforcement officer for this article.
- (2) The Township's Zoning Officer (or equivalent otherwise titled Township Official), or his/her designee, may enter the site of any logging or timber harvesting operation before, during, or after active logging to:
 - (a) Review the logging plan or any other required documents for compliance with this article; and
 - (b) Inspect the operation for compliance with the logging plan and other on-site requirements of these regulations.

h. Violations, Penalties and Remedies.

(1) Enforcement Remedies.

- (a) Upon finding that a timber harvesting operation is in violation of any provision of the article, the Township shall issue the logging

operator and the landowner a written Notice of Violation, in accordance with the provisions of this Ordinance regarding enforcement notices, describing each violation and specifying a date by which corrective action must be taken.

- (b) The Township may order the immediate suspension of any logging or timber-harvesting operation and may institute any appropriate action to prevent, restrain, correct, or abate the violation of this article (as permitted by 53 P.S. § 10617) upon finding that (1) corrective action has not been taken by the date specified in a notice of violation; (2) the operation is proceeding without a logging plan; or (3) the operation is causing an immediate environmental risk, hazard or pollution concern.
- (c) Suspension orders shall be in writing, shall be issued to the logging operator and the landowner, and shall remain in effect until the logging operation is brought into compliance with this article or other applicable statutes or regulations.

(2) Penalties. See Section 1.12 Violations and Penalties of this Ordinance.

6. Nature Preserve.

Areas in which human activities are very limited and where the natural environment is protected from man-made changes by a conservancy or conservation easement. The nature preserve includes woodland preservation, game preserves, and wildlife sanctuaries.

7. Recreation Facility, Commercial or Private.

A privately-owned and operated indoor and/or outdoor facility used for arcade games, swimming, bowling, tennis club, rink, track, Alley, cage, course, field throwing, or other similar types of uses in which the patrons pay a fee and/or are members to participate in or view a recreational or entertainment physical activity, including activities which include motorized vehicles and the like. The following supplemental use regulations shall apply:

- a. Notwithstanding the bulk and area requirements specified under the zoning district where Commercial or Private Recreation Facility uses are permitted, the following shall apply:
 - (1) Minimum Lot Area. Five (5) acres.
 - (2) Minimum Lot Width. Two hundred (200) feet.
 - (3) Side Yard Setback. Fifty (50) feet on each side.
- b. All Commercial or Private Recreation Facility uses shall have vehicular access to an Arterial or Collector Street.
- c. All off-street parking areas shall be set back at least ten (10) feet from the closest property line and screened from adjoining properties.

8. Recreation Facility, Public.

A facility owned by the Township or a public or quasi-public body designed for the preservation of historic or scenic property or recreational use by the general public. Public recreation facilities include Open Space and parks for public access, public parks, public gathering spaces, and Township-owned recreation areas and playgrounds free of charge.

9. Shooting Range, Indoor.

A commercial business where for a fee firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery crossbows, etc.) can be shot indoors for recreation, competition, skill development, training, or any combination thereof. May include Retail Sales. The following supplemental use regulations shall apply:

- a. The facility shall not be located within one hundred (100) feet of any residentially zoned property.
- b. The facility shall have frontage and access to an Arterial or Collector Street.
- c. The facility shall be designed according to the indoor range design criteria specified in the U.S. Department of Energy Office of Health, Safety and Security's "Range Design Criteria" publication dated 6/4/2012. These design criteria shall be the minimum criteria used to design a commercially owned and operated indoor shooting range.

10. Shooting Range, Outdoor.

A commercial business where for a fee firearms and other projectile-type weapons (e.g., guns, rifles, shotguns, pistols, air guns, archery cross-bows, etc.) can be shot outdoors for recreation, competition, skill development, training, or any combination thereof. The following supplemental use regulations shall apply:

- a. Lot Area. Minimum Lot Area shall be ten (10) acres.
- b. Location.
 - (1) No part of a shooting range, to include the safety fan, shall be located within one-quarter (1/4) mile of any residential Structure.
 - (2) Adjacent areas shall be predominantly undeveloped, and the range area shall be at least two hundred (200) feet from any property or Street Right-of-Way line. The Use shall also be located at least five hundred (500) feet from any existing residential Dwelling.
 - (3) The facility shall have frontage and access to an Arterial or Collector Street.
- c. Lot Width. Minimum Lot width shall be three hundred (300) feet.
- d. Design.
 - (1) The facility shall be designed according to the Outdoor Range Design criteria specified in the U.S. Department of Energy Office of Health, Safety and Security's "Range Design Criteria" publication dated 6/4/2012.

These design criteria shall be the minimum criteria used to design a commercially owned and operated outdoor shooting range.

- (2) A Safety Fan shall be provided for each firing range. The Safety Fan shall include the area necessary to contain all projectiles, including direct fire and ricochet. The Safety Fan configuration shall be based upon the trajectory of the bullet and the design effectiveness of berms, overhead baffles, or other safety barriers to contain projectiles to the Safety Fan.
- (3) The entire firing range area, including the entire Safety Fan, shall be enclosed with a six foot (6') high non-climbable fence to prevent unauthorized entry into the area. Range caution Signs with eight (8) inch tall, red letters on a white background shall be posted at a maximum of one hundred (100) foot intervals around the range perimeter. Signs shall read "SHOOTING RANGE AREA. KEEP OUT!"
- (4) Range flags shall be displayed during all shooting activities. Range flags shall be located in a manner visible from entrance drives, target areas, range floor, and the perimeter of the Safety Fan.
- (5) All surfaces located within the Safety Fan, including the backstop, overhead baffles, berms, and range floor, shall be free of hardened surfaces, such as rocks or other ricochet-producing materials.
- (6) All shooting range facilities, including Buildings, parking, firing range, and Safety Fan shall be set back a minimum of one hundred (100) feet from the property line and Street Right-of-Way.
- (7) The firing range shall be free of gravel and other hard surface materials and be adequately drained according to the stormwater management standards specified in the Middlesex Township Subdivision and Land Development Ordinance.
- (8) Adult supervision shall be provided for children under sixteen (16) years of age.

e. Shooting Range Operations.

- (1) Shall not damage the health, safety or welfare of the Township or its residents and property owners.
- (2) Shall comply with all applicable State and local laws, rules, and regulations regarding the discharge of a firearm.
- (3) Shall limit the storage of ammunition to only that utilized for each day's activity, and in no event shall ammunition remain on the property for greater than twenty-four (24) hours. The storage of live ammunition may only occur indoors in an area secured from general access.
- (4) Shall limit the number of active shooters to the number of firing points or stations identified on the development plan.
- (5) Shall limit firing to the hours between two (2) hours after dawn and one (1) hour preceding dusk.

- (6) Alcoholic beverages are prohibited.
- (7) Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.

(D) Commercial Business Uses.

A category of Uses involving the sale of goods and provision of services to the public for personal or household consumption. Visibility and accessibility are important to these uses, as most businesses typically rely heavily on walk-in customers or clients and rarely utilize scheduled appointments.

1. Commercial Equipment and Supply.

A Use involving the large-scale sale of goods to residents or businesses within the region. The goods or merchandise sold may be of the same type or a variety of types and typically occupy a space greater than 20,000 square feet. This Use may include bulk sales and typically involves frequent commercial vehicle and consumer traffic. This Use is primarily located indoors but may also include accessory outdoor storage of goods. This includes such uses as those listed in Table 3.04.1, Typical Commercial Equipment and Supply Uses.

Table 3.04.1, Typical Commercial Equipment and Supply Uses.

Bottled Gas (such as propane) Sales and Supply
Heating & Air Conditioning Supply, Sales and Service
Building Materials, Hardware, and Lumber Supply Machine Sales and Rental
Cabinet Supply (display only)
Electrical Supply
Plumbing Sales and Service
Farm Equipment and Supply Wholesale Trade

2. Construction Trade and Contractor.

A commercial enterprise trade or occupation involving construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation or other project, development, or improvement to other than personal property. The use includes the term construction contractor, which is a person, business entity, corporation, limited liability company, partnership or other legal entity that is licensed to perform construction services. The following supplemental use regulations shall apply:

- a. Shall have frontage onto or access to an Arterial or Collector Street.
- b. Shall have an impervious coverage area equal to or less than the maximum impervious coverage permitted by the zoning district within which the use is located.
- c. Shall be setback a minimum of fifty (50) feet from all property lines within which it is located.
- d. Shall have screen buffers according to the requirements specified under the Middlesex Township Subdivision and Land Development Ordinance.

3. Convenience Store.

Any retail store with a wide mix of goods typically used daily, including household goods, prepared and made-to-order foods, personal health items, cosmetics, motor vehicle products, candy, and tobacco products. Automobile fuel sales are typically associated with the use. Truck Stops and truck fuel sales are not permitted. The following supplement use regulation shall apply:

- a. Shall only be located where the use has frontage on an Arterial or Collector Street.

4. Drive Through Only Facility.

A facility or structure designed to allow drivers to remain in their vehicles during an activity on the site. Drive-through only facilities serve as the principal use of the site. The following supplemental use regulations shall apply:

- a. No indoor or outdoor seating is permitted.
- b. No electric vehicle charging stations are permitted.
- c. All dimensions of the parking spaces on the Lot shall meet the minimum requirements of the Township Code.
- d. No more than one drive through only facility may be permitted per Lot.
- e. No more than one drive-through lane may be permitted per serving window or counter.

f. Site Access.

- (1) Access driveways to drive through only facilities shall be located as far away as possible from Street intersections and corners and designed in accordance with the applicable Street design standards specified under the Middlesex Township Subdivision and Land Development Ordinance.
- (2) The number of access driveways into a site shall be minimized to reduce conflicts between turning vehicles and other users of the Street, reduce curb cuts and interruptions to the sidewalk.
- (3) Vehicle queuing lanes shall be separated from all aisles, shall not result in additional curb cuts along the same Street frontage and shall not have direct ingress and egress from any Street.
- (4) Vehicle queuing lanes shall not be directly accessible from a Street and cannot interfere with the traffic flow on the public Street(s) from which the use is accessed.
- (5) Vehicle queuing lanes shall not obstruct or interfere with parking spaces, pedestrian aisles or walkways and loading or service areas.

g. Parking.

- (1) No more than one (1) parking space per employee per shift may be permitted.

- (2) Parking areas where possible shall avoid having pedestrians cross driveways or vehicle queuing lanes to enter the Building.
- (3) The parking areas shall not conflict with the ingress and egress of the vehicle queuing lanes. This can be achieved by locating the parking areas away from the vehicle queuing lanes or clearly delineating the parking areas with appropriate barriers and signage.
- (4) Larger parking areas shall be separated into smaller well-defined sections, using a combination of hard and soft landscaping to avoid large, paved surfaces in parking areas.
- (5) The use of Impervious Surfaces for paved areas in the parking Lot shall be minimized. The use of Pervious Surfaces in combination with soft landscaped areas to contribute to the appearance and environmental sustainability of the site is encouraged.

5. General Retail.

A retail Use with a GFA of 3,000 square feet or greater and outdoor sales limited to no more than twenty (25) percent of the indoor GFA of the retail Use. General retail includes such Uses as those listed in Table 3.04.2, Typical Retail Uses.

Table 3.04.2, Typical Retail Uses.

Typical Neighborhood Retail Uses	Typical General Retail Use
Antique Shop Apparel, Shoes, and/or Accessory Store Small Appliance Store Art Gallery and Sales Art and/or Education Supplies Bakery with no distribution Beer/Wine/Liquor Sales Bicycle and Accessory Sales Book &/or Video Store Camera and Photo Supply Store China and/or Glassware Cigar, Cigarettes, Tobacco Shop Coin and/or Philatelic Store Craft Store Discount Variety Store (e.g., dollar stores or five and dime stores) Drug and/or Cosmetics Store, except Medical Marijuana Dispensary Electronics Sales Fabric and Sewing Supply Store Florist Framing Shop Furrier Shop, no storage	All "Typical Neighborhood Retail Uses" 3,000 sf and over Appliance Sales Automotive Supply (no service) Computer Software Sales and Leasing Department Store Firearms Sales and Service Medical Supply Store Motorcycle and Motor Scooter Sales, limited outdoor display Nursery Outdoor Recreation Equipment

Garden Supply and/or Nursery Gift, Novelty and Souvenir Shop Hardware Store Home Furnishings and Accessories Jewelry and/or Gem Store Luggage and/or Leather Goods Magazine and/or Newspaper Store Music and/or Musical Instruments Office Machines and Supply Optical Goods Paint and Wallpaper Store Pet and/or Pet Supplies Shop Secondhand sales of any item permitted for sale new Specialty Food (Candy, Fish, Produce, Prepared Foods, etc.) Sporting Goods Stationery and Paper Store Toy and/or Baby Supplies	
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6. Grocery Store.

Any store commonly known as a supermarket, food store, or grocery store, with at least sixty (60) percent of gross square footage dedicated to the retail sale of fresh and/or frozen meat, seafood, poultry, fruits, and vegetables; and dairy and bakery products.

7. Medical Marijuana Dispensary.

A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit issued by the Pennsylvania Department of Health to dispense medical marijuana pursuant to Pennsylvania's Medical Marijuana Act, Act of April 17, 2016, P.L. 84, No. 16.

8. Neighborhood Retail.

A retail Use with a GFA of less than 3,000 square feet and outdoor sales limited to no more than ten (10) percent of the indoor GFA of the retail Use. Neighborhood retail includes such uses as those listed in Table 3.04.2, Typical Retail Uses. In the event a specific Neighborhood Retail Use is not identified in Table 3.04.2, the Zoning Officer shall have the authority to review the proposed Use and the Applicant shall submit to the Zoning Officer such additional information as the Zoning Officer deems necessary to render an official Determination under this Ordinance.

9. Outdoor Retail Sales Lot.

A Use involving the sale of goods or merchandise to businesses and/or the general public, where the majority of the goods are stored or displayed outdoors. Outdoor Retail Sales Lot include such uses as: the sale and rental of automobiles, trucks, trailers, boats, and recreational vehicles; and the outdoor sale of Building materials, landscape materials, and garden supplies. The following supplemental use regulations shall apply:

- a. Outdoor Retail Sales Lots are not permitted on a Corner Lot, except in the C-1 and C-2 zoning districts.
- b. Any site used for the sale, parking and/or storage of more than one hundred fifty (150) vehicles shall front solely upon Collector or Arterial roads.
- c. Driveways shall be located in safe relationship to sight distance and barriers to vision in accordance with the Middlesex Township Subdivision and Land Development Ordinance.
- d. Driveways shall be constructed in accordance with the design and improvement standards of the Middlesex Township Subdivision and Land Development Ordinance.
- e. Vehicles shall be parked and/or stored in a horizontally stacked configuration.
- f. All lighting shall be designed and constructed so as not to cast glare on adjoining road and/or properties.
- g. The sales area shall be considered to be that of the smallest rectangle, or other regular geometric shape which encompasses all display areas, stands, booths, tables, or stalls, plus any adjoining aisles and/or walkways from which consumers can inspect items for sale.
- h. The retail sales area shall be set back at least fifty (50) feet from all residential zoning district or residential use.
- i. Any exterior lighting and amplified public address system shall be arranged and designed to prevent impacts on adjoining properties. The exterior lighting standards specified under Section 4.10 and the noise standards specified under Section 4.19, Performance Standards, of this Ordinance shall apply.
- j. Exterior trash receptacles shall be provided amid any outdoor sales area. Such trash receptacles shall be routinely emptied to prevent the scattering of litter and debris. All applications shall include a description of a working plan for the cleanup of litter.
- k. The servicing, reconditioning, demolition, or junking of vehicles is prohibited.
- l. The Applicant shall furnish evidence that the disposal of all materials shall be accomplished in a manner that complies with all applicable State and Federal regulations.
- m. No part of the use shall be located within six hundred (600) feet of any land within residential or Mixed-Use zoning districts specified in Table 2.01 of this Ordinance.
- n. All Outdoor Retail Sales Lots shall comply with applicable state laws including 49 Pa. Code § 19.19. Standards of Licensure for Retail or Public Auction.

10. Planned Center, Commercial.

A commercial development on a tract of land, normally over two (2) acres, that is designed, planned, constructed, and managed/operated on an integrated and coordinated basis. They would typically include Office Parks, Shopping Centers, and Shopping Malls that include provisions for on-site parking for employees and/or customers, traffic planning, Open Space, landscaping, signage and other aesthetic considerations. The following supplemental use regulations shall apply:

- a. The site shall have frontage on and direct vehicular access to an Arterial Street.
- b. Access. Vehicle access shall be provided pursuant to the requirements specified in the Middlesex Township Subdivision and Land Development Ordinance. The subject site shall have access to a Collector or Arterial Street.
- c. Site illumination shall be provided in accordance with the lighting standards specified under Section 4.10 of this Ordinance.
- d. Traffic Impact Study. A traffic impact study prepared by a Registered Design Professional pursuant to the requirements specified under the Middlesex Township Subdivision and Land Development Ordinance shall be reviewed and approved by the Township Engineer.

11. Public Market.

An indoor or covered, open-air permanent Building dedicated to the sale of local and regional food, flowers, baked goods, and small crafts, excluding secondhand goods.

(E) Service Uses.

A category of Uses that provide patrons services and limited retail products related to those services.

1. Adult Day Care Center.

Any Premises operated for profit in which Adult Day Care is simultaneously provided for four (4) or more adults who are not relatives of the owner/operator of the center. Adult Day Care is care given for part of the twenty-four (24) hour day to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care.

2. Assisted Living Facility.

Any Premises in which food, shelter, assisted living services, assistance or supervision and supplemental health care services are provided for a period exceeding twenty-four (24) hours for four (4) or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the facility in the event of an emergency or medication prescribed for self-administration.

3. Automobile Car Wash.

A Building or Structure with accompanying open-air stations designed and used primarily for the automatic, semiautomatic, or hand washing, drying, polishing, and vacuuming of automobiles. This use does not include Truck Wash. The following supplemental use regulations shall apply:

- a. Car washes shall include a water reclamation system for the purpose of recycling water.
- b. Centralized sewage disposal facilities and centralized water supply facilities shall be provided. Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
- c. A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.
- d. Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.
- e. On-Lot traffic circulation channels and parking areas shall be clearly marked.
- f. Adequate provision shall be made for the proper and convenient disposal of refuse.
- g. Water from the car wash operation shall not flow onto sidewalks or Streets, to prevent hazards from ice.

4. Automobile Repair and/or Towing Service.

A business involving the sale and distribution of fuel and providing repair and/or towing service for Automobile vehicles only. Automobile car wash operations may also be included. The following supplemental use regulations shall apply:

- a. Permitted Types of Repair Service. Repairs include minor and heavy repair services including engine rebuilding, bodywork, repair and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, suspension systems, and other mechanical and non-mechanical elements of Vehicles.
- b. Outdoor Storage. Disabled or inoperable Vehicles and those awaiting pick-up may be stored outdoors if all the following occur:
 - (1) No more than ten (10) Vehicles are stored.
 - (2) The storage area is located in the Rear Yard and screened from view of the front Lot line. The screening shall be a minimum of eight (8) feet high and shall be a galvanized chain link fence with privacy slats.
 - (3) The storage area shall also be screened from adjacent uses pursuant to the Screening requirements specified under Section 4.03 of this Ordinance.

- (4) The Vehicles shall be stored in the designated storage area and not in the public right of way or in a part of the Lot not specifically designated as an off-street parking space.
- (5) All ventilation associated with fuel storage tanks shall be setback one hundred (100) feet from any adjoining residential use or property within a residential or Mixed-Use zoning districts and oriented away from such property.
- (6) The Applicant shall furnish evidence that the storage and disposal of materials shall be accomplished in a manner that complies with all applicable state and federal regulations.

c. Outdoor Activities.

- (1) All repairs or washing activities shall occur inside a Building.
- (2) Temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, is permitted during business hours adjacent to the principal Building.

d. Environmental Controls.

- (1) Car washes shall include a water reclamation system for the purpose of recycling water.
- (2) Centralized sewage disposal facilities and centralized water supply facilities shall be provided. Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
- (3) A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.
- (4) Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.

5. Automobile Sales and Rental Service.

A commercial facility that offers automobiles, trucks, and/or limousines for sale, rent or lease for specific periods of time, including a stand-alone facility for automobile sales, rental or leasing services associated with an off-site automobile dealership.

6. Brew Pub.

An Eating Place, as defined herein, that includes as an accessory use the on - premises production of alcoholic beverages—including beer, wine, cider and distilled liquors—which produces less than 100,000 gallons of such beverages per year, and primarily sells its beverages on- site, either for on- or off -premises consumption. The area used for brewing, distilling, bottling, and kegging shall not exceed thirty (30) percent of the total gross leasable GFA. The Brew Pub shall be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth.

7. Childcare Center.

A facility that provides services for which the Pennsylvania Department of Human Services (DHS) has promulgated licensure or approval regulations. A Childcare Center is a facility in which seven (7) or more children unrelated to the operator receive Childcare services. In addition to the requirements specified in DHS licensure or approval regulations, the following supplemental use regulations shall apply:

- a. Outdoor play areas shall not be located in the Front Yard.
- b. Outdoor play areas shall be screened from adjoining residentially zoned properties pursuant to the screening requirements specified in Section 4.03.
- c. Any vegetative materials located within the outdoor play areas shall be of a non-poisonous and non-invasive type.
- d. All outdoor play areas shall provide a means of shade, such as shade trees or pavilions.

8. Community Service.

A public or not-for-profit service or activity undertaken to advance the welfare of citizens in need that provides food and goods distribution to private citizens.

9. Drinking Place.

Any established licensed and permitted location under the Pennsylvania Liquor Control Board to brew and sell alcoholic beverages, including beer, wine, and liquor for on-site consumption.

10. Eating Place.

An establishment selling prepared foods for on-premises consumption and carry-out. Includes such uses as restaurants, cafes, coffee shops, diners, delis, fast-food establishments, lunch counters, and cafeterias. Eating Places, which do not include Brew Pubs, may sell alcoholic beverages, including beer, wine, and liquor for on-site consumption as permitted through the Pennsylvania Liquor Control Board.

11. Electronic Cigarette / Vaporizer Store.

A business establishment for which more than fifty (50) percent of the GFA is dedicated to the storage, mixing, display, on-site consumption, and/or retail sale of electronic cigarette devices, nicotine-enriched solutions, and/or liquid products that are manufactured for Use with electronic cigarettes.

12. Entertainment Assembly.

A facility, other than a Stadium/Arena or Adult Establishment, for holding events, indoors or outdoors, to which members of the public are invited with or without charge. Events may include weddings, theatrical performances; live music performances; dances, balls; shows or exhibitions; or live or broadcasted wrestling, boxing/sparring matches, or other sporting events. The following supplemental use regulations shall apply:

- a. Sewage Disposal. The premises upon which Entertainment Assembly uses are conducted shall have an on-Lot disposal system, holding tank, or be serviced by public sewer system. No portable toilets are permitted.
- b. Buildings and Structures within which Entertainment Assembly uses are conducted shall be in compliance with the PA Uniform Construction Code.
- c. Noise. Noise performance shall be in accordance with the performance standards specified under Section 4.19 of this Ordinance.

13. Family Childcare Home.

A facility that provides services for which the Pennsylvania Department of Human Services (DHS) has promulgated licensure or approval regulations. A Family Childcare Home is a facility in which four (4), five (5) or six (6) children unrelated to the operator receive childcare services. A family care home shall be located in a habitable residential Building that meets Township Building and fire code regulations. In addition to the requirements specified in DHS licensure or approval regulations, The following supplemental use regulations shall apply:

- a. Outdoor play areas shall not be located in the Front Yard.
- b. Outdoor play areas shall be screened from adjoining residentially zoned properties pursuant to the screening requirements specified in Section 4.03 of this Ordinance.
- c. Any vegetative materials located within the outdoor play areas shall be of a non-poisonous and non-invasive type.
- d. All outdoor play areas shall provide a means of shade, such as shade trees or pavilions.
- e. Refuse shall be collected on a regular basis by a commercial waste contractor.

14. Family Entertainment Center.

A Business occupying a Premises, Structure and Use owned, operated, or leased as small indoor and/or outdoor amusement parks that offer a wide variety of entertainment for all ages, which may include food and beverage service, music, event space, meeting rooms, and a variety of amusements. The following supplemental use regulations shall apply:

- a. The Premises shall contain a minimum of ten (10) acres.
- b. The Premises shall have access and frontage along a public street.
- c. Notwithstanding anything in this Ordinance to the contrary, the maximum Impervious area coverage for a Family Entertainment Center shall be seventy (70) percent.
- d. Parking Demand Analysis. Notwithstanding anything in this Ordinance to the contrary and to ensure that a Family Entertainment Center provides adequate, but not excessive, vehicle parking, the Township requires applicants thereof to submit a written computation of their required off-street parking spaces based on the estimated parking demand of the proposed Use(s).

- (1) The estimated demand for a Family Entertainment Center shall be calculated using the parking demand analysis specified under Section 4.15(D) of this Ordinance. In preparing the Parking Analysis Report specified under Section 4.15(D), the Professional Engineer may also consider the need for overflow parking or additional parking in case of future expansion.
- (2) Township Approval.
 - (a) As part of any required subdivision or land development plan application approval process, or independently if there is no new plan proposed, the Township Board of Supervisors, upon recommendation of the Township Planning Commission and in consultation with the Township Zoning Officer and Township Engineer, shall consider the final parking requirements determination made in the Applicant's Parking Analysis Report. Based on the Applicant's materials and other data the Township Zoning Officer and Township Engineer deem relevant, the Board of Supervisors shall set the requirements for minimum parking allowed. Conditions of approval may be placed on the Decision to ensure compliance with the parking determination.
 - (b) The Applicant may appeal the Township's Decision to the Zoning Hearing Board pursuant to Section 1.14 of this Ordinance.

15. Funeral Home / Mortuary.

A place or premise devoted to or used in the care and preparation for burial, disposition, or transportation of dead human bodies, or any specifically designated location or address where any person or persons shall hold forth that he, she, or they are engaged in the practice of mortuary science, embalming, cremation services, or funeral directing, and shall mean and include any premises of any kind whatsoever in which mortuary science in any of its branches is practiced or in which more than five funerals may be conducted in any calendar year, except publicly owned buildings, Place of Worship and meeting places of fraternal organizations. Funeral homes/mortuaries may include crematoriums, visitation rooms, and administrative offices. The following supplemental use regulations shall apply:

- a. Lot Size. The minimum Lot area shall be 40,000 square feet.
- b. Traffic circulation on the Lot shall be designed to provide for the queuing of vehicles on the property without obstructing the free flow of traffic on adjoining Streets.

16. General Service.

A Service Use with a GFA of 3,000 square feet or greater as well as larger scale indoor and outdoor entertainment Uses. General Service includes Uses such as those listed in Table 3.04.3 Typical Service Uses.

Table 3.04.3, Typical Service Uses.

Typical Neighborhood Service Uses	Typical General Service Uses
Arcades and Billiards Barber Shop, Beauty Salon, and Spas Coffee Shop Dry Cleaning (pick-up/outlet only) Financial Depository Institutions/Banks, chartered and excluding Check Cashing Establishments Fitness Club, Athletic Club, Dance Studio, Yoga Studio and Gym Home Furniture and Equipment Repair Laundromat Locksmith Mailing and Delivery Services Medical Clinic Pet Grooming Phone Sales and Service Photocopying and Printing Photography Studio with Supplies Post Office, limited distribution Rental of any good permitted to be sold in the district Repair and/or servicing of any good permitted to be sold in the district Tailor or Seamstress Tanning Salon Travel Agency, Ticketing, and Tour Operator Veterinary Services/Animal Hospital (no outdoor Kennels)	All Neighborhood Services over 3,000 square feet Animal Boarding, Daycare, & Training (interior only) Aquatic Facilities Archery Ranges (indoor only) Batting Cages Bowling Alleys Miniature Golf Courses Motion Picture Theaters Recreation, Commercial Indoor Rental of any good permitted to be sold in the district Repair of any good permitted to be sold in the district Skating Rink

17. Group Childcare Home.

A facility that provides services for which the Pennsylvania Department of Human Services (DHS) has promulgated licensure or approval regulations. A facility in which seven (7) to twelve (12) children unrelated to the operator receive Childcare services. In addition to the requirements specified in DHS licensure or approval regulations, the following performance standards apply:

- a. Outdoor play areas shall not be located in the Front Yard.
- b. Play areas shall be located and designed so as not to disrupt normal activities of adjoining uses permitted within the zoning district(s) identified in Table 2.01.

- c. Outdoor play areas shall be screened from adjoining residentially zoned properties pursuant to the screening requirements specified in Section 4.03.
- d. Any vegetative materials located within the outdoor play areas shall be of a non-poisonous and non-invasive type.
- e. All outdoor play areas shall provide a means of shade, such as shade trees or pavilions.

18. Kennel.

Any establishment available to the general public where a dog or dogs are housed or trained for compensation by the day, week, or a specified or unspecified time. The term shall not include a kennel where the practice of veterinary medicine is performed if the kennel is covered by the provisions of the act of December 27, 1974 (P.L.995, No.326), known as the "Veterinary Medicine Practice Act." The term kennel shall include any establishment available to the general public that, for consideration, takes control of a dog from the owner for a portion of a day for the purposes of exercise, day care or entertainment of the dog. For the purpose of this term, each time a dog enters the kennel it shall be counted as one dog. This term does not include an establishment engaged only in dog grooming or dog training. The term shall also include any kennel operated for the purpose of breeding, buying and selling or in any way transferring dogs for non-research purposes. The following Use regulations shall apply:

- a. All Kennels shall be licensed by the Pennsylvania Department of Agriculture and shall be constructed and maintained in accordance with Pennsylvania's Dog Law, 3 P.S. § 459-101, *et seq.* The Applicant shall demonstrate compliance with all State requirements.
- b. Minimum Lot Area. Each site shall contain at least five (5) acres.
- c. All animal boarding Buildings that are not completely enclosed, and any outdoor animal Pens, stalls or runways shall be located within the rear yard and screened from adjoining properties and shall be setback a minimum of two hundred (200) feet from all property lines.
- d. All outdoor recreation areas shall be enclosed to prevent the escape of animals. All such enclosures shall be set back a minimum of two hundred (200) feet from all property lines.
- e. Sanitary disposal facilities shall be available to eliminate animal and food waste, used bedding, dead animals and debris, and to minimize vermin infestation, odors, and disease hazards.
- f. The subject property shall be located no closer than five hundred (500) feet from the Residential zoning districts listed in Table 2.01 and/or property containing a residence.
- g. Yard areas or Pens shall be fenced with wire mesh fencing and setback a minimum of two hundred (200) feet from all property lines.

19. Massage Establishment.

Any establishment having a fixed place of business where any person, partnership, corporation or association, engages in, carries on, or permits to be engaged in or carried on, the practice of massage as is defined above, but shall exclude licensed hospitals, licensed nursing homes, medical clinics and the offices and quarters of licensed health profession practitioners. The following supplemental use regulations shall apply:

- a. A Massage establishment shall not be permitted within five hundred (500) feet of any property line of a parcel or parcel containing a structure or Building used for residential purposes.
- b. A Massage Establishment shall not be permitted within 1,000 feet of any property line of a parcel or parcel of land on which a school (whether public, private, vocational, trade or commercial), dormitory, place of worship, adult bookstore, adult theater or another Massage Establishment is located.
- c. A Massage Establishment shall be conducted within the principal Building as the main or principal use.
- d. A Massage Establishment and all massage technicians shall meet all requirements and be bound by the provisions of Middlesex Township Ordinance No. 13-87 and any subsequent amendments thereto and/or successor ordinances.
- e. Massage technicians shall meet all educational, training, or other requirement established from time to time by the Commonwealth of Pennsylvania and any other governmental authority having jurisdiction thereof.
- f. The Massage Establishment shall not be operated between the hours of 12:00 AM Midnight and 7:00 AM prevailing time.

20. Medical Clinic.

A licensed institution providing same-day, walk-in, or urgent medical care and health services to the community, primarily ill or injured out-patients, which is not a hospital, and which is not a medical office, and which shall not include methadone or drug rehabilitation clinics. Provision of an indoor waiting area for use by individuals when a portion of the facility is not opened for operation is required, so that clients shall not be required or allowed to queue for services outdoors.

21. Microbrewery, Microdistillery, Microwinery.

A facility for the production, packaging and sampling of alcoholic beverages—including beer, wine, cider, mead, and distilled liquors—for retail or wholesale distribution, for sale or consumption on- or off -premises, and which produces less than 100,000 gallons of such beverages per year. It may include a restaurant (i.e., Eating Place), tasting room and retail space to sell the product on site. "Nanobreweries" shall be included under this definition. The Microbrewery / Microdistillery / Microwinery shall be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth.

22. Methadone Treatment Facility.

A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance, or detoxification of persons. The following supplemental use regulations shall apply:

- a. A methadone treatment facility shall have frontage on and direct access to a Principal Arterial or Collector Street.
- b. For any Building (or portion thereof) which is proposed to contain a methadone treatment facility, the Lot upon which such Building (or portion thereof) sits shall not be located closer than five hundred (500) feet (or the then current Pennsylvania statutory- provided distance, whichever is greater) to a Lot utilized for an existing school, public playground, public park, residential housing area, residential Lot, single- family dwelling, Childcare facility, church, meeting house or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment.
- c. Notwithstanding Subsection b. above, a methadone treatment facility may be established and operated closer than five hundred (500) feet (or the then current Pennsylvania statutory-provided distance, whichever is greater) to a Lot utilized for an existing school, public playground, public park, residential housing area, residential Lot, single-family dwelling, Childcare facility, church, meeting house or other actual place of regularly scheduled religious worship established prior to the proposed methadone treatment, if, by majority vote, the governing body approves a use for said facility at such location. At least fourteen (14) days prior to any such vote by the governing body, one or more public hearings regarding the proposed methadone treatment facility location shall be held within the municipality pursuant to public notice. All owners of real property located within five hundred (500) feet of the proposed location shall be provided written notice of said public hearing(s) at least thirty (30) days prior to said public hearing(s) occurring.
- d. All Buildings proposed to contain a methadone treatment facility shall fully comply with the requirements of the PA Uniform Construction Code.
- e. In addition to the otherwise required number of parking spaces specified by Section 4.15 of this Ordinance, additional parking shall be required specifically for the methadone treatment facility at a rate of one additional parking space for each two hundred (200) feet of area devoted to the methadone treatment facility.
- f. Each Building or portion thereof proposed for use as a methadone treatment facility shall have a separate and distinct entrance utilized solely for direct entrance into the methadone treatment facility. Access to the methadone treatment facility shall not be permitted via a shared Building entrance or from a shared interior corridor within the Building in which it is located.

23. Neighborhood Service.

A service Use with a GFA of less than 3,000 square feet. Neighborhood Service includes such uses as those listed in Table 3.04.3, Typical Service Uses.

24. Pawn Shop/Check Cashing Establishment.

An establishment primarily engaged in the businesses of lending money on the security of pledged goods left in pawn; purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller; or providing cash to patrons for, payroll, personal, and bank checks.

25. Private Club.

An establishment that operates for the good of the club's membership for legitimate purposes of mutual benefit, entertainment, fellowship, or lawful convenience. A Private Club shall reserve its facilities for members and shall have genuinely exclusive membership criteria. A Private Club shall adhere to its constitution and bylaws, hold regular meetings open to its members, conduct its business through officers who are regularly elected, admit members by written application, investigation and ballot, charge and collect dues from elected members, and maintain records as required by law. The sale of alcohol shall be secondary to the actual reason for the club's existence and be licensed by the Pennsylvania Liquor Control Board. The Township may conduct routine inspections of the Premises to ensure the absence of illegal activity on the Premises, adequate maintenance of the interior and exterior of the Premises, the absence of public disturbance or Nuisance, and compliance with the zoning and other applicable regulations. The following supplemental use regulations shall apply:

- a. All Private Clubs shall front and have access to an Arterial or Collector Street.
- b. All off-street parking shall be provided between the front face of the Building and a point twenty-five (25) feet from the Right-of-Way line of adjoining Street(s). Parking Lots shall also be set back a minimum of fifty (50) feet and screened from any Lot lines of adjoining residences.
- c. All outdoor recreation/activity areas shall be set back at least fifty (50) feet from any property line.
- d. Screening shall be provided along any adjoining land within residential and Mixed-Use zoning districts specified in Table 2.01. Screening shall be provided in accordance with the Screening Standards specified in Section 4.03 of this Ordinance.

26. Recreational Campground.

A lodging establishment organized to accommodate five (5) or more separate, designated campsites for shelter in either privately owned or campground-owned lodging. The property may include amenities, such as site-specific electric and sewer hookups, public bath houses, convenience stores, recreational areas and pools. The campground may permit seasonal sites. Seasonal guests shall not be required to have month-to-month agreements. Approved guests may leave their trailer on the site throughout the year but may not maintain a permanent residence. The term shall not include a recreational vehicle or tent campsite in a Pennsylvania State Park facility. The following performance standards shall apply:

- a. Setback. No camping site shall be located within one hundred (100) feet of a public Right-of-Way or within one hundred (100) feet of any property line or within three hundred (300) feet of a residence not located on the property of the recreational campground. No part of any setback shall be used for any other

required area for a campground, service Buildings, drives or water and sewage facilities which are located aboveground except to contain the required buffer yard.

- b. Buffer Yard. A buffer yard shall be provided pursuant to the standards specified in Section 4.03 of this Ordinance.
- c. Campground. A campground shall have a minimum Lot size of five (5) acres. If a campground is being developed on the same parcel as another use, for example a home or agricultural use, the parcel shall have enough acres to delineate the minimum five (5) acres to the campground while reserving the minimum acres required for the existing principal use.
- d. Campsites. Individual campsites shall contain a minimum of 2,000 square feet with a minimum width of forty (40) feet. Each campsite shall provide a clear, level, well-drained, mud-free pad for accommodating trailers and campers. A maximum of ten (10) campsites per acre is permitted.
- e. Parking. Parking shall be provided within the campground pursuant to the following requirements.
 - (1) Camping site parking shall provide a clean, mud-free, and well-drained area.
 - (2) No on-Street parking shall be permitted within the campground.
 - (3) Off-Street parking spaces for at least 2.5 motor vehicles shall be provided for each camping site.
- f. Streets and Roads. Each camping site shall front upon an approved Street or road.
 - (1) One-way Streets and roads with camping site parking shall have an improved surface of no less than twelve (12) feet.
 - (2) Two-way Streets and roads with camping site parking shall have an improved surface of no less than twenty (20) feet.
 - (3) One-way Streets and roads with on-Street parking on one side shall have a paved surface of no less than twenty (20) feet, and twenty-eight (28) feet for parking on both sides.
 - (4) Two-way Streets and roads with on-Street parking shall have an improved surface of no less than twenty-eight (28) feet for one-side parking, and thirty-six (36) feet for both-side parking.
 - (5) Streets and roads shall be graded to provide drainage from the road surface. Drains and culverts shall be provided as necessary to maintain proper drainage.

27. Self-Storage Facility.

Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing personal property. No occupant shall use a self-service storage facility for residential purposes. A self-storage facility shall not be used for Warehouse and Distribution purposes.

- a. Minimum Lot area shall be not less than one (1) acre.
- b. At least forty (40) feet of clear, unobstructed driveway depth shall be provided from the road to the primary access gate or principal entry point of the facility.
- c. Interior drive aisle widths shall not be less than twenty-five (25) feet.
- d. Buildings shall be designed and located so that overhead doors and the interior driveways within such facilities are not visible from the adjacent public Right-of-Way. This provision does not apply to overhead doors that are within an enclosed self-storage Building and that are visible only through windows of the Building.
- e. No door openings for any storage unit shall be visible at ground level from any residentially zoned property or residential use.
- f. All fences or walls visible from the public Right-of-Way shall be constructed of decorative Building materials such as slump stone masonry, concrete block, wrought iron, or other similar materials.
- g. Boats, campers, recreational vehicles, and travel trailers may be stored outside of an enclosed Building, but only in an area designated for such outside storage on an approved site plan and not visible from the public Right-of-Way or adjacent property when viewed from the ground level.
- h. The following uses are prohibited and all Self-Storage Facilities' rental and/or use contracts shall specifically prohibit the same:
 - (1) Residential use and/or occupancy.
 - (2) Bulk storage of flammable, combustible, explosive, or hazardous materials. Nothing in this Article is meant to prohibit the storage of motor vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.
 - (3) Repair, construction, reconstruction, or fabrication of any item, including but not limited to, any boats, engines, motor vehicles, lawn mowers, appliances, bicycles, or furniture.
 - (4) Auctions, except as provided for the in Self-Service Storage Facilities Act (Act of Dec. 20, 1982, P.L. 1404, No. 325), commercial wholesale or retail sales not related to the storage activity on the premises or garage sales. Retail sales of supplies associated with the rental of storage units and/or rental of vehicles shall be permitted, such as boxes, packing tape, locks, and similar items.

(5) The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or other similar tools or equipment.

(6) Any business activity within the storage units.

i. On-site management shall be provided for a minimum of twenty (20) hours per week, during the hours of 8:00 AM and 7:00 PM prevailing time. Contact information for management during the remaining hours of the day shall be prominently posted on the premises.

j. The maximum size for any storage unit shall be twenty (20) feet by forty (40) feet for a total maximum of eight hundred (800) square feet.

28. Smoking Places.

Establishments for which the sale of tobacco products for on-site consumption yields at least seventy-five (75) percent of gross revenues, including such Uses as hookah lounges.

29. Tattoo/Piercing Parlor.

Establishments primarily in the business of applying lettering, art, and other images with permanent and semi-permanent inks, paints, pigments, or piercings to the body of patrons.

30. Truck Repair and/or Towing Service.

A business involving the sale and distribution of fuel and providing repair and/or towing service for Trucks only. Truck car wash operations may also be included. The following supplemental use regulations shall apply:

a. Permitted Types of Repair Service. Repairs include minor and heavy repair services including engine rebuilding, bodywork, repair and replacement of cooling, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, suspension systems, and other mechanical and non-mechanical elements of Vehicles.

b. Outdoor Storage. Disabled or inoperable Vehicles and those awaiting pick-up may be stored outdoors if all the following occur:

(1) No more than ten (10) Vehicles are stored.

(2) The storage area is located in the Rear Yard and screened from view of the front Lot line. The screening shall be a minimum of eight (8) feet high and shall be a galvanized chain link fence with privacy slats.

(3) The storage area shall also be screened from adjacent uses pursuant to the screening requirements specified under Section 4.03 of this Ordinance.

(4) The Vehicles shall be stored in the designated storage area and not in the public right of way or in a part of the Lot not specifically designated as an off-street parking space.

(5) All ventilation associated with fuel storage tanks shall be setback one hundred (100) feet from any adjoining residential use or property within

a residential or Mixed-Use zoning districts and oriented away from such property.

- (6) The Applicant shall furnish evidence that the storage and disposal of materials shall be accomplished in a manner that complies with all applicable state and federal regulations.

c. Outdoor Activities.

- (1) All repairs or washing activities shall occur inside a Building.
- (2) Temporary outdoor display of seasonal items, such as windshield wiper fluid or salt, is permitted during business hours adjacent to the principal Building.

d. Environmental Controls.

- (1) Car washes shall include a water reclamation system for the purpose of recycling water.
- (2) Centralized sewage disposal facilities and centralized water supply facilities shall be provided. Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
- (3) A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.
- (4) Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.

31. Truck Sales and Rental Service.

A commercial facility that offers Trucks for sale, rent or lease for specific periods of time, including a stand-alone facility for Truck sales, rental or leasing services associated with an off-site Truck dealership. The following supplemental use regulations shall apply:

- a. The site shall have frontage on and direct vehicular access to a Principal Arterial Street.
- b. No point on the site boundary shall be located within three hundred (300) feet of any residential zoning district or residential property line.
- c. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- d. All materials and equipment shall be stored within a completely enclosed Building, as defined herein.

32. Truck Stop.

An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A Truck Stop may also include overnight accommodations, showers, convenience store, or restaurant facilities primarily for the use of Truck stop patrons. Truck stops may only be located outside a two (2) mile radius of another Truck Stop or Convenience Store use that includes refueling and overnight parking for commercial vehicles. The following supplemental use regulations shall apply:

- a. The site shall have frontage on and direct vehicular access to a Principal Arterial Street.
- b. No point on the site boundary shall be located within three hundred (300) feet of any residential zoning district or residential property line.
- c. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- d. All materials and equipment shall be stored within a completely enclosed Building, as defined herein.
- e. Truck Idling. Overnight Truck idling is prohibited within the Township limits. No person shall allow the primary propulsion engine of a motor vehicle to idle for more than ten (10) consecutive minutes when the motor vehicle is not in motion. Truck stop facilities shall provide signage indicating overnight idling is prohibited. Such signage must be located at the entrance of overnight parking Lots in a visible manner to Truck drivers. Exemptions from this requirement include the following:
 - (1) A motor vehicle that has a gross vehicle weight rating of 19,500 pounds or less.
 - (2) The primary propulsion engine of a motor vehicle being used to provide air conditioning or heating necessary for employee health or safety in an armored vehicle while the employee remains inside the vehicle to guard the contents or while the vehicle is being loaded or unloaded:
 - (3) A motor vehicle forced to remain motionless because of traffic conditions over which the operator has no control.
 - (4) A motor vehicle being used by the United States military, national guard, or reserve forces, or as an emergency or law enforcement motor vehicle.
 - (5) The primary propulsion engine of a motor vehicle providing a power source necessary for maintaining cargo climate control where Truck stop electrification technologies are not provided for motor vehicles.
 - (6) The primary propulsion engine of a motor vehicle being operated for minor maintenance or diagnostic purposes.
 - (7) The primary propulsion engine of a motor vehicle being operated solely to defrost a windshield.

- (8) The primary propulsion engine of a motor vehicle that is being used for commercial or public passenger transportation, or passenger transit operations, in which case idling up to a maximum of thirty (30) minutes is allowed.
- (9) The primary propulsion engine of a motor vehicle being used to perform an essential job function related to roadway construction or maintenance.
- (10) Vehicles with a gross vehicle weight rating greater than 19,500 pounds that idle overnight must be equipped with a 2008 or subsequent model year heavy-duty diesel engine or liquefied or compressed natural gas engine that has been certified by the United States Environmental Protection Agency or another state environmental agency to emit no more than thirty (30) grams of nitrogen oxides emissions per hour when idling.

33. Truck Wash.

A facility for washing or steam cleaning commercial vehicles (including a self-service operation), operating either as a separate facility or when installed and operated in conjunction with another use, and which installation includes equipment customarily associated with a car wash and which is installed solely for the purpose of washing and cleaning commercial vehicles. The following supplemental use regulations shall apply:

- a. Truck washes shall include a water reclamation system for the purpose of recycling water.
- b. Centralized sewage disposal facilities and centralized water supply facilities shall be provided. Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
- c. A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.
- d. Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.
- e. On-Lot traffic circulation channels and parking areas shall be clearly marked.
- f. Adequate provision shall be made for the proper and convenient disposal of refuse.
- g. Water from the Truck Wash operation shall not flow onto sidewalks or Streets, to prevent hazards from ice.

(F) Adult Uses.

1. Adult Establishments.

Shall be defined as any of the following:

- a. Any commercial establishment, including but not limited to Adult Book Stores, Adult Motion Picture Theaters, Adult Mini-Motion Picture Theaters, Adult Entertainment Cabaret, or other adult entertainment establishments, in which is offered for sale

ten (10) percent or more of its stock in trade video cassettes, movies, books, magazines, or other periodicals or other media which are distinguished or characterized by their emphasis on nudity or sexual conduct or activities which if presented in live presentation would constitute adult entertainment.

- (1) Adult Bookstore. An establishment having as a substantial or significant portion of its stock in trade motion pictures, video recordings, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to Obscene activities for observation by patrons thereof or an establishment with a segment or section devoted to the sale, rental or display of such material.
- (2) Adult Cabaret. A nightclub, bar, Restaurant or similar establishment that regularly features live performances that are characterized by the exposure of specific anatomical areas or by Specified Sexual Activities, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depiction or description of specified activities or anatomical areas.
- (3) Adult Mini-Motion-Picture-Theater. An enclosed Building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to Obscene activities for observation by patrons therein.
- (4) Adult Motion Picture Theater. An enclosed Building with a capacity of fifty (50) or more Persons used for presenting material distinguished or characterized by an emphasis on matters depicting, describing, or relating to Obscene activities for observation by patrons therein.

- b. Any commercial establishment that offers for a consideration physical contact in the form of wrestling or tumbling between Persons of the opposite sex and/or gender.
- c. Any commercial establishment that offers for consideration activities between male and female Persons and/or Persons of the same sex or gender when one or more Persons are nude or Semi-Nude.
- d. Any commercial establishment that offers for a consideration nude human modeling.
- e. Proximity to Certain Uses. No Building or Premises shall be used, and no Building shall be erected or altered, which is arranged, intended or designed to be used for an Adult Establishment if any part of such Building or Premises is situated on any part of a Lot within a five hundred (500) foot radius in any direction of any Lot used for, or upon which is located any Building used for any Residential Use; Place of Worship, Medical Clinic, medical office, Hospital, school, facility attended by Persons under the age of eighteen (18) (including but not limited to school programs, children's museums, camps, and athletic leagues), Park, or other Adult Establishment.
- f. The additional Use regulations apply to all Adult Establishments:

- (1) No more than five (5) percent of the Lot may be covered by Buildings or accessory Buildings.
- (2) A buffer yard shall be provided pursuant to Section 4.03 of this Ordinance.
- (3) Parking shall be provided for not less than one motor vehicle per two hundred (200) square feet of the GFA of the Building.
- (4) No material, merchandise, film or service offered for sale, rent, lease, loan or for view shall be exhibited, displayed or graphically represented outside of a Building or Structure or that can be seen from the exterior of the Building.
- (5) Any Building or Structure used and occupied as an adult regulated facility shall be windowless or have an opaque covering over all windows or doors of any area in which materials, merchandise, film, service, or entertainment are exhibited or displayed.
- (6) No Sign shall be erected upon the premises depicting or giving a visual representation of the type of materials, merchandise, film, service, or entertainment offered therein.
- (7) Each and every entrance to the Structure shall be posted with a notice of at least four (4) square feet that the Use is an adult regulated facility restricting persons under the age of eighteen (18) from entrance.
- (8) No unlawful sexual activity or conduct shall be performed or permitted.
- (9) Prohibited Activities. Any Use or activity prohibited by §5903 of the Pennsylvania Crimes Codes as amended and further defining the offense of obscenity, redefining Obscene and further providing for injunctions.
- (10) No adult-related Use may change to another adult-related Use, except upon Conditional Use approval.
- (11) The Use shall not create an enticement for minors because of its proximity to nearby uses where minors may congregate.
- (12) No more than one adult-related Use may be located within one Building.

(G) Employment Uses.

A category of Uses for businesses involving activities that may not be associated with walk-in customers.

1. Craftsman Industrial.

A Use that includes a showroom or small retail outlet and production space, and involves small scale production, assembly, and/or repair. Craftsman Industrial includes such Uses as those found in Table 3.04.4, Typical Employment Uses. This Use may also include associated facilities such as offices and accessory on-site storage. The following supplemental use regulations shall apply:

- a. The total GFA of indoor activities shall not exceed 3,000 sq. ft.
- b. Outside on-site storage shall not exceed 1,000 sq. ft. and must be screened pursuant to Section 4.03 of this Ordinance.

Table 3.04.4, Typical Employment Uses.

Typical Office Uses	Typical Craftsman Industrial Uses
Architecture/Engineering/Design	Apparel and Finished Fabric Products
Broadcasting, Recording, and Sound Studio	Botanical Products
Business Consulting	Brooms and Brushes
Construction Trade and Contractor (office only)	Canning and Preserving Food
Charitable Institutions	Commercial Scale Copying and Printing
Computer Programming and Support	Cut Stone and Cast Stone
Data Processing	Electronics Assembly
Detective Services	Electrical Fixtures
Educational Services (tutor and testing)	Engraving
Employment Agency	Fabricated Metal Products
Financial and Insurance	Film Making
Government Offices and Facilities	Firearms and Ammunition
Laboratories, Medical, Dental, Optical	Furniture and Fixtures
Legal Services	Glass
Management Services	Household Textiles
Medical and Dental Offices (other than in hospitals or on a hospital campus, and other than clinics)	Ice
News Agency	Jewelry, Watches, Clocks, and Leather Products (no tanning)
Physical Therapy/Physical Rehabilitation	Meat and Fish Products, no processing
Public Relations and Advertising	Musical Instruments and Articles
Property Development	Pottery, Ceramics, and Related Products
Real Estate and Apartment Finders	Printing, Publishing and Allied Industries
Research and Development	Shoes and Boots
Research Agency	Signs and Advertising
Support Offices for other uses	Silverware
Surveying	Smithing
Trade Schools	Taxidermy (with incidental tanning)
Training Center	Textile, Fabric, Cloth
	Toys and Athletic Goods
	Upholstery
	Woodworking

2. Data Center.

A facility containing one or more large-scale computer systems used for data storage and processing for off-site users. Typical supporting equipment includes back-up batteries and power generators, cooling units, fire suppression systems, water storage and enhanced security features. A Water Cooling and/or Storage Systems may be permitted as an Accessory Use. The following supplemental use regulations shall apply:

- a. Data Centers shall be subject to the bulk and area regulations set forth in Section 2.18(F) and the design criteria set forth in Section 2.18(G) of this Ordinance.
- b. Sites for Data Centers outside the DCO District shall have frontage on and direct vehicular access to an Arterial or Collector Street.
- c. Access. Vehicle access shall be provided pursuant to the requirements specified in the Middlesex Township Subdivision and Land Development Ordinance.
- d. Traffic Impact Study. A traffic impact study prepared by a Registered Design Professional pursuant to the requirements specified under the Middlesex Township Subdivision and Land Development Ordinance shall be reviewed and approved by the Township Engineer.
- e. Water Feasibility Study. A water feasibility study prepared by a qualified professional shall be provided with the zoning permit application. The purpose of the study will be to determine if there is an adequate supply of water for the proposed data center and to estimate the impact of the data center on existing public system and/or wells in the vicinity. No data center shall be approved without sufficient water and/or for a use that poses adverse impact on existing wells in the vicinity. If the source is from a municipal system, the applicant shall include documentation that the public authority will supply the water needed. A water feasibility study shall include the following minimum information:
 - (1) Calculations of the projected water needs.
 - (2) A geologic map of the area with a radius of at least one mile from the site.
 - (3) The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
 - (4) The location of all streams within 1,000 feet of the site and all known point sources of pollution.
 - (5) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
 - (6) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
 - (7) Identification of how water will be recycled or released into surrounding water bodies
 - (8) A statement of the qualifications and the signature(s) of the person(s) preparing the study

(9) The applicant shall provide proof of review and approval from the Susquehanna River Basin Commission (SRBC) for projects that have:

- (a) Water withdrawals of 100,000 gallons per day (gpd) or more over a 30-day average from any source or combination of sources within the Susquehanna River Basin.
- (b) Any consumptive water use of 20,000 gpd or more over a 30-day average from any water source

f. Electric. The applicant should provide an interconnection agreement from the electric service provider indicating that capacity is available, and the data center will be served. Known impacts on electric rates or availability for others uses directly attributable to the data center project should be noted.

g. Noise. A noise study shall be performed and included in the application. The noise study shall be performed by an independent noise study expert and paid for by the Applicant. Noise from a Data Center shall not exceed 70 dBA, as measured at the property line. This requirement does not apply during a time of power outage.

3. Office Uses.

A category of Uses for businesses that involve the transaction of affairs and/or the training of a profession, service, industry, or government. Patrons of these businesses usually have set appointments or meeting times; the businesses do not typically rely on walk-in customers. Office Uses include those listed in Table 3.04.4, Typical Employment Uses. The following supplemental use regulations shall apply:

- a. The site shall have frontage on and direct vehicular access to an Arterial Street.
- b. Access. Vehicle access shall be provided pursuant to the requirements specified in the Middlesex Township Subdivision and Land Development Ordinance. The subject site shall have access to a Collector or Arterial Street.
- c. Site illumination shall be provided in accordance with the lighting standards specified under Section 4.10 of this Ordinance.
- d. Traffic Impact Study. A traffic impact study prepared by a Registered Design Professional pursuant to the requirements specified under the Middlesex Township Subdivision and Land Development Ordinance shall be reviewed and approved by the Township Engineer.

(H) Infrastructure Uses.

A category of Uses for the provision of public and private infrastructure to support other uses and/or the conveyance of people, goods, and services. Infrastructure Uses may not include a principal Building meeting the Building type requirements. Accessory Structures may be included.

1. Airport.

A principal use where aircraft are stored, maintained, repaired, and refueled, and where aircraft take-off and land. Airports may also include other accessory accommodations for

aircraft passengers, cargo, or both. The following supplemental use regulations shall apply:

- a. Minimum Lot Area. Fifty (50) acres.
- b. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- c. The Applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
- d. No part of the take-off/landing strip and/or pad shall be located nearer than 1,500 feet from any property line.

2. Heliport.

A use where one or more helicopters may land/take-off and be stored. Such use may also include support services such as fueling and maintenance equipment, passenger terminals and storage hangars. The following supplemental use regulations shall apply:

- a. Minimum Lot Area. Five (5) acres.
- b. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- c. The Applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
- d. No part of the take-off/landing strip and/or pad shall be located nearer than one hundred (100) feet from any property line.

3. Helistop.

A use on a roof or on the ground to accommodate helicopters for the purpose of picking up and discharging passengers or cargo with no service facilities. The following supplemental use regulations shall apply:

- a. All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
- b. The Applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
- c. The proposed helistop would not be detrimental to the health, welfare and safety of the Township residents and their property.
- d. The takeoff and landing pad area shall have a minimum length and width (or diameter if circular) of one and one-half (1.5) times the overall length of the largest helicopter intended to use the facility. All pads shall be paved, level, and maintained free of all loose stone and aggregate.

- e. At least two (2) approach lanes, or each landing pad shall be provided and maintained free of obstructions and shall be located not less than ninety (90) degrees apart. Each approach lane shall be located within forty-five (45) degrees left or right of the prevailing winds and shall fan out at an angle of ten (10) degrees from the width of the landing pad to a width of 1,000 feet and shall have a glide angle slope of eight (8) to one (1) measured from the outer edge of the pad.
- f. An application for the helistop on a roof shall be accompanied by a certification by a registered engineer that the loads imposed by the helicopter shall be supported by the Structure.
- g. The helistop shall be used only for personal or executive use by a firm or individual.
- h. No helicopter over 6,000 pounds gross weight shall use any helistop.
- i. The helistop shall be located a minimum of 1,000 feet from any dwelling unit.
- j. The Applicant shall furnish evidence of the obtainment of a license, if required, from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
- k. It shall be unlawful for any Person to land, discharge, load or take off in a helicopter in any place within the Township other than at a heliport or helistop except:
 - (1) In conjunction with a special event as an athletic contest, holiday celebration, parade or similar activity, after seven (7) days advance notice has been given to the Township and permission obtained to make such landing and takeoff.
 - (2) When necessary for police and/or fire training or when necessary for law enforcement purposes and for emergencies.
 - (3) In connection with a construction project where a helicopter is to be used to lift equipment in connection with such project.
 - (4) Spraying and dusting for agricultural purposes.

4. Parking as a Principal Use.

A Lot or Building that is primarily used for the exclusive parking of vehicles. The following supplemental use regulations shall apply:

- a. Corner Lot. A Corner Lot shall not be used solely for parking.
- b. Adjacent Parking Facilities. Two (2) principal parking facilities shall not be located directly adjacent to one another, except for a new Structured parking facility replacing an existing parking Lot.

5. Principal Solar Energy Systems (PSES).

An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. A PSES is designed as the primary use on a Lot, wherein the power generated is used primarily for off-site consumption. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment and other accessory structures and Buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines and other appurtenant structures. The following supplemental use regulations shall apply:

- a. Applicability. Principal Solar Energy Systems (PSES) constructed prior to the effective date of this Section shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to an existing solar energy system, whether or not existing prior to the effective date of this Section that materially alters the solar energy system shall require approval under this Ordinance. Routine maintenance or like-kind replacements do not require a permit.
- b. Bulk and Area Dimensional Requirements. Notwithstanding the bulk and area dimensional requirements of the underlying zoning district, the following requirements shall apply to PSES in all zoning districts.
 - (1) Minimum Lot Size. Twenty (20) acres.
 - (2) Minimum Setbacks.
 - (a) Fifty (50) ft. adjacent to a non-residential property line or district boundary (all yards)
 - (b) Seventy-five (75) ft. adjacent to a residential property line or district boundary, including the MU District.
 - (3) Maximum Height. Fifteen (15) ft.
 - (4) Maximum Lot Coverage. Shall be no greater than the maximum lot coverage specified in the applicable zoning district. However, such requirements do not apply if the proposed facility is exempt from stormwater requirements as noted in this Section.
- c. The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Township and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- d. Upon completion of installation, the PSES shall be maintained in good working order in accordance with standards of the municipal codes under which the solar energy system was constructed. Failure of the property owner to maintain the

solar energy system in good working order is grounds for appropriate enforcement actions by the Township in accordance with applicable ordinances.

- e. All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
- f. PSES Principal Point of Contact. The PSES Owner and/or operator shall maintain a phone number and identify a Person responsible for the public to contact with inquiries and complaints throughout the life of the project and provide this number and name to the Township. The PSES Owner and/or operator shall make reasonable efforts to respond to the public's inquiries and complaints.
- g. Noise. A noise study shall be performed and included in the application. The noise study shall be performed by an independent noise study expert and paid for by the Applicant. Noise from a PSES shall not exceed fifty (50) dBA, as measured at the property line.
- h. Glare.
 - (1) All solar energy systems shall be placed such that concentrated solar radiation or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.
 - (2) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- i. No portion of the solar energy system shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the solar energy system provided they comply with the prevailing sign regulations.
- j. No trees or other landscaping otherwise required by the Township or as made a condition of approval of any plan, application, or permit may be removed for the installation or operation of a solar energy system.
- k. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner or its successors nor assigns in title or create in the property itself the following. This acknowledgement shall be submitted to the Township and placed as a note on the required subdivision and/or land development plans.
 - (1) The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property, and
 - (2) The right to prohibit the development on or growth of any trees or vegetation on such property.
- l. Solar Easements.
 - (1) Where a subdivision or land development proposes a PSES, solar easements may be provided. Said easements shall be in writing and shall

be subject to the same conveyance and instrument recording requirements as other easements.

- (2) Any such easements shall be appurtenant, shall run with the land benefited and burdened, and shall be defined and limited by conditions stated in the instrument of conveyance. Instruments creating solar easement shall include but not be limited to following requirements:

- (a) A description of the dimensions of the easement including vertical and horizontal angles measured in the degrees or the hours of the day, on specified dates, during which direct sunlight to a specified surface or structural design feature may not be obstructed;
- (b) Restrictions on the placement of vegetation, structures, and other objects which may impair or obstruct the passage of sunlight through the easement;
- (c) Enumerate terms and conditions, if any, under which the easement may be revised or terminated; and
- (d) Explain the compensation for the owner of the real property subject to the solar easement for maintaining the easement and for the owner of the real property benefiting from the solar easement in the event of interference with the easement.

- (3) If necessary, a PSES Developer and/or operator must obtain any solar easements necessary to guarantee unobstructed solar access by separate civil agreement(s) with adjacent property owner(s).

m. Stormwater Requirements. The Applicant shall submit a Stormwater Management Plan that demonstrates compliance with the stormwater management regulations specified in the Township Subdivision and Land Development Ordinance.

n. Impervious Coverage. Impervious coverage limitations established in this section and a detailed stormwater analysis including post construction stormwater management requirements pursuant to 25 Pa. Code § 102.8(n) are required for all solar energy systems unless the following requirements are met.

- (1) The following components of a solar energy system shall be considered impervious coverage and calculated as part of the impervious coverage limitations for the underlying zoning district:

- (a) Foundation systems, typically consisting of driven piles or monopoles or helical screws with or without small concrete collars.
- (b) All mechanical equipment of the system including any structure for batteries or storage cells.

- (2) Earth disturbance and grading activities shall be minimized, and natural vegetative cover shall be preserved or restored. Low impact construction techniques shall be used to the maximum extent practicable.

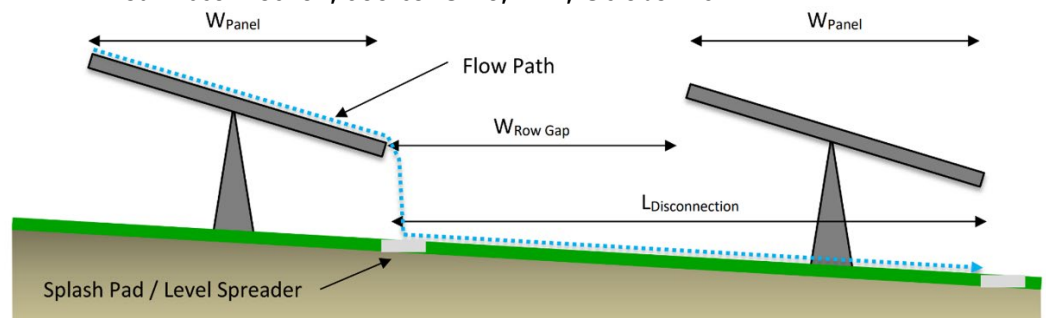
- (3) The post-construction condition shall have a minimum uniform ninety (90) percent perennial vegetative cover with a density capable of resisting

accelerated erosion and sedimentation. In addition, the following criteria shall be met:

- (a) A meadow condition is preferable. Ideal vegetation type is native deep-rooted perennial vegetation.
- (b) Existing slopes on the project site shall be ten (10) percent or less. However, projects that need grading within array areas with slopes between ten (10) percent to fifteen (15) percent may be acceptable upon site/project evaluation and certification by a qualified professional engineer and the addition of slope protection, as deemed necessary. At a minimum, projects with slopes exceeding ten (10) percent shall consider options for maintaining sheet flow and dissipating energy at the drip edge of each row of panels. Sloped areas of greater than ten (10) percent) and any stormwater management features shall also be closely monitored for at least one full growing season after project completion or until vegetation is ninety (90) percent established. This would be in addition to routine inspections conducted during operation and maintenance throughout the life of the project. Vegetation reinforcement or additional BMPs shall be provided accordingly.
- (c) Solar panels shall be configured in a manner such that they disconnect surfaces; and promote sheet flow and natural infiltration into the ground beneath the panels.
- (d) If areas beneath the solar panels require mowing, the vegetative cover shall not be cut to less than four (4) inches in height.
- (e) Vegetative areas shall not be subject to chemical fertilization or herbicide/pesticides application, except for those applications necessary to establish the vegetative cover (in accordance with an approved erosion and sediment plan) or to support crop production related to agrivoltaics.
- (f) Compaction of subsoil shall be avoided. Vehicular traffic shall be kept to designated areas and any incidental traffic over the array field by contractors will be minimized to the maximum extent practicable. Construction vehicles and equipment shall avoid areas receiving disconnected runoff during installation of the solar panels. If compaction issues are encountered, the project proponent will be responsible to conduct restorative measures (e.g., subsoil shall be tilled and amended to return the soil to its pre-compaction condition). Areas receiving runoff shall be protected from future compaction.
- (g) The site shall be designed to maintain applicable buffer distances from the delineated watercourse or wetland limits in accordance with federal, state, or local regulations.
- (h) The site shall not be located directly upslope of areas that are subject to flooding issues-particularly to inhabited structures.

- (i) Sites with soils having slip potential shall be more closely evaluated for any geotechnical issues-especially in areas with moderate to steep slopes.
- (4) The individual photovoltaic panels shall be arranged according to the following requirements:
 - (a) Allows and supports the passage of sheet flow between each module, thereby minimizing the production of concentrated runoff.
 - (b) Allows for the growth of vegetation beneath the panel and between 'arrays'. Shade tolerant vegetation is encouraged.
 - (c) The length of disconnection (the row gap distance between arrays and the distance beneath the downslope array) is sufficient to infiltrate the runoff from the upslope array. At a minimum, the gap distance between arrays shall be equal or greater than the width of the panel array (see Figure 3.04.1 below) and shall provide the minimum access as required under Subsection w.(2), Access, below.

Figure 3.04.1, Schematic Profile of Solar Panel Array Providing Impervious Area Disconnection, Source: Ohio, EPA, October 2019



- (5) To qualify for the post construction stormwater management exemption, a qualified licensed professional must conduct an assessment of the proposed solar panel support structures/foundations with regard to increases in earth disturbance and impervious cover as compared to the existing condition. The assessment shall demonstrate no greater than a five (5) percent increase in impervious cover compared to the total site area (excluding access drives and service buildings).
- (6) Solar Arrays shall achieve the lowest vertical clearance (when at resting position during storm events) while retaining sufficient height to sustain perennial deep-rooted vegetation and optimizing infiltration below the array. Limiting the vertical clearance of the solar array will minimize the potential for accelerated erosion to occur along the drip line of the solar array. Additional controls such as turf reinforcement/energy dissipation may be needed to address erosion and scour along the dripline-particularly in cases where the lowest vertical clearance of solar panels from the ground exceeds ten (10) feet.

- o. Proximity to Power Grid. Any proposed PSES shall be located within the following distances of an adequately sized power line, a substation that is capable of accepting solar energy into the electricity grid, or another solar facility.
 - (1) Maximum Distance to Three-Phased Power Lines.
 - (a) 10 MWac or smaller. 1,000 ft.
 - (b) 69 kV or higher. One (1) mile
 - (2) Distance to Substation. Two (2) miles
- p. Plan Requirements. A report and plan highlighting the existing conditions of the property shall be included in the submission to the Township. The information shall highlight existing vegetation, topography, and other existing natural features.
 - (1) Ground mounted PSES require submission of a land development plan if the solar project area is greater than 5,000 square feet.
 - (2) Roof mounted PSES do not require submission of a land development plan.
- q. Permit Requirements.
 - (1) PSES shall comply with the Middlesex Township Subdivision and Land Development Ordinance requirements through submission of a land development plan. The installation of PSES shall be in compliance with all applicable permit requirements, codes and regulations.
 - (2) The PSES Developer and/or operator shall repair, maintain and replace the PSES and related solar equipment during the term of the permit in a manner consistent with industry standards as needed to keep the PSES in good repair and operating condition.
- r. Decommissioning.
 - (1) The PSES owner is required to notify the Township immediately upon cessation or abandonment of the operation. The solar energy system shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
 - (2) The PSES Developer shall then have six (6) months from abandonment in which to dismantle and remove the solar energy system including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. If the Developer fails to dismantle and/or remove the solar energy system within the established timeframes, the Township may complete the decommissioning at the Developer's expense.
 - (3) The PSES Developer shall, at the time of application, provide the Township with an estimate of the cost of performing the decommissioning activities required herein, together with an administrative and contingency factor equal to twenty-five (25) percent to account for the cost of obtaining permits to complete said activities. The estimate may include an estimated

salvage and resale value, discounted by a factor of twenty (20) percent. The decommissioning cost estimate formula shall be as follows:

$$\text{[Gross Cost of Decommissioning Activities]} + \text{[Administrative Factor of Twenty-five (25) Percent]} - \text{[Salvage and Resale Credit of Eighty (80) Percent]} = \text{Decommissioning Cost Estimate.}$$

- (4) On every fifth (5th) anniversary of the date of providing the decommissioning financial security the PSES Developer shall provide an updated decommission cost estimate based on the formula set forth above with adjustments for inflation and construction cost and value changes. If the decommissioning security amount changes, the PSES Developer shall remit the increased financial security to the Township within thirty (30) days of the approval of the updated decommissioning security estimate by the Township.
- (5) Decommissioning security estimates shall be subject to review and approval by the Township and the PSES Developer shall be responsible for administrative, legal, and engineering costs incurred by the municipality for such review.
- (6) At no time shall the financial security be an amount less than \$500,000.00.
- (7) The decommissioning security may be in the form of cash, letter of credit, or an investment grade corporate guarantee rated BBB-/Baa3 or better by S&P, Moody's, or AM Best, as applicable.
- (8) Prior to approval of any plan or permit for a PSES, the PSES Developer shall enter into a Decommissioning Agreement with the Township outlining the responsibility of the parties under this Agreement as to the decommissioning of the PSES.

s. Environmental Protection.

- (1) All PSES must be set back fifty (50) feet from any area designated as a wetland, a FEMA Floodplain, or an area containing fifteen (15) percent slope or greater.
- (2) All PSES shall be set back one hundred (100) feet from a property listed on, or eligible for listing on the National Register of Historic Places as designated by the State Historic Preservation Office of the National Park Service.
- (3) In Agricultural Districts, the solar project area shall only be located on twenty-five (25) percent of the total Class I and Class II soils within the parcel boundary. This requirement does not apply if the project area is proposing agrivoltaics.
- (4) In no case shall the solar project area occupy more than twenty (20) acres of Class I and Class II soils (as identified by USDA NRCS Web Soil Mapper) within the parcel boundary.

- (5) The undeveloped portion of Class I and Class II soils shall be designed for agricultural use and adequate for maneuverability of typical farm equipment.
- t. Ground mounted PSES shall be screened from adjoining residential uses or zones according to the requirements specified under Section 4.03 Buffering, Landscaping, and Screening of this Ordinance.
- u. PSES shall not be placed within any legal easement or right-of-way location or be placed within any stormwater conveyance system or in any other manner that would alter or impede stormwater runoff from collecting in a constructed storm water conveyance system.
- v. Security.
 - (1) All ground mounted PSES shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate. The fence shall meet setback requirements noted in this section.
 - (2) A clearly visible warning sign shall be placed at the base of all pad-mounted transformers and substations and on the fence on the surrounding the PSES informing individuals of potential voltage hazards.
- w. Access.
 - (1) A fifteen (15) foot minimum wide access road must be provided from a public Street into the site. All other design of the access road shall meet the requirements specified in the Middlesex Township Subdivision and Land Development Ordinance.
 - (2) A ten (10) foot minimum wide access aisleway shall be provided between each or every other row of solar arrays to allow for maintenance and emergency vehicle access. The aisleway width shall be the distance measured between the bottom edge of a solar panel to the top edge of the solar panel directly across from it.
 - (3) If the PSES is exempt from stormwater requirements as specified in this section, vegetation must be maintained or replaced after maintenance and/or emergency use.
- x. PSES shall not be artificially lighted except to the extent required for safety or applicable federal, state, or local authority.
- y. The Developer of a PSES shall provide the Township written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system. The written confirmation shall include a statement of capacity and approval of the proposed connection.
- z. Roof and Wall Mounted PSES.
 - (1) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Municipality that the roof or wall is capable of holding the load imposed on the structure.

- (2) PSES mounted on the roof or wall of any building shall be subject to the maximum height regulations of the underlying zoning district.
- (3) The solar energy system Developer shall, at the request of the Township, provide information concerning the amount of energy generated by the solar energy system in the last twelve (12) months.

aa. Utilities. Notwithstanding the underground utility placement requirements of the Middlesex Township Subdivision and Land Development Ordinance, utilities serving PWES may be placed above ground subject to Conditional Use approval by the Board of Supervisors.

6. Principal Wind Energy Systems (PWES).

A principal use on a parcel that converts and then stores or transfers energy from the wind into usable forms of energy on a large, industrial scale for commercial, or utility purposes. The following supplemental use regulations shall apply.

a. Design and Installation.

- (1) Applications for PWES uses shall be subject to the requirements set forth below, as well as all other applicable state or federal regulations.
- (2) The layout, design, and installation of a PWES shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), Det Norske Veritas, Germanischer Lloyd Wind Energies, the American Society of Testing and Materials (ASTM), or other pertinent certifying organizations and comply with all applicable Building and electrical codes of the Township. The manufacturer specifications shall be submitted as part of the application.
- (3) Applicants shall submit a land development plan which shall be compliant with all the requirements of the Middlesex Township Subdivision and Land Development Ordinance.
- (4) The Applicant shall provide sufficient documentation showing that the PWES shall comply with all applicable requirements of the Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation's (PennDOT) Bureau of Aviation (BOA).
- (5) The PWES shall provide the Township written confirmation that the public utility company to which the PWES shall be connected has been informed of the intent to install a grid connected system and approved of such connection.

(6) Visual Appearance.

- (a) All on-site utility, transmission lines, and cables shall be placed underground.
- (b) The PWES shall be painted a non-reflective, flat color such as white, off white, or gray unless required to be colored differently from FAA or PennDOT Bureau of Aviation regulations.

- (c) The PWES shall not be artificially lighted, except to the extent require by the Federal Aviation Administration or other applicable authority.
- (d) The display of advertising is prohibited except for identification of the manufacturer of the system, facility Owner and operator.
- (e) Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the PWES.
- (f) Accessory structures and equipment associated with a PWES shall be screened pursuant to the standards specified in Section 4.03 of this Ordinance

(7) Warnings and Safety Measures.

- (a) A clearly visible warning Sign concerning voltage shall be placed at the base of all pad-mounted transformers and substations.
- (b) All access doors to a PWES including electrical equipment, out Buildings and all appurtenances thereto, shall be locked or fenced to prevent entry by non-authorized personnel.
- (c) PWES shall not be climbable up to fifteen (15) feet above ground surface or the climbing apparatus shall be fully contained and locked within the tower Structure.
- (d) Visible, reflective, colored objects, such as flags, reflectors or tape shall be placed on the anchor points of guy wires and along the guy wires up to a Height of ten (10) feet from the ground.
- (e) The Applicant shall provide a copy of the project summary and site plan to local emergency services, including the Township Fire Chief.
- (f) The PWES facility Owner and/or operator shall abide by all applicable local, state and federal fire code and emergency guidelines. The facility Owner and/or operator shall provide emergency services with a response plan.

b. Zoning Requirements. Notwithstanding other provisions of this Ordinance, the following zoning standards shall apply to PWES uses.

- (1) Lot Size. The PWES shall be separated from each other by a minimum of 1.1 times the total Height of the highest wind turbine.
- (2) Setbacks.
 - (a) The PWES shall be set back from the nearest property line a distance of not less than the normal setback requirements for the zoning district or its total Height, whichever is greater.

- (b) The PWES shall be set back from a Building, on a non-participating landowner's property, not less than 1.5 times its total Height measured from the center of the wind turbine base to the nearest point on the foundation of the occupied Building.
- (c) The PWES shall be set back from a Building on a participating landowner's property, not less than its total Height measured from the center of the wind turbine base to the nearest point of foundation of the occupied Building. Any operator/occupied Building used in connection with the development are exempt from this distance limit.
- (d) The PWES shall be set back from the nearest public road Right-of-Way a distance of not less than one and one-half (1.5) times its total Height measured from the center of the wind turbine base to the nearest Right-of-Way line of the public road.
- (e) Each PWES shall be set back from above-ground electric power lines, public telephone lines and television cable lines a distance of no less than 1.1 times its total Height. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point of such lines.
- (f) All PWES shall be setback from any ridge a distance of not less than the wind turbine's total Height. For this provision, "ridge" shall be defined as the elongated crest or series of crests at the uppermost point of intersection between opposite slopes of a mountain and including all land lying between such point and an elevation two hundred fifty (250) feet below the elevation of such point.
- (g) The PWES shall be set back a minimum of one hundred (100) feet from the Appalachian Trail Conservation District; a Historic Resource, Historic Structure, or Historic Site; and Important Bird Areas as identified by Pennsylvania Audubon and at least fifty (50) feet from identified wetlands.
- (h) Each Wind Turbine shall be set back from the Appalachian Trail and any historic Structure, district, site or resource listed in the state inventory of historic places maintained by the Pennsylvania Historical and Museum Commission a distance no less than 2,500 feet. The setback distance shall be measured from the center of the wind turbine generator base to the nearest point on the foundation of an historic Building, Structure or resource, or the nearest property line of an historic district or site or the Appalachian Trail.
- (i) Accessory Buildings, structures, and related equipment to the PWES shall comply with the Building setback requirements of the underlying zoning districts.

(3) Height.

(a) There shall be no specific Height limitation, so long as the total Height meets sound and set-back requirements, except as imposed by FAA regulations.

(b) The minimum Ground Clearance shall be thirty (30) feet.

(4) A PWES shall not be located on a Lot of record containing slopes equal to or exceeding twenty-five (25) percent on fifty (50) percent or more of the Lot of record. This standard shall apply to each Lot where a PWES extends across multiple Lots of record.

c. Operational Standards.

(1) Use of Public Roads.

(a) The Applicant shall identify all state and local public roads to be used within the Township to transport equipment and parts for construction, operation or maintenance of the PWES.

(b) The Township Engineer shall document public road conditions prior to construction of a PWES. The Engineer shall document road conditions within thirty (30) days after construction of the permitted project is complete, or as soon thereafter as weather may allow.

(c) Any road damage caused by the Applicant, facility Owner, operator, or contractors shall be promptly repaired to the Township's satisfaction at the expense of the Applicant and/or facility Owner.

(d) Every effort should be made to use existing roads and logging roads. New deforestation and forest fragmentation should be kept to a minimum.

(2) Noise.

(a) Audible sound from a PWES shall not exceed fifty-five (55) dBA, as measured at the property line between participating and non-participating landowners.

(b) Noise limits may be exceeded during short-term events such as utility outages and/or severe windstorms.

(c) Methods for measuring and reporting acoustic emissions from a PWES shall be equal to or exceed the minimum standards for precision described in American Wind Energy Association (AWEA) Standard 2.1 - 1989 titled Procedures for the Measurement and Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier, as amended.

(3) A Wind Turbine shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

(4) Shadow Flicker.

- (a) The PWES shall not cause shadow flicker on any occupied Building on a non-participating landowner's property.
- (b) The PWES shall be designed in such a manner as to minimize shadow flicker on a roadway.
- (c) The facility Owner and operator shall conduct, at the Applicant's expense, a modeling study demonstrating that shadow flicker shall not occur on any occupied Building on a non-participating property.

(5) Public Inquiries and Complaints.

- (a) The PWES facility Owner and/or operator shall maintain a phone number that is posted on-site of the PWES facility and identify a responsible Person for the public to contact with inquiries and complaints throughout the life of the project.
- (b) The PWES facility Owner and/or operator shall respond to the public's inquiries and complaints.

- (6) The PWES facility Owner and/or operator shall maintain a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. A certificate of insurance shall be made available to the Township upon request.

(7) Decommissioning.

- (a) The PWES facility Owner and/or operator shall, at his expense, complete decommissioning of the PWES and all related improvements within twelve (12) months of the date when the use of the particular a PWES has been discontinued or abandoned by the facility Owner and/or operator, or upon termination of the useful life of same. The PWES shall be presumed to be discontinued or abandoned if no electricity is generated by such a PWES for a continuous period of twelve (12) months.
- (b) Decommissioning shall include removal of wind turbines, Buildings, cabling, electrical components, roads, foundations to a depth of thirty-six (36) inches, and any other associated facilities.
- (c) Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
- (d) An independent and certified Registered Design Professional shall be retained to estimate the cost of decommissioning without regard to salvage value of the equipment. Said estimates shall be submitted to Township after the first year of operation and every fifth (5th) year thereafter.

- (e) The PWES facility Owner and/or operator shall post and maintain decommissioning funds in an amount of one hundred ten (110) percent of the identified decommissioning costs, as adjusted over time. The decommissioning funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the facility Owner or operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct business within the Commonwealth and is approved by the Township.
 - (f) Decommissioning funds may be in form of a performance bond, surety bond, letter of credit, corporate guarantee or other form of financial assurance as may be acceptable to the Township.
 - (g) If the PWES facility Owner and/or operator fails to complete decommissioning within the period prescribed above, then the landowner shall have six (6) months to complete the decommissioning.
 - (h) If the PWES facility Owner and/or operator, nor the landowner complete decommissioning within the periods described above, then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a participating landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.
 - (i) The escrow agent shall release the decommissioning funds when the facility Owner or operator has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township in order to implement the decommissioning plan.
- d. Application Requirements. A Conditional Use application for a PWES shall include the following:
- (1) A narrative describing the proposed PWES, including an overview of the project, the project location, the approximate generating capacity of the PWES, the approximate number, representative types and Height or range of heights of the PWES to be constructed including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - (2) An affidavit or similar evidence of agreement between the landowner and the PWES facility Owner and/or operator demonstrating that the Owner and/or operator has the permission of the property Owner to apply for necessary permits for construction and the operation of the PWES and setting forth the Applicant's and property Owner's name, address and phone number.

- (3) Identification of the properties on which the proposed a PWES shall be located, and the properties adjacent to where the PWES shall be located.
- (4) A site plan showing the planned location of each PWES, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the PWES to the substation(s), ancillary equipment, Buildings, and structures, including permanent meteorological towers, associated transmission lines and layout of all structures within the geographical boundaries of any applicable setback.
- (5) A noise study in accordance with Subparagraph 3.c.(2) above.
- (6) A shadow flicker study in accordance with Subparagraph 3.c.(4) above.
- (7) A Decommissioning Plan sufficient to demonstrate compliance with Subparagraph 3.c.(7) above.
- (8) A wind resource study shall be submitted documenting wind resources at the site. The study shall include but is not limited to data showing average wind speeds capable of generating electricity and the available capacity to transmit the electricity into the power grid.
- (9) Other relevant studies, reports, certifications and approvals as required by this Ordinance or as may be requested by the Township to ensure compliance with this Ordinance.
- (10) Throughout the permit process, the Applicant shall promptly notify the Township of any changes to the information contained in the conditional use/special exception permit application. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

7. Transit Bus Stops.

Uses include both sheltered and non-sheltered infrastructure facilities that provide passengers safe access to both fixed-route and demand responsive public transportation services. The following supplemental use regulations shall apply:

- a. Bus stop infrastructure, including ADA loading pads, bus passenger benches, and bus shelters, as well as bus stop location Signs and bus stop passenger information Signs, shall be permitted by right in all zoning districts and shall be considered an Accessory Use/Structure that can stand alone without the accompanying Principal Use.
- b. Bus stop infrastructure shall be exempt from minimum Lot size, Open Space, yards, and setback requirements of the governing zoning district(s).
- c. The location and design of the bus stop infrastructure shall be reviewed and approved by the applicable transit agency and Township. The transit agency shall provide written documentation certifying that a location is an existing or potential future bus stop.
- d. Whenever an ADA loading pad, bench for a bus stop, and/or bus shelter is provided, the applicable off-street parking requirements for the Lot's Principal

Use may be reduced by one or more vehicular parking space(s) for each bus stop location.

- e. Bus stop location Signs and bus stop passenger information Signs installed and maintained by the transit agency shall be permitted within the public Right-of-Way and on private property and shall be exempt from the Sign requirements specified under Section 5 of this Ordinance.

8. Transit Facility.

Any motor bus, rapid transit, or other ground transportation system having as its primary purpose the regularly scheduled movement of passengers and goods through fixed route, shared ride, non-medical assistance, or medical assistance transportation services between locations within the territorial boundaries of a regional transit authority, including all Rights-of-Way, rolling stock, equipment, machinery, terminals, buildings, administration and maintenance and repair facilities, and supporting parking energy facilities, that are reasonably necessary for the comfort and accommodation of the users of transit facilities; or any combination of the foregoing.

9. Transportation and Essential Services.

A Use that is primarily utilized for the public infrastructure needs and services. Transportation and Essential Services (not including Transit Bus Stops and Transit Facility uses) include such Uses as Street Rights-of-Way, rail Rights-of-Way, public transportation services, electric or gas services, sewage treatment, water treatment and storage, pumping stations, transmission and receiving stations, and energy conversion systems, and any equipment or facilities as defined under Title 66 Pa. C.S.A. Public Utilities.

10. Wireless Communications Facilities (WCF).

An Antenna facility or a wireless support Structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

a. Purpose.

- (1) The purpose of these standards is to govern the use, construction, and location of wireless communications facilities in recognition of the nature of wireless communications systems and the Federal Telecommunications Act. These regulations are intended to:
 - (a) Accommodate the need for wireless communications facilities to ensure the provision for necessary services while preserving the character of the Township;
 - (b) Minimize the adverse visual effects and the number of such facilities through proper design, locating, screening, material, color, and finish and by requiring that competing providers of wireless communications services collocate their telecommunication and wireless communications antennas and related facilities;
 - (c) Address new wireless technologies, including, but not limited to, distributed Antenna systems, data collection units, and other WCFs;

- (d) Ensure the structural integrity of wireless communications facilities through compliance with applicable industry standards and regulations; and
 - (e) Promote the health, safety, and welfare of the residents and property owners within the Township.
- b. Regulations Applicable to All Wireless Communications Facilities. The following regulations shall apply to all Wireless Communications Facilities (WCFs).
 - (1) Wireless communications facilities shall be permitted within the Township as follows:
 - (a) Tower-Based Wireless Communications Facilities shall be permitted as specified in Table 3.02.1, provided that the proposed Wireless Communications Facilities comply with the applicable requirements of this Ordinance.
 - (b) Small Wireless Communications Facilities Inside Public Rights-of-Way shall be permitted as specified in Table 3.02.1, provided that the proposed Wireless Communications Facilities comply with the applicable requirements of this Ordinance.
 - (c) Small Wireless Communications Facilities Outside Public Rights-of-Way shall be permitted as specified in Table 3.02.1, provided that the proposed Wireless Communications Facilities comply with the applicable requirements of this Ordinance.
 - (2) Standard of Care. All WCFs shall meet all applicable standards and provisions of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate wireless communications facilities, the latest National Electrical Safety Code (NESC), American National Standards Institute (ANSI) Code, and the structural standards of the American Association of State Highway and Transportation Officials or any other industry standard applicable to the Structure. In case of conflict, the most stringent requirements shall prevail. All necessary certifications shall be obtained by the WCF Applicant and provided to the Township.
 - (3) Engineer Signature. All plans and drawings included in an application for a WCF shall contain a seal and signature of a Registered Design Professional.
 - (4) Eligible Facilities Requests. WCF Applicants proposing the Modification or Replacement of an existing WCF shall be required only to obtain a zoning permit from the Township Zoning Officer. In order to be considered for such a permit, the WCF Applicant shall submit a permit application to the Township Zoning Officer in accordance with applicable permit policies and procedures. Such permit application shall clearly state that the proposed Modification or Replacement constitutes an Eligible Facilities Request pursuant to the requirements of 47 CFR § 1.6100. The permit application shall clearly detail all dimensional changes being made to the WCF and Wireless Support Structure and certify that such changes are in compliance with the requirements of 47 CFR § 1.6100.

- (5) Substantial Change. Any Substantial Change to a WCF shall be treated as an application for a new WCF in accordance with this Ordinance and applicable FCC rules and orders. Substantial Change shall be defined according to Section 6409(a) of the Spectrum Act, aka, Middle Class Tax Relief and Job Creation Act of 2012.
- (6) Aviation Safety. All WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (7) Public Safety Communications. WCFs shall not interfere with public safety communications, or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- (8) Radio Frequency Emissions. A WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The WCF Applicant shall submit proof of compliance with all applicable standards relating to radio frequency emissions as part of any complete WCF application.
- (9) Noise. WCFs shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and as stipulated in Section 4.19 of this Ordinance, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only as permitted by the Township.
- (10) Non-conforming Wireless Support Structures. WCFs shall be permitted to collocate upon existing non-conforming Wireless Support Structures. Collocation of WCFs upon existing Wireless Support Structures is encouraged even if the Wireless Support Structure is non-conforming as to use within a zoning district.
- (11) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township fee schedule.
- (12) Indemnification. Each Person that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees, and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the WCF. Each Person that owns or operates a WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death or property damage, was caused by the construction, installation, operation, maintenance, or removal of a WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to

pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.

- (13) Non-commercial Usage Exemption. Township residents utilizing satellite dishes, citizen and/or band radios, and Antennas for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this Article.
- (14) Abandonment. In the event that the use of a WCF is to be discontinued, the Owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. A WCF not operated for a period of six (6) months shall be considered abandoned. Discontinued or abandoned WCFs, or portions of WCFs, shall be removed as follows:
- (a) All abandoned or unused WCFs and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site or receipt of notice that the WCF has been deemed abandoned by the Township unless a time extension is approved by the Township.
 - (b) If the WCF or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site or receipt of notice that the WCF has been deemed abandoned by the Township, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the Owner of the WCF.
- (15) Maintenance. The following maintenance requirements shall apply:
- (a) Structures and facilities deployed by a wireless provider shall be constructed, maintained and located in a manner as to not obstruct, endanger or hinder the usual travel or public safety on a Right-of-Way, damage or interfere with other utility facilities located within a Right-of-Way or interfere with the other utility's use of the utility's facilities located or to be located within the Right-of-Way.
 - (b) The construction and maintenance of structures and facilities by the wireless provider shall comply with the 2017 National Electrical Safety Code and all applicable laws, ordinances and regulations for the protection of underground and overhead utility facilities.
- (16) Landscaping. The following landscaping shall be required to screen as much of the support structure as possible, the fence surrounding the support structure, and any other ground-level features (such as a building), and in general soften the appearance of the personal wireless service facility site. The Township Board of Supervisors may permit any combination of existing vegetation, topography, walls, decorative fences, or other features instead of landscaping if they achieve the same degree of screening as the required landscaping. If the Antenna is mounted on an existing structure and other equipment is housed inside an existing structure, landscaping shall not be required.

- (a) An evergreen screen shall be required to surround the site. The screen can be either a hedge (planted three (3) feet on center maximum) or a row of evergreen trees (planted ten (10) feet on center maximum). The evergreen screen shall be a minimum height of six (6) feet at planting and shall grow to a minimum of fifteen (15) feet at maturity.
 - (b) In addition, existing vegetation on and around the site shall be preserved to the greatest extent possible.
- c. Small Wireless Communications Facilities. The following regulations shall apply to Small Wireless Communications Facilities:
 - (1) Application Requirements.
 - (a) Small WCFs inside the public Rights-of-Way are a permitted use in all Township zoning districts, except the ATC District, subject to the requirements of this Article and generally applicable permitting as required by the Township. Applications for Small WCFs shall be submitted to the Township Zoning Officer.
 - (b) Small WCFs outside the public Rights-of-Way are permitted by right in all Township zoning districts as shown in Table 3.02.1. Applications for Small WCFs shall be submitted to the Township Zoning Officer.
 - (c) An application for a Small WCF shall include the following:
 - i. Documentation that includes construction and engineering drawings demonstrating compliance with the requirements of this Article;
 - ii. Self-certification that the filing and approval of the application is required by the WCF Applicant to provide additional capacity or coverage for wireless services;
 - iii. Documentation demonstrating compliance with the requirements of the *Small Wireless Communications Facility Design Manual* included in Appendix A of this Ordinance;
 - iv. If the Small WCF shall require the installation of a new Wireless Support Structure, documentation showing that the WCF Applicant has made a good faith determination that it cannot meet the service reliability and functional objectives of the application by Collocating on an existing Wireless Support Structure. Such determination shall be based on whether the WCF Applicant can meet the service objectives of the application by collocating on an existing Wireless Support Structure on which:
 - [1] The WCF Applicant has the right to Collocation;
 - [2] The Collocation is Technically Feasible and would not impose substantial additional cost; and

- [3] The Collocation would not obstruct or hinder travel or have a negative impact on public safety.
 - v. Documentation showing that the Small WCF does not materially interfere with the safe operation of traffic control equipment, sight lines, or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327) or similar Federal or State standards regarding pedestrian access or movement; and
 - vi. A report prepared by a Registered Design Professional, which shows that the Small WCF shall comply with all applicable FCC regulations, including but not limited to those relating to radio frequency emissions.
- (2) Applications Not Required. The Township shall not require an application for:
- (a) Routine maintenance or repair work;
 - (b) The replacement of Small WCFs with Small WCFs that are substantially similar or the same size or smaller and still qualify as a Small WCF; or
 - (c) The installation, placement, maintenance, operation, or replacement of Micro Wireless Facilities that are strung on cables between existing utility poles by or for a WCF Applicant that is authorized to occupy the ROW, in compliance with the National Electrical Safety Code.
- (3) Location and Development Standards.
- (a) All Small WCFs shall comply with the applicable requirements of the Americans with Disabilities Act and the Middlesex Township Subdivision and Land Development Ordinance.
 - (b) No Small WCF shall be located on a private Lot in a residential district or on any single-family detached residences, single-family attached residences, semi-detached residences, duplexes, or any other residential Structure.
 - (c) All Small WCFs shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the ROW.
- (4) Design Standards. All Small WCFs in the Township shall comply with the requirements of the Township *Small Wireless Communications Facility Design Manual*. A copy of such shall be kept on file at the Township.
- (5) Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Small WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.

- (6) Private Property. If a Small WCF is to be located outside of the public ROW, or if any part of a Small WCF located in the public ROW shall encroach upon private property, the WCF Applicant shall provide the Township Zoning Officer with evidence that the Owner of such private property has granted permission for the construction of the Small WCF.
- (7) Minimum Setbacks. The minimum distance between the base of a Small WCF, located outside of the public ROW, that requires the installation of a new Wireless Support Structure and any adjoining property line or Street ROW line shall be equal to one hundred (100) percent of the Height of the Small WCF.
- (8) Historic Buildings. No Small WCF may be located within one hundred (100) feet of any property, or on a Building or Structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the Township.
- (9) Third-Party Property. Where a Small WCF is proposed for Collocation on a Wireless Support Structure, located on private property, or other property that is not owned by the WCF Applicant, the WCF Applicant shall present evidence to the Zoning Officer that the Owner of the Wireless Support Structure has authorized construction of the proposed Small WCF.
- (10) Graffiti. Any graffiti on a Small WCF, including the Wireless Support Structure and any Accessory Equipment, shall be removed at the sole expense of the Owner within thirty (30) days of notification by the Township.
- (11) Timing of Approval.
 - (a) Within ten (10) calendar days of the date that an application for a Small WCF is filed with the Township Zoning Officer, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application.
 - (b) Within sixty (60) days of receipt of an application for Collocation of a Small WCF on a pre-existing Wireless Support Structure, and subject to applicable tolling procedures as established by federal law, the Township Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
 - (c) Within ninety (90) days of receipt of an application for a Small WCF requiring the installation of a new or replacement Wireless Support Structure, and subject to applicable tolling procedures as established by federal law, the Township Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
 - (d) If the Township denies an application for a Small WCF, the Township shall provide the WCF Applicant with written

documentation of the basis for denial within five (5) business days of the denial.

- (e) The WCF Applicant may cure the deficiencies identified by the Township and resubmit the application within thirty (30) days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within thirty (30) days of the application being resubmitted for review.

(12) Consolidated Application.

- (a) A WCF Applicant may submit a consolidated application for Collocation of multiple Small WCFs. The consolidated application shall not exceed twenty (20) Small WCFs.
- (b) A WCF Applicant may not submit more than one consolidated application in a single thirty (30) day period.
- (c) If a WCF Applicant submits more than one consolidated application in a forty-five (45) day period, the applicable processing deadline shall be extended fifteen (15) days in addition to the processing deadline specified in Subparagraph (11) above.

(13) Repair and Restoration.

- (a) The WCF Applicant shall repair all damage to the ROW or any other land so disturbed, directly caused by the activities of the WCF Applicant or the WCF Applicant's contractors and return the ROW to as good of condition as it existed prior to any work being done in the ROW by the WCF Applicant or the WCF Applicant's contractors.
- (b) If the WCF Applicant fails to make the repairs required by the Township within thirty (30) days after written notice, the Township may perform those repairs and charge the WCF Applicant the reasonable, documented cost of the repairs plus a penalty of five hundred dollars (\$500.00)
- (c) The Township may suspend the ability of the WCF Applicant to receive new permits until the WCF Applicant has paid the amount assessed for the repair costs and the assessed penalty.

(14) Relocation or Removal of Facilities.

- (a) Within sixty (60) days of suspension or revocation of a permit due to noncompliance with the requirements of the Township, the WCF Applicant shall remove the Small WCF and any Accessory Equipment, including the Wireless Support Structure, if the WCF Applicant's WCF(s) are the only facilities on the Wireless Support Structure.

- (b) Within ninety (90) days of the end of a permit term, the WCF Applicant shall remove the Small WCF and any Accessory Equipment, including the Wireless Support Structure, if the WCF Applicant's WCF(s) are the only facilities on the Wireless Support Structure.
 - (c) Following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, the WCF Applicant shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any Small WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
 - i. The construction, repair, maintenance, or installation of any Township or other public improvement in the ROW;
 - ii. The operations of the Township or other governmental entity in the ROW;
 - iii. Vacation of a Street or road or the release of a utility easement; or
 - iv. An emergency as determined by the Township.
- (15) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the right to fix annually a fair and reasonable fee as stipulated in the Township's adopted Fee Schedule to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The Owner of each Small WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. Such fees shall comply with the applicable requirements of the Federal Communications Commission.
- d. Tower-Based Wireless Communications Facilities. The following regulations shall apply to all Tower-Based Wireless Communications Facilities.
- (1) Small WCF Exemption. Tower-Based WCFs that meet the definition of a Small WCF shall be exempt from the requirements of this Article. Such Small WCFs shall be subject only to applicable permitting and the requirements of Subparagraphs (H)2.b and (H)2.e.
 - (2) Special Exception Required. Tower-Based WCFs are permitted outside the public Rights-of-Way as a Special Exception and at a Height necessary to satisfy their function in the WCF Applicant's wireless communications system, subject to the requirements of this Article.

- (a) Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall send via First Class Mail notice to all owners of every property within five hundred (500) feet of the proposed facility, advising of the subject matter and date of such hearing. Such notice shall be sent at least ten (10) days in advance of the scheduled public hearing. The WCF Applicant shall provide proof of the notification to the Zoning Hearing Board along with the list of return receipts received.
- (b) The Special Exception application shall include a site plan, drawn to scale, showing property boundaries, power location, total Height of the Tower-Based WCF, guy wires and anchors, existing structures, elevation drawings, typical design of proposed structures, parking, fences, landscaping and existing uses on adjacent properties.
- (c) The Special Exception application shall be accompanied by a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
- (d) The Special Exception application shall include evidence that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or nonexistence of a gap in wireless coverage shall be a factor in the Zoning Hearing Board's decision on an application for approval of Tower-Based WCF.
- (e) Where the Tower-Based WCF is located on a property that is not owned by the WCF Applicant, the Special Exception application shall include evidence to the Zoning Hearing Board that the Owner of the property has granted an easement or other property right, if necessary, for the proposed WCF and any vehicular access that shall be provided to the facility.
- (f) The Special Exception application shall include a written certification by a structural engineer licensed in the Commonwealth of Pennsylvania of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the Structure.
- (g) The Special Exception application shall include evidence demonstrating that the proposed Tower-Based WCF cannot be accommodated on an existing Wireless Support Structure. The Zoning Hearing Board may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the Antenna(s) on an existing Wireless Support

Structure. The WCF Applicant shall demonstrate that it contacted the owners of all potentially feasible structures, Buildings, and towers within a thousand (1,000) foot radius of the site proposed, sought permission to install an Antenna on those structures, Buildings, and towers, and was denied for one of the following reasons:

- i. The proposed WCF would exceed the structural capacity of the existing Building, Structure, or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - ii. The WCF would cause radio frequency interference with other existing equipment for that existing Building, Structure, or tower, and the interference cannot be prevented at a reasonable cost.
 - iii. Such existing Buildings, structures, or towers do not have adequate location, space, access, or Height to accommodate the proposed equipment or to allow it to perform its intended function.
 - iv. A reasonable agreement could not be reached with the Owner of such Building, Structure, or tower.
- (h) The Special Exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions of this Ordinance.

(3) Development Regulations.

- (a) Tower-Based WCFs shall not be located in or within seventy-five (75) feet of an area in which all utilities are located underground.
- (b) Sole use on a Lot. A Tower-Based WCF may be permitted as the sole use on a Lot, provided the Tower-Based WCF and underlying Lot comply with all applicable requirements of this Ordinance.
- (c) Combined with Another Use. A Tower-Based WCF may be permitted on a property with an existing use, except residential, subject to the following conditions:
 - i. The existing use on the property may be any permitted use in the applicable district and need not be affiliated with the WCF.
 - ii. Minimum Lot Area. The minimum Lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF and Accessory Equipment, any guy wires, the equipment Building, security fence, and applicable screening.

(4) Design Regulations.

(a) Anti-Climbing Device. A Tower-Based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.

(b) Minimum Setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or Street ROW line shall be equal to one hundred (100) percent of the Height of the Tower-Based WCF. The underlying Lot shall be large enough to accommodate related equipment, stormwater runoff mechanisms, and all other features typically found within the immediate area of a telecommunications tower.

(c) Surrounding Environs.

i. The WCF Applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF Structure shall be preserved.

(d) Fence/Screen.

i. A security fence with a maximum Height of eight (8) feet, with openings no greater than four (4) inches, shall completely surround any Tower-Based WCF, as well as guy wires or any Building housing Accessory Equipment.

ii. The WCF Applicant shall comply with the screening requirements as specified Section 4.03 of this Ordinance.

(e) Accessory Equipment.

i. Ground-mounted Accessory Equipment associated or connected with a Tower-Based WCF shall not be located within fifty (50) feet of a Lot in a residential use.

ii. Accessory Equipment associated with a Tower-Based WCF shall be placed underground or screened from public view. All ground-mounted Accessory Equipment, utility Buildings, and accessory structures shall be architecturally designed to be concealed from public view to the maximum extent possible and be compatible with the architecture of surrounding Buildings, structures, or landscape.

iii. Either one single-story wireless communications equipment Building not exceeding five hundred (500) square feet in area or its equivalent may be permitted for each unrelated company sharing Antenna space on the Tower-Based WCF.

(5) Additional Antennas. As a condition of approval for all Tower-Based WCFs, the WCF Applicant shall provide the Zoning Hearing Board with a written commitment that it shall allow other service providers to Collocate WCFs on the Tower-Based WCF where technically and economically feasible. To

the extent permissible under state and federal law, the Owner of a Tower-Based WCF shall not install any additional WCFs without complying with the applicable requirements of this Article.

- (6) FCC License. Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and emergency telephone number for the operator of the facility.
- (7) Signs. All Tower-Based WCFs shall post a Sign in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency. The only other signage permitted on the WCF shall be those required by the FCC or any other federal or state agency.
- (8) Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.
- (9) Storage. The storage of unused equipment, materials, or supplies is prohibited on any Tower-Based WCF site.
- (10) Repair of Non-Conforming Tower-Based WCF. Non-conforming Tower-Based WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but shall otherwise comply with the terms and conditions of this Article. The Collocation of Antennas is permitted on non-conforming structures.
- (11) Insurance. Each Person that owns or operates a Tower-Based WCF shall provide the Township Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF.

(I) Industrial Uses.

Uses that involve the assembly, production, storing, transferring and disposal of goods or products, and which may also include associated facilities such as offices, maintenance facilities, and fuel pumps and both indoor and outdoor activities and storage of goods. Such uses have the potential for creating significant external effects, including noise, odor, and/or other noxious by-products and may involve frequent commercial vehicle access and outdoor storage of materials or products. The Zoning Officer may request additional information to ensure proper evaluation of applications related to this category of uses. Such information may include ventilation plans, materials characteristics, drainage plans, waste disposal plans, and chemical disposition plans. All such uses shall adhere to the Outdoor Storage Yard provisions specified below. The following use regulations shall apply to all Industrial Uses.

In addition to the supplemental use regulations stipulated for each specific industrial use listed in this section, the Applicant shall also provide a detailed written description of the proposed use in each of the following topics:

- The nature of on-site processing operations, the materials used in the process, the products produced, and the generation and methods of disposal for any wastes and/or by-products. In addition, the Applicant shall furnish evidence that the storage and disposal of materials shall be accomplished in a manner that complies with all applicable state and federal regulations.
- The general scale of the operation in terms of its specific floor space requirements for each step of the industrial process, the total number of employees on each shift, and an overall needed site size.
- Identify any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate negative impacts. The Applicant shall furnish expert evidence that the impacts generated by the proposed use fall within acceptable levels as regulated by applicable laws and ordinances, including but not limited to those administered and enforced by the U.S. Environmental Protection Agency and PA DEP.

The Zoning Officer may request additional information to ensure proper evaluation of such application. Such information may include ventilation plans, materials characteristics, drainage plans, waste disposal plans, and chemical disposition plans.

1. Automotive Dismantler and Recycler.

Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles, or motor parts, or both. The following performance standards shall apply.

- a. Minimum Lot Area shall be ten (10) acres.
- b. The outdoor area devoted to the storage of Junk shall be completely enclosed by an eight (8) foot high opaque fence which shall be set back at least fifty (50) feet from all property lines and one hundred (100) feet from residentially zoned or existing residential properties.
- c. The setback area between the fence and the Lot lines shall be kept free of weeds and all scrub growth.
- d. All completely enclosed Buildings used to store Junk shall be set back at least fifty (50) feet from all property lines.
- e. No material may be stored or stacked so that it is visible from adjoining properties and roads.
- f. The operation shall be licensed pursuant to Title 67, PA Code, Ordinance 451, Control of Junkyards and Automotive Dismantlers and Recyclers and obtain and maintain all applicable permits.
- g. All junk shall be stored or arranged to permit access to firefighting equipment and to prevent the accumulation of water, and with no Junk piled to a Height greater than eight (8) feet.

- h. No oil, grease, tires, gasoline, or other similar material shall be burned at any time.
- i. Any Automotive Dismantler and Recycler or Junkyard shall be maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors, nor to the breeding or harboring of rats, flies, mosquitoes, or other vectors.
- j. No Automotive Dismantler and Recycler or Junkyard shall be located on land with a slope in excess of five (5) percent.
- k. All junked vehicles shall be emptied of fuel, oil, and other liquids and batteries.

2. Brewery, Distillery, Winery.

A facility for the production, packaging and sampling of alcoholic beverages – including beer, wine, cider, mead and distilled liquors for retail or wholesale distribution, for sale or consumption on- or off-premises, and which produces 100,000 gallons or more of such beverages per year. The Brewery, Distillery, Winery shall be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth. The additional supplemental regulation apply:

- a. Minimum Lot Area. Five (5) acres.
- b. A Brewery, Distillery, Winery shall have at least one (1) loading berth, with an additional berth when the GFA exceeds 150,000 square feet.
- c. Identify the nature of the on-site operations, the materials used in the process, the products produced, and the generation and methods for disposal of any wastes and/or by-products. In addition, the Applicant shall furnish evidence that the storage and disposal of materials shall be accomplished in a manner that complies with state and federal regulations.
- d. Identify any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate negative impacts. The Applicant shall provide evidence that the impacts generated by the proposed use fall within acceptable levels regulated by applicable laws and ordinances.
- e. Traffic Impact Study. A traffic impact study prepared by a Registered Design Professional pursuant to the requirements specified under the Middlesex Township Subdivision and Land Development Ordinance shall be reviewed and approved by the Township Engineer.

3. Junkyards.

Any outdoor establishment, place of business, or activity which is maintained, used or operated for storing, keeping, buying or selling Junk; for the maintenance or operation of a garbage dump, sanitary landfill or scrap metal processor, or for the storage of ten or more junked vehicles. The performance standards specified under Subparagraph (l)3. *Automotive Dismantler and Recycler* above shall apply.

4. Meat Processing Establishment.

All premises where animals or poultry are slaughtered or otherwise prepared for food purposes, meat and poultry canneries, sausage making, smoking or curing operations and similar places except those places occupied and used for such purposes in the preparation of food for consumption in their own households. It shall not include retail stores if the only processing operation performed in such retail stores is that of preparing for sale the meat and poultry products which have been inspected under the provisions of the Pennsylvania Meat and Poultry Hygiene Law of 1968, except that the Pennsylvania Secretary of Agriculture or duly appointed representative may require inspection in retail establishments when he determines that the character or quantity of processing is such that inspection is necessary to protect the public health. The term Retail refers to sale to the ultimate consumer. The following supplemental use regulations shall apply:

- a. All Meat Processing Establishments shall be licensed and operated pursuant to the Pennsylvania Meat and Poultry Hygiene Law of 1968.
- b. Minimum Lot Area. Five (5) acres.
- c. Access. Vehicle access shall be provided pursuant to the requirements specified in the Middlesex Township Subdivision and Land Development Ordinance. The subject site shall have access to a Collector or Arterial Street.
- d. All aspects of the slaughtering, processing, rendering, and packaging operation, excepting the unloading and holding of live animals, shall be conducted within a completely enclosed Building.
- e. Holding pens and runways shall be designed according to the recommended standards specified in the International Journal for the Study of Animal Problems' publication titled, "Designs and Specifications for Livestock Handling Equipment in Slaughter Plants" Grandin, T. (1980).
- f. The Applicant shall furnish a working plan for the recovery of escaped animals.
- g. The unloading of live animals from trucks into holding pens and their movement into the plant shall be continuously supervised by a qualified operator, whose responsibility it shall be to immediately identify and appropriately dispatch any obviously ill or injured animals.
- h. The unloading of live animals and their movement into the plant shall be conducted in an orderly and calm manner to minimize noise levels.
- i. The loading and unloading of trucks shall be restricted to the hours between 8 AM and 6 PM prevailing time.
- j. No exterior animal holding pens and/or areas devoted to loading/unloading of animals shall be located within two hundred (200) feet of any property line nor five hundred (500) feet of any land within residential and Mixed-Use zoning districts specified in Table 2.01 of this Ordinance.
- k. All animal holding pens and/or areas used for the loading/unloading of animals shall be pursuant to the requirements specified under Section 4.03 of this Ordinance.

- l. Sewer and water lines shall be designed and installed to minimize the potential for leakage and contamination.
- m. Wastewater shall be kept completely covered at all times to reduce the potential for release of odors. In no event shall wastewater be disposed in any other manner inconsistent with the facility's DEP-issued NPDES permit.
- n. All unusable animal by-products shall be stored indoors in leak – and vector-proof containers. In the case of slaughtering or processing operations which do not do their own Rendering, the Applicant shall provide evidence of a written contract with a rendering operation for the daily disposal of such waste products. In no case shall any waste products remain on the site for more than twenty-four (24) hours.
- o. The Applicant shall demonstrate written compliance with, and continue to comply with, all applicable local, State and Federal standard and regulations.
- p. The use shall provide stacking lanes and on-site loading/unloading areas in the rear yard, so that trucks waiting to be loaded/unloaded shall not back up onto public roads. No parking or loading/unloading shall be permitted on or along any public road.
- q. Traffic Impact Study. The Applicant shall furnish a traffic impact study prepared by a Registered Design Professional in accordance with the requirements specified in the Middlesex Township Subdivision and Land Development Ordinance and reviewed and approved by the Township Engineer.

5. Medical Marijuana Grower / Processor Facility.

A Person, including a natural Person, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health (DOH) to grow and process medical marijuana pursuant to Pennsylvania's Medical Marijuana Act, Act of April 17, 2016, P.L. 84, No. 16.

6. Mining and Mineral Extraction.

Mining and Mineral Extraction and the excavation, extraction, or removal of any Mineral Resource from the land or ground for any purpose are subject the following performance standards:

- a. General. A Person engaged in, or proposing to engage in, the business of mining and mineral extraction shall be properly licensed by the Pennsylvania Department of Environmental Protection (DEP) to engage in such business and each site shall be permitted by the applicable state agency. In addition, the mining and mineral extraction operation shall:
 - (1) Not injure or detract from the lawful existing or permitted use of neighboring properties,
 - (2) Not adversely affect any public or private water supply source,
 - (3) Not adversely affect the logical, efficient and economical extensions of public services, facilities and utilities throughout the Township,

- (4) Not result in the land area subject to quarrying being placed in a condition which shall prevent the use of that land for economically and ecologically productive uses upon completion of the quarry operation,
 - (5) Demonstrate compliance with all applicable State regulations at all times, and
 - (6) Not create any significant damage to the health, safety, welfare, environment of the Township and its residents and property owners.
- b. Site Plan Requirements. As a part of each application the Applicant shall furnish an accurately surveyed site plan on a scale no less than 1" = 200', showing the location of the tract or tracts of land to be affected by the operation. The surveyed site plan shall be certified by a Registered Design Professional with assistance from experts in related fields and shall include the following:
 - (1) The boundaries of the proposed land affected, together with the drainage area above and below the area.
 - (2) The location and names of all streams, roads, railroads, and utility lines on or immediately adjacent to the area.
 - (3) The location of all Buildings within 1,000 feet of the property line and the names and addresses of the owners and present occupants.
 - (4) The purpose for which each Building is used.
 - (5) The name of the Owner of the affected area and the names of adjacent landowners, the municipality, and the county.
- c. Minimum Lot Area. One hundred (100) acres.
- d. Fencing. A fence measuring at least eight (8) feet in Height shall enclose the area of actual quarrying. If a chain link fence is used, then said fence shall include a vegetative screen that is provided along the outside of the fence, away from the quarry.
- e. Setbacks. The following are the required minimum setbacks imposed upon specific features of the quarry and other extractive-related uses from adjoining and/or nearby uses.
 - (1) Existing Residence. 1,000 ft.
 - (2) Existing Nonresidential Building. Three hundred (300) ft.
 - (3) Residential and Mixed-Use Zones. 1,000 ft.
 - (4) Adjoining Roads. One hundred (100) ft.
 - (5) Public/ Nonprofit Park. Three hundred (300) ft.
 - (6) Cemetery or Stream Bank. One hundred (100) ft.
 - (7) Adjoining Property. One hundred (100) ft.

- f. Hours of Operation. All mining and mineral extraction operations located shall be limited to the hours of 6:00 AM and 7:00 PM prevailing time, Monday – Saturday.
- g. Access. Vehicle access shall be provided pursuant to the requirements of the Middlesex Township Subdivision and Land Development Ordinance. The subject site shall have access to an Arterial or Collector Street.
- h. Traffic Impact Study. The Applicant shall furnish a traffic impact study prepared by a Registered Design Professional in accordance with the requirements of the Middlesex Township Subdivision and Land Development Ordinance and reviewed and approved by the Township Engineer.
- i. Reclamation. The Applicant shall demonstrate compliance with Section 7.(c) of the Pennsylvania's Noncoal Surface Mining Conservation and Reclamation Act, Dec. 19, P.L. 1093, No. 219, as may be amended. The Applicant shall provide a detailed description of the proposed use of the site, once reclamation has been completed, including a description of any zoning and/or subdivision approvals or remedies that would be necessary to accommodate the proposed use. Finally, the Applicant shall provide a written notification to the Township within thirty (30) days, whenever a change in the reclamation plan is proposed to the PA DEP.
- j. Screening. Screening shall be provided pursuant to the requirements specified under Section 4.03 of this Ordinance.
- k. Operations Progress Report. Within ninety (90) days after commencement of mining operations, and each year thereafter, the operator shall file an operations progress report with the Zoning Officer setting forth all the following:
 - (1) The name or number of the operation.
 - (2) The location of the operation with reference to the nearest public road.
 - (3) A description of the tract or tracts, including a site plan showing the location of all improvements, stockpile, quarry pits, etc.
 - (4) The name and address of the landowner or his duly authorized representative.
 - (5) An annual report of the type and quantity of mineral produced.
 - (6) The current status of the reclamation work performed in pursuance of the approved reclamation plan.
 - (7) A maintenance report for the site that verifies that all required fencing, berming, and screening has been specifically inspected for needed repairs and/or maintenance and that such needed repairs and/or maintenance has been performed.
 - (8) Verification that the proposed use continues to comply with all applicable state regulations. The operation shall furnish copies of any approved permits and/or any notices of violation issued by the PA DEP.

- I. The Applicant shall provide a letter indicating that the public or private source shall provide the water needed. The Applicant shall submit an analysis of raw water needs from either private or public sources, indicating the quantity of water required. If the water required exceeds 100,000 gallons per day, a permit is needed from the Susquehanna River Basin Commission. In addition, if the facility is to rely upon non-public sources of water, a permit is required. A water feasibility study shall be provided to enable the Township to evaluate the impact of the proposed construction on the groundwater supply and on existing wells. The purpose of the study shall be to determine if there is an adequate supply of water for the proposed construction and to estimate the impact of the new construction on existing wells in the vicinity. The water feasibility shall be reviewed by the Township Engineer. A water system which does not provide an adequate supply of water for the proposed construction, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed construction, shall not be approved by the municipality. A water feasibility study shall include the following information:
 - (1) Calculations of the projected water needs.
 - (2) A geologic map of the area with a radius of at least one mile from the site.
 - (3) The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
 - (4) The location of all streams within 1,000 feet of the site and all known point sources of pollution based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
 - (5) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
 - (6) A statement of the qualifications and the signature(s) of the Person(s) preparing the study.

7. Outdoor Storage Yard.

The use of land for the principal purpose of the outdoor storage and retrieval of equipment, vessels, construction supplies, or other related items or goods. The following supplemental regulations shall apply:

- a. The Outdoor Storage Yard shall be secured and screened from view of the front Lot line. Screening shall be required pursuant to Section 4.03 Buffering, Landscaping, and Screening of this Ordinance.
- b. Outdoor storage yard areas shall not be used for the service, repair, maintenance activities, including washing/cleaning, or to conduct similar activities of any of the items stored at the outdoor storage yard.
- b. Outdoor storage yards shall not be occupied or used for living or sleeping purposes.
- c. The conduct of sales or rentals of any kind, and the conduct of any other commercial activity is prohibited.

- d. Storage on a site shall meet the following requirements:
 - (1) Storage areas shall occur in a designated space, approved as part of the overall site plan.
 - (2) Boats stored on the site shall be placed upon wheeled trailers and have the appropriate license; no dry stacking of boats shall be permitted on-site.
 - (3) Stacking of stored materials shall not exceed a height of twenty-five (25) feet.
 - (4) No loose materials such as sand, lumber, cardboard boxes and/or similar items which may be scattered or blown about the premises by normal weather conditions shall be allowed. All equipment, building supplies and construction materials shall be tied down and secured.

8. Planned Center, Industrial.

An industrial park development on a tract of land, normally over two (2) acres, that is designed, planned, constructed, and managed/operated on an integrated and coordinated basis. They would typically include provisions for on-site parking for employees and/or customers, traffic circulation, transportation facilities (rail and highway), utility needs, Open Space, landscaping, signage and other aesthetic considerations. The following supplemental use regulations shall apply:

- a. Access. Vehicle access shall be provided pursuant to the requirements specified in the Middlesex Township Subdivision and Land Development Ordinance. The subject site shall have access to an Arterial or Collector Street.
- b. Site illumination will be required in accordance with Section 4.10 of this Ordinance.
- c. Traffic Impact Study. A traffic impact study prepared by a Registered Design Professional pursuant to the requirements specified under the Middlesex Township Subdivision and Land Development Ordinance shall be reviewed and approved by the Township Engineer.

9. Solid Waste Disposal Facility.

A facility using land for disposing or processing of municipal waste. Waste means a heavy industrial use involving the sorting, storage and disposal of goods and by-products. Facilities may have disposal plans, and chemical disposition plans. The facility includes land affected during the lifetime of operations, including, but not limited to, areas where disposal or processing activities actually occur, support facilities, borrow areas, offices, equipment sheds, air and water pollution control and treatment systems, access roads, associated onsite or contiguous collection, transportation and storage facilities, closure and post closure care and maintenance activities and other activities in which the natural land surface has been disturbed as a result of or incidental to operation of the facility. The following performance standards shall apply:

- a. Such facility shall be established and operated in accordance with the applicable requirements of all State and Federal codes, acts, rules and regulations, as amended and all State and Federal regulating bodies and agencies. The Applicant

shall demonstrate compliance through a written statement and continue to comply with all applicable State and Federal standards and regulation.

- b. A minimum Lot area of twenty-five (25) acres is required.
- c. No facility shall be located within five hundred (500) feet of any Street or property line and shall be screened using pursuant to Section 4.03 of this Ordinance.
- d. The Lot shall have direct access to an Arterial roadway pursuant to the requirements of the Middlesex Township Subdivision and Land Development Ordinance or a road having adequate structural and geometrical characteristics as determined by the Township Engineer to handle the anticipated future Truck traffic.
- e. All uses shall provide adequate lanes into the facility, so that vehicles waiting to be weighed shall not back up onto public roads.
- f. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against the indiscriminate and unauthorized dumping, all areas of the site shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.
- g. Litter control shall be exercised to prevent the scattering of wind-borne debris, and a working plan for the cleanup of litter shall be submitted to the Township and posted on the property.
- h. The unloading, processing, transfer, and deposition of solid waste shall be continuously supervised by a qualified facility operator.
- i. Any processing and/or treatment of waste (including but not limited to incineration, composting, steaming, shredding, compaction, material separation, refuse derived field, pyrolysis, etc.) shall be conducted within a wholly enclosed Building.
- j. Any external area used for the unloading, transfer, or deposition of waste shall be completely screened from view at the property line using screening pursuant to Section 4.03 of this Ordinance.
- k. The use shall be screened from all adjoining properties using screening pursuant to Section 4.03 of this Ordinance.
- l. A minimum one hundred (100) foot wide buffer shall be located along all property lines. No structures, storage, parking, or any other related activity or operation shall be permitted within this landscape strip. Any fences or other screening erected on the site, shall not be located within this landscape strip.
- m. Any waste that is to be recycled shall be stored in leak - and vector-proof containers. Such containers shall be designed to prevent their being carried by wind or water. These containers shall be stored within a completely enclosed Building.
- n. All storage of waste shall be indoors in a manner that is leak and vector proof. During normal operation, no more waste shall be stored on the property than is needed to keep the facility in constant operation; but, in no event for more than twenty-four (24) hours.

- o. A contingency plan for the disposal of waste during a facility shutdown, shall be submitted to the Township.
- p. Leachate from the waste shall be disposed of in a manner in compliance with any applicable State and Federal laws or regulations. If leachate is to be discharged to a municipal sewage facility, pre-treatment may be required and appropriate permits shall be obtained from the applicable agencies and authorities. In no event shall leachate be disposed of in any manner inconsistent with the Department of Environmental Protection's regulations.
- q. In addition to the applicable zoning district's setbacks, all Buildings or Structures shall be set back at least one and one-half (1.5) times of the Building or Structure's Height.
- r. The Applicant shall submit an analysis of raw water from either private or public sources, indicating the quantity of water required. The Applicant shall provide a letter indicating that the public or private source shall provide the water needed. In addition, if the facility is to rely upon non-public sources of water, appropriate permits shall be required (i.e., Township, PA DEP, and Susquehanna River Basin Commission). A water feasibility study shall be provided to enable the township to evaluate the impact of the proposed construction on the groundwater supply and on existing wells. The purpose of the study shall be to determine if there is an adequate supply of water for the proposed construction and to estimate the impact of the new construction on existing wells in the vicinity. The water feasibility shall be reviewed by the township engineer.

A water system which does not provide an adequate supply of water for the proposed construction, considering both quantity and quality, or does not provide for adequate groundwater recharge, considering the water withdrawn by the proposed construction, shall not be approved by the Township. A water feasibility study shall include the following information:

- (1) Calculations of the projected water needs.
- (2) A geologic map of the area with a radius of at least one mile from the site.
- (3) The location of all existing and proposed wells within 1,000 feet of the site, with a notation of the capacity of all high-yield wells.
- (4) The location of all existing on-Lot sewage disposal systems within 1,000 feet of the site.
- (5) The location of all streams within 1,000 feet of the site and all known point sources of pollution.
- (6) Based on the geologic formation(s) underlying the site, the long-term safe yield shall be determined.
- (7) A determination of the effects of the proposed water supply system on the quantity and quality of water in nearby wells, streams, and the groundwater table.
- (8) A statement of the qualifications and the signature(s) of the Person(s) preparing the study.

- s. Traffic Impact Study. The Applicant shall furnish a traffic impact study prepared by a Registered Design Professional in accordance with the requirements of the Middlesex Township Subdivision and Land Development Ordinance and reviewed and approved by the Township Engineer.
- t. The Applicant shall furnish expert testimony regarding emergency preparedness measures provided and/or otherwise available to respond to potential hazards regarding the spill of waste materials during transport, and potential hazards regarding firefighting of waste materials upon the site.
- u. No principal waste handling facility shall be located within one (1) mile of another, as measured in a straight line between closest property lines.
- v. Maximum Building Height. Thirty-five (35) feet.
- w. Maximum Height of Fill. Fifty (50) feet.
- x. A plan for the restoration of all borrow areas shall be submitted to the Township for approval.
- y. The hours of operation for this use shall be limited to 6:00 AM to 7:00 PM, prevailing time, Monday – Saturday.

10. Truck Terminal.

A facility to accommodate the fueling, routine maintenance and storage of trucks and other motorized equipment and trailers and that may provide warehousing, distribution, outdoor storage, and transfer facilities.. The following supplemental use regulations shall apply:

- a. The site shall have frontage on and direct vehicular access to a Principal Arterial Street.
- b. No point on the site boundary shall be located within three hundred (300) feet of any property line of a property containing a residential dwelling.
- c. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- d. All materials and equipment shall be stored within a completely enclosed Building, as defined herein.
- e. No repair of vehicles shall be permitted outside a completely enclosed Building, as defined herein.

11. Truck or Truck Trailer Parking.

A tract of land, or portion thereof, used by Commercial Trucks for the purpose of dropping or picking up loaded and/or unloaded trailers, including the incidental short-term or daily storage of Trucks and storage of loaded and/or unloaded Trailers, for transfer to other points or jurisdictions. The use may include an accessory guardhouse or similar type structure to allow for Trailers to be checked in and out. The use does not include the breakdown or aggregation into smaller or larger loads. Commonly referred to as a “Drop Lot.” The following supplemental use regulations shall apply:

- a. The Use shall be located on a parcel of no less than ten (10) acres in size.
- b. The Use Shall have direct access to a Principal Arterial Street and ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
- c. No point on the site boundary shall be located within three hundred (300) feet of any residential zoning district or residential property line.
- d. The applicant shall furnish a traffic study prepared in accordance with the requirements specified in the Middlesex Township Subdivision and Land Development Ordinance.
- e. The entire perimeter of the facility shall be lighted according to the lighting standards specified under Section 4.10 of this Ordinance.
- f. The Use shall be secured via a minimum twelve (12) foot high chain link fence and have a secure gated access that is accessible only by authorized users of the parking facility. Authorized access shall include Middlesex Township officials, including designated zoning and code enforcement, police, fire, and EMS personnel.
- g. The owner/operator of the Use shall have a hazardous material spill plan approved by the Cumberland County Department of Public Safety and a designated safety officer responsible for monitoring and reporting any suspected or known hazardous materials spills occurring from the use of the parking facility.
- h. The use shall not be used for overnight sleeping in Trucks or as a Truck Stop Rest area.
- i. Other than storage within Trailers using the parking facility, the site shall not have any Buildings or Structures used for the storage of materials.
- j. Overnight Truck idling is prohibited within the Township limits. No person shall allow the primary propulsion engine of a motor vehicle to idle for more than ten (10) consecutive minutes when the motor vehicle is not in motion. Truck stop facilities shall provide signage indicating overnight idling is prohibited. Such signage must be located at the entrance of overnight parking Lots in a visible manner to Truck drivers.

12. Warehouse and Distribution.

A use involving large-scale indoor storage of goods, packaging of goods, and distribution typically between production and the market and may include a small ancillary retail facility. Such uses also include substantial commercial vehicle access, storage, and intermodal exchanges and are inclusive of the following subcategory use types. The following supplemental regulations shall apply:

- a. Minimum Lot Area and Lot Frontage. Notwithstanding the underlying zoning district bulk and area dimensional requirements, the subject property shall have a minimum Lot area of fifty (50) acres and a minimum of one hundred twenty-five (125) feet of frontage on a Principal Arterial Street.

- b. Location: Any Warehouse/Distribution uses constructed after the effective enactment date of this Ordinance shall be located within 1,320 feet (1/4 mile) of a grade separated highway interchange (as measured from the nearest highway ramp terminal to any contiguous portion of the subject property).
- c. Required Setback. Parking, staging, and loading/unloading areas, and Buildings shall be located no closer than five hundred (500) feet from a residential use or district and/or property containing a school, daycare facility, park, playground, library, hospital, or nursing or retirement home, except where such parking, staging, and loading/unloading areas, and Buildings are separated from such other uses by an Interstate Highway.
- d. Maximum Lot Coverage. When served by public sewer and public water and any portion of the subject property is located less than 1,320 feet from an Interstate Highway interchange (as measured from the nearest highway ramp terminal to any contiguous portion of the property), a maximum Lot coverage of fifty (50) percent and a maximum Impervious Coverage of sixty-five (65) percent shall be permitted.
- e. Buffer Screening.
 - (1) A two hundred (200) foot deep buffer strip shall be provided along any Lot line of the subject property that adjoins a residential use or district, except where the subject property is separated from such residential use or district by an Interstate Highway. A seventy-five (75) foot deep buffer strip shall be provided along any adjoining Right-of-Way of an Arterial Street.
 - (2). Screen buffers in accordance with the Middlesex Township Subdivision and Land Development Ordinance shall be provided in all buffer strips. Where a seventy-five (75) foot or two hundred (200) foot deep buffer strip is required under Subsection (5)ii. above, an earthen berm shall have a minimum height of fifteen (15) feet and a maximum slope of three (3) feet of run to one (1) foot of rise (3:1 slope). The screen buffers required under the Subdivision and Land Development Ordinance shall be placed on the top of the berm. Stormwater management facilities shall be permitted to be located within the buffer strips.
- f. Maximum Building Height. The maximum building height shall be permitted to increase by one (1) foot for every two (2) feet by which the Building exceeds applicable minimum Yard requirements up to a maximum of building height of fifty (50) feet.
- g. Any exterior public address system shall be designed and operated so that the audible levels of any messages conveyed over the system will not exceed the amount of noise levels of the use, as measured at each Lot lines.
- h. Electric hookups shall be installed to reduce idling of main auxiliary engines when Trucks are in a stationary position.
- i. Access, Parking, and Loading.
 - (1) The use shall have direct access to a Principal Arterial Street as defined in the Middlesex Township Comprehensive Plan.

- (2) A minimum of five (5) percent of the required total Tractor and Trailer parking spaces shall be reserved for outbound trucks which are required to layover or rest due to federal hours of service regulations. Such spaces must be made available to tractor-trailers during and/or after the facility's operating hours as necessary.
- (3) All trucks awaiting access to a loading/unloading dock/doorway shall park in the designated tractor trailer parking spaces unless all such spaces are already occupied.
- (4) The site shall be provided with stacking lanes and on-site loading/unloading facilities so that Trucks or Trailers or other vehicles waiting to park, or be loaded/unloaded, will not back up onto public Streets.
- (5) Each Warehouse/Distribution use shall provide off-street loading facilities which meet the minimum requirements of Section 4.15 of this Ordinance and are sufficient to accommodate the maximum demand generated by the use. Each loading space and the needed maneuvering room shall be located entirely on the Lot being served and be located outside of required buffer areas and Street Rights-of-Way. Each loading space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the Lot. No facility shall be designed or used in such a manner that it creates a safety hazard, public nuisance or an impediment to traffic off the Lot.
- (6) Where gates, guard shacks or checkpoints are proposed at the entrance(s) to the facility, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public Streets. Any entry gates into the loading dock/Truck court area shall be positioned after a minimum of one hundred forty (140) feet of total available stacking depth inside the property line. The stacking distance shall be increased by seventy (70) feet for every twenty (20) loading docks beyond fifty (50) docks. Queuing and circling of vehicles on public Streets immediately pre- or post-entry to a Truck Terminal is strictly prohibited unless queuing occurs in a deceleration lane or right turn lane exclusively serving the facility.

j. Outdoor Storage.

- (1) The outdoor storage of unlicensed and/or uninspected Trucks or Trailers is prohibited.
- (2) No outdoor storage of trash, garbage, refuse, explosive or flammable materials, hazardous substances, animals, animal carcasses or skins or similar items shall be permitted.

k. The use shall include an appropriate system to contain and properly dispose of any fuel, grease, oils, or similar pollutants that may spill or leak where such substances are stored or where vehicles are fueled, repaired or maintained.

- I. Signage and Traffic Patterns.
- (1) Applicants shall submit to the Township Engineer, and obtain approval of, all turning templates to verify Truck turning movements at entrance and exit driveways and Street intersections adjacent to a Warehouse/Distribution use prior to conditional use approval.
 - (2) Anti-idling signs indicating a three (3) minute diesel Truck engine idling restriction shall be posted at Warehouse/Distribution uses along entrances to the site and in the dock areas and shall be strictly enforced by the facility operator.
 - (3) The applicant shall establish and submit with its conditional use application a Truck routing plan to and from the state highway system. The plan shall describe proposed Truck routing to and from the Warehouse/Distribution facility to designated Truck routes that avoids passing sensitive receptors to the greatest extent possible. The plan shall include measures, such as signage and pavement markings, queuing analysis and enforcement, for preventing Truck queuing, circling, stopping, and parking on public Streets. The facility operator shall be responsible for enforcement of the plan. The Board of Supervisors shall have discretion to determine if changes to the plan are necessary including any additional measures to alleviate Truck routing and parking issues that may arise during the life of the facility.
 - (4) Signs shall be installed at all Truck exit driveways directing Truck drivers to the Truck route as indicated in the Truck routing plan and state highway system.
 - (5) Signs and drive aisle pavement markings shall clearly identify the on-site circulation pattern to minimize unnecessary on-site vehicular travel.
 - (6) Facility operators shall post signs in prominent locations inside and outside of the Building indicating that off-site parking for any employee, Truck, or other operation related vehicle is strictly prohibited. The Township may require the facility operator to post signs on surface or residential Streets indicating that off-site Truck parking is prohibited by this Ordinance and as specified in the required Truck routing plan.
- m. Environmental and Community Impact Analysis. The applicant shall provide an environmental and community impact analysis. The environmental and community impact analysis shall include:
- (1) A narrative description of the nature of the on-site activities and operations, including the market area served by the facility, the hours of operation of the facility, the total number of employees on each shift, the times, frequencies and types of vehicle trips generated, the types of materials stored and the duration period of storage of materials.
 - (2) A site plan of the property indicating the location of proposed improvements, flood plains, wetlands, waters of the Commonwealth, and cultural and historic resources on the property and within five (500) hundred feet of the boundaries of the property.
 - (3) Evidence that the disposal of materials will be accomplished in a manner

that complies with state and federal regulations.

- (4) An evaluation of the potential impacts of the proposed use, both positive and negative, upon:
 - (a) Emergency services and fire protection;
 - (b) Water supply;
 - (c) Sewage disposal;
 - (d) Solid waste disposal;
 - (e) School facilities and school district budget;
 - (f) Municipal revenues and expenses
- (5) Any environmental impacts that are likely to be generated (e.g., odor, noise, smoke, dust, litter, glare, vibration, electrical disturbance, wastewater, stormwater, solid waste, etc.) and specific measures employed to mitigate or eliminate any negative impacts including the performance standards specified in Section 4.19 of this Ordinance. The applicant shall further furnish evidence that the impacts generated by the proposed use fall within acceptable levels, as regulated by applicable laws and ordinances.

n Noise Control.

- (1) Audible sound from a facility that includes a refrigerated area shall not exceed seventy-five (75) dB(A) and seventy-five (75) dB(C), [L10, meaning not to be exceeded by more than ten (10) percent of the time], as measured at the facility property line. Any new broadband sound source is limited to raising noise levels no more than 5 dB(A) over the ambient baseline sound level. The ambient baseline sound level is defined as the sound level that is exceeded ninety (90) percent of the time, the L90 level. "Pure Tones" as defined here as an octave band, may be no greater than three (3) dB(A) over the two (2) adjacent octave bands. All these readings are measured at the facility property line. That is, if tonal noises are present, higher levels of broadband background noise are needed to effectively mask the tone(s). In this respect, a penalty for pure tones of five (5) dB(A) is assessed. Therefore, if a facility meets a sound pressure level standard of seventy-five (75) dB(A), but produces a strong whistling, five (5) dB(A) are subtracted from the standard. This forces the facility to meet a standard of seventy (70) dB(A). Methods for measuring and reporting acoustic emissions from refrigeration equipment shall be equal to or exceed the minimum standards for precision described by the American National Standards Institute for sound measurement.
- (2) When a facility is developed that contains a refrigerated area, if at any time after construction the refrigeration equipment is claimed by or through Middlesex Township to exceed the audible sound standards of Subparagraph (14)i. above, a noise study shall be performed by the property and/or facility owner within thirty (30) days of the date of written notice by Middlesex Township to perform the noise study. The

noise study shall be performed by an independent noise study expert and paid for by the property and/or facility owner. The study shall address and elevate the requirements specified in Subparagraph (14)i. above. The completed noise study must be submitted in writing to Middlesex Township for review no later than thirty (30) days after the date of the aforementioned written notice issued by Middlesex Township. If warranted based on study results, remedial action shall be taken by the property and/or facility owner to ensure compliance with the noise standards in this Subsection within thirty (30) days of written notification of the need for such remedial action by Middlesex Township, unless extended by the Township Board of Supervisors for good cause shown before the expiration of the thirty (30) day period.

- (3) The requirements of this Subsection (14) shall be a condition for approval of any land development plan proposing a facility in Middlesex Township, shall be indicated as a note on any approved land development plan as being agreed to by the developer and property owner, and shall be a covenant running with the land on which the facility is located and binding upon the property owner, his, her, or its heirs, representatives successors and assigns.

13. Yard Waste Composting Facility.

A facility which yard waste and natural wood waste is received and processed to produce compost for off-site Use. Retail and wholesale sales of bulk compost, mulch, and earth products shall be permitted as an Accessory Use to a yard waste composting facility. The term does not include composting by a single-family Lot Owner for personal Use. The following supplemental use regulations shall apply:

- a. Minimum Lot size: Five (5) acres.
- b. Setbacks.
 - (1) The minimum composting activity setback shall be one hundred (100) feet from any property line abutting a non-residential Use or zoning district.
 - (2) The minimum composting activity setback two hundred (200) feet from any property line abutting a residential Use or zoning district.
- c. Operations.
 - (1) Compliance. A Yard Waste Composting Facility shall always be in full compliance with the statutes of the Commonwealth of Pennsylvania and the rules and regulations of the Department of Environmental Protection (DEP) and the provisions of this Article. In the event that any of these provisions are in conflict, then the requirements of the Department of Environmental Protection shall apply.
 - (2) Hazardous Waste Disposal. Hazardous waste as included on the list of hazardous waste as maintained by DEP shall not be disposed of in a composting facility.
 - (3) Management. Each permitted facility must have a certified compost operator on staff. This certification can be the Compost Specialization

Certificate from the Professional Recyclers of Pennsylvania (PROP), or other DEP-approved certification courses.

- d. Site Maintenance. The entire area shall be kept clean and orderly.
- e. Site Access. Access to the site shall be limited to those posted times when an attendant is on duty. In order to protect against indiscriminate and unauthorized dumping, every composting facility shall be protected by locked barricades, fences, gates or other positive means designed to deny access to the area at unauthorized times or locations.

Section 3.05 Accessory Uses

(A) General Provisions.

- 1. Accessory Uses Allowed. Accessory Uses as listed in Table 3.02.1, Table of Permissible Uses, are allowed only in connection with the lawfully established Principal Uses.
- 2. Allowed Uses. Allowed Accessory Uses are limited to those expressly regulated in this Ordinance as well as those that satisfy the following criteria:
 - a. They are customarily found in conjunction with the subject Principal Use(s) or Principal Structure;
 - b. They are subordinate and clearly incidental to the Principal Use(s) of the property; and
 - c. They serve a necessary function for the comfort, safety, or convenience of occupants of the Principal Use(s).
- 3. Accessory Structures. Refer to Section 4.01 of this Ordinance.
- 4. Time of Construction and Establishment. Accessory Uses may be established only after the Principal use of the subject property is in place.
- 5. Location. Accessory Uses shall be located on the same Lot as the Principal Use to which they are accessory.

(B) Accessory Uses.

1. Accessory Dwelling Unit.

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

- a. A property Owner shall file a Zoning Permit for an accessory dwelling unit prior to its recognition as an Accessory Dwelling Unit. The property proposed for an Accessory Dwelling Unit shall contain one (1), but no more than one (1), residential Structure occupied as a one-unit Dwelling.

- b. The property shall be Owner-occupied, either in the Principal Structure or principal Dwelling Unit, or in the accessory Dwelling.
- c. The Accessory Dwelling Unit shall be located either:
 - (1) In a newly constructed Accessory Dwelling Unit Structure;
 - (2) In an existing detached accessory Structure occupied, or formerly occupied, on the first floor by a garage, barn, or similar Accessory Use; or
 - (3) In a Principal Structure, including a Tiny Home, as defined in Section 6 of this Ordinance, provided that there is a separate entrance to the exterior or to an unconditioned porch type space.
- d. With the exception of a Tiny Home as defined Section 3.04(A)5.f. of this Ordinance, the Usable GFA of the Accessory Dwelling Unit shall not exceed fifty (50) percent of the Usable GFA of the principal dwelling unit or 1,000 square feet, whichever is less. Exterior patios, decks, porches, and staircases providing interior access from the principal unit to the Accessory Dwelling Unit shall not be counted toward the Usable GFA of the Accessory Dwelling Unit.
- e. Parking. A minimum of one (1) off-street parking spaces are required for an Accessory Dwelling Unit.
- f. Pedestrian Access. An all-weather surface path to the Accessory Dwelling Unit shall be provided from the Street frontage.
- g. A separate numeric address for the Accessory Dwelling Unit is prohibited.
- h. No new, separate utility connection may be installed for the Accessory Dwelling Unit in a Principal Structure, unless more than one utility connection already serves the Lot, to the location of the proposed Accessory Dwelling Unit, at the time of the application for the Accessory Dwelling Unit.
- i. At any one time, the number of residents of an Accessory Dwelling Unit shall be limited to:
 - (1) One (1) adult and minor children related to said adult by blood, marriage, adoption, custodianship, or guardianship; or
 - (2) Two (2) adults (in total) and minor children related to at least one (1) of the adults by blood, marriage, adoption, custodianship, or guardianship.
- j. Wastewater Disposal. Certification that the Accessory Dwelling Unit can adequately connect to either the existing sewer line or septic system that is serving the principal use. In no case shall an Accessory Dwelling Unit be served by a separate septic system. Provided that the primary dwelling is connected to the public sewer system, an Accessory Dwelling Unit shall connect or tie into the primary dwelling's sewer line.
- k. Lot Non-severability. The Accessory Dwelling Unit may not be conveyed, or the title to the Accessory Dwelling Unit be transferred separate and apart from the rest of the property.

- I. Mechanical Equipment. Mechanical equipment shall be located on the ground or contained within an Accessory Dwelling Unit and may not be located on the roof.

2. Accessory Solar Energy Systems (ASES).

An area of land or other area used for a solar collection system used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An Accessory Solar Energy System (ASES) consists of one (1) or more free-standing ground mounted solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. The following supplemental use regulations shall apply:

- a. ASES that have a maximum power rating of not more than 15kW shall be permitted as a use by right in all zoning districts. Ground mounted ASES that have a power rating more than 15kW shall comply with the requirements for Principal Solar Energy Systems (PSES).
- b. Exemptions. ASES with an aggregate collection and/or focusing area of fifty (50) square feet or less are exempt from this Ordinance.
- c. The ASES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM),), Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code as enforced by the Municipality and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the application.
- d. Permit Requirements.
 - (1) Zoning permit applications shall document compliance with this Ordinance and shall be accompanied by drawings showing the location of the ASES on the building or property, including property lines. Permits must be kept on the premises where the ASES is constructed.
 - (2) The zoning permit shall be revoked if the ASES, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the ASES not to be in conformity with this Ordinance.
 - (3) The ASES must be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the owner of the ASES to conform or to remove the ASES.

e. Roof Mounted and Wall Mounted ASES.

- (1) A roof mounted or wall mounted ASES may be located on a principal or accessory building.
- (2) The total height of a building with an ASES shall not exceed by more than three (3) feet above the maximum building height specified for principal or accessory buildings within the applicable zoning district.
- (3) Wall mounted ASES shall comply with the setbacks for principal and accessory structures in the underlying zoning districts.
- (4) Solar panels shall not extend beyond any portion of the roof edge.
- (5) For roof and wall mounted systems, the applicant shall provide evidence that the plans comply with the Uniform Construction Code and adopted building code of the Township that the roof or wall is capable of holding the load imposed on the structure.

f. Ground Mounted ASES.

(1) Setbacks.

- (a) Except as listed in Subsection f.(1)(b) below, all ASES must meet the minimum yard requirements for the applicable zoning district where they are proposed to be located.
- (b) The minimum yard setbacks for such freestanding ground mounted ASES shall be as follows:
 - i. Front Yard. One hundred fifty (150) feet.
 - ii. Side Yard. Thirty (30) feet; total side yards shall be sixty (60 feet).

- (2) Height. Ground mounted ASES shall not exceed fifteen (15) feet in height above the ground elevation surrounding the systems.
- (3) Appropriate safety/warning signage concerning voltage shall be placed at ground mounted electrical devices, equipment, and structures. All electrical control devices associated with the ASES shall be locked to prevent unauthorized access or entry.
- (4) Ground-mounted ASES shall not be placed within any legal easement or right-of-way location or be placed within any storm water conveyance system or in any other manner that would alter or impede storm water runoff from collecting in a constructed storm water conveyance system.
- (5) Glare.
 - (a) All ASES shall be placed such that concentrated solar radiation, or glare does not project onto nearby structures or roadways. Exterior surfaces shall have a non-reflective finish.

- (b) The applicant has the burden of proving that any glare produced does not have significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
- (6) Prior to the issuance of a Zoning Permit, Applicants shall acknowledge in writing that the issuing of said permit for a solar energy system shall not and does not create in the property Owner, its, his, her or their successors and assigns in title or, create in the property itself:
 - (a) The right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or
 - (b) The right to prohibit the development on or growth of any trees or vegetation on such property.
- (7) Decommissioning.
 - (a) Each ASES and all solar related equipment shall be removed by the Owner and at the Owner's expense within twelve (12) months of the date when the use has been discontinued or abandoned by system Owner and/or operator, or upon termination of the useful life of same.
 - (b) The ASES shall be presumed to be discontinued or abandoned if no electricity is generated by such solar collector for a period of twelve (12) continuous months.
- (8) The ASES shall be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the Owner of the ASES to conform or to remove the ASES.

3. Accessory Wind Energy Systems (AWES).

An area of land or other area used for a collection system used to capture wind energy, convert it to electric energy, and supply electric power primarily for on-site use. An AWSES consists of one (1) or more free-standing ground mounted wind turbines or wind energy-related equipment and is intended to primarily reduce on-site consumption of utility power or fuels. The following supplemental use regulations shall apply:

- a. General. Accessory Wind Energy Systems (AWES) shall be permitted as an accessory use in all zoning districts subject to the following conditions:
 - (1) Maximum Number Permitted. Only one (1) ground mounted AWES and one Building mounted AWES is permitted on a Lot.
 - (2) Noise Performance Standards. The noise performance standards specified under Section 4.19 of this Ordinance shall apply.
 - (4) When an accessory Building is necessary for storage or related mechanical equipment, the accessory Building shall comply with the accessory Building requirements of the underlying zoning district.

- (5) The Structure supporting the wind rotor unit, including any necessary guideposts and supporting cables, shall be independent of any occupied Structure and located a minimum distance of the supporting structure height plus ten (10) feet from any occupied dwelling, and shall not be more than one and one half (1.5) times the maximum principal Building Height limits specified for the applicable zoning districts under Article 2 of this Ordinance.
- (6) The minimum distance between the tower and any property line shall be not less than two (2) times the Height of the supporting structure.
- (7) The minimum distance between grade and the lowest point of the rotor blade shall be twenty (20) feet.
- (8) All electric line/utility wires shall be buried underground.
- (9) Any mechanical equipment associated and necessary for operations, including a Building for batteries and storage cells, shall be enclosed with a six (6) foot high fence. The supporting Structure shall also be enclosed with a six (6) foot fence unless the base of the tower is not climbable for a distance of twelve (12) feet.
- (10) When a Building is necessary for storage cells or related mechanical equipment, the Building shall not exceed one hundred forty (140) square feet in area, nor eight (8) feet in Height and shall be located at the base of the supporting Structure.
- (11) The resultant energy harnessed from the wind shall be used on the property it is located on and not used as a commercial enterprise.
- (12) The supporting Structure and generating unit shall be kept in good repair and sound condition. Upon discontinuance or abandonment of Use, the supporting Structure and related Structures shall be dismantled and removed from the property within sixty (60) days. The AWES shall be presumed to be discontinued or abandoned if no electricity is generated by such AWES for a period of three (3) continuous months.
- (13) Maintenance. The AWES shall be properly maintained and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the Owner of the AWES to conform or to remove the AWES.

b. Requirements for Ground Mounted AWES.

- (1) Ground mounted AWES may be placed on Lots of any size assuming they meet the requirements of this section.
- (2) Height.
 - (a) AWES Height shall not be restricted assuming that the AWES meets the setback requirements.

- (b) The minimum ground clearance for the AWES shall be (15) feet.
 - (3) Setbacks. All AWES shall be set back from property lines, occupied Buildings, above ground utility lines, railroads and/or road Right-of-Way by a distance equal to no less than one times the total Height.
 - (4) Number. One (1) ground mounted AWES is permitted per Lot.
 - (5) Location.
 - (a) Ground mounted AWES are prohibited in front yards, between the principal Building and the public Street.
 - (b) Installation of a ground mounted AWES may be authorized in front of the principal Building, outside the required front yard, if the Applicant demonstrates to the Zoning Hearing Board through a Special Exception that, due to wind access limitations, no location exists on the property other than the front yard where the AWES can perform effectively.
 - (6) Safety and Security.
 - (a) The Owner shall post electrical hazard warning Signs on or near the AWES.
 - (b) Ground mounted AWES shall not be climbable up to (15) feet above ground surface.
 - (c) Access doors to any AWES electrical equipment shall be locked to prevent entry by unauthorized persons.
- c. Requirements for Building Mounted AWES.
- (1) Building mounted AWES may be located on any Lot regardless of size.
 - (2) Height regulations shall not apply to Building mounted AWES, provided the Height does not exceed the limitations of the zoning district for which they are located.
 - (3) There is no limit on the number of Building mounted AWES.
- d. Other General Requirements.
- (1) The display of advertising is prohibited except for identification of the manufacturer of the system.
 - (2) AWES shall not be lighted except for any lighting required to comply with Federal Aviation Administration (FAA) or Pennsylvania Department of Transportation Bureau of Aviation (BOA) regulations
 - (3) AWES shall be painted a non-reflective, flat color such as white, off white or gray unless required to be colored differently from FAA or BOA regulations.

- (4) AWES shall have an automatic braking, governing or feathering system to prevent uncontrolled rotation, over speeding and excessive pressure on the tower Structure, rotor blades and turbine components.
- (5) An AWES shall not cause shadow flicker on any occupied Building on a non-participating landowner's property.
- (6) No part of any AWES shall be located within or above the required setbacks of any Lot, extend over parking areas, access drives, driveways or sidewalks.
- (7) The Owner of the AWES shall provide evidence that the Owner's insurance policy has been endorsed to cover an appropriate level of damage or injury that might result from the installation and operation of the wind energy facility.

4. Agricultural Commercial Enterprise.

An accessory use to an Agricultural Operation for the purpose of directly marketing agricultural products produced by the Agricultural Operation in their natural or manufactured state. The term shall include any on-farm processing, packaging or other activity performed in the course of direct marketing of the farmer's agricultural products. Examples include but are not limited to farm stands, creameries, pick-your-own operations, community supported agriculture (CSA), Christmas tree farm, etc.

- a. An Agricultural Commercial Enterprise shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line.
- b. The hours of operation shall be consistent with other businesses in the district and protect neighbors from light, noise, disturbance, or interruption.



Farm stand



Direct milk sales at farm



CSA pick up at farm

5. Agritourism Marketing Enterprise.

An accessory use to an Agricultural Operation at which activities are offered to the public or to invited groups for the purpose of recreation, entertainment, education, or active involvement in the agricultural operation. These activities shall be related to agriculture or natural resources and incidental to the primary operation on the site. These activities may include a fee for participants. Examples include but are not limited to hayrides, corn mazes,

farm tours, rodeo, educational exhibits, agriculturally related events, recreation related tours, wedding venues, and other special event activities, etc. The following supplemental use regulations shall apply:

- a. An Agritourism Marketing Enterprise shall be conducted in such a way that no traffic congestion, noise, glare, air pollution, odor, smoke, vibration, fire hazards, safety hazards, electromagnetic interference, or otherwise, shall be noticeable at or beyond the property line.
- b. The hours of operation shall be consistent with other businesses in the district and protect neighbors from light, noise, disturbance, or interruption.



Structure with educational exhibits



Corn maze



Hay ride

6. Airstrip (Private), Heliport/Helistop.

An aviation use that is accessory to the principal use of a property. The following supplemental use regulations shall apply:

- a. Airstrip, Private. Personal takeoff and landing facility attached to the owner's property and used only by the owner of said property. The following supplemental use regulations shall apply:
 - (1) Minimum Lot Area. Five (5) acres.
 - (2) All facilities shall be designed and operated in strict compliance with all applicable State and Federal laws and regulations.
 - (3) The Applicant shall furnish evidence of the obtainment of a license from the Pennsylvania Department of Transportation, Bureau of Aviation, prior to the approval of the conditional use application.
 - (4) No part of the take-off/landing strip and/or pad shall be located nearer than 1,500 feet from any property line.
- b. Heliport. The use regulations for the principal Heliport and Helistop uses specified under Section 3.04(H)2. of this Ordinance shall apply.
- c. Helistop. The use regulations for the principal Heliport and Helistop uses specified under Section 3.04(H)3. of this Ordinance shall apply.

7. Automobile Car Wash.

A permitted accessory use to a permitted Principal Use as specified under Table 3.02.1 that consists of a Building or Structure with accompanying open-air stations designed and used primarily for the automatic, semiautomatic, or hand washing, drying, polishing, and vacuuming of automobiles. This use does not include Truck Wash. The following supplemental use regulations shall apply:

- a. Car washes shall include a water reclamation system for the purpose of recycling water.
- b. Centralized sewage disposal facilities and centralized water supply facilities shall be provided. Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
- c. A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.
- d. Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.
- e. On-Lot traffic circulation channels and parking areas shall be clearly marked.
- f. Adequate provision shall be made for the proper and convenient disposal of refuse.
- g. Water from the car wash operation shall not flow onto sidewalks or Streets, to prevent hazards from ice.

8. Carport, Portable or Temporary.

A covered space, open on three or more sides, used for the storage in which automobiles, boats, campers, trailers or other similar items within said Structure, is not placed on a permanent foundation and can be easily removed from or moved on the property, accessory to the property's Principal Use. The following supplemental use regulations shall apply:

- a. Shall not be placed within any required Front or Side Yards.
- b. Shall be placed no closer than five (5) feet from the Setback line for any Rear Yard or Side Yard.

9. Community Garden.

Permitted as an Accessory Use pursuant to the provisions specified under Subparagraph 3.05(C)3. of this Ordinance.

10. Drive-Through Facility.

A facility that provides or dispenses products or services, through an attendant or an automated machine, to persons remaining in vehicles that are in designated stacking aisles. A Drive-Through Facility is accessory to primary Service or Commercial Uses, such as a

financial institution, personal service shop, retail store, eating establishment, convenience store, etc. In these guidelines, a drive-through facility does not include a car wash, parking garage kiosks, or gas pump islands. The following supplemental use regulations shall apply:

- a. Lot Size. Lot sizes shall be large enough to efficiently and safely serve the operations of the Vehicle Drive Through Facility while accommodating all necessary elements of good and efficient site design of Vehicle Drive-through Facilities.
- b. Number. No more than one (1) Drive Through Facility may be permitted per Lot.
- c. Placement.
 - (1) Buildings with a Drive-through Facility shall be located as close as possible to the Street line or corner Street frontages for corner sites, to help frame the Street edges. The siting of the Building relative to the Street shall consider the existing and future development on the Street or in the neighborhood.
 - (2) Sites with multiple commercial Buildings on the property, Drive-Through Facilities shall be located internal to the site away from property corners, intersections of Streets or from the Street frontages, to reduce the visibility of vehicle drive-through traffic on the site from Street view.
- d. Site Access.
 - (1) Vehicle access shall be provided pursuant to the requirements of the Middlesex Township Subdivision and Land Development Ordinance. The subject site shall have access to a Collector or Arterial Street. The Applicant shall provide evidence that the site shall be provided with stacking lanes that avoid queuing back up onto public Streets.
 - (2) Access driveways to Vehicle Drive-through Facilities shall be located as far away as possible from Street intersections and corners and designed in accordance with the applicable Street design standards.
 - (3) The number of access driveways into a site shall be minimized to reduce conflicts between turning vehicles and other users of the Street, reduce curb cuts and interruptions to the sidewalk.
 - (4) Vehicle queuing lanes shall be separated from all aisles, shall not result in additional curb cuts along the same Street frontage and shall not have direct ingress and egress from any Street.
 - (5) Vehicle queuing lanes shall not obstruct or interfere with parking spaces, pedestrian aisles or walkways and loading or service areas.
- e. Parking.
 - (1) Parking areas shall provide designated crosswalks to convey pedestrians across driveways or vehicle queuing lanes to enter the Building.

- (2) The parking areas shall not conflict with the ingress and egress of the vehicle queuing lanes. This can be achieved by locating the parking areas away from the vehicle queuing lanes or clearly delineating the parking areas with appropriate barriers and signage.

11. Electric Vehicle Charging Station (EVCS).

A privately owned or publicly accessible parking space that is served by Electric Vehicle charging equipment for the purpose of transferring electric energy to a battery or other energy storage device in an Electric Vehicle. An Electric Vehicle Charging Level shall be defined as the standard indicator of electric force or voltage at which an Electric Vehicle is recharged as follows and as illustrated in Figure 3.05.1.

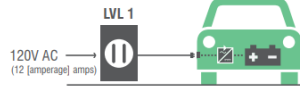
- a. Level 1. A slow charging system with a voltage range of 0 through 120 AC123. For the purposes of a Zoning Permit application, Level 1 EVCS is for private use only.
- b. Level 2. A medium charging system with a voltage range of 121 through 240 AC124. For the purposes of a Zoning Permit application, Level 2 EVCS is for both private and public use.
- c. Level 3 (DC Fast Charge). A fast-charging system with a voltage range of greater than 240 AC125. For the purposes of a Zoning Permit application, Level 3 is for public use only.
- d. The following performance standards apply to Level 1, 2, and 3 EVCSs:
 - (1) All EVCS regulations authorized by this Ordinance shall be read in conjunction with the Parking and Loading standards specified in Section 4.15 of this Ordinance.
 - (2) A Property Owner shall not install any EVCS on a property until a Zoning Permit has been issued by the Township to the Property Owner.
 - (3) Electric Vehicle Make Ready System.
 - (a) All new, expanded and reconstructed parking areas may provide for the electrical capacity necessary to accommodate the future hardware installation of EVCS through an Electric Vehicle Make Ready System.
 - (b) Property Owners may apply for a Zoning Permit for an Electric Vehicle Make Ready System at the time of construction or renovation of appropriate charging areas.
 - (c) A Property Owner who installs an Electric Vehicle Make Ready System rather than an EVCS may not qualify for a reduction to the parking space provision requirements specified in Section 4.15 of this Ordinance until the time the EVCS facility is installed.

Figure 3.05.1, Electric Vehicle Charging Levels

Source: *Siting and Design Guidelines for Electric Vehicle Supply Equipment, November 2012*

LEVELS OF CHARGE: DIAGRAMS AND ATTRIBUTES

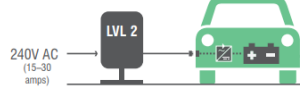
LEVEL 1



ATTRIBUTES:

- A standard outlet can potentially fully recharge an EV battery in 8–12 hours, though larger batteries, such as on the Tesla Model S, would require between 1 and 2 days
- This level is often sufficient for overnight, home charging
- Standard outlets can also provide an option for “peace of mind” charging using onboard equipment on the go
- Uses standard J1772 coupler
- In-vehicle power conversion

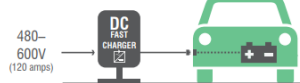
LEVEL 2



ATTRIBUTES:

- Free-standing or hanging charging station units mediate the connection between power outlets and vehicles
- Requires installation of charging equipment and often a dedicated 20–80 amp circuit, and may require utility upgrades
- Well-suited for inside and outside locations, where cars park for only several hours at a time, or when homeowners seek added flexibility of use and a faster recharge
- The public charging network will comprise primarily level 2 charging stations
- Public context requires additional design features, such as payment and provider network interfaces or reservation systems
- Uses standard J1772 coupler
- In-vehicle power conversion, charging speed limited by the onboard charger

DC FAST CHARGE



ATTRIBUTES

- Free-standing units, often higher profile
- Enable rapid charging of EV battery to 80% capacity in as little as 30 minutes
- Electrical conversion occurs in EVSE unit itself
- Relatively high cost compared to level 2 chargers, but new units on the market are more competitively priced
- Draws large amounts of electrical current, requires utility upgrades and dedicated circuits
- Beneficial in heavy-use transit corridors or public fueling stations
- Standard J1772 “combo” coupler approved in October 2012

SITING AND DESIGN GUIDELINES FOR ELECTRIC VEHICLE SUPPLY EQUIPMENT (EVSE)

12. Farm Occupation.

An accessory use to an Agricultural Operation at which goods and services are rendered in support of local agricultural operations or to supplement on-farm income. Examples include but are not limited to tractor repair services, custom cabinetry, welding shop, internet-based business, auctions, repair services, catering, home occupations, traditional trade businesses, etc.

13. Keeping of Chickens.

The keeping of Chickens for non-Agricultural Operations and non-Commercial Business purposes shall be permitted as an Accessory Use as specified in Table 3.02.1 and shall abide by the following regulations:

a. General.

- (1) The keeping of Chickens under this Ordinance shall be permitted in residential zones when in compliance with the provisions of this Article.
- (2) The keeping of Chickens shall not be for commercial purposes.
- (3) These regulations do not apply to the raising of poultry and other fowl as an Agricultural Operation use and where such uses are permitted within this Ordinance.
- (4) A permittee shall not engage in commercial: (1) chicken breeding; (2) sale of chickens; (3) egg producing; or (4) fertilizer production.

b. Number of Chickens per Lot.

- (1) Three (3) chickens shall be permitted for the first one quarter ($\frac{1}{4}$) acre.
- (2) One (1) additional chicken shall be permitted for each additional one quarter ($\frac{1}{4}$) acre, up to a maximum of ten (10) chickens per Lot.
- (3) Notwithstanding Section 13.b.(2), there shall be no limit on the number of chickens on Lots over five (5) acres.

c. Type. Chickens shall be hens. Roosters and English Gamecocks are prohibited.

d. Coops.

- (1) Chicken coops shall:
 - (a) Have a solid roof.
 - (b) Be solid on all sides.
 - (c) Have adequate ventilation.
 - (d) Provide protection from predators.
 - (e) Be designed to secure the chickens.

- (f) Be readily accessible for cleaning.
- (2) Coops shall be either:
 - (a) Commercially built/designed; or
 - (b) Built by the Owner.
- (3) Coops shall provide a minimum of three (3) square feet per chicken.
- e. Pens.
 - (1) Pens shall provide minimum of ten (10) square feet of area for the first chicken, and then an additional three (3) square feet per each additional chicken permitted under Subsection 13.b.(2).
 - (2) Pens shall be constructed in a way to prevent chickens from roaming free and keep predators from getting into the pen.
 - (3) The Pen shall be accessible by the hens from their Coop when they are not secured in the Coop.
- f. Location.
 - (1) Pens and Coops shall be located in the Rear Yard only and shall meet the setback requirements of the zoning district within which the use is located.
 - (2) Any part closer than ten (10) feet from any property line shall be screened by closed fencing or solid hedge.
- g. Living Conditions.
 - (1) Chickens shall have access to feed and clean water at all times.
 - (2) Feed shall be secured to prevent rodents or other pests from accessing the feed.
- h. Disposition of Deceased Chickens. Chicken carcasses shall be disposed of in compliance with 3 Pa. C.S. § 2352, and no Person shall slaughter a Chicken in a residential zone.
- i. Disposal of Waste Material. All waste shall be disposed of in any of the following ways:
 - (1) Owners may compost the waste themselves; or
 - (2) An Owner may give the waste to another Person who composts. In such instances, the Owner shall:
 - (a) Notify any Person using the material to compost that the waste contains Chicken excrement.
 - (b) Notify any Person given compost that the compost was made from Chicken waste.

- (3) Waste may not be disposed of by dumping in any location.

14. Keeping of Honeybees.

The Keeping of Honeybees for non-Agricultural Operations and non-Commercial Business purposes shall be permitted as an Accessory Use as specified in Table 3.02.1 and shall abide by the following regulations:

a. General.

- (1) The Keeping of Honeybees under this Ordinance shall be permitted in residential zones when in compliance with the provisions of this Article.
- (2) The Keeping of Honeybees shall not be for commercial purposes.
- (4) These regulations do not apply to beekeeping and apiaries when associated with an Agricultural Operation use and where such uses are permitted within this Ordinance.
- (5) The keeping of one (1) or more colonies of the common domestic honeybee, *Apis Mellifera*, shall be permitted as an Accessory Use to a permitted primary use when in compliance with Pennsylvania's Bee Law, 3 Pa. C.S.A. § 2101, *et seq.*, as amended. Additionally, all beekeepers shall maintain their colonies per the *Voluntary Best Management Practices for Maintaining European Honeybee Colonies in the Commonwealth of Pennsylvania* as provided and as may be amended by the Pennsylvania Apiary Advisory Board. Colonies include a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood. The following supplemental use regulations shall apply.

b. Maximum Number of Colonies.

- (1) Any Lot containing a residential Use shall be limited to two (2) colonies. One additional colony is permitted for every 1,000 square feet of Lot Area over 10,000 square feet, and an absolute maximum of ten (10) colonies.
- (2) Exceptions. A beekeeper may exceed these regulations under the following conditions:
 - (a) As part of normal honey bee colony management, a beekeeper may also keep, in addition to allowable standard hives, for up to forty-five (45) days between April 15th and August 15th, two nucleus colonies per standard hive, provided they are used for managing colony strength, to minimize reproductive swarming, queen rearing or swarm capture.
 - (b) For each allowed hive, a single nucleus hive may be kept from August 16th to April 14th to allow a beekeeper to mitigate winter bee losses.
 - (c) Apiaries that are pre-existing prior to enactment of this Ordinance shall not be subject to the limitations of section 4b and shall not

exceed the number of hives active at the time of the ordinance and shall be confirmed by the pre-existing apiary registration of the location as reported by the Pennsylvania Department of Agriculture, Bureau of Plant Industry.

- c. Colony Size. No colony shall exceed twenty (20) cubic feet in volume.
- d. Location. A colony shall be located in a Rear or Side Yard on any Lot with a Residential or Community Garden Use. No colony shall be located in the front yard nor closer than ten (10) feet from any property line or principal Building on an abutting Lot unless a flyway barrier is in place. No colony shall be located within fifty (50) feet of a pre-existing swimming pool or a pre-existing kenneled animal.
- e. Flyway Barrier. A flyway barrier of at least six (6) feet in Height shall shield a property line within ten (10) feet of a colony, unless the base of the colony is located more than six (6) feet above the ground.
 - (1) A required flyway barrier shall consist of a wall, fence, dense vegetation, or a combination thereof.
 - (2) The barrier shall be positioned along the side of the hive(s) that contains the entrance to the hive(s).
 - (3) The barrier shall be located within five (5) feet of the hive(s) and shall extend at least two (2) feet on either side of the hive(s).
 - (4) Exceptions to Flyway Barrier. A flyway barrier is not required if the property adjoining the apiary Lot line is:
 - (a) Undeveloped, or
 - (b) Zoned agricultural, industrial or is outside municipal limits, or
 - (c) Is a state game lands, state park, national forest, state forest, natural park, or conservation area and has no pre- existing human or horse trails located within twenty-five (25) feet of the property line.
- f. Agricultural Commercial Enterprise. No sales of honey shall occur on the Lot containing the honeybee colony, except in the case of a honeybee colony located on an Agricultural Operation or Community Garden where there is a Agricultural Commercial Enterprise, in which case the operator of the honeybee colony shall be permitted to sell honey at the Agricultural Commercial Enterprise.
- g. State Registration Required. All persons keeping bees in the Township shall apply for a certificate of registration for beekeeping pursuant to the Bee Law, as amended.
- h. Education Certification. Written evidence shall be provided to the Township from each and every individual engaged in beekeeping activities and shall have completed a beekeeping education course/program with a minimum of eight (8) hours of instruction or has a letter of validation from an officer of the PA State Beekeepers Association, an officer of a local bee club, or a certified Master Beekeeper.

- i. Water. A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- j. Nuisance. It shall be unlawful for any beekeeper to keep any hive in such a manner as to cause any unhealthy condition or interfere with the normal use of adjoining properties. By way of example and not limited to, the following activities are hereby declared a nuisance and therefore unlawful:
 - (1) The use of receptacles for honeybees that does not comply with the Bee Law, as amended.
 - (2) Hive placement and related bee movement such that the bees, without provocation, interfere with the reasonable freedom of movement of persons in a public Right-of-Way, or the location of bees have a proven impact to the general safety, health, and welfare of the public.
- k. Inspection. If an inspection is required as a result of a nuisance complaint, the designated municipal code enforcement officer will inspect the property only and not the beehives. A representative of the state or local beekeeping organization will be contacted to assist in understanding how the complaint arose and to what extent it is actually caused by the honeybees/beekeeper (i.e., “bee” stings are often caused by yellow jackets, hornets and wasps and mistakenly blamed on honeybees because the honey bee colonies can be seen unlike many other aggressive stinging insects). A notice of forty-eight (48) hours shall be given to the beekeeper prior to any inspection.

15. Keeping of Exotic Wildlife.

- (a) Permit Required.
 - (1) It shall be unlawful for anyone to own, harbor, or permit at large any Exotic Wildlife within the Township without a permit issued by the Pennsylvania Game Commission. No permit shall be granted by the Commission until it is satisfied that the provisions for housing and caring for the Exotic Wildlife and protection for the public are proper and adequate and in accordance with the standards which may be established by regulations. It is unlawful to release any exotic wildlife into the wild, fail to exercise due care in safeguarding the public, or recklessly engage in conduct that places another Person in danger of attack from exotic wildlife.
 - (2) Persons responsible for the keeping of Exotic Wildlife shall abide by the standards of the Pennsylvania Game Commission permit requirements at all times and is subject to inspection by the Township Zoning Officer who shall have the authority to notify the Pennsylvania Game Commission of any suspected and documented violations of such issued permit.
 - (3) A copy of the Pennsylvania Game Commission issued permit(s) shall be filed with the Zoning Officer by the Owner/operator of an Exotic Wildlife operation.

- (b) Setbacks. All Structures associated with animal sanctuaries shall be located no less than five hundred (500) feet from any side or rear Yard.
- (c) Lot Size. Animal sanctuary facilities shall be located on Lots containing not less than ten (10) acres.
- (d) Screening. Animal sanctuary facilities shall provide screening in accordance with the Screening Standards specified in Section 4.03 of this Ordinance.

16. Keeping of Livestock.

The keeping of equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, and other grazing animals, and all ratites, including, but not limited to, ostriches, emus, and rheas for non-Agricultural Operations and non-Commercial Business purposes shall be permitted as an Accessory Use as specified in Table 3.02.1 and shall abide by the following regulations:

- a. General.
 - (1) The Keeping of Livestock under this Ordinance shall be permitted in residential zones when in compliance with the provisions of this Article.
 - (2) The Keeping of Livestock shall not be for commercial purposes.
 - (3) These regulations do not apply to the Keeping of Livestock as an Agricultural Operation use and where such uses are permitted within this Ordinance.
- b. The keeping of any livestock that existed lawfully prior to the effective date of this Ordinance that is not permitted under this title may be continued as a Nonconforming Use, except that if the Nonconforming Use is discontinued for one year or more it shall then be deemed abandoned and any future keeping of animals shall be in conformity with this Ordinance.
- c. Table 3.05.1 specifies the requirements based on the size of animal for the Keeping of Livestock as an Accessory Use.
- d. Exceptions to these standards shall be presented by the Property Owner through an alternative animal management plan to be heard by the Zoning Hearing Board. Approval of the plan by the Zoning Hearing Board shall be considered a Special Exception Use and shall be subject to all required conditions. If an approved plan is violated or causes situations that become a nuisance to adjoining property owners, the use shall be subject to revocation by the Zoning Officer.

Table 3.05.1, Keeping of Livestock Requirements.

Livestock Group Type	Livestock Group Description¹	Minimum Lot Size	Minimum Setback of Livestock Keeping Area including Shelters and Manure Storage Area
Group 1	Animals whose average adult weight is less than 10 lbs. shall be permitted at an animal density of 12 per acre, with a maximum number of 50 animals.	3 acres	Up to 25 animals = 25' Above 25 animals = 50'
Group 2	Animals whose average adult weight is between 10 and 65 lbs. shall be permitted at an animal density of two per acre, with a maximum number of 20 animals.	3 acres	Up to 2 animals = 50' Above 2 animals = 60'
Group 3	Animals whose average adult weight is greater than 65 lbs. shall be permitted at an animal density of 1 per acre.	3 acres	75'

¹See Table 1 Standard Animal Weights –

<https://www.clintoncountypa.com/home/showpublisheddocument/2980/637387022614930000>

e. Living Conditions.

- (1) Livestock shall have access to feed and clean water.
- (2) Feed shall be secured to prevent rodents or other pests from accessing the feed.
- (3) A Veterinarian shall be identified and used for any necessary medical care, and such professional shall be identified in the Applicant's zoning permit application.
- (4) All outdoor pasture/recreation areas shall be enclosed with fencing to prevent the escape of the animals.

f. Disposition of Deceased Livestock. Livestock carcasses shall be disposed of in compliance with (3 Pa. C.S. §2352) and no Person shall slaughter Livestock in any residential zone.

g. Disposal of Waste Material. All waste shall be disposed of in any of the following ways:

- (1) Owners may compost the waste themselves.
- (2) An Owner may give the waste to another Person who composts. Where the waste is composted, the Owner shall:
 - (a) Notify any Person using the material to compost that the waste contains Livestock excrement.

- (b) Notify any Person given compost that the compost was made from Livestock waste.

- (3) Waste may not be disposed of by dumping in any location.

17. Manure Storage Facility.

An accessory use to an Agricultural Operation that is a permanent Structure or facility, or portion of a Structure or facility, utilized for the primary purpose of containing manure. Examples include liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a confinement Building, permanent stacking and composting facilities and manure treatment facilities. The term does not include the animal confinement areas of poultry houses, horse stalls, freestall barns, or bedded pack animal housing systems. The following performance shall apply:

- (a) All manure storage facilities shall be designed in compliance with the guidelines outlined in the publication Manure Management for Environmental Protection, Bureau of Water Quality Management Publication No. 43, and any revisions, supplements and replacements thereof, published by the Pennsylvania Department of Environmental Protection.
- (b) If required, manure storage facilities' designs shall be reviewed by the Cumberland County Conservation District and furnish a letter from the Conservation District attesting to approval of the design of the proposed facility.
- (c) Construction and subsequent operation of the waste storage facility shall be in accordance with the applicable permit and the approved design.

18. Mineral and Resource Extraction Activities Associated with a Land Development Project.

The temporary accessory removal, extraction, processing, stockpiling, and storage of mineral and resource materials from a Land Development project site during construction and development phase. Such accessory use activities are to be performed within the limits of the Land Development site and only during the construction phase of the land development project.

19. No-Impact Home-Based Business.

A business or commercial activity administered or conducted as an Accessory Use which is clearly secondary to the Use as a residential dwelling and which involves no customer, client, or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the Premises, in excess of those normally associated with residential Use. The business or commercial activity shall satisfy the following requirements:

- a. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- b. The business shall employ no employees other than family members residing in the dwelling.
- c. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

- d. There shall be no outside appearance of a business Use, including, but not limited to, parking, Signs or lights.
- e. The business activity may not Use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- f. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential Use in the neighborhood.
- g. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable GFA.
- h. The business may not involve any illegal activity.

20. Outdoor Dining Area.

An area on a public sidewalk or other publicly accessible paved area directly abutting and adjacent to and/or upon the same Lot as an associated eatery or any premises licensed by the Pennsylvania Liquor Control Board pursuant to 40 Pa. Code § 7.21, as amended, which is used for the purpose of furnishing food and beverage to patrons for consumption therein. The following supplemental use regulations shall apply:

- a. An area which is on the sidewalk, patio or deck which directly abuts the restaurant may be used for the purpose of furnishing food and beverages outside to the patrons of the restaurant.
- b. Outdoor dining areas shall provide not less than five (5) contiguous feet of sidewalk clear of obstructions to allow unimpeded pedestrian traffic. Dining areas shall be arranged to permit a smooth alignment of the pedestrian sidewalk across several properties and shall not cause abrupt turns or angles. At Street corner intersections there shall be a minimum of eight (8) feet of unobstructed sidewalk between the area measured from the outside edge of handicapped ramps on each Street frontage. Obstructions shall include, but not be limited to, light poles, traffic signal poles, fire hydrants, trees, utility structures and Street signs. Further, the location of outdoor dining cannot obstruct the Clear Sight Distance for vehicles or access or crossings for the disabled, nor be located with three (3) feet from the face of the curb or traffic lane. Any unobstructed portion of the three (3) foot setback from the face of the curb may be counted toward the five (5) foot wide sidewalk area required herein.
- c. The outdoor dining area must be separated from all parking areas, Streets or driveways by a barrier which is at least four (4) feet in height and no higher than six (6) feet in height. The barrier must prevent patrons of the restaurant from exiting directly onto the parking area, Street or driveway adjacent to the outdoor dining area and instead must require the patrons of the restaurant to exit the outdoor dining area in a safe manner, either onto a sidewalk or through another means of ingress and egress which is approved by the Township. The barrier may be a fence, wall, or another suitable barrier approved by the Township which will prevent a hazardous condition and protect the health and safety of the outdoor diners from vehicular traffic on adjacent parking areas, Streets, or driveways.

- d. The area used for outdoor dining must not block any off-street parking, access driveways, accessible walkways, fire lanes or loading areas.
- e. Open flames or external heating devices are permitted if approved by the Township Fire Marshal.
- f. If entertainment is provided in the outdoor dining area, any amplified sound must meet the Township noise regulations and cease by 9:00 PM prevailing time on weekdays and 10:00 PM prevailing time on weekends.
- g. The applicant must demonstrate that there is sufficient off-street parking for the area used for outdoor dining based on off-street parking requirements specified under Section 4.15 of this Ordinance.
- h. Property shall be served by public water and public sewer.
- i. *Umbrellas and Outdoor Furniture.* When used, umbrellas shall be installed and maintained to provide pedestrian clearance by maintaining seven (7) feet of clearance from the Sidewalk to the lowest edge of the umbrella. Umbrellas shall not exceed a maximum height of nine (9) feet from the base to the top portion of the pole.
- k. *Outdoor Displays.* Outdoor displays shall be limited to single items or object displays or a few examples of items or goods sold in the store and must comply with all other standards specified herein.
- l. The restaurant shall stop serving customers on or before 10:00 PM prevailing time and clear all tables of food, beverages and customers on or before 11:00 PM, prevailing time.
- m. Furniture, planters, railings and fences must be removed from the sidewalk and stored indoors when outdoor dining is not in seasonal operation.
- n. The operator of an outdoor dining area and his or her employees shall not be permitted to remove, destroy, deface, or otherwise alter any Sign, notice, curb, storm inlet, or other public device or improvement.

21. *Outdoor Display and Sales.*

The Outdoor Display and Sales of merchandise or other items offered for sale or advertisement of a Principal Retail or Service Use. The following supplemental use regulations shall apply:

- a. Outdoor displays may not extend more than five (5) feet from the Building Façade and in no instance shall merchandise or other items for sale or advertisement be located within an established public Right-of-Way line. In the case of Street Lines and Building Lines being coincident, there shall be no outdoor display;
- b. Merchandise or other items displayed as the Accessory Use shall be restricted to those items or merchandise which are sold at the Principal Use;
- c. Notwithstanding any provision of this Article, the public way, Street, Sidewalk, Curb, and all means of ingress and egress to the Structure containing the Principal Use shall be maintained free of obstructions, merchandise or other items. A

minimum of five (5) feet of Sidewalk shall remain available and obstacle-free for passing pedestrians.

22. Outdoor Storage Yard.

The accessory use of land for the purpose of the outdoor storage and retrieval of equipment, vessels, construction supplies, or other related items or goods. The following supplemental regulations shall apply:

- a. Outdoor storage yard areas shall not be used for the service, repair, maintenance activities, including washing/cleaning, or to conduct similar activities of any of the items stored at the outdoor storage yard.
- b. Outdoor storage yards shall not be occupied or used for living or sleeping purposes.
- c. Storage on a site shall meet the following requirements:
 - (1) Storage areas shall occur in a designated space, approved as part of the overall site plan.
 - (2) Boats stored on the site shall be placed upon wheeled trailers and have the appropriate license; no dry stacking of boats shall be permitted on-site.
 - (3) Stacking of stored materials shall not exceed a height of twenty-five (25) feet.
 - (4) No loose materials such as sand, lumber, cardboard boxes and/or similar items which may be scattered or blown about the premises by normal weather conditions shall be allowed. All equipment, building supplies and construction materials shall be tied down and secured.

23. Parking.

Parking as an Accessory Use in conjunction with an adjacent Principal Use on the Lot.

- a. Parking Lot. A parking Lot is a Paved Surface used solely for the parking of Vehicles, intended for Use by the occupants in an adjacent Building on the Lot. A parking Lot may be uncovered or covered by a Renewable Energy Structure.
- b. Parking Structure. An Accessory Structure used solely for the parking of Vehicles, intended for Use by the occupants in an adjacent Building on the Lot. The following supplemental use regulations shall apply:
 - (1) Location. An accessory parking Structure shall be located as follows:
 - (a) Parking Structures shall be located in the Rear Yard only and shall be screened from view from the front of the Lot or the primary Street to the Principal Use Structure.
 - (b) An accessory public or private garage shall meet the setback requirements of the principal Building.

- (2) The perimeter of an accessory public or private garage shall be landscaped in accordance with Section 4.03 of this Ordinance.

24. Short-Term Rental.

The Accessory Use of a Building (except a Hotel, Motel or Bed and Breakfast) where, for compensation, temporary – i.e., less than thirty consecutive (30) days – lodging is provided for the transient guests and meals are not provided. The following Use regulations shall apply:

a. Permit Required.

- (1) No owner of any property in the Township shall operate a Short-Term Rental in the Township without obtaining a Zoning Permit from the Zoning Officer. Operation of a Short-Term Rental without a permit is a violation of this Ordinance. Permits may be transferable to any new owner of the property provided an application with updated contact information is submitted to the Township and all prior violations of this Ordinance have been remedied.
- (2) The issuance of a Zoning Permit is not a warranty that the premise is lawful, safe, habitable, or in compliance with this Ordinance.
- (3) Permit Application Requirements. Short-Term Rental permit applications shall contain all of the following information:
 - (a) The name, address, telephone number and email address of the owner.
 - (b) The name, address and twenty-four (24) hour telephone number of the designated Local Property Representative as required by Subsection 21.c.(1) of this Section.
 - (c) Floor plan identifying rooms on all floors, specific location of bedrooms, and location of any pools labeled as either in-ground or above-ground.
 - (d) The total number of bedrooms.
 - (e) If the Building is a multi-unit Structure, the total number of dwelling units in the Structure and the number of dwelling units being used as Short-Term Rentals.
 - (f) A diagram or aerial photograph showing the location and number of on-site parking spaces.
 - (g) Copy of current Cumberland County Hotel Room Excise Tax Certificate.
 - (h) Copy of current Pennsylvania Sales and Use Tax Permit or signed attestation that a third party collects this on behalf of the Short-Term Rental owner.

- (i) Signatures of the owner and the designated Local Property Representative.
 - (j) By signing the Short-Term Rental application, the owner gives authorization to the Township to enter onto the property to inspect and ensure compliance with this Ordinance and all applicable ordinances and regulations administered and enforced by the Township.
 - (k) Written notice to an applicable homeowners' association, indicating the intent to make application for and Use the subject residential property for a Short-Term Rental, when applicable.
- (4) A separate Short-Term Rental Zoning Permit is required for each Dwelling Unit; for Two-Family or Multi-Family Dwellings, a separate Permit shall be required for each Dwelling Unit being rented as a Short-Term Rental.
 - (5) A Short-Term Rental Zoning Permit is effective for a period of one (1) annual term calendar year, or until any of the conditions of the Short-Term Rental which are governed by this Ordinance are changed, whichever shall first occur. Permits must be renewed annually. Short-Term Rental permits may be applied for up to ninety sixty (96) days before the start of the annual term expiration of a Short-Term Rental Permit.

b. Operating Standards.

- (1) Local Property Representative. The Landowner must designate a Local Property Representative who shall be available twenty-four (24) hours per day, seven (7) days per week, for the purpose of (1) responding within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental, and (2) taking remedial action to resolve any such complaints. The name, address, and telephone contact number of the Landowner and the local property representative shall be kept on file at the Township. The failure to provide the contact information, failure to keep the contact information current, failure to respond in a timely manner to complaints, or the occurrence of repeated complaints may result in the suspension or revocation of approval and/or civil or criminal penalties.
- (2) Restrictions on Use. A renter may not Use a short-term rental for a purpose not incidental to its Use for lodging or sleeping purposes. This restriction includes using the rental for a wedding, banquet, reception, bachelor or bachelorette party, concert, fundraiser, sponsored event, or any similar group activity.
- (3) Parking. There will be no demand for parking beyond that which is normal to the current residential property Use and no unusual or excessive traffic to and from the premises.
- (4) Signage. No outdoor advertising Signs related to the rental dwelling shall be allowed on the site.

- (5) Insurance. The Landowner shall maintain on file at the Township an up-to-date certificate of insurance documenting that the dwelling is insured as a short-term or vacation rental.
- (6) Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short-Term Rental property. Parking for Short-Term Rental guests shall not include spaces in any private, community, or on any lawns or vegetated areas. All off-street parking spaces shall be properly marked to ensure guests are aware of the location of proper onsite parking.
- (7) Overnight occupancy of recreational vehicles, camper trailers, and tents at the property where the Short-Term Rental is located is prohibited. Outdoor overnight sleeping of occupants or guests of the Short-Term Rental is prohibited.
- (8) A Short-Term Rental shall not have any outside appearance indicating a change of Use.
- (9) Subleasing all or a portion of the dwelling unit is prohibited.

25. Signs.

Signs, as regulated under Section 5 of this Ordinance, are an Accessory Use to the Principal Use.

26. Water Cooling and/or Storage Systems for Data Centers.

A water or other liquid cooled technology system used to support the efficient and cost-effective cooling of high-density Data Center uses. The design and location of Water Cooling and/or Storage Systems for Data Centers shall conform with the requirements specified under Section 2.18 of this Ordinance.

Section 3.06 Temporary Uses

(A) General.

- 1. Temporary Uses are limited to those expressly regulated in this Ordinance as well as those that in the Determination of the Township Board of Supervisors are deemed appropriate as a Temporary Use.
- 2. A Temporary Use that is conducted annually or on a similar recurring basis as determined by the Township and has received Special Exception approval from the Township Zoning Hearing Board. The temporary Use may be permitted to recur thereafter with approval from the Zoning Officer provided that the event location, format, and operations have not substantially changed from the original approval and that the conditions established in the original approval are deemed applicable. All other Temporary Uses shall receive Special Exception approval for each occurrence.

(B) Temporary Uses.

1. Farmers Market.

A public market administered by a market manager and held multiple times per year to connect and mutually benefit farmers, communities, and shoppers. The Farmers Market shall allow as vendors predominantly local farmers, farmers' cooperatives and producers selling any of the following: whole produce; value-added agricultural products such as jams, jellies, and pickles; prepared food; all agricultural and horticultural products including but not limited to whole produce, plants, flowers, meats, dairy products, and other food-related products. The following supplemental use regulations shall apply.

- a. The Applicant shall indemnify, save harmless, and defend (if requested) the Township and the Owner(s) of any private or public property upon which the Farmers Market shall be held and their respective officers, agents, and employees from any and all claims, suits, or actions for injuries, death and/or property damage arising out of the Temporary Outdoor Event where the claim, suit, or action was caused by the Applicant, its officers, agents, and employees, the event participants, support staffs, event officials, volunteers, medical support, technical support, media vehicles, event communications staffs, the traveling public, general public, or spectators.
- b. A certificate of insurance shall be provided showing: (a) general liability insurance for bodily injury and property damage in the minimum amount of \$250,000.00 per Person and \$1,000,000.00 per occurrence to cover any loss that might occur as a result of the Permitted use of the local and state rights of way or private property that might otherwise arise out of or be connected with the Farmers Market; (b) occurrence-based coverage; and (c) the Township and applicable public and private Landowners named as the additional insured. The Applicant warrants the information in the insurance certificate is accurate.
- c. Written permission for use of any private property shall be obtained from the Owner(s), or other Person with authority to grant same, and be submitted to the Zoning Officer.
- d. The farmers' market is of a temporary nature, namely, in operation only one day or two (2) days per week between the maximum hours of 8 AM to 8 PM prevailing time.
- e. A minimum Lot Area of one hundred (100) square feet per stand shall be provided.
- f. Farmers Market vendors shall obtain a Retail Food License from the Pennsylvania Department of Agriculture to operate a food facility at a farmers' market, whether the market is inside or outside. Each individual stand is considered its own retail food facility and shall obtain its own license to operate.

2. Model Home and/or Subdivision Sales Office.

A Building Structure used for the temporary conduct of the sales of dwelling units proposed for construction and sale within an approved subdivision. The following performance standards shall apply:

- a. Such use shall be located in a subdivision that is owned by or held in trust for the subdivision developer proposing to erect the dwelling units for sale and/or proposing to operate the sales office.

- b. Such use shall meet the bulk and area requirements of the zoning district within which the use is located.
- c. Such use shall be meet the land development design standards as specified by the Middlesex Township Subdivision and Land Development Ordinance.
- d. Such use shall be permitted for a period not to exceed thirty (36) months from the date of approval for the sales offices and/or model homes. A time extension may be granted upon the issuance of a new Zoning Permit.
- e. The Model Home and/or Subdivision Sales Office use shall be discontinued on or before the original termination date set forth under the Zoning Permit, upon expiration of the extension granted by the Zoning Officer, or after six (6) months following sale or occupancy of all Lots in the subdivision other than the model homes, whichever occurs first.
- f. Such use shall not serve as sleeping quarters.

3. Open Air Market.

An outdoor market for the retail sale of new or used merchandise, produce or other farm products, whether operated by a single vendor or composed of stalls, stands or spaces rented or otherwise provided to vendors. The term does not include the outside display of merchandise as an incidental part of retail activities regularly conducted from a permanent Building or other areas immediately adjacent to, and upon the same Lot as, such Building. The term also does not include merchandise sold at festivals or other special events, temporary in duration, at which the display and sale of merchandise is incidental to the primary cultural, informational or recreational activities of such festival or special event. The following Use regulations shall apply:

- a. A plan depicting the layout of the site, including dimensions, of the sales area, accessways, parking areas and location of trash receptacles;
- b. Specific days and hours of operation; and
- c. The means, such as stalls, tables or other structures, by which merchandise is to be displayed.
- d. Vehicle parking shall be provided on-site and shall comply with the Off-Street Parking standards specified in Section 4.15 of this Ordinance.
- e. There shall be no less than one (1) trash receptacle per 1,000 square feet of sales area, all trash receptacles shall be emptied regularly so as not to overflow, and litter and debris shall not be permitted to accumulate.
- f. Merchandise, stalls or other materials shall not be stored outdoors while the use is not open for business.
- g. Operation shall be restricted to the time between 9:00 AM to 5:00 PM prevailing time.

- h. The operation shall not disturb the tranquility of residential areas or other areas in close proximity or otherwise interfere with the reasonable use and enjoyment of neighboring property by reason of excessive noise, traffic or overflow parking.

4. Temporary Construction Site Trailer.

A Manufactured Home or industrialized housing type Structure used only for office facilities or for storage of construction-related equipment or materials. The following Use regulations shall apply:

- a. Minimum Off-Street Parking Calculations. A mud free parking area shall be provided containing one (1) parking stall, ten (10) feet by twenty (20) feet minimum size for each ten (10) Lots in the portion of the subdivision currently under development. Access Aisles shall be a minimum twenty (20) feet in width.
- b. Temporary Construction Site Trailers may be established via the Township Zoning Permit process, when proposed for an approved construction project.
- c. Temporary Construction Site Trailers shall observe the minimum Setback requirements imposed upon the Township approved Principal Use of the subject Lot.
- d. Temporary Construction Site Trailers shall not serve as sleeping quarters.
- e. Temporary Construction Site Trailers when used as occupied contractor, lease or sales offices shall be equipped with appropriate skirting or safety fence/mesh material to prevent children and animals from crawling under said Structure.
- f. A Temporary Construction Site Trailer may serve as a temporary lease or sales office until a model housing unit is complete, provided the following criteria are met:
 - (1) A hard paved driveway and parking Lot Area shall be provided containing one (1) parking stall, ten (10) feet by twenty (20) feet in size, for each ten (10) Lots in the portion of the subdivision currently under development.
 - (2) A Pennsylvania Department of Transportation Highway Occupancy or Township Street Occupancy Permit shall be required if the parking Lot Area's driveway accesses such roads.
 - (3) The temporary sales operation shall only be permitted between 8:00 AM to 5 PM prevailing time.
- g. If restroom facilities do not exist in the Temporary Construction Site Trailer, portable toilets shall be provided; the number of which shall be as determined by the Township Sewage Enforcement Officer.
- h. No combustible materials shall be stored in the Temporary Construction Site Trailer.
- i. All Temporary Construction Site Trailers shall be removed within forty-eight (48) hours of the completion of construction or the expiration of the Zoning Permit for the construction to which it is related, whichever occurs first.

5. Temporary Outdoor Event and/or Retail Sales.

A Temporary Outdoor Event and/or Retail Sales such as a carnival, circus, Street celebration, race, bazaar, market, procession, assemblage, temporary sales tents (e.g., fireworks, flowers, etc.) or other similar outdoor event. Such events may be on a Street, Open Space, or other public space in which public access is wholly or partially restricted. The event may include the sale of goods. The following supplemental use regulations shall apply:

- a. The Applicant shall indemnify, save harmless, and defend (if requested) the Township and the Owner(s) of any private or public property upon which the event/activity will be held and their respective officers, agents, and employees from any and all claims, suits, or actions for injuries, death and/or property damage arising out of the Temporary Outdoor Event where the claim, suit, or action was caused by the Applicant, its officers, agents, and employees, the event participants, support staffs, event officials, volunteers, medical support, technical support, media vehicles, event communications staffs, the traveling public, general public, or spectators.
- b. A certificate of insurance must be provided showing: (a) public liability insurance for bodily injury and property damage in the minimum amount of two hundred fifty thousand dollars (\$250,000) per Person and one million dollars (\$1,000,000) per occurrence to cover any loss that might occur as a result of the Permitted use of the local and state rights of way or private property that might otherwise arise out of or be connected with the event; (b) occurrence-based coverage; and (c) the Township and applicable public and private Landowner's named as the additional insured. The Applicant warrants the information in the insurance certificate is accurate.
- c. The event location or route shall be appropriately secured with proper security and safety measures taken to protect the event participants, support staffs, event officials, volunteers, medical support, technical support, media vehicles, vehicle escort services, maintenance and protection services, the traveling public, event communications staffs, the general public, and spectators. Proper emergency medical services shall be provided. Local fire departments, the general public, and the traveling public shall be notified in advance of the event.
- d. Written authorization shall be obtained from the Pennsylvania Department of Transportation (PennDOT) via a Special Event Permit granting the Applicant permission to Use the Right-of-Way of a state roadway. The Applicant shall provide the Township with a complete copy of the Special Event Permit and associated documentation. All information shall be submitted to the Zoning Officer.
- e. Written permission for use of any private property must be obtained from the Owner(s), or other Person with authority to grant same, and be submitted to the Zoning Officer.

ARTICLE 4 SUPPLEMENTAL REGULATIONS

Purpose. The purpose of these supplemental zoning regulations is to set specific performance standards related to the Use of a Lot including accessory Buildings and Structures, buffering and screening, off-street parking, encroachments, outdoor storage, etc. Use requirements contained elsewhere in this Ordinance apply to all Uses and Structures, whether or not specifically listed in this Article. Likewise, the provisions of this Article shall not be interpreted as relief from the requirements of this Ordinance or any other requirements of the Township. Certain of the following supplemental regulations or provisions thereof, to the extent specified therein, are applicable to any and all existing and proposed Uses of land, Buildings, or Structures.

Section 4.01 Accessory Buildings and Structures

(A) **General.** Unless otherwise specified in this Ordinance, the requirements of this section shall apply to both residential and non-residential accessory buildings or structures.

1. An accessory Building or structure not attached to the principal structure may be located in any required side or rear yard provided:
 - a. Such buildings or structures shall not exceed twenty-five (25) feet in height.
 - b. All such buildings or structures taken together shall not occupy more than thirty (30) percent of the area of the required rear or side yard where so located.
 - c. Such buildings or structures shall not exceed three hundred eighty-four (384) square feet (16' x 24') in GFA.
 - d. Accessory buildings or structures in residential districts shall be located no closer than ten (10) feet from any side or rear Lot line. Accessory buildings or structures for principal uses other than residential shall be located no closer than fifteen (15) feet to any side or rear property line abutting a residential district or Lot used for residential purposes.
2. When an accessory Building or structure is attached to the principal Building it shall comply in all respects with the requirements of this Ordinance applicable to the principal Building.
3. No accessory Building or structure shall project nearer to the Street on which the principal Building fronts than the minimum Building setback distance for the principal Building.
4. All accessory buildings or structures in excess of three hundred eighty-four (384) square feet must comply with the Building setbacks for the zoning district in which it is located.
5. Buildings or structures originally designed for transportation after fabrication on Streets and highways on their own wheels and arriving at the site where they are to be utilized complete and ready for use except for minor and incidental unpacking and assembly operations, location on jacks or permanent foundations, connection to utilities and the like, including but not limited to buildings or structures originally designed as mobile homes, as vans, as trailers, or as buses, are not permitted as accessory buildings or structures.

(B) **Fences or Walls.** Unless otherwise prescribed in this Ordinance, fences or walls shall be erected, altered and maintained in accordance with the following requirements:

1. Fences and walls (not including retaining walls) may be erected, altered, and maintained within yards provided that any such fence or wall shall not exceed six (6) feet in height.

2. No wall fence, Sign or other structure shall be erected or altered, and no hedge, trees, shrubs or other growth shall be maintained or permitted which may cause danger to traffic or a Street or public road by obscuring the view.
 3. No fence, wall or other structure shall be erected or maintained within the Right-of-Way of any Street, drainage or sewer Right-of-Way, or any other public easement.
 4. A fence or wall may be erected higher than six (6) feet, but shall not exceed eight (8) feet in the following instances:
 - a. A fence up to eight (8) feet in height is permitted to enclose a swimming pool, provided such fence and pool are located within the rear yard and at a minimum of ten (10) feet from any property line.
 - b. A fence up to eight (8) feet in height is permitted to enclose a patio, provided such fence and patio are located within the rear yard and at a minimum of ten (10) feet from any property line.
 - c. A fence eight (8) feet in height is permitted in the rear yard area if located outside the required rear and side Yard Setbacks.
 5. Notwithstanding the requirements in Subsection 4a., 4.b. and 4.c. above, industrial and commercial uses are permitted to exceed the eight (8) foot maximum fence or wall requirement provided that such fence or wall does not interfere with sight distance requirements.
- (C) Private Antenna Towers. Private Antenna towers shall be a permitted accessory use in accordance with the following requirements:
1. The private tower Antenna shall be intended and used solely for the enjoyment of the occupants of the principal dwelling unit on which it is located.
 2. The private tower Antenna shall be affixed to a principal or accessory Building or Structure in such a way that there are at least two fastening points holding the tower to said Building or Structure or shall be a freestanding Structure with required Yard Setbacks equal to the Height of the tower.
 3. The maximum height of a private tower Antenna may exceed the maximum height of the principal permitted use by one (1) foot in height for each two (2) feet the Building is set back from any property line, but in no instance shall said tower's height exceed ten (10) feet above the principal use's height.

Section 4.02 Arterial Road and Interchange Development

- (A) All proposed uses fronting on Arterial Roads, as designated by the PA Department of Transportation and as defined in Article 6 Definitions of this Ordinance, or located in the vicinity of grade separated highway interchanges, shall be subject to the following requirements and not those that may be specified elsewhere in this Ordinance:
1. Setback. All structures fronting on Arterial Roads or on an approach ramp leading to a grade separated highway interchange shall be set back not less than seventy-five (75) feet from the Right-of-Way line of such road or highway.

2. Driveway Access Points. All structures fronting on Arterial Roads shall be limited to no more than two (2) driveway access points. Such driveway access points shall not exceed thirty (30) feet in width at any such point and shall not be located nearer than one hundred fifty (150) feet to one another.
3. Interchange Ramp Protection. Individual driveway access points and intersecting roads on any approach ramp are prohibited for a distance of three hundred (300) feet from the end of any interchange ramp which intersects with the approach ramp.
4. Interchange Development. No structure other than directional signs and/or other traffic control signs or devices erected by a governmental body shall be erected within two hundred (200) feet of the Right-of-Way of any grade separated interchange providing access to any approach ramp. Such area may, however, be used in providing required Lot area or yard space. No activity or use shall be established within seventy-five (75) feet of any such interchange except as provided above, and the natural vegetation and terrain within said seventy-five (75) feet shall remain undisturbed.

Section 4.03 Buffering, Landscaping, and Screening

The Landscaping Requirements of the Middlesex Township Subdivision and Land Development Ordinance shall apply to all required buffering, landscaping, and screening specified by this Ordinance.

Section 4.04 Bulk and Area Modifications and Exceptions

(A) Height Modifications.

1. Typical rooftop appurtenance structures or equipment projecting above the highest point on the roof and not intended for human occupancy such as air conditioners, Antenna, architectural screening of rooftop appurtenances, chimneys, church steeples, church spires, elevator penthouses, mechanical equipment, vent pipes and water towers shall not be included when calculating Building Height.
2. Typical roof top appurtenances shall not exceed twenty-five (25) feet in height above the highest point on the roof and must be setback from the property boundary by a distance equal to or greater than their height above the highest point on the roof.
3. Typical Building appurtenances do not include structures such as alternative tower structures, antennas, Antenna support structures, monopoles or tall structures that are part of a personal wireless service facilities.
4. For all residential uses, accessory Buildings shall not exceed the maximum height requirements specified in the applicable zoning under Article 2 of this Ordinance.

(B) Lot Area. The minimum required Lot areas specified for the R-1 District in Article 2 of this Ordinance may be modified through the application of the Conservation Subdivision Design standards specified under Section 4.06 of this Ordinance.

(C) Lot Frontage. Except for a nonconforming Lot or as provided for under Section 4.20 Required Street Access of this Ordinance, all Lots must Abut a public or Township approved private Street and meet the Lot width requirement in the district in which it is located.

(D) Projections into Yards.

1. Uncovered stairways and necessary landings may project into a required yard to a distance of not more than four (4) feet, provided that such stair and landing shall not extend above the entrance floor of the Building, except for a railing, not to exceed three (3) feet in Height.
2. Uncovered porches or decks, when constructed more than six (6) inches above the finished grade level may project into a required yard to a distance of not more than five (5) feet.
3. Uncovered patios and walkways at ground level elevations may be located in the required side and rear yards not closer than ten (10) feet to any adjacent property line and may project into front yards up to fifteen (15) feet.
4. Cornices, eaves, gutters, bay windows, roof overhangs or chimneys may project into a required yard not more than twenty-four (24) inches.
5. Apparatus or architectural structures needed for efficient operations of solar energy systems, including but not limited to overhangs, insulating walls and roofs, solar collectors or reflectors, may project into a required yard not more than four (4) feet.
6. Light fixtures, sidewalks or walkways on grade, fences, handicapped ramps, flagpoles for official government flags of the United States and its political subdivisions, sidewalks, walkways or ramps when not connected to a Building, vegetation, landscaping materials, decorative lawn ornaments, bird feeders, handrails along sidewalks or ramps may project into any required yard.

(E) Yard Regulations.

1. An accessory Building shall not be erected or altered within any front yard except as may be permitted under Section 4.01(A) and Section 4.04(D) of this Ordinance.
2. Off-street parking shall be required as specified under Section 4.15(B)4. of this Ordinance.
3. Double Frontage Lots. Double frontage Lots shall provide the required front yard along each Street.
4. Side Yard, Corner Lot. On a corner Lot, the side yard abutting the Street shall have a width equal to the depth of the front yard required in the district and shall be subject to all front yard requirements of this Ordinance.
5. Where a side wall of a Building is not parallel with the side yard Lot line or where a side yard is irregular, the average side yard may be considered the required minimum width, provided that the side yard shall not be narrower than five (5) feet nor less than one-half ($1/2$) the required minimum width at any point. The average side yard shall be determined by establishing the average of the distance from the two closest corners of the principal Building and the side property line. The averaged side yard distance shall be measured from the center of the principal Building.
6. Rear Yard Where Lot is Irregularly Shaped. In the case of an irregular, triangular or gore-shaped Lot, the required minimum depth of a rear yard may be deemed to be the average depth, provided that no rear yard so averaged shall be less than ten (10) feet nor one-half ($1/2$) the required minimum depth at any point. The average rear yard shall be determined by establishing the average of the distance from the two (2) closest corners of the principal

Building and the rear property line. The average rear yard distance shall be measured from the center of the principal Building.

7. For non-residential properties, no Side Yard or Rear Yard shall be required where such Yard abuts an operating railroad Right-of-Way.

(F) Yard Reduction. A Lot located in a district where residential structures are permitted held in single and separate ownership at the effective date of this Ordinance, with a Lot width less than that required by the zoning district, only one (1) single-family dwelling may be erected, and side yards shall be provided in accordance with the following requirements:

1. Side Yard, Corner Lot. On corner Lots with a width of fifty (50) feet or more, two (2) side yards shall be provided. The exterior side yard abutting the Street may be reduced by the number of feet by which the Lot width is less than the district requirement but may not be reduced to less than the required interior side yard. The interior side yard shall be provided as required by the district regulations.
2. For Lots less than the width required by the governing zoning district, but not less than twenty-seven (27) feet in width, two (2) side yards shall be provided, each equaling twenty (20) percent of the Lot width.
3. For Lots having a depth of less than ninety (90) feet, the required rear yard may be reduced by twenty (20) feet of the Lot depth but in no case less than one-half (1/2) the required rear yard.

Section 4.05 Commercial Vehicles

- (A) One (1) Commercial Vehicle not exceeding twenty-five (25) feet in length may be parked on an occupied Lot in any residential district specified under Article 2 of this Ordinance, between the Street line and the principal Building.
- (B) One commercial vehicle not exceeding twenty (25) feet in length may be parked within a private garage in any residential district specified under Article 2 of this Ordinance.
- (C) Commercial farm vehicles are permitted as accessory to a principal Agricultural Use as permitted under Table 3.02.1 of this Ordinance.

Section 4.06 Conservation Subdivision Design Standards

- (A) Purpose. In the R-1 District, it shall be required to utilize one (1) or more contiguous parcels of land having a total area of twelve (12) or more acres for a Conservation Subdivision Design, which affords flexibility in subdivision design to:
 1. Conserve Open Space, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodplains and wetlands, by setting them aside from development; to protect areas of the Township with prime agricultural soils for continued or future agricultural use by conserving blocks of land large enough to allow for efficient farm operations.
 2. To preserve the existing natural systems and features of the Township, particularly existing plant communities, habitats, and wildlife.
 3. To maintain visual buffers of natural vegetation between areas of new development and adjacent roads and properties.

4. To buffer the impacts of man-made developments from air pollution, noise pollution, bright lights, and glare.
5. To assist in the control of surface stormwater runoff across lawn and other open areas by preserving existing vegetation, hedgerows, and buffer areas of natural vegetation to slow and retain such surface runoff.
6. To preserve the rural character of the Township by preserving interconnected buffer areas of natural vegetation between developed areas.
7. To minimize erosion and stabilize sloped areas on the development site.
8. To protect mature trees as assets of the site.
9. To minimize the cost of providing and maintaining new landscaping.
10. Provide for the conservation and maintenance of Open Space within the Township to achieve the above-mentioned goals; and for passive recreational use by residents.

(B) General Regulations.

1. These Conservation Subdivision Design standards permit land to be developed using the provisions as contained herein and designed and approved according to the requirements of the Middlesex Township Subdivision and Land Development Ordinance. Subdivisions developed in accordance with the provisions herein shall be a permitted use in the R-1 District.
2. Properties within the R-1 Districts meeting the requirements of Section 2.07(D) of this Ordinance, must be developed in strict conformance with the Conservation Subdivision Design standards specified under Section 4.06 of this Ordinance.
3. Conservation Subdivision may be developed on property consisting of a minimum twelve (12) acres of contiguous land.
4. A minimum of fifty (50) percent of the tract must be set aside for permanent Open Space as defined under Subsection (I). All Open Space land shall be permanently restricted from future development or subdivision by a conservation easement or other method of protection and preservation acceptable to the Township. The permanent Open Space area must not contain all of the non-buildable area on the site.
5. Except as otherwise provided, all provisions of the R-1 District shall apply, respectively.
6. The subdivision shall be designed in full consideration of and to reasonably maximize the preservation of important natural features, including mature woodlands, tree rows, riparian buffer areas, steep slopes, floodplains and wetlands. The subdivision plan shall minimize all development within such sensitive natural areas by clustering the development in more suitable areas of the tract.

(C) Review Procedures.

1. The Township shall review and approve a Conservation Subdivision and any amendments thereto as a land development project in the manner provided for under this Ordinance and

the land development application submission and approval procedures specified in the Middlesex Township Subdivision and Land Development Ordinance.

2. When a conservation Subdivision is proposed on a portion of the tract, the Township may require a site inventory and a non-binding conceptual plan be submitted for the entirety of the tract to promote the coordinated development of the overall tract.

(D) **Lot Calculation.** The applicant shall apply either the Adjusted Tract Area or Yield Plan approach as specified below for calculating the base number of dwelling units that may be constructed on the site.

1. **Adjusted Tract Area Approach.** Applicants using this method must understand in general that the site constraints as listed in Table 4.06.1 are features of the land that constrain or inhibit development. An increased amount of site constraints on the Conservation Design subdivision property will reduce the Adjusted Tract Area and consequently may reduce the maximum number of residential dwelling units allowed on the subject Conservation Design subdivision property.

Table 4.06.1, Constrained Area Types and Multiplier Factors

Constraint Area Type	Multiplier Factor
Land within rights-of-way of existing public streets or highways, or within the rights-of-way or easements for existing or proposed overhead utility lines	1.00
Land under existing private streets	1.00
Wetlands	0.95
Floodway	1.00
100-Year Floodplain (non-wetland portion)	0.50
Slopes greater than 25%	0.80

- a. Step 1: Using the following formula and calculation table template shown in Table 4.06.2, calculate the total effective area of constrained lands by multiplying the area of land in each site constraint type times the constraint factor for each site constraint type (as shown in Table 4.06.1) and adding up the resulting effective areas of constrained land for each site constraint type. Where more than one type of constrained land overlaps, the constrained land with the higher constraint factor shall apply.

[Effective Area of Constrained Lands = Sum of (Area of Site Constraint x Constraint Factor for each Site Constraint Type)]

Table 4.06.2, Example Effective Area of Constrained Lands Calculation

Site Constraint Type	Area of Site Constraint (acres)	Site Constraint Multiplier Factor	Effective Area of Constrained Land (acres)
Wetlands	5.0	0.95	4.75
Steep Slopes greater than 25%	6.0	0.80	4.80

Floodway	1.8	1.00	1.8
Floodplains	14.0	0.50	7.00
TOTAL EFFECTIVE AREA OF CONSTRAINED LANDS			18.35

- b. Step 2: Using the following formula, calculate the Adjusted Tract Area by subtracting the total effective area of all constrained lands from the total (gross) tract area of the entire proposed development tract.

[Adjusted Tract Area = Gross Tract Area – Total Effective Area of Constrained Lands]

Example Adjusted Tract Area (ATA) Calculations:

ATA = 100 acres (gross tract area) – 18.35 acres (total effective area of constrained lands) = 81.65 acres

- c. Step 3: Using the following formula, calculate the maximum possible number of residential dwelling units allowed on the Conservation Design subdivision property by multiplying the Adjusted Tract Area times the Maximum Density permitted within the R-1 Zoning District. Round down fractional units of 0.5 or less and round up fractional units greater than 0.5.

[Maximum Possible Number of Dwellings Units Allowed on Conservation Subdivision Property = Adjusted Tract Area x Maximum Density in the R-1 Zoning District]

Example Calculation of Maximum Possible Number of Dwelling Units:

(Adjusted Tract Area) 81.65 acres x (Maximum Density in R-1) 0.726 dwelling units per acre = 59 dwelling units

- d. If the applicant believes that the development site can reasonably accommodate a greater number of Lots than the number derived from the Adjusted Tract Area method above, the Applicant may prepare a Yield Plan in accordance with the provisions specified in Subsection (D)2. below.

2. Yield Plan Approach. Determination of the maximum possible number of dwelling units allowed using the Yield Plan method shall require an actual residential lot configuration using the minimum lot size required in the underlying zoning district, as demonstrated by an actual Yield Plan.

- a. The Yield Plan shall use the Existing Resources and Site Analysis Plan, prepared in accordance with Section 5.01 of the Middlesex Township Subdivision and Land Development Ordinance to identify all Primary Conservation Areas on the property; and shall demonstrate that these Primary Conservation Areas could be permanently preserved and not disturbed during the development process, by incorporating them into the proposed residential lots.
- b. The Yield Plan shall be drawn to scale and be based on a field survey. The Yield Plan shall be a realistic lot configuration reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplains, steep slopes, existing easements or encumbrances and, if

no public sewer facilities are available to serve the property, the suitability of soils for individual on-lot soils-based sewage disposal systems.

c. The Yield Plan shall meet the following specific requirements:

- (1) Underlying Zoning District Standards. The dimensional standards of the R-1 Zoning District shall be used in preparing Yield Plans for conservation subdivisions. The minimum lot areas as required in the underlying zoning district shall not include any areas of wetlands, steep slopes over twenty-five (25) percent, and land under high-tension electrical transmission lines (69kV or greater). In addition, not more than twenty-five (25) percent of the minimum lot areas as required in the underlying zoning districts shall consist of land within the one hundred (100) year floodplain.
- (2) Subdivision and Land Development Ordinance Standards. Yield Plans shall be prepared as conceptual lot configuration plans in accordance with standards in the Middlesex Township Subdivision and Land Development Ordinance and shall include at least the following elements:
 - (a) Proposed lots.
 - (b) Proposed and existing Streets.
 - (c) Proposed and existing rights-of-way.
 - (d) Other features pertinent to developing a Yield Plan to show an actual residential lot configuration on the property.
- (3) Individual Soils-Based On-Lot Sewage Disposal Systems.
 - (a) Development sites not served by public sewer facilities or community soil-based on-lot sewage disposal systems, the maximum possible number of dwelling units that could be developed on the property shall be further determined by evaluating the potential for providing individual soils-based on-lot sewage disposal systems permitted in accordance with regulations of the PA DEP; except that such systems proposing the use of sewage holding tanks, small flow treatment facilities, constructed wetland systems, spray irrigation systems or similar evapotranspiration systems shall be excluded from consideration for the purposes of this evaluation.
 - (b) Based on the Existing Resources Inventory Mapping and Site Analysis Report prepared in accordance with Section 5.01 of the Middlesex Township Subdivision and Land Development Ordinance and observations made during an on-site visit of the property, the Middlesex Sewage Enforcement Officer, after consultation with the Township Engineer or other consultants, shall select a ten (10) percent (10) sample of the lots considered marginal for individual soils-based on-lot sewage disposal systems permitted in accordance with regulations of the PA DEP. The applicant shall provide evidence that each of these lots has been tested in accordance with regulations of the PA DEP meet the standards for an individual soils-based on-lot sewage disposal

system. Should any of the lots in a sample fail to meet the standards, those lots shall be eliminated from the Yield Plan. Then, a second ten (10) percent sample of such lots determined marginal for individual soils-based on-lot sewage disposal systems shall be selected by the Middlesex Township Sewage Enforcement Officer, after consultation with the Township Engineer or other consultants, and tested for compliance to the standards. This process shall be repeated until all lots in a given sample meet the standards for an individual soils-based on-lot sewage disposal system in accordance with regulations of the PA DEP.

3. If the subdivision involves only a part of the tract, the number of units shall be calculated based on the acreage for the part of the tract proposed for a Conservation Subdivision. If the tract is located in more than one zoning district, the number of dwelling units will be determined for each portion of the tract separately, based on the applicable zoning district, added together and then rounded to a whole number.

(E) Density Bonus.

1. Conservation Subdivisions are eligible for a five (5) percent density bonus for each additional ten (10) percent of the site, more than the minimum Open Space requirement in Section (B).4., that is permanently protected by conservation easement.
2. In the calculation of bonuses, a fraction shall be rounded to the next highest whole number. The density bonuses of this Section may be combined.
3. The provisions of this Section shall not be interpreted as guarantees of achievable density. Developments using bonus provisions shall be subject to all other applicable regulations of this Ordinance. These regulations or site-specific conditions may prevent maximum bonus density levels from being achieved due to the character of the land or surrounding uses.

(F) Dimensions and Standards.

1. The minimum Lot area in a Conservation Subdivision may not be less than 15,000 square feet, unless the Density Bonus provision in Subsection (E) above is applied whereby the minimum Lot area may not be less than 10,000 square feet.
2. The minimum setback and yard requirements in the R-1 District may be modified in a Conservation Subdivision to provide flexibility in the location of dwelling units relative to the characteristics and limitations of the site. Zero Lot lines are, however, prohibited.
3. The maximum allowable Building height permitted shall be the height specified in the R-1 District.
4. The maximum impervious coverage on a Lot shall be thirty (30) percent.
5. Lots may be irregular in size and shape if required to conform to the natural topography and features of the parcel (e.g., Lot lines follow an existing stone wall, stream, stand of mature trees or other natural dividing feature).
6. If agricultural uses are being maintained, Lots shall be configured in a manner that maximizes the useable area remaining for the agricultural uses with the buffers as required under Section 4.03 of this Ordinance between agricultural uses and residential structures.

(G) Sewer and Water Utilities.

1. Sewer.

- a. Except as provided in Subsection (G)1.d. below, any tract proposed for a Conservation Subdivision shall be served by a central sewage system or community on-Lot disposal system. Such system shall be consistent with the preferred treatment and disposal methods stipulated in the Middlesex Township Act 537 Sewage Facilities Plan and shall comply with all applicable requirements of both the Middlesex Township Municipal Subdivision and Land Development Ordinance and the Pennsylvania Department of Environmental Protection (PADEP).
- b. For systems proposed with a subsurface discharge or for spray irrigation systems, the allowable maximum number of dwelling units as provided in Section (D) shall be subject to reduction based upon the ability of the site to support the proposed system and proposed number of dwellings as per PADEP requirements. Soil test results and supporting information shall be provided to Township in sufficient detail to make a determination of the site's ability to adequately service the sewage needs of the proposed development.
- c. All publicly operated sewage systems shall be owned, operated, and maintained by the Middlesex Township Municipal Authority.
- d. Where the tract proposed for a Conservation Subdivision is located within a public sewage system service area established by the Middlesex Township Act 537 Plan, the proposed dwellings shall be served by the public sewage system, except as provided below. No on-site soil testing shall be required. However, the applicant shall provide a letter from the Middlesex Township Municipal Authority confirming the ability to provide service. Should public sewers not be available to the tract due to either inadequate conveyance capacity or treatment plant allocation/capacity, the requirements of Subsections (G)1., (G)2. and (G)3. Shall apply. Once conveyance capacity or treatment plant allocation/capacity become available, the proposed dwellings shall connect to the public sewage system.

2. Water Supply.

- a. Dwellings within a Conservation Subdivision may be served by individual water supply wells located on each proposed Lot to be owned and maintained by the individual property owners, subject to approval by Township.
- b. Alternatively, the tract may be served by a central water system to be owned, operated and maintained by the Middlesex Township Municipal Authority, subject to all applicable requirements of both the Middlesex Township Municipal Subdivision and Land Development Ordinance and PADEP Public Water Supply Manual.
- c. Where the tract proposed for a Conservation Subdivision is located within a community water service area established by Middlesex Township Municipal Authority the proposed dwellings may be served by the community water system if such Authority agrees to this in writing. deems . The applicant shall provide a letter from the Middlesex Township Municipal Authority stating such approval.

(H) Streets.

1. The Street network in a Conservation Subdivision shall implement the municipal Official Map, when applicable, and be designed to:
 - a. Minimize alteration of natural or historic features;
 - b. Minimize crossings of Open Space areas;
 - c. Minimize acreage of the site designated for Streets;
 - d. Calm traffic speeds; and
 - e. Promote pedestrian movement.
2. All Streets must conform with the design requirements of the Middlesex Township Subdivision and Land Development Ordinance relative to paving specifications, cartway design, horizontal and vertical alignment, sight distances, drainage, clear sight triangles, etc., except when waived by the Township Board of Supervisors.

(I) Permanent Open Space.

1. The Applicant shall be required to prepare a site plan identifying and delineating the site's required Open Space areas that shall be comprised of one (1) or more of the following features:
 - a. FEMA Special Flood Hazard Area (SFHA), 100-year floodplains.
 - b. Riparian buffers as required by Section 2.19 of this Ordinance.
 - c. Slopes of twenty-five (25) percent and greater of at least 5,000 square feet of contiguous area.
 - d. Wetlands that meet the definition used by the U.S. Army Corps of Engineers pursuant to the Clean Water Act.
 - e. Closed depressions, sinkholes, caves, vistas, or other significant geologic features.
 - f. Threatened or endangered species habitats.
 - g. Archaeological and historic resources.
 - h. Prime Agricultural Land and adjacent Agricultural Security Areas.
 - i. Significant stands of mature trees shall be preserved pursuant to Subsection (L), Existing Tree and Vegetation Standards.
 - j. Existing trails that connect the tract to neighboring areas.
2. Permanent Open Space may be used for:
 - a. Conservation of land in its natural state;

- b. Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;
 - c. Passive recreation;
 - d. Trail or path corridor, the use of which shall be limited to pedestrian, equestrian, non-motorized vehicles, and maintenance equipment;
 - e. Easements for drainage, access, sewer or water lines, or other public purposes.
- 3. The Township shall place particular emphasis on the Township Comprehensive Plan, Township Official Map, and Cumberland County Land Partnerships Plan when evaluating the applicants proposed Open Space features
 - 4. Open space land within a Conservation Subdivision shall be contiguous to provide for large and integrated Open Space areas. Non-contiguous parcels of Open Space may be approved by the Township Board of Supervisors if necessary and/or desirable based upon consideration of the size of the project, the size of the Open Space parcels or the types of features included within the Open Space.
 - 5. The Open Space shall not include areas within any Building Lot, road or Street Right-of-Way. However, Open Space may include areas within overhead power line easements or Rights-of-Way, underground utility transmission lines, pipelines and drainage easements.
 - 6. Further subdivision or use for other than non-commercial outdoor recreation, conservation, agriculture or forestry shall be prohibited.
 - 7. Open space required in a Conservation Subdivision shall be counted toward any recreation land dedication or recreation fee requirements required under the Middlesex Township Subdivision and Land Development Ordinance.

(J) Open Space Design Requirements.

- 1. At least seventy-five (75) percent of the required Open Space shall be contiguous within the development and contiguous with existing Open Space on adjacent properties where applicable. A twenty (20) foot minimum width of land shall be maintained between areas to be considered contiguous lands and shall not be counted as part of the required seventy-five (75) percent contiguous Open Space area(s).
- 2. Residential accessory structures, such as but not limited to sheds, garages or any commercial use shall not be permitted in the Open Space area.
- 3. All public Open Space shall be accessible from a public Street or public pedestrian walkway. When applicable, public pedestrian walkways or trails shall be coordinated with the Middlesex Township Official Map and the Cumberland County Land Partnerships Plan. The Township may require an easement for a public trail system. The minimum width of the access to the Open Space shall be twenty (20) feet.
- 4. Further subdivision of Open Space lands for development, or their use for other than the permitted uses listed in Section (I)2., shall be prohibited.
- 5. Open space intended for recreational or public use shall be easily accessible to pedestrians and conform to all state and federal regulations for handicapped accessibility.

6. Where practical, linear trails shall connect to larger Open Space tracts or parks. Where strips of Open Space land are designed as separate, noncontiguous parcels, constituting part of the required minimum Open Space, these areas shall have a length-to-width ratio less than four to one (4:1), except such areas that are specifically designed as pedestrian ways, in which case they shall form a contiguous trail system.
7. In developments with cul-de-sacs, access from public Streets to pedestrian and bike pathways shall be provided from the cul-de-sac bulb area.
8. All new dwellings shall be located not less than the following minimum distances from the following features:
 - a. Rights-of-Way for Streets external to the development: Eighty (80) feet.
 - b. Conservation subdivision property boundaries: Fifty (50) feet.
 - c. Existing Buildings or barnyards capable of housing livestock: One hundred (100) feet.
 - d. Active recreation areas such as courts or playing fields (not including tot-Lots): One hundred (100) feet.
9. Views of residential Lots from existing Streets external to the development and for abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Middlesex Township Subdivision and Land Development Ordinance.
10. For subdivisions of five (5) Lots or more, driveways shall be accessed from interior Streets, rather than from roads bordering the tract.
11. A combination of at least forty (40) percent of all dwelling units shall either directly Abut Open Space or the front façades of the dwellings shall directly face towards Open Space.

(K) Ownership and Maintenance. Unless accepted for dedication or otherwise agreed to by the Township or a private non-profit land conservancy, the cost and responsibility of maintaining the required Open Space and any facilities located thereon shall be borne by the development's property owners and/or homeowners' association. A written description and plan for the disposition of ownership of Common Open Space land designating those areas to be offered for dedication or to be owned by the specific form of organization proposed shall be provided. The Common Open Space shall be accomplished through one of the following:

1. The Township shall not be obligated to accept dedication of the Open Space.
2. With permission of the Township, and with appropriate deed restrictions in favor of the Township and in language acceptable to the Township Solicitor, the developer may transfer ownership of the Open Space or a portion thereof to a private, nonprofit organization, among whose purposes is the preservation of Open Space land, natural resources, or both. The organization shall be a bona fide conservation organization with a perpetual existence. The conveyance shall contain appropriate provision for reversion or retransfer if the organization is unable to maintain the land, and the organization shall enter into a maintenance agreement with the Township.

3. The developer shall provide for and establish an organization for the ownership and maintenance of the Open Space which shall be generally consistent with the requirements for unit owners' associations found in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. 3101 et seq. If such an organization is created, the agreements of sale and deeds for all Lots shall contain the following requirements in language acceptable to the Township Solicitor.
 - a. Such organization shall not dispose of the Open Space by sale or otherwise, except to the Township, unless the Township has given prior written approval. Such transfer shall be made only to another organization which shall maintain the Open Space in accordance with this Ordinance.
 - b. The organization and all Lot owners shall enter into a maintenance agreement with the Township and shall agree to be bound by the provisions of Article VII of the Pennsylvania Municipalities Planning Code relating to the maintenance of deteriorating Open Space by municipalities.
 - c. The Township may require the establishment of a reserve fund to provide for maintenance of or capital improvements to the Open Space.

(L) Existing Tree and Vegetation Preservation.

1. The character and extent of existing trees and vegetation on a site shall be fully and accurately described on the plan.
2. Existing native trees and vegetation within a proposed development shall be preserved to the maximum extent possible. Proposed site improvements shall be located, designed and constructed to minimize the loss of existing trees and vegetation, particularly native woodlands, hedgerows and specimen trees.
3. The subdivision shall be designed to preserve existing native trees and vegetation along roadways, property lines and lines occurring within a site such as streams, swales, stone fences and hedgerows. Such lines and the native vegetation associated with them shall be preserved as buffers between adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.
4. Trees, with a caliper of six (6) inches or more in Diameter at Breast Height (DBH), shall not be removed unless they are located:
 - a. Within the proposed cartway or sidewalk portion of the Street Right-of-Way.
 - b. A distance of twenty-five (25) feet or more from the foundation area of a proposed Building.
5. Every existing tree, six (6) inches or more in DBH, that is removed because of a land disturbing or land developing activity shall be replaced on a 1:1 basis with a native tree that has the same maximum height and growth rate of the tree to be removed. Where large maturing trees are required and overhead utility lines exist, smaller native trees shall be substituted. If the number of trees removed that are at least six (6) inches DBH cannot be identified, each stump (if available) shall be inspected and the width of each tree removed shall be determined by an ISA certified arborist.

6. The replacement trees shall be selected from the Middlesex Township Subdivision and Land Development Ordinance. The trees shall be not less than two (2) inches caliper. The trees shall be at least ten (10) feet tall after planting and trimming. Trees shall not be planted within the tree protection zone of another tree. A maximum of thirty (30) percent of the required trees may be replaced as evergreen trees.
7. Where ten (10) or more replacement trees are required, not more than fifty (50) percent of the replacement trees shall be of the same species of tree without the approval of the Township
8. The replacement trees may be placed on the site at any location selected by the property owner as long as such location does not violate any other provision of this Ordinance or any other applicable ordinance or regulation of the Township.
9. Any replacement tree which is not alive or healthy, as determined by the Township, or which subsequently dies due to construction activity within one (1) year after the date of project closure, shall be removed by the Applicant and replaced with a new healthy tree meeting the same minimum size requirements within six (6) months of removal.
10. Where existing trees are removed along the Street Right-of-Way, supplemental planting of Street trees shall be required in accordance with the Street tree planting requirements specified under Section 4.03 of this Ordinance.
11. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb trees.
12. No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the completion of subdivision and land development agreements. The determination of sight distance along roadways shall be made graphically and not by clearing on-site prior to final plan approval.
13. During construction, no clearing shall be permitted on a site beyond that minimally necessary for the specific construction activity to be undertaken.
14. Areas of a site which are to be preserved and areas which do not need to be disturbed for construction of required subdivision site improvements (roads, utilities, stormwater management facilities, etc.) shall be protected with a limit of disturbance line.
 - a. The limit of disturbance line shall be indicated on the improvements plan.
 - b. No construction activity, grading or disturbance shall be permitted beyond the limit of the disturbance line.
 - c. Limit of disturbance lines shall also be indicated for the protection of individual specimen trees, groups of trees and other natural features to be retained or preserved with a development.
 - d. Limit of disturbance lines shall be clearly marked in the field prior to the start of construction activities. The lines shall be indicated by use of snow fencing, flagged stakes or other means acceptable to the Township for the specific condition or feature to be protected. The lines shall be maintained throughout the period of construction activity.

Section 4.07 Donation Containers, Unattended

- (A) Donation containers are exempt from a zoning permit, however, the following regulations apply to donation containers that accept new or gently used clothing items:
1. Size. The donation Container may not be larger than seven (7) feet tall, six (6) feet wide or six (6) feet long.
 2. Maximum Number. Donation containers are limited to a maximum of two (2) per property located within the Side Yard and Rear Yard areas and may not exceed a Use area within these locations of one hundred twenty (120) square feet.
 3. Location and Placement. Donation containers are only permitted on civic, institutional, and commercial properties forty thousand (40,000) square feet Lot area or greater and may only be placed on such properties with written permission from the Property Owner. Such written permission shall be made available to the Township for review upon request.
 4. Maintenance.
 - a. Donation container items shall be collected on a regular basis or within forty-eight (48) hours following a Property Owner's request.
 - b. Donated items or any refuse may not be left outside the containers for more than twenty-four (24) hours and shall be removed by the container Owner/operator or Property Owners.
 5. Identification. Each donation container shall be properly identified and labeled with the following information:
 - a. Name and telephone number of the Owner/operator.
 - b. Entity responsible for collecting donated items and any refuse left outside the container.
 - c. Type of donated items accepted and a statement prohibiting liquids and dumping.

Section 4.08 Driveways

- (A) Except for residential developments approved as part of a Planned Community, no driveway shall be located nearer than five (5) feet from a parallel property line.
- (B) No driveway shall provide access to a Lot located in a zoning district other than the district in which such driveway is located.

Section 4.09 Encroachments

- (A) The following regulations are intended to assist applicants and business owners in establishing attractive and safe encroachments that benefit both the business community and the citizens that enjoy those spaces. Furthermore, it is the intent of these regulations to ensure that permitted encroachments do not impede the public's access to and enjoyment of Rights-of-Way and that the free ingress and egress to or from any Building fronting on any public thoroughfare is not impaired or such that any unsafe condition results.

1. General Requirements.

- a. The Township's goal is to maintain the highest standards of accessibility and safety while achieving an attractive and functional design within its Mixed-Use and commercial areas.
- b. In general, encroachments shall complement public Use and improvements. In no case shall encroachments exclude the public from any public Sidewalk or Street.
- c. Allowed encroachments shall comply with all requirements of this Ordinance.

2. Location and Dimensional Requirements.

- a. Encroachments may be allowed where it can be determined by the Zoning Officer that the Encroachment would not result, individually or cumulatively, in a narrowing of the Sidewalk such that important functional attributes of the Township, (e.g., ability of pedestrians to stroll side-by-side and to pass comfortably for significant stretches, lingering and window shopping) are not jeopardized. The location and dimensions of any item located in a public place shall meet the minimum guidelines set forth herein and any other applicable local, state or federal law or regulation.
- b. Encroachments shall maintain a clear path of no less than five (5) feet.
- c. Encroachments shall not block safe access to businesses, parking spaces, bike stalls, or other spaces required by the Township Building Code.
- d. Encroachments shall not encroach into the areas near corners of Sidewalks or where crosswalks are present. This area shall be defined with a fifteen (15) foot setback area, beginning near the crosswalk or curb cuts.
- e. Encroachments shall not intrude onto other private properties.

3. Maintenance and Operational Requirements.

- a. Maintenance of encroachments shall be the sole responsibility of the Owner of the property upon which the encroachment occurs.
- b. Any item permitted to be placed in the public Right-of-Way shall be maintained in a safe manner so as not to obstruct pedestrian access to public sidewalks, access ramps or doorways. Movable items, such as chairs, shall always be positioned to prevent obstruction of access routes. The permitted item shall always be relocated to the appropriate location if moved by patrons.
- c. All materials shall be well maintained without stains, rust, tears, or discoloration. Materials that show Signs of significant wear or age shall be replaced.

4. Outdoor Displays. Outdoor displays shall be limited to single items or object displays or examples of items or goods sold in the store and shall comply with all other standards specified herein.

5. Umbrellas and Outdoor Furniture. Umbrellas shall be installed and maintained to provide pedestrian clearance by maintaining seven (7) feet of clearance from the sidewalk to the lowest edge of the umbrella. Umbrellas shall not exceed a maximum Height of nine (9) feet from the base to the top portion of the pole.

6. Planters and Landscaping.

- a. Private planters shall be placed against Buildings to accent Building entrances and openings. Private planters shall complement but not interfere with or be placed adjacent to Township-maintained planters located along the Street curb. Planters shall not be used to define seating areas or otherwise cordon off public Sidewalk for private Use.
- b. Plant material shall always be maintained in a viable condition.
- c. Debris or litter caused by planters or nearby landscaping shall be maintained or cleaned by the responsible business or property Owner. Debris, stains or litter shall be cleaned or removed by the responsible business or property Owner.

7. Other Encroachment Types. Other types of encroachments, not anticipated by this Ordinance, may be considered and permitted by the Township, but shall comply with the purpose and intent of these requirements.

Section 4.10 Lighting

- (A) The provisions of Section 711, Site Lighting, of the Middlesex Township Subdivision and Land Development Ordinance, are incorporated by reference in their entirety and made a part of this Ordinance and shall be applicable to all outdoor lighting installed and/or replaced in the Township irrespective of the need for subdivision and/or land development plan approval. Accordingly, any relief from the provisions of this Ordinance and the provisions of Section 711 of the Middlesex Township Subdivision and Land Development Ordinance incorporated herein, may only be granted by a variance approved by the Middlesex Township Zoning Hearing Board in accordance with the procedures and standards set forth in Section 1.14 of this Ordinance.
- (B) A lighting fixture or lighting application shall be made to conform with the requirements of Section 711 of the Middlesex Township Subdivision and Land Development Ordinance when any one of the following conditions apply:
 1. It is deemed by the Board of Supervisors to create a safety hazard;
 2. It is replaced by another fixture or fixtures or is abandoned or relocated;
 3. The number of fixtures is increased by fifty (50) percent or more; or
 4. There is a change in use on the property where the lighting fixture or lighting installation exists.

Section 4.11 Neighborhood Design Development

- (A) Purpose. In the MU-2 District, it shall be optional to utilize Neighborhood Design Development (NDD) on a parcel or contiguous parcels of land having a total area of thirty (30) acres or more. The purpose of the NDD 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 Section 603.(c)(5), the Cumberland County Comprehensive Plan, and the Middlesex Township Comprehensive 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) A proposed NDD shall be permitted by the Board of Township Supervisors of the Township of Middlesex subject to the requirements and procedures of this Ordinance and the Master Plan Development Plan standards specified under Subsection (D) below. Said Master Development Plan shall comply with the requirements of this Section and the preliminary and/or final subdivision and land development plan approval requirements of the Middlesex Township Subdivision and Land Development Ordinance.
- (C) Interpretation and Application.
1. The provisions of this Ordinance and the Middlesex Township Subdivision and Land Development Ordinance shall apply to NDD except to the extent specifically provided for in this Section. In the event of a conflict between the provisions of this Section and either this Ordinance or the Subdivision and Land Development Ordinance, the provisions of this Section shall prevail and apply.
 2. Any standard set forth elsewhere in this Ordinance or Middlesex Township Subdivision and Land Development Ordinance 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 shall not apply in instances where both such certain Lot or use and such residential Lot or use are located within NDD.
- (D) 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 NDD. Accordingly, the initial final subdivision or land development plan for NDD shall include a plan sheet conceptually depicting the proposed or anticipated ultimate build-out and development of NDD (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 NDD 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 the Section. 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 pursuant to the requirements of the Middlesex Township Subdivision and Land Development Ordinance.

- b. The Conceptual Master Plan shall be prepared by a Registered Design Professional. 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 a NDD 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 NDD 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 Middlesex Subdivision and Land Development Ordinance, 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 thirty (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 a NDD site is sixty-five (65) percent.
 - 5. Minimum Open Space. The minimum amount of Open Space required as part of a Neighborhood Design Development shall be twenty-five (25) percent of a NDD site area. See Section 4.11(M).
 - 6. Required Dwelling Mix.
 - a. The NDD 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 ten (10) percent or more than sixty (60) percent of the total number of dwelling units in NDD. 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.
- (E) Permitted Uses.
- 1. Uses permitted in the NDD shall be those permitted under the MU-2 District as shown in Table 3.02.1 and as further regulated under this Ordinance.
 - 2. Notwithstanding the requirements of Section 3.03 Unlisted Uses of this Ordinance, other residential or non-residential uses not specifically provided for under Article 3 Zoning Uses of this Ordinance may be permitted by right provided that such uses meet the following conditions:
 - a. The proposed Use shall be consistent with and meet the stated purpose and intent of the NDD.

- b. The proposed Use shall be consistent with and uphold the general form, function, and design character of the neighborhood within which the Use is being proposed.
 - c. The Use shall be similar to and compatible with the permitted uses in the NDD in which the subject property is located and in no way is in conflict with the general purposes and intent of this Ordinance.
 - d. The Use shall consider the community development goals and objectives of the Middlesex Township Comprehensive Plan.
3. Notwithstanding the requirements of Section 3.01(A), 3.01(B), 3.05(A)10., of this Ordinance, 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 that each building complies with all applicable separation distance and requirements and the lot complies with all applicable lot and yard requirements of this Ordinance. Uses shall be permitted to be mixed both on the horizontal and vertical planes.

(F) Lot and Building Standards. Notwithstanding the Lot and Building standards specified under Table 2.12, Mixed-Use Village District (MU-2) Bulk and Area Regulations, of this Ordinance, as well as the vehicular access or frontage requirements along Arterial or Collector streets for certain uses as specified in Sections 3.04, 3.05, and 3.06 of this Ordinance, the following standards shall apply to NDD in the MU-2 District.

- 1. Frontage required onto improved Street, Alley, or Open Space.
 - a. In lieu of the frontage requirements specified under of Section 4.20 of this Ordinance, 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, the front Lot line or front yard, respectively of a Lot that adjoins:
 - (1) 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) 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 4.04 of this Ordinance 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 twenty (20) feet of frontage and access in compliance with Subsections (F)1. and (F)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: Forty (40) feet.
 - (2) Single-family semi-detached dwellings, two-family dwellings and single-family attached dwellings, end units: 20 feet per dwelling unit.
 - (3) Single-family attached dwellings, interior units: 16 feet.
 - c. Minimum Yard Setbacks.
 - (1) Front.
 - (a) Along a Local Street or Alley, or An Open Space Lot located Between and Adjoining the Lot and a Street or Alley: Five (5) feet.
 - (b) Along a Collector Street: Ten (10) feet.
 - (c) Along an Arterial Street: Fifteen (15) feet, notwithstanding the setback requirement specified under Section 4.02(A) of this Ordinance.
 - (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: Five (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): Zero (0) feet.
 - ii. Unattached side (i.e., exterior side): Five (5) feet.
- (3) Rear. All uses and accessory buildings: Five (5) feet.
- (4) Outdoor Seating and Dining Areas. Three (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 a maximum of fifty (50) percent of the required Yard Setback.
 - (2) Unenclosed porches, decks and patios may project into any required Yard Setback a maximum of fifty (50) percent 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, Single Family Semi-Detached (Duplex), and Single Family Attached (Townhouse) Dwellings: Forty (40) feet
 - (2) Multi-Family Dwellings, Mixed-Use (residential and nonresidential) buildings and nonresidential buildings:
 - (a) Habitable Space: Fifty (50) feet.
 - (b) Architectural and Non-habitable Features: Sixty-five (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: Seventy (70) percent.
 - (2) All other Lots: None, except that the total maximum impervious area limitation of Subsection (D)4. shall apply to the entire NDD site.
- (G) Parking Standards.
 - 1. Minimum Parking Spaces. Notwithstanding the off-street parking requirements specified under Section 4.15(C) of this Ordinance, the following off-street parking requirements shall apply:
 - a. Single Family Detached and Single Family Semi-Detached (Duplex) Dwellings: Two (2) spaces per dwelling unit.

- b. For all other permitted uses, off-street parking requirements shall be determined using the Parking Demand Analysis requirements specified under Section 4.15(D) of this Ordinance. In addition to these requirements, the following areas shall be permitted in the analysis:
 - (1) 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.
 - (2) 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.
- 2. Size of Spaces. Notwithstanding the parking space dimensional requirements specified under Section 4.15(F) of this Ordinance, an off-street parking space shall have a minimum area of one hundred and sixty-two (162) square feet with minimum dimensions of nine (9) feet wide and eighteen (18) feet long, exclusive of access drives or aisles.
- 4. Access Setbacks. Parking area entrances/exits shall not be located within thirty (30) feet from Street or Alley intersections with Alleys.
- 5. Location and Ownership.
 - a. Required parking spaces must be located within six hundred (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 six hundred (600) foot distance limitation may be increased to eight hundred (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.

6. 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.

(H) Loading Standards. Notwithstanding the requirements specified under 4.15(G) Off-Street Loading and Unloading of this Ordinance, the following shall apply:

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. Off-Street loading berths and access to such berths shall be located at least twenty-five (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.

(I) Driveway and Access Standards.

1. The driveway access and setback requirements specified under Sections 4.02(B) and 4.08(A) of this Ordinance shall not apply.
2. Driveways onto Arterial Streets shall comply with the applicable provisions of PennDOT or the Middlesex Subdivision and Land Development Ordinance.

(J) Sign Standards.

1. See Section Article 5 of this Ordinance.
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 NDD 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 NDD 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 thirty (30) days of the sale or rental of the last Lot or Building space or completion of the proposed construction in NDD site.
 - (2) The area of any one Sign shall not exceed one hundred fifty (150) square feet and the height shall not exceed twenty (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 five hundred (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. Seven (7) square feet.
 - (3) Maximum Height. Three and one-half (3.5) feet.
 - (4) Sign Placement.
 - (a) If a Sign is located on a public or private sidewalk, a minimum of thirty-six (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 twelve (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 to avoid being carried away by high winds.
 - (5) Landscaping for Signs as required under Article 5 is not required for "A-frame" signs.
 - (6) A Sign permit, as required under Article 5, 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. Four (4) signs per block between any Street or Alley intersection.
- (2) Maximum Sign Area. Twelve (12) square feet.
- (3) Maximum Height. Ten (10) feet.
- (4) Information. Sign copy is limited to name and/or logo of NDD 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 for Signs as required under Article 5 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 Article 5, but for each additional Street or Alley, the maximum permitted Sign area shall be reduced by fifty (50) percent.

- (K) Fence and Wall Standards. The maximum height of a fence shall be eight (8) feet in any Side or Rear Yard.

- (L) Trees and Shrubs in Street Rights-of-Way Standards.

1. Street trees and shrubs shall be permitted to be planted and maintained in a Street Right-of-Way in accordance with Subsection 4.11(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 Association or Condominium Association. This provision shall appear in the covenants or declarations applicable to property being developed within any Neighborhood Design Development.

(M) Open Space Standards.

1. General Standards.

- a. The location and layout of the Open Space shall be designed and configured to achieve the following:
 - (1) Serve residents of NDD 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 NDD site and/or the general public;
 - (b) Integration of greenbelts and trails throughout NDD 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 eighty (80) percent 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 Subsection (M)1.a.

2. Ownership and Maintenance of Open Space. The Open Space ownership and maintenance standards specified under Section 4.16(D)5 of this Ordinance shall apply.

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 Middlesex Township Subdivision and Land Development Ordinance, payment of fees in lieu of dedication, for NDD 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 Middlesex Subdivision and Land Development Ordinance. 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 Middlesex Subdivision and Land Development Ordinance in the amount in effect on the date of adoption of this Subsection. 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 Middlesex Subdivision and Land Development Ordinance 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 Middlesex Subdivision and Land Development Ordinance shall not apply.

(N) Street and Alley Standards. See Section 703 of the Middlesex Subdivision and Land Development Ordinance, except as follows:

1. Existing Streets. Notwithstanding Section 703.A.10 of the Middlesex Subdivision and Land Development Ordinance, whenever a subdivision or land development within NDD 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 NDD site.
2. Frontage and Access. In lieu of the frontage and access standards of Section 703.A.11 of the Middlesex Subdivision and Land Development Ordinance, the requirements of Subsection (F) Lot and Building Standards of this Section shall apply.
3. Street Alignment. In addition to the standards of Section 703.H.3 of the Middlesex Subdivision and Land Development Ordinance, 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 Middlesex Subdivision and Land Development Ordinance, "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 Middlesex Subdivision and Land Development Ordinance, the centerline or horizontal radius for all Streets shall be a minimum of one hundred (100) feet.
 - b. In addition to the standards of Section 703.H.3 of the Middlesex Subdivision and Land Development Ordinance, the tangent for horizontal reverse curves Streets and Alleys shall be a minimum of ten (10) feet.
6. Street Intersection. In addition to the standards of Section 703.J.5 of the Middlesex Subdivision and Land Development Ordinance, 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: Fifteen (15) feet;
 - b. A minor residential neighborhood or local access Street/road with an Alley: Five (5) feet; and

- c. An Alley with an Alley: Five (5) feet.
- 7. Intersection Sight Distance and Clear Sight Triangles. In addition to any standards of the Middlesex Subdivision and Land Development Ordinance, 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 Middlesex Subdivision and Land Development Ordinance, 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 Middlesex Subdivision and Land Development Ordinance or PennDOT standards.
- (O) Building Lot Standards. See Section 706 of the Middlesex Subdivision and Land Development Ordinance, except as follows:
 - 1. Lot Frontage. In addition to Street Rights-of-Way as set forth in Section 706.A.6 of the Middlesex Subdivision and Land Development Ordinance, 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 4.15(E).
 - 2. Notwithstanding Section 706.A.6.c of the Middlesex Subdivision and Land Development Ordinance, 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 Middlesex Subdivision and Land Development Ordinance, 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 NDD fronts, where a trail or pedestrian pathway is designed and constructed in accordance with Subsections (P)1 or (P)2.
 - 2. In lieu of installing sidewalks along existing exterior Arterial or Collector Streets upon which NDD 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 NDD 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 Middlesex Subdivision and Land Development Ordinance.
 - 3. In addition to the width standard of Section 707.C.2 of the Middlesex Subdivision and Land Development Ordinance, trails or pathways shall be permitted to be located within a minimum six (6) foot wide access easement.
- (Q) Curbing Standards. See Section 708 of the Middlesex Subdivision and Land Development Ordinance, 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 NDD fronts.
- (R) Site Lighting Standards. See Section 4.10 of this Ordinance and Section 711 of the Middlesex Subdivision and Land Development Ordinance, 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 Middlesex Subdivision and Land Development Ordinance, 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 Subsection (R)1.a. shall not apply to Sections 711.F.1.a and 711.F.1.b of the Middlesex Subdivision and Land Development Ordinance regarding lighting at intersections.
- (S) Landscaping Standards. See Section 719 of the Middlesex Subdivision and Land Development Ordinance, except as follows:
- 1. Final Landscape Plan. Section 719.B.2.d of the Middlesex Subdivision and Land Development Ordinance 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 Middlesex Subdivision and Land Development Ordinance:
 - 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 specified under Sections 719.C.14.a.1) through 719.C.14.a.3) and 719.C.14.b.1) of the Middlesex Subdivision and Land Development Ordinance, and Sections 4.03(A)1.a.(1) through 4.03(A)1.a.(3) and 4.03(A)1.b.(1) of this Ordinance shall not apply to a Lot or use that is within NDD and adjoins:
 - a. Another Lot or use that also is within NDD; or
 - b. An Arterial Street, where buildings on such Lots are oriented with fronts facing such Arterial Street.
 - c. See Section 4.11(G)6.(b) of this Ordinance 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 NDD standards of this Section, or other area, dimensional and design-related standards of the Zoning Ordinance, which impact the layout and design of NDD, 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 NDD as specified under Section 4.11(A);
 - b. Statement of Purposes (Section 1.02) of the Zoning Ordinance;
 - c. Intended Purpose of the MU-2 Districts (Section 2.12); and
 - d. 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 NDD.
 - 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 4.12 Nonconformities

- (A) General Regulations. All lawful uses of land or of a Building, Sign or other Structure existing on the effective date of this Ordinance may be continued, altered, restored, reconstructed, changed, sold, or maintained even though such Use may not conform to the Use, Height, Area, Yard and other regulations of the zoning district in which it is located, provided such nonconforming conditions shall comply with the following requirements.
- (B) Nonconforming Buildings and Structures.
 - 1. Continuation. Any nonconforming Building or Structure existing on the effective date of this Ordinance or created to be nonconforming by an amendment to this Ordinance may be

continued although such Structure does not conform to the dimensional requirements of this Ordinance.

2. Restoration. A nonconforming Building or Structure shall not be restored for other than a conforming use after damage from any cause unless the nonconforming use is reinstated within one (1) year of such damage; if the restoration of such Building or Structure is not completed within the said one (1) year period, the nonconforming use of such Building or Structure shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged portion of such Building or Structure.
3. Demolition. In the event any nonconforming Building or Structure is destroyed or partially destroyed and the Owner has determined reconstruction/restoration infeasible, the Owner shall be responsible for the complete removal of the Building or Structure and debris as well as the filling of any excavated areas.
4. Expansion or Alteration. The following requirements shall apply to the expansion or alteration of nonconforming Buildings or Structures.
 - a. The proposed alteration, extension, or expansion shall not exceed twenty-five (25) percent of the gross floor area occupied by the nonconforming use as determined at the time the use became nonconforming. Under no circumstances shall a nonconforming use of Buildings or Structures be permitted to be altered, extended, or expanded, whether one (1) or more times, by Special Exception, in excess of twenty-five (25) percent of the gross floor area occupied by the nonconforming use of Buildings or Structures as determined at the time the use became nonconforming.
 - (1) The above notwithstanding, a Single-Family Detached Dwelling shall not be subject to the regulations contained in this Section 4.12(B)4., and is thereby exempt from any and all limitations or requirements herein regardless of the extent of damage or destruction that may be sustained.
 - (2) The above notwithstanding, a Special Exception shall not be required for any modification that reduces any non-conformity of Buildings, Structures or open land, although all applicable permits and approvals required by any Middlesex Township Code or Ordinance shall be required.
 - b. Nonconforming Use of Land. With respect to the nonconforming use of land (i.e., a nonconforming use of land not including a Building or Structure), the proposed alteration, extension, or expansion shall not exceed twenty-five (25) percent of the land area occupied by the nonconforming use as determined at the time the use became nonconforming. Under no circumstances shall a nonconforming use of land be permitted to be altered, extended, or expanded, whether one (1) or more times, by Special Exception, in excess of twenty-five (25) percent of the gross land area occupied by the nonconforming use of land as determined at the time the use of land became nonconforming.
 - c. The Lot on which the expansion or alteration is proposed shall be limited to only that Lot on which the Building or Structure existed at the time it became nonconforming. Expansion onto adjoining Lot is prohibited.
 - d. A nonconforming Building or Structure may be extended or expanded on the same Lot, provided that the extension or alteration shall conform to all dimensional requirements and all other applicable regulations of this Ordinance.

- e. The Applicant shall furnish conclusive evidence as to the extent of the nonconformity when it was created. The above maximum increase shall be measured in aggregate over the entire life of the nonconformity.
- f. Extension Along a Nonconforming Setback. If an existing Building has a lawfully nonconforming Building setback, additions may occur to increase the Height above such setback or to extend other portions of the Building or Structure out to the nonconforming side or rear setback line, provided that:
 - (1) The Building or Structure shall not be extended beyond the existing nonconforming setback line.
 - (a) No extension shall be permitted with five (5) feet of any Street right-of way or property lines.
 - (b) No extension shall be permitted which may cause danger to vehicular or pedestrian traffic on a Street by obscuring a view.
 - (2) No additional nonconformity shall be created.
 - (3) The new nonconforming extension shall not be greater than twenty-five (25) percent of the existing GFA.
 - (4) All other requirements of this Ordinance, including but not limited to provisions regarding Height restrictions, shall be met.
 - (5) Such addition shall not be permitted for a nonresidential Building that abuts an existing primarily residential Use.
- g. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
- h. Provisions for Yards, Building Height, and Building/Structure area shall be consistent with the standards required for permitted uses in the zone in which the nonconformity in question is located.
- i. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
- j. The proposed alteration shall not cause an increased detrimental effect on the surrounding neighborhood.
- k. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings, and Open Spaces.
- l. No expansion of a nonconforming Building or Structure located outside of a Building or Structure existing on the effective date of this Ordinance shall be permitted in any Floodplain area except in accordance with Section 2.19 Floodplain Conservation District of this Ordinance.
- m. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming Building or Structure located in the Floodplain area shall be permitted when either elevated above the base flood

elevation or floodproofed. In no case shall any modification, alteration, repair, reconstruction or improvement cause unacceptable increases in flood height, velocities or frequencies.

(C) Nonconforming Lots.

1. Continuation. Any nonconforming Lot, due to its Lot area or Lot width, existing as of the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such Lot does not conform to the Lot requirements for the district in which it is located.
2. Development. The following requirements apply to the development and use of the nonconforming Lot:
 - a. All the requirements of this Ordinance shall be met with the exception of Lot area and Lot width. Furthermore, no Lot shall be developed unless the following requirements are met:
 - (1) Each Lot shall have an approved on-Lot water and wastewater system or access to public water and public sewer. Additionally, for those Lots utilizing on-Lot water the minimum required isolation distance between the well and the on-Lot wastewater system shall be provided.
 - (2) In residential districts, only one (1) principal single family dwelling may be erected and the following minimum side yards shall be provided.
 - i. Interior Lots with a width of fifty (50) feet or more, two (2) side yards shall be provided as required by the zoning district bulk and area regulations specified in Article 2 of this Ordinance.
 - ii. Corner Lots with a width of fifty (50) feet or more, two (2) front yards shall be provided. The front yard opposite the interior side yard may be reduced by the required number of feet the Lot width is less than the zoning district bulk and area regulations specified in Article 2 of this Ordinance require but may not be reduced to less than the minimum side yard. The side yard shall be provided as required by the zoning district Building form regulations.
 - iii. On Lots not more than fifty (50) feet but not less than twenty-seven (27) feet in width, two (2) side yards shall be provided, each equaling twenty (20) percent of the Lot width, as required by the zoning district bulk and area regulations specified in Article 2 of this Ordinance.
 - (3) On a Lot in a commercial or industrial district, the required side yards shall be determined by the Zoning Hearing Board upon application for a Variance based on the same criteria as above for residential Structures.
 - b. Where possible, contiguous parcels under common ownership shall be re-platted to create conforming Lots.

(D) Nonconforming Uses.

1. Continuation.

- a. Any nonconforming Use existing on the effective date of this Ordinance or created by an amendment to this Ordinance may be continued although such Use does not conform to the provisions of this Ordinance. Change in ownership or possession of the Use or property shall not prevent the continuance of the nonconforming Use.
- b. Any planned residential developments or portions thereof that were previously approved or completed prior to the effective date of this Ordinance shall continue to operate under this Ordinance in effect when they were approved.

2. Expansion or Alteration. Any nonconforming Use may be expanded or altered only once through the obtainment of a Special Exception from the Zoning Hearing Board and subject to the following criteria:

- a. The Lot on which the expansion or alteration of a nonconforming Use is proposed shall be limited to only that Lot on which the Use existed at the time it became nonconforming. Expansion onto adjoining Lots is prohibited. Any portion of the parent Lot with a nonconforming Use on part of the Lot which was subdivided after January 3, 2018, and to which subdivided Lot the nonconforming Use has not been extended before subdivision shall, after subdivision, be used only in conformity with all the provisions of this Ordinance.
- b. The total of all such expansions or alterations of Use shall not exceed an additional twenty-five (25) percent of the actual area of those Buildings or Structures or portion of the land devoted to and used by the nonconforming Use, whichever is more restrictive, as they existed on the date such Use first became nonconforming. All expansions of the nonconforming Use and/or Building(s) that occurred since the Use originally became nonconforming shall count toward the above maximum increase.
- c. The nonconforming use of a Building may be expanded within the Building, provided that the expansion is limited to fifty (50) percent of the GFA occupied by the nonconforming Use at the time the Use became nonconforming.
- d. The Applicant shall furnish conclusive evidence as to the extent of the nonconformity and lawfulness in all respects when it was created.
- e. Provision for vehicular access, off-street parking and off-street loading shall be consistent with standards required by this Ordinance.
- f. Provision for yards, Building Height and Building Area shall be consistent with the standards required for permitted uses in the district in which the nonconformity in question is located.
- g. Appearance of expansions should be harmonious with surrounding properties; this feature includes, but is not limited to, landscaping, enclosure of principal and accessory uses, Height control, Sign control, architectural control and maintenance of all improvements and Open Spaces.

- h. Buffers and screens shall be provided as necessary to adequately protect neighboring properties. This includes, but is not limited to, fences, walls, plantings, and Open Spaces.
 - i. No expansion of a nonconforming Use located outside of a Structure existing on the effective date of this Ordinance shall be permitted in any Floodplain area except in accordance with Section 2.18 Floodplain Conservation District.
 - j. Excluding expansion, any modification, alteration, repair, reconstruction or improvement of any kind to a nonconforming Use located in the Floodplain area shall be permitted when either elevated above the base flood elevation or floodproofed to the extent required in Section 2.18 Floodplain Conservation District.
 - k. The expansion shall not create new dimensional nonconformities or further increase existing dimensional nonconformities.
 - l. The proposed expansion or alteration shall not cause an increased detrimental effect on the surrounding neighborhood.
3. Change of Use. The following regulations shall apply to the change of nonconforming uses:
- a. A nonconforming Use changed to a conforming Use shall not be permitted to be changed back to a nonconforming Use.
 - b. A nonconforming Use shall be permitted to be changed to another nonconforming Use upon application to the Zoning Hearing Board for a Special Exception and in accordance with Section 1.15(H)2. of this Ordinance and the following standards:
 - (1) The Applicant shall show the nonconforming Use cannot be changed reasonably to a Permitted Use.
 - (2) The Applicant shall demonstrate the change shall be less objectionable in external effects than the existing nonconforming Use including, but not limited to:
 - (a) Traffic impact;
 - (b) Environmental impact (e.g., noise, smoke, dust, fumes, vapors, gases, heat, odor, glare or vibration);
 - (c) Solid waste disposal; and
 - (d) Appearance.
 - (3) The Applicant shall demonstrate the change shall meet other requirements of this Ordinance, including parking and loading, buffering, and signage.
4. Abandonment, Discontinuance and Delinquency.
- a. The ceasing of a nonconforming Use in a Building or Structure for a continuous period of one (1) year or more shall create the presumption of abandonment of the nonconforming Use. Subsequent use of such Building or Structure shall be in conformity with the provisions of this Ordinance.

- b. The ceasing of a nonconforming use of land for a continuous period of one (1) year or more shall create the presumption of abandonment of the nonconforming Use with the exception of normal agricultural practices, such as, the rotation of crops. Subsequent use of such land shall be in conformity with the provisions of this Ordinance.
- c. In the case of the death of the Landowner and/or settling of an estate the discontinuance of the nonconforming Use shall not be considered an abandonment of the Use in accordance with Sections (D)(1) and (2) above until the estate is settled or a court order has been entered regarding the estate's disposition. A one (1) year grace period after such settlement or court order shall apply.
- d. A nonconforming Use shall be deemed abandoned in the event the Township or County acquires an unredeemed, tax delinquent property and sells said property. Subsequent use of the land shall be in conformity with the provisions of this Ordinance.

(E) Documentation of the Nonconformance.

- 1. It shall be the right of the Landowner to provide evidence of the nonconformance. At the request of the Landowner and based on evidence provided to the Zoning Officer, the Zoning Officer shall issue a Certificate of Nonconformance, which shall be for the purpose of insuring to the Owner the right to continue a nonconforming Building or Use. If no documented evidence is produced, it shall be assumed that the nonconformance is not a preexisting condition.
- 2. The Certificate of Nonconformance shall set forth in detail all the nonconforming conditions of said property.
- 3. The Township shall retain a copy of the Certificate of Nonconformance.

Section 4.13 North Mountain Conservation Design Standards

- (A) Purpose. The North Mountain Conservation Design Standards are intended to provide supplemental environmental conservation land use and land use development controls within the North Mountain Conservation District (NMC) District.
- (B) Applicability. These standards apply to any Land Development as defined in Article 6 of this Ordinance occurring within the NMC District consisting of twelve (12) acres or more of Gross Land Area from the effective date of this Ordinance.
- (C) Site Planning and Design Standards. The following site planning and design standards will determine the ability to and establish the process for Land Development within the NMC District.
 - 1. Conservation Analysis. A Conservation Analysis of existing on-site sensitive natural features is required for all Zoning Permit applications pertaining to land development projects within the NMC District.
 - a. Existing Resources Inventory Mapping. The existing resources inventory maps shall provide the applicant and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within one hundred (100) feet of the site. The existing resources inventory map(s) shall include:

- (1) Aerial imagery obtained from the Cumberland County GIS Department enlarged to a scale not less than one (1) inch to four hundred (400) feet (1"=400') with site boundaries of the proposed subdivision/land development clearly shown.
- (2) Resources and conditions beyond the boundaries of the subject property may be described on the basis of existing published data available from governmental agencies, and from aerial photographs taken in the past five (5) years.
- (3) Map scale options shall include one (1) inch to fifty (50) feet (1"=50'), one inch to one hundred feet (1"=100'), and one (1) inch to two hundred (200) feet (1"=200').
- (4) Maps shall show the following features as applicable to the applicant's subject property(ies):
 - (a) Existing (from field data) contours of the site at vertical intervals of two (2) feet for areas with an average slope of ten (10) percent or less and at intervals of five (5) feet for areas with an average slope exceeding ten (10) percent.
 - (b) Slope Mapping. Slopes shall be shaded and identified as follows:
 - i. 0-5% (flat-mild).
 - ii. 5-10% (mild to mildly steep).
 - iii. 10-15% (mildly to moderately steep).
 - iv. 15-25% (moderately steep).
 - v. >25% (steep).
 - (c) The location and delineation of ponds, streams, ditches, drains, natural or artificial drainage swales, and drainage courses/ways/draws located on or within two hundred (200) feet of the subject property. Streams shall be classified as either perennial or intermittent.
 - (d) Existing one hundred (100)-year floodplains for all streams including but not limited to only Federal Emergency Management Agency (FEMA)-defined streams, channels, and natural draws as defined by:
 - i. An existing detailed FEMA Study or if not available.
 - ii. A Hydrology and Hydraulic (H&H) Study prepared by a Registered Design Professional with experience in preparing said studies.
 - iii. An alternate method may be proposed and used if properly justified and approved by the Township Engineer.

- (e) Wetlands.
 - i. For areas within the bounds of the proposed subdivision, wetland locations shall be identified and delineated pursuant to 25 Pa. Code § 105.451..
 - ii. For areas beyond the limits of the proposed subdivision, wetland locations may be determined by publications of the USFWS or the USDA NRCS, NWI or other acceptable published mapping.
- (f) Natural forest, woodlands and tree cover shall be shown as a circumferential line around all forest and tree stands.
 - i. Individual trees with a caliper equal to or greater than thirty-six (36) inches shall be located on the inventory map.
 - ii. Hedgerows shall be located on the inventory map.
- (5) Class I, II, and III soils shall be delineated and shown as mapped by the USDA NRCS in the most recent published soil survey for Cumberland County.
- (6) Erodible soils (based on k factor) on slopes over twenty-five (25) percent.
- (7) Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the Applicant.
- (8) All existing man-made features shall be shown including but not limited to Streets, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, tanks (aboveground or underground), dumps, utilities, fire hydrants, and storm and sanitary sewers. Those man-made features that are proposed to be demolished and removed shall be so labeled.
- (9) Locations of all historically significant sites or structures on the tract, including but not limited to buildings, cellar holes, stone walls, earthworks, and graves.
- (10) Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
- (11) All easements and other encumbrances of the property, which are or have been filed of record with the Recorder of Deeds of Cumberland County, shall be shown on the plan.
- (12) Significant Natural Areas and Features. A copy of a current Pennsylvania Statewide Natural Diversity Inventory (PNDI) search must be submitted with all proposed Zoning Permit applications pertaining to the NMC District.

2. Site Analysis Report. A report shall be prepared to categorize the impacts of the proposed activities and physical alterations on those resources shown on the Existing Resource Inventory Mapping. The report shall take into consideration all factors, items, data, natural resources, studies and those item and/or topics otherwise required to be studied as described in the Conservation Analysis above. Impacts of the proposed subdivision/development on existing resources and measures taken to minimize and control such impacts both during and post development shall be discussed. Said report should contain conclusions drawn and proposed recommendations for developing the project site to determine the extent to which such features should be designated partly or entirely as conserved/not to be disturbed Open Space or development lands. Said report shall be used by the Applicant to design the project to avoid negative impacts to said items, features and topics studied.
3. Woodland Evaluation. A Woodlands Evaluation Report shall be included in the Site Analysis Report prepared by a forester, landscape architect, horticulturist or another qualified professional acceptable to Middlesex Township Board of Supervisors. At a minimum the report shall include:
 - a. One or more maps indicating boundaries and conditions of woodland areas.
 - b. A description of the present conditions (i.e., stocking, health and species composition of the woodland).
 - c. A description of the ecological functions of the woodland (i.e., in protecting steep slopes, erodible soils, maintaining stream quality and providing for wildlife habitats).
 - d. A description of the proposed impact to the woodlands (i.e., approximate acreage of wooded area to be disturbed).
 - e. The relationship of the on-site woodlands to woodlands on adjoining and nearby properties and the ecological need and potential for maintaining continuous woodland areas from property to property.

Section 4.14 Obstruction to Vision

- (A) Walls, fences, signs, other structures, or obstructions shall not be erected or altered, and hedges, trees or other plant material shall not be planted or maintained, which may cause danger to traffic on a Street, road, or driveway by obstructing the available sight distance. The required sight distance is the minimum safe stopping sight distance in accordance with the Street design requirements of the Middlesex Township Subdivision and Land Development Ordinance.
- (B) In addition to the requirements of Section 4.01(C) of this Ordinance, on corner Lots no wall, fence, Sign or other Structure in excess of three and one-half (3½) feet in Height shall be erected or altered and no hedge or other plant material in excess of three and one-half (3½) feet in Height shall be permitted within twenty-five (25) feet in any direction of the intersection of the Street Right-of-Way.

Section 4.15 Off-Street Parking and Loading

- (A) Purpose.

The Township recognizes that off-street areas are necessary to accommodate the needs of commercial businesses, residential uses, and the general public. It is the intent of this article to

promote public health, safety, and welfare by providing reasonable standards for off-street parking areas that:

1. Minimize conflicts between pedestrians and motor vehicles.
2. Create visually attractive parking areas.
3. Ensure a sufficient number of spaces for the intended use of the property.
4. Ensure adequate lighting.
5. Ensure adequate drainage.
6. Provide for efficient maneuverability and safe vehicle and pedestrian circulation.
7. Protect the character and stability of residential, business, institutional and industrial areas.
8. Preserve the value of land and Buildings on surrounding properties.

(B) General Parking Regulations.

1. Off-Street parking facilities shall be provided to lessen congestion in the Streets. The facilities required herein shall be available to patrons throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "parking space" includes either covered garage space or uncovered parking space located off the public Right-of-Way.
2. Unless determined unnecessary by the Township Engineer, parking spaces and approaches thereto shall be paved in accordance with Middlesex Township Subdivision and Land Development Ordinance.
3. All commercial, public, institutional, and industrial uses shall provide ADA-accessible parking spaces according to the Township Building Code.
4. In residential districts, no part of any minimum front Yard Setback shall be used for parking purposes, except that the driveway area located within the front Yard Setback may be used for off-street parking. For nonresidential uses, parking may be permitted no closer than fifteen (15) feet from the Street Right-of-Way line.
5. Parking or Use of Major Recreational Equipment and Major Commercial Vehicles.
 - a. No recreational Vehicle or commercial Vehicle shall be parked or stored on any Street or publicly dedicated Right-of-Way except for the temporary purposes of loading or unloading, and such temporary purposes shall not exceed a twenty-four-hour period.
 - b. No recreational Vehicle or Commercial Vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored upon a Lot, or when parked or stored in any location not approved for such use.

(C) Off-Street Parking Requirements.

Any of the following permitted uses or Buildings hereafter established, erected or enlarged; any use or Building hereafter converted into one of the following uses; and any Open Space hereafter

used shall be provided with not less than the minimum off- Street parking spaces as set forth in Table 4.15.1, together with adequate access drives, driveways or other means of circulation and access to and from a Street. Current ADA requirements for handicapped parking must be met pursuant to the Township Building Code. Where the computation of required parking spaces results in a fractional number, any fraction shall be rounded to the nearest whole number. However, the Applicant may, in lieu of adhering to the requirements under Table 4.15.1, use the Computation of Required Off-Street Parking Spaces specified under Subsection (D).

Table 4.15.1, Off-Street Parking Space Requirements

USES	REQUIRED PARKING SPACES (MIN.)
RESIDENTIAL AND LODGING USES	
Bed and Breakfast	1 space per sleeping room, plus 2 per permanent residents
Community Residence, Group Home	1 space per 2 beds; plus 1 space per employee on the largest work shift
Community Residence (Halfway House Sober Living Facility/Recovery House)	1 parking space for each sleeping room to be occupied by residents plus 1 space for each dwelling unit on the premises, plus 1 space for every 2 employees not living on the premises
Dwelling, Multi-Family, Apartment	2 per unit
Dwelling, Multi-Family Conversion	2 per unit
Dwelling, Single Family Detached	2 per Lot
Dwelling, Single Family Semi-Attached, Duplex	2 per unit
Dwelling, Single Family Attached, Townhouse	2 per unit
Dwelling, Tiny Home	1 per unit
Hotel	1 space for each guest room, plus 1 space for each 2 employees on the largest shift
Live-Work Unit	1 per unit
Manufactured Home	2 per Lot
Manufactured Home Parks	2 per Lot
Mixed-Use Building	Parking Analysis Report pursuant to Subsection (D)
Motel	1 space for each guest room, plus 1 space for each 2 employees on the largest shift
Rooming House and Boarding House	1 parking space for each sleeping room to be occupied by boarders plus 1 space for each dwelling unit on the premises, plus 1 space for every 2 employees not living on the premises
Temporary Shelter Facility	1 per each employee on the maximum shift and 1 per each employee on the preceding shift
CIVIC AND INSTITUTIONAL USES	

USES	REQUIRED PARKING SPACES (MIN.)
Assembly, General	Parking Analysis Report pursuant to Subsection (D)
Assembly, Neighborhood	Parking Analysis Report pursuant to Subsection (D)
Cemetery	1 per each employee and accessways to the cemetery sections shall allow parallel parking on the accessway for gravesite services and visitations. Such parking shall not queue into the public Right-of-Way or Clear Sight Triangle
Government Facility	Parking Analysis Report pursuant to Subsection (D)
Hospital	Parking Analysis Report pursuant to Subsection (D)
Library/Museum	1 space for each 400 square feet of GFA
Long-Term Care Facility	Parking Analysis Report pursuant to Subsection (D)
Place of Worship	1 per 4 fixed seats; 1 per 40 square feet of multi-use GFA if no fixed seats; 1 per office or classroom
Police/Fire/EMS	1 space per 400 square feet of facility space, plus 1 space for each 50 square feet of assembly area, meeting room, conference, etc. Note these are outdoor parking spaces and do not account for the required spaces needed for indoor parking of emergency service vehicles.
School, Pre-K, K-12, and Vocational Education	Parking Analysis Report pursuant to Subsection (D)
School, Post Secondary Education	Parking Analysis Report pursuant to Subsection (D)
Stadium/Arena	Parking Analysis Report pursuant to Subsection (D)
AGRICULTURE, FORESTRY, AND OPEN SPACE USES	
Agricultural Operation	2 per dwelling located within the agriculture area and 1 for each full-time worker
Commercial Stock Yards and/or Feedlots	1 per 1,500 square feet of use area
Community Garden	1 per 2,000 square feet of land area
Equine Activities	1 per 4 stalls
Forestry Operation	N/A
Nature Preserve	Parking Analysis Report pursuant to Subsection (D).
Recreation Facility, Commercial or Private	Parking Analysis Report pursuant to Subsection (D).

USES	REQUIRED PARKING SPACES (MIN.)
Recreation Facility, Public	Parking Analysis Report pursuant to Subsection (D).
Shooting Range (Indoor and Outdoor)	Parking Analysis Report pursuant to Subsection (D).
RETAIL USES	
Commercial Equipment and Supply	1 per each 200 square feet of GFA
Construction Trade and Contractor	Parking Analysis Report pursuant to Subsection (D)
Convenience Store	1 per each 200 square feet of GFA
Drive Through Only Facility	1 per each employee per shift, plus applicable loading areas for product delivery
General Retail	1 per each 200 square feet of GFA
Grocery Store	1 per each 200 square feet of GFA
Medical Marijuana Dispensary	1 per each 200 square feet of GFA
Neighborhood Retail	1 per each 200 square feet of GFA
Outdoor Retail Sales Lot	1 per each 2,000 square feet of Lot area for employee and customer parking (excludes vehicle display area)
Planned Center, Commercial	Parking Analysis Report pursuant to Subsection (D)
Public Market	1 per each 200 square feet of GFA
SERVICE USES	
Adult Day Care Center	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of adults cared for at the center
Assisted Living Facility	Parking Analysis Report pursuant to Subsection (D)
Automobile Car Wash	1 parking space per employee of the largest shift. Stacking for 5 vehicles for automatic car wash lane, plus 2 drying spaces for each washing stall.
Automobile Repair and/or Towing Service	1 per each employee on the maximum shift and 1 per vehicle if drop off service is offered, plus vehicle queue area
Automobile Sales and Rental Service	1 per each 2,000 square feet of Lot area for employee and customer parking (excludes vehicle display area)
Brew Pub	1 per each 50 square feet of GFA
Childcare Center	1 per each employee on the maximum shift and 1 per each 2 of the maximum

USES	REQUIRED PARKING SPACES (MIN.)
	number of children cared for at the center
Community Service	1 per each 200 square feet of GFA
Drinking Place	1 per each 50 square feet of GFA
Eating Place	1 per each 50 square feet of GFA, plus vehicle queue area for drive through facilities
Electronic Cigarette / Vaporizer Store	1 per each 200 square feet of GFA
Entertainment Assembly	Parking Analysis Report pursuant to Subsection D
Family Childcare Home	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of children cared for at the center
Family Entertainment Center	Parking Analysis Report pursuant to Subsection D
Funeral Home / Mortuary	Parking Analysis Report pursuant to Subsection (D).
General Service	1 per 1,500 square feet of GFA
Group Childcare Home	1 per each employee on the maximum shift and 1 per each 2 of the maximum number of children cared for at the center
Kennel	1 per each employee on the maximum shift and 1 per each 200 square feet of area devoted to the kennel area
Massage Establishment	1 per each 200 square feet of GFA
Medical Clinic	1 per each 200 square feet of GFA
Microbrewery, Microdistillery, Microwinery	1 per 500 square feet of use area
Methadone Treatment Facility	1 per each 200 square feet of area in addition to spaces provided for other uses within the same Building
Neighborhood Service	1 per 500 square feet of use area
Pawn Shop/Check Cashing Establishment	1 per 500 square feet of use area
Private Club	1 space for each 400 square feet of office space, plus 1 space for each 50 square feet of assembly area, meeting room, conference, etc.
Recreational Campground	2 spaces per Lot or campsite, plus 4 spaces at or near each comfort station on a roadway shall also be provided, which may be counted as part of the overall number of spaces required for the campsites. Parking shall also be provided at the park entrance for

USES	REQUIRED PARKING SPACES (MIN.)
	guest registration at a rate of 1 per 500 square feet of use area
Self-Storage Facility	1 per 1,500 square feet of use area
Smoking Places	1 per 500 square feet of use area
Tattoo/Piercing Parlor	1 per 500 square feet of use area
Truck Repair and/or Towing Service	Parking Analysis Report pursuant to Subsection (D)
Truck Sales and Rental Service	Parking Analysis Report pursuant to Subsection (D)
Truck Stop	Parking Analysis Report pursuant to Subsection (D)
Truck Wash	Parking Analysis Report pursuant to Subsection (D)
ADULT USES	
Adult Establishments	Parking Analysis Report pursuant to Subsection (D)
EMPLOYMENT USES	
Craftsman Industrial	1 per 500 square feet of use area
Data Center	Parking Analysis Report pursuant to Subsection (D)
Office Uses	1 per each 300 square feet of GFA
INFRASTRUCTURE USES	
Airport / Heliport / Helistop	1 per 500 square feet of office space use area, plus 1 per private hanger space, 2 per tie-down for based aircraft, 5 per regular commercial flight, and 1 per 1,000 square feet of site area
Parking as a Principal Use	1 space per parking attendant employee, plus 1 space for the employee on the preceding shift
Principal Solar Energy Systems (PSES)	1 per each service vehicle
Principal Wind Energy Systems (PWES)	1 per each service vehicle
Transit Bus Stops	N/A
Transit Facility	Parking Analysis Report pursuant to Subsection (D).
Transportation and Essential Services	Parking Analysis Report pursuant to Subsection (D)
Wireless Communications Facilities, Small Wireless Communications Inside the Public Rights-of-Way	N/A
Wireless Communications Facilities, Small Wireless Communications Outside the Public Rights-of-Way	N/A
Wireless Communications Facilities, Tower-Based	1 per each service vehicle

USES	REQUIRED PARKING SPACES (MIN.)
INDUSTRIAL USES	
Automotive Dismantler and Recycler	1 space per employee plus 1 space per acre
Brewery, Distillery, Winery	1 per 1,500 square feet of site area
Heavy Industry	1 per 1,500 square feet of site area
Junkyards	One (1) space per employee plus one (1) space per acre.
Light Industry	1 per each employee on the maximum shift and 1 per each 300 square feet of office area
Meat Processing Establishment	1 per 1,500 square feet of site area
Medical Marijuana Grower / Processor Facility	1 per 500 square feet of use area
Mining and Mineral Extraction	1 per 1,500 square feet of site area
Outdoor Storage Yard	1 per 1,500 square feet of site area
Planned Center, Industrial	Parking Analysis Report pursuant to Subsection (D)
Solid Waste Disposal Facility	One (1) space per employee plus one (1) space per acre.
Truck Terminal	Parking Analysis Report pursuant to Subsection (D)
Truck or Trailer Parking	Parking Analysis Report pursuant to Subsection (D)
Warehouse and Distribution	Parking Analysis Report pursuant to Subsection (D)
Yard Waste Composting Facility	One (1) space per employee plus one (1) space per acre
ACCESSORY USES	
Accessory Dwelling Unit	1 per unit
Accessory Solar Energy Systems	Equal to the minimum number required for the Principal Use
Accessory Wind Energy Systems	Equal to the minimum number required for the Principal Use
Agricultural Commercial Enterprise	Parking Analysis Report pursuant to Subsection (D)
Agritourism Marketing Enterprise	Equal to the minimum number required for the Principal Agricultural Operation
Airstrip, Heliport/Helistop	See Airport, Heliport, and Helistop above
Automobile Car Wash	1 parking space per employee of the largest shift. Stacking for 5 vehicles for automatic car wash lane, plus 2 drying spaces for each washing stall
Carport, Portable or Temporary	Equal to the minimum number required for the Principal Use

USES	REQUIRED PARKING SPACES (MIN.)
Community Garden	1 per 2,000 square feet of land area
Drive-Through Facility	1 per each 50 square feet of GFA, plus vehicle queue area for drive through facilities
Electric Vehicle Charging Station, Levels 1 & 2	Equal to the minimum number required for the Principal Use
Electric Vehicle Charging Station, Level 3	1 per charging station
Farm Occupation	Equal to the minimum number required for the Principal Agricultural Operation
Keeping of Chickens (for non-commercial purposes)	Equal to the minimum number required for the Principal Use
Keeping of Honeybees	Equal to the minimum number required for the Principal Use
Keeping of Exotic Wildlife	Equal to the minimum number required for the Principal Use
Keeping of Livestock	Equal to the minimum number required for the Principal Use
Manure Storage Facility	Equal to the minimum number required for the Principal Use
Mineral and Resource Extraction Activities Associated with a Land Development Project	Parking Analysis Report pursuant to Subsection (D)
No-Impact Home-Based Business	Equal to the minimum number required for the Principal Use
Outdoor Dining Area	1 per 100 square feet of outdoor seating area
Outdoor Display and Sales	Outdoor equipment and automotive/Truck sales and leasing shall
Parking	Parking Analysis Report pursuant to Subsection (D)
Short-term Rental	Equal to the minimum number required for the Principal Use
Water Cooling and/or Storage Systems for Data Centers	Equal to the minimum number required for the Principal Use
TEMPORARY USES	
Farmers Market	Parking Analysis Report pursuant to Subsection (D)
Model Home and/or Subdivision Sales Office	1 space per sales attendant employee, plus 3 spaces for customers
Open Air Market	None; provided, sufficient area is available to accommodate all employee and customer parking needs on the site, entirely outside of public Rights-of-Way other than designated parking spaces
Temporary Construction Site Trailer	Equal to the minimum number required for the Principal Use

USES	REQUIRED PARKING SPACES (MIN.)
Temporary Outdoor Event	Parking Analysis Report pursuant to Subsection (D)
USES NOT PROVIDED FOR	
In the case where a use is not provided for in Table 4.15.1, Off-Street Parking Space Requirements, the Zoning Officer may make a determination on the applicable parking standards based on a comparable use. In the event such determination cannot be made, then the Applicant shall be subject to the requirements of Section 3.03 Unlisted Uses of this Ordinance.	In addition to the reasonable standards applied by the Board of Supervisors, the Township shall require a Parking Analysis Report pursuant to Subsection D to determine the minimum required number of parking spaces.

(D) Computation of Required Off-Street Parking Spaces.

1. To ensure that certain developments provide adequate, but not excessive, vehicle parking, the Township requires applicants thereof to submit a written computation of their required off-street parking spaces based on the estimated parking demand of the proposed Use(s).
2. The Applicant shall prepare a Parking Analysis Report to propose the number of required off Street parking spaces. The Report shall be prepared by a Registered Design Professional and/or a Certified Planner. The Parking Analysis Report shall contain the following:
 - a. Site Plan. A Site Plan containing the following:
 - (1) Legal property boundary.
 - (2) Existing and proposed project layout.
 - (3) All existing and proposed uses and tenant spaces.
 - (4) All existing and proposed parking spaces.
 - b. Analysis of parking demand information from professional literature that is pertinent to the proposed development. Such information may include data or literature from the Urban Land Institute's (ULI) Shared Parking, Third Edition publication and/or the Institute of Transportation Engineers' (ITE) Parking Generation Manual, 5th Edition.
 - c. The actual number of parking spaces required shall be based on well-recognized sources of parking data such as the above cited ULI or ITE reports. If standard rates are not available or limited, the applicant may collect data at similar sites to establish local parking demand rates. The information about the existing development and its parking demand shall include enough detail to evaluate similarities and differences between the existing development and the proposed development. Field surveys shall consider the seasonal peak period for the proposed land uses involved.
 - d. Propose a minimum and maximum parking ratio. For phased projects, and for projects where the tenant mix is unknown or subject to change, the Applicant may propose a range (low and high number of parking spaces) for each development phase and both a minimum and maximum number of parking spaces to be provided at buildout of the project.
 - e. Peak hours of operation and parking occupancy.

- f. Final number of proposed required parking spaces with justification and summary of findings (Note: Where the calculation of minimum parking spaces does not result in a whole number, the result shall be rounded up to the next whole number).

3. Township Approval.

- a. As part of the Township's required subdivision or land development application approval process, the Township Board of Supervisors, upon recommendation by the Planning Commission and in consultation with the Township Zoning Officer and Township Engineer shall consider the final parking requirements determination made in the Applicant's Parking Analysis Report. Based on the Applicant's materials and other data the Township Engineer deems relevant, the Board of Supervisors shall set the requirements for minimum and maximum parking allowed. Conditions of approval may be placed on the Decision to ensure compliance with the parking determination.
- b. The Applicant may appeal the Township's Decision to the Zoning Hearing Board pursuant to Section 1.13 of this Ordinance.

(E) Location and Management Requirements.

- 1. Existing Parking. Buildings and uses existing on the effective date of this Ordinance shall not be subject to the requirements of this article in accordance with the following:
 - a. The type or extent of use is not changed; and
 - b. Provided that any parking facility now serving such structures or uses shall not in the future be reduced.
- 2. Changes in Requirements. Whenever there is an alteration of a Building or a change or extension of a use which increases the parking requirements, the total additional parking required for the alteration, change or extension shall be provided in accordance with the requirements of this article.
- 3. Conflict with Other Uses. No parking area shall be used for any use that interferes with its availability for the parking need it is required to serve.
- 4. Continuing Obligation. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Reasonable precautions are to be taken by the property Owner or business Owner to assure the availability of required facilities for the employees or other persons for whom the parking areas are designed to serve. The property Owner or business Owner shall ensure that the parking area at no time constitutes a nuisance, hazard or unreasonable impediment to traffic.
- 5. Shared Parking.
 - a. Shared parking shall be applied when land uses have different parking demand patterns and are able to use the same parking spaces/areas throughout the day, especially for multi-story, vertically mixed-use buildings.
 - b. The minimum number of parking spaces for a development or where shared parking strategies are proposed shall be determined by a study prepared by the applicant following the procedures specified under Subparagraph (D) above.

- c. Shared Parking Agreement. If a privately-owned parking facility is to serve two or more separate properties, a legal agreement between property owners guaranteeing access to, use of, and management of designated spaces is required.
- d. Shared Parking Plan. The following are required submissions for a shared parking proposal:
 - (1) Site plan of parking spaces intended for shared parking and their proximity to land uses that they will serve.
 - (2) A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses (if such distinctions can be made).
 - (3) A pedestrian circulation plan that shows connections and walkways between parking areas and land uses.
 - (4) These paths should be as direct and short as possible.
 - (5) A safety and security plan that addresses lighting and maintenance of the parking areas.
- 6. Location of Spaces.
 - a. Except as provided for in Subsection 6.b. below, off-Street parking spaces for single- and two-family residential uses shall be provided on the same Lot.
 - b. Parking spaces in a common parking lot for Townhouses or for multifamily dwelling Building(s), commercial, industrial and other nonresidential uses shall be readily accessible to the Building(s) served. Such space shall be in the same zoning district as the principal Building or use, and conform to the following requirements:
 - (1) Required parking spaces shall be located within two hundred (200) feet of the principal Building or use when located on the same side of the Street.
 - (2) Required parking spaces shall be located within four hundred (400) feet of the principal Building or use when linked to a pedestrian trail or sidewalk when located on the same side of the Street.
 - (3) Fifty (50) percent of the required parking spaces may be located across a minor or local Collector Street with the following conditions:
 - (a) Crosswalks shall be provided in order to ensure safe pedestrian access to and from the parking area.
 - (b) Safety lighting shall be provided at the crosswalk to illuminate the cross area when the parking area is used in early morning or at night.
 - (c) A pedestrian crossing Sign in accordance with PennDOT Publications 68 and 236 shall be provided on each side of the road.

- (d) Parking Lots located across a Street shall be safe for pedestrian use. To ensure safety, the design of the crosswalk shall consider the speed limit, sight distance, visibility, road conditions and other safety factors. In the event that the crosswalk is deemed to be unsafe by the Township Engineer, the Zoning Officer shall not permit parking areas across a Street.
 - (e) In the event that the crosswalk is deemed to be unsafe by the Township Engineer, adjacent development, the change of Street classification or other circumstances that shall affect pedestrian safety, the parking Lot shall be abandoned.
 - (f) The distances specified herein shall be measured from the nearest point of the parking Lot to the nearest point of the principal Building or use that the parking Lot is required to serve.
 - (g) The Applicant zoning permit application shall include a legal document approved by the Township Solicitor that subjects such parcels of land to parking uses in connection with the principal use to which it is accessory. The legal document must indicate the parking spaces will be provided perpetually. Prior to the issuance of a zoning permit, the applicant must record such legal documents with the Cumberland County Recorder of Deeds and provide a copy of the recorded documents to the Zoning Officer.
7. Lighting. Any lighting used to illuminate off-street parking or loading areas shall be in accordance with Section 4.10, Lighting, of this Ordinance.
8. Landscaping. The landscaping requirements for Off-Street Parking Areas specified under the Middlesex Township Subdivision and Land Development Ordinance shall apply.
- (F) Design Standards. Parking space and aisle dimensions shall be not less than those listed in Table 4.15.2. Accessible parking shall meet the standards specified under the Township Building Code.

Table 4.15.2, Vehicle Parking Space and Aisle Dimensions.

Angle of Parking	Min. Stall Width	Min. Stall Depth ¹	Min. Aisleway Width, One-Way	Min. Aisleway Width, Two-way
90°	9 ft.	18 ft.	12 ft.	24 ft.
60°	9 ft.	18 ft.	18.5 ft.	20 ft.
45°	9 ft.	18 ft.	13.5 ft.	20 ft.
30°	9 ft.	18 ft.	12 ft.	20 ft.
Parallel	8 ft.	22 ft.	12 ft.	20 ft.

NOTE:

¹ Depth of parking space is the measurement from the curb or edge of the parking space toward the interior portion of the space to be occupied by a parked vehicle and not including any part of the aisle or driveway.

- a. Each parking space must have a minimum vertical clearance of seven (7) feet.
- b. All dead-end parking Lots shall be designed to provide sufficient backup area for the end parking spaces of the parking area.

- c. Except for parking spaces permitted within driveways for Single-family Dwellings (including Townhouses), Two-family Dwellings and other Dwellings, parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
- e. Trucks and Trailers.
 - (1) Where Truck parking spaces or trailer parking spaces are provided and/or required, parking space and aisle dimensions shall not be less than the dimensions listed in the Table 4.15.3.

Table 4.15.3, Truck and Trailer Parking Space and Aisleway Dimensions.

Angle of Parking	Min. Stall Width	Min. Stall Depth ¹	Min. Aisleway Width One-Way	Min. Aisleway Width Two-way
90°	15 ft.	60 ft.	75 ft.	75 ft.
60°	15 ft.	60 ft.	56 ft.	60 ft.
45°	15 ft.	60 ft.	41 ft.	60 ft.
30°	15 ft.	60 ft.	36 ft.	60 ft.

NOTE:

¹ Depth of parking space is the measurement from the curb or edge of the parking space toward the interior portion of the space to be occupied by a parked vehicle and not including any part of the aisle or driveway.

- (2) Each parking space must have a minimum vertical clearance of sixteen (16) feet.
 - (3) Where Truck parking spaces or trailer parking spaces are provided and/or required, the minimum width shall be fifteen (15) feet, and the minimum depth shall be sixty (60) feet. Aisle widths in Truck parking areas shall be as required in Table 4.15.3.
- 2. Setbacks for parking areas shall be provided as follows:
 - a. All parking spaces and access drives shall be located at least ten (10) feet from any multiple dwelling Building, office, commercial, institutional, industrial, and other similar nonresidential Buildings located on the Lot. The ten-foot setback between the parking area and Building shall be for the purpose of providing a pedestrian access walkway and perimeter landscaping.
 - b. All parking spaces and access drives shall be at least five (5) feet from any side or rear Lot line, except where buffer yards are required, in which case the standards set forth in Section 4.03(B), shall apply. The required setback shall not include screening.
 - c. No off-street parking area shall be located within a public Right-of-Way.
 - 3. Separation.
 - a. To the extent possible, parking areas shall not be designed to require or encourage vehicles to back into a public or private Street in order to leave the parking areas.

- b. Except for parking spaces permitted within driveways for Single-Family Dwellings (including Townhouses), Two-Family Dwellings, and other Dwellings with garages, all paved off-street parking spaces shall be marked with paint or other methods so as to indicate their location.

4. Curbing.

- a. Curbing within a parking Lot may be required in a land development if determined necessary by the Township Engineer to:
 - (1) Channelize and control vehicular movement in a safe manner through the parking area.
 - (2) Direct stormwater and drainage within the parking Lot and to landscaped infiltration areas.
 - (3) Define parking areas.
 - (4) Delineate and/or protect perimeter and interior landscaped areas from vehicles.
 - (5) Separate vehicle movement from pedestrian movement as necessary for safety.
- b. When required, curbing shall be constructed in accordance with the Middlesex Township Subdivision and Land Development Ordinance.
- c. Construction specifications for curbing to be installed in parking areas shall be submitted with the land development application.
- d. Where curbs are provided in a parking Lot, the minimum curb radii shall be designed for appropriate use as approved by the Township Engineer.

5. Curb Radius. Where curbs are provided in a parking Lot, a minimum of a five (5) foot radius curvature shall be required for all curblines.

(G) Off-Street Loading and Unloading.

1. Required Spaces or Berths.

- a. Off-Street loading shall be required in accordance with this section prior to the occupancy of any Building or use, to alleviate traffic congestion on Streets. These facilities shall be provided whenever:
 - (1) A new use is established.
 - (2) The use of a property or Building is changed and thereby requiring more loading space.
 - (3) An existing use is enlarged, thereby requiring an increase in loading space.

- b. Where off-street loading spaces are required, loading spaces or berths shall be provided for standing, loading and unloading operations, either inside or outside a Building and on the same or adjoining premises as prescribed in Table 4.15.4.
2. Site Plan. Each application for a Zoning Permit (or use for which off-street loading spaces are required) shall include a Site Plan pursuant to Section 1.09(B) of this Ordinance showing the proposed layout of the loading area. No Zoning Permit shall be issued for any use for which a loading area is required unless the site plan has been approved or necessary variances have been approved.
3. Design Requirements. All off-street loading shall be designed and constructed in compliance with Middlesex Township Subdivision and Land Development Ordinance.

Table 4.15.4, Minimum Required Loading Docks

Use Classification		Requirements
Retail operations and all first floor nonresidential uses with a GFA of up to 20,000 square feet		1 space
Retail operations and all first floor nonresidential uses with a GFA of more than 20,000 sq. ft up to 50,000		1 berth for local delivery trucks
Retail operations and all first floor nonresidential uses with a GFA of more than 50,000 square feet		1 berth for local delivery trucks, 1 berth for semi-trailers
Office Buildings and hotels with a GFA of 100,000 square feet or more		1 berth for semi-trailers for every 100,000 square feet of GFA
Industrial and wholesale operations	Less than 10,000 square feet	1 space
	10,000—40,000 square feet	1 berth for semi-trailers
	40,000—100,000 square feet	2 berths for semi-trailers
	100,000—160,000 square feet	3 berths for semi-trailers
	160,000—240,000 square feet	4 berths for semi-trailers
	240,000—320,000 square feet	5 berths for semi-trailers
	320,000—400,000 square feet	6 berths for semi-trailers
	Each 90,000—above 400,000 square feet	1 additional berth for semi-trailers

4. Location.
 - a. Loading facilities shall not be located on the front of a Building in Mixed-Use zoning districts and shall be hidden from pedestrian and vehicular activity.
 - b. In no case shall the use of a loading space or berth hinder the movement of vehicles and pedestrians over a Street, Alley or sidewalk.
 - c. Maneuvering areas shall not be located to require vehicles to back into an Alley or Street when unloading materials.

- d. Loading spaces shall be located in the rear of the property of the business to be served.
- e. Loading spaces shall not be placed in the front, rear, or side yard minimum Setbacks, as defined in this Ordinance.
- 5. Dimensions. Loading spaces shall provide ample maneuvering space for vehicles as follows:
 - a. Loading Space. Shall be the width and length of a standard parking space as prescribed in Subsection F.1.a above.
 - b. Loading Berths for Local Delivery Trucks. Shall have a minimum width of ten (10) feet, minimum length of twenty-five (25) feet and a minimum vertical clearance of sixteen (16) feet above finished grade.
- 6. Loading Berth for Semi-Trailers. Shall have a minimum width of ten (10) feet, minimum length of sixty (60) feet and a minimum vertical clearance of sixteen (16) feet above finished grade.
- 7. Screening. A solid masonry wall or solid decorative wood or vinyl fence with slats shall be erected where a loading berth or space is located directly across a Street from a dwelling with one or two units. Where a loading space or berth is located directly across from a dwelling with one (1) or more units, mitigation of the vehicular impacts may be required including, but not limited to, restricted loading and unloading times and landscape enhancements.
- 8. Off-Street Parking Prohibited. A loading space shall not be considered an off-street parking space, and therefore shall not be considered a credit to the number of required parking spaces as required under Subparagraph (A) above.

Section 4.16 Open Space Residential Development Standards

- (A) In the R-3 District, it shall be optional to utilize one (1) or more contiguous parcels of land having a total area of ten (10) or more acres for an Open Space residential development.
- (B) General.
 - 1. Minimum Land Area. Ten (10) acres.
 - 2. Utility Requirements. Adequate public sewer and water facilities are required to service an Open Space residential development. The applicant shall demonstrate to the satisfaction of the Township that adequate sewage treatment and disposal facilities can be provided, consistent with the Middlesex Township Sewage Facilities (Act 537) Plan, and further subject to demonstration of compliance with all applicable regulations of the Pennsylvania Department of Environmental Protection.
 - 3. Density Requirements. The maximum number of dwelling units shall equal three and one-half (3.5) units per acre, calculated by excluding the minimum required Open Space.
- (C) Open Space Residential Design Standards. See Article 2, Section 2.09, Table 2.09.

(D) Open Space Requirements.

1. Within an Open Space residential development, a minimum of thirty (30) percent of all land which is part of the Open Space residential development must be Open Space. For purposes of calculating the foregoing thirty (30) percent Open Space any adjoining land conveyed to the Middlesex Township Municipal Authority or to Middlesex Township for purposes of wellhead development or protection may be included as part of the Open Space requirement set forth herein for the adjoining residential development. All Open Space areas shall be clearly depicted on subdivision and/or land development plans.
2. The following areas shall not be calculated as Open Space:
 - a. Areas devoted to public Streets or Rights-of-Way.
 - b. All areas within fee simple residential ownership and/or single family detached residential Lots.
 - c. All impervious areas on residential Lots held within common ownership.
3. In general, the required Open Space to be set aside shall attempt to preserve natural areas such as groundwater recharge areas, wetlands, streams, mature woodlands, and mature hedgerows.
4. Access to Open Space. All Lots for dwelling units shall have access to Open Space. Pedestrian access ways from the Street to interior Open Space areas shall be not less than twelve (12) feet in width.
5. Ownership and Maintenance of Open Space.
 - a. All or part of the Common Open Space may be dedicated to the Township for public use or to the Township or Middlesex Township Municipal Authority (the "Municipal Authority") for municipal use. The Board of Supervisors and the Board of the Municipal Authority, at their sole discretion, shall have the right not to accept any dedication of Open Space.
 - b. When Common Open Space is not dedicated to and accepted by the Township for public use or the Township or Municipal Authority for municipal use, it shall be owned, managed, controlled and insured by the developer, or if the developer is not the owner of the property to be developed, then by the owner, or a Homeowner's Association (Association) or Condominium Association, for the use and/or benefit of the residents of the Open Space residential development. If the Common Open Space is deeded to a Homeowners Association, covenants or other legal arrangements shall consist of at least the following:
 - (1) Each purchaser (owner) is obligated to participate in the Homeowners Association and to support maintenance of the open areas by paying to the association assessment sufficient for such maintenance and subjecting their properties to a lien for enforcement of payment of the respective assessments.
 - (2) The Association shall insure, regulate, maintain and replace any common facilities.

- (3) Empower the Township, as well as other purchasers in the development, to enforce the covenants in the event of failure or noncompliance.
- (4) Provide for agreement that if the township is required to perform any maintenance work pursuant to the items (1) and (2) above, such purchasers would pay the cost thereof and that the same shall be a lien upon their properties until such cost has been paid.
 - (a) Other equivalent provisions to assure adequate perpetual maintenance may be permitted if approved by the Board of Supervisors.
 - (b) Assurance that such covenants or equivalent provisions shall be evidenced by the recordation in the Office of Recorder of Deeds, of a perpetual declaration regarding maintenance of facilities as prescribed hereinabove and identifying the tract and each Lot therein. Such covenants or equivalent legal arrangements shall be submitted for review with the final subdivision/land development plan and shall be reviewed and approved by the Board of Supervisors prior to the granting of final plan approval.
 - (c) The declaration shall be referenced in the deed or other instrument of conveyance of each Lot of record and shall be made binding on all purchasers, provided that such declaration may, as to subsequent conveyances other than the initial conveyance of each Lot of record, be incorporated by reference in the instrument of conveyance.
- (5) Guarantee that any association formed to own and maintain common Open Space will not be dissolved without the consent of the Board of Supervisors and any other specifications deemed necessary by the Board of Supervisors.
- (6) The Township will require that a landscape plan/maintenance plan for Open Space be submitted along with the preliminary plan. The landscape plan/maintenance plan will be prepared and maintained by the developer until such time as the developer conveys common facilities to the Association at which time the Association is obligated for maintenance.
- (7) The developer or owner of the Open Space shall own and maintain the Open Space, until such time as the Open Space is conveyed to a Homeowners Association or the Township, who shall then be responsible for maintenance and replacement of the Open Space.
- (8) Common Open Space, whether owned by the developer or a Homeowners Association shall be insured as follows with limits not less than those stated below:
 - (a) Bodily/Personal Injury Liability. \$1,000,000 each person; \$5,000,000 each occurrence.
 - (b) Property Damage Liability. \$1,000,000 each occurrence; \$5,000,000 each aggregate.

6. Future Development of Open Space. Future development, subdivision, or sale of the required Open Space is prohibited except as provided in Subsection 7, Use of Open Space, below.
7. Use of Open Space.
 - a. Use of Open Space may include recreation equipment, pavilions, benches, paths and walkways, athletic fields, farming, woodlands, game preserves and similar uses for both passive and active recreation activities and, if dedicated to and accepted by the Township or Municipal Authority, for municipal or other governmental purposes.
 - b. Any structure or Building accessory to recreation, conservation, or agriculture may be erected within the Open Space, subject to the approved Open Space plan. The accessory structures or buildings shall not exceed, in the aggregate, one (1) percent of the required Open Space area.
 - c. Residential accessory structures, such as sheds, garages, fences, etc. shall not be permitted in the Open Space area.
 - d. Stormwater Management Facilities. Stormwater management facilities shall be included as part of the minimum required Open Space. However, the applicant must demonstrate to the satisfaction of the Board of Supervisors that such facilities are designed in accordance with the provisions of this section and the Middlesex Township Subdivision and Land Development Ordinance.

Section 4.17 Outdoor Storage of Domestic Composting

The placement of framed enclosure(s) for compost as an accessory residential use is permitted in accordance with the following requirements:

- (A) Domestic composting structures shall be subject to all yard requirements for the district in which they are located.
- (B) Only waste materials from the residential use shall be deposited in the compost, and in no case shall meat or meat by-products be composted.
- (C) All composts shall be properly maintained so as not to become a nuisance to nearby properties.

Section 4.18 Outdoor Storage of Tires

The outdoor storage of tires shall be permitted in the commercial and industrial districts only and shall be subject to the following regulations:

- (A) Outdoor storage of tires or tire-derived materials shall be within a six (6) foot solid screened fence with screening as required under Section 4.03 of this Ordinance.
- (B) Storage Restrictions.
 1. When waste tires or tire-derived materials are stored outdoors, each stockpile:
 - a. Shall have a horizontal area not greater than 10,000 square feet.
 - b. Shall have a vertical Height not greater than eight (8) feet.

- c. Shall be separated from any other waste tire stockpile by at least fifty (50) feet measured from the base of the stockpile. This area shall be maintained free of waste, equipment, and structures.
- 2. No Person shall store waste tires or tire-derived materials:
 - a. In the one hundred (100) year floodplain.
 - b. Within three hundred (300) feet of a wetland.
 - c. Within three hundred (300) feet measured horizontally from an occupied dwelling unit.
 - d. Within three hundred (300) feet of a Watercourse.
 - e. Within fifty (50) feet of any property line or fence.
- (C) Open burning of waste tires or tire-derived materials shall be prohibited.
- (D) Outdoor storage of tires or tire-derived materials shall meet all PA DEP regulations for the storage of tires or tire-derived materials.
- (E) Outdoor storage of tires or tire-derived materials shall meet the requirements of the Township Building Code.
- (F) Conditions conducive to the harboring of vectors (i.e., rats, mosquitoes, etc.) shall be eliminated.
- (G) Upon cessation of waste tires or tire-derived materials storage activities, the property Owner or occupant shall immediately remove all waste tires, tire-derived materials and residuals from the site, and shall provide for the processing or disposal of such materials or wastes in accordance with the PA DEP regulations.

Section 4.19 Performance Standards

- (A) Air Pollution. To protect and enhance the air quality in the Township, all sources of air pollution shall comply with any and all regulations set forth by the Federal Environmental Protection Agency and PADEP. In addition, the following shall apply:
 - 1. Odor. In the C-1, C-2, and I Districts, no odor shall be permitted at any Lot line exceeding the lowest amount set forth for the compounds described in Table III, Odor Thresholds, of Ordinance 5, Physiological Effects, of the Air Pollution Abatement Manual, copyright 1951 by Manufacturing Chemists' Association, Inc. For compounds not described in Table III, odor thresholds may be established by methods indicated in Ordinance 5 of the manual, and no odor shall be permitted at any Lot line exceeding the amount determined by the application of such methods.
 - 2. Smoke. In the C-1, C-2, and I Districts, smoke from any chimney, stack, vent, opening or combustion process is prohibited to exceed the U.S. Dept. of the Interior, Bureau of Mines Ringlemann Smoke Chart (May 1967) No. 1 density. However, smoke density exceeding Ringlemann Smoke Chart No. 3 is permitted for up to three (3) minutes total in any one eight (8) hour period.

3. Particulate Matter.

- a. The rate of particulate matter emission from all sources within the boundaries of any Lot within the C-1, C-2, and I Districts shall not exceed a net figure of one (1) pound per acre of Lot area during any one (1) hour period, after deducting from the gross hourly emission per acre the correction factors set forth in Table 4.19.1.

Table 4.19.1, Allowance for Height Emission

Height of Emission Above Grade (Feet)	Correction (Pounds per Acre)
50	0.01
100	0.06
150	0.10
200	0.16
300	0.30
400	0.50

- b. Determination of the total net rate of emission of particulate matter within the boundaries of any Lot shall be made as follows:
- (1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of Lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
 - (2) From each gross hourly rate of emission derived in Subsection 3.a above, deduct the correction factor (interpolating as required) for Height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
 - (3) Add together the individual net rates of emission derived in Subsection 3.b above to obtain the total net rate of emission from all sources of emission within the boundaries of the Lot; such total shall not exceed one pound per acre of Lot area during any one (1) hour period.

(B) Electromagnetic Interference.

1. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, for any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation, except that for all governmental communications facilities, governmental agencies and government owned plants, the regulations of the Interdepartment Radio Advisory Committee (IRAC) shall take precedence over the

regulations of the Federal Communications Commission, regarding such sources of electromagnetic radiation.

2. Further, said operation in compliance with the Federal Communications Commission or the IRAC regulations shall be unlawful if such radiation causes an "abnormal degradation" in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.
- (C) Fire and Explosive Hazards. All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of State and other local laws and regulations shall also apply to life, property or public welfare in the occupancy of a Structure or premises.
- (D) Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed Building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than five (5) degrees Fahrenheit. Any operation or activity that produces glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths (5/10) footcandles measured at the property line.
- (E) Liquid or Solid Wastes. No discharge shall be permitted at any point into any sewage disposal system, or Watercourse, or lake, or into the ground, except in accordance with standards approved by the PA Department of Environmental Protection or other regulating department or agency of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements. There shall be no accumulation of solid wastes conducive to the breeding of rodents or insects.
- (F) Noise.
1. In all zones, the sound-pressure level for all uses and activities shall not exceed the decibel limits in the octave bands designated in the following table and shall comply with the following standards.
 - a. Permitted Decibel Levels. At no point at or beyond the property line shall the measured sound level exceed the maximum permitted sound levels designated in the Table 4.19.2.
 2. Measurement. Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured in accordance with the American National Standards Institute (ANSI). Noises capable of being measured shall be those noises which cause rapid fluctuations of the sound-level meter with a variation of no more than plus or minus two decibels. Noises incapable of being measured, such as those of irregular and/or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

Table 4.19.2, Maximum Permitted Sound Level in Decibels Along the Property Line

Octave Band Cycles Per Second	Residence Districts	Nonresidential Districts
0 to 75	67	73
75 to 150	62	68
150 to 300	58	64
300 to 600	54	60
600 to 1,200	49	55
1,200 to 2,400	45	51
2,400 to 4,800	41	47
Over 4,800	37	43

3. Exemptions. The following activities or sources are exempt from these noise standards:

- a. Activities covered by the following: stationary signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purpose, and refuse collection vehicles.
- b. The unamplified human voice.
- c. Normal Agricultural Operation as defined in Article 6 of this Ordinance.
- d. Fixed-wing aircraft operations.
- e. Construction or routine maintenance of public service utilities.
- f. Temporary activities relating to the construction and maintenance of Buildings and facilities including site preparation between 6:00 AM to 9:00 PM prevailing time.
- g. Church bells or chimes.
- h. The emission of sound for the purpose of alerting persons of an emergency, or the emission of sound in the performance of emergency work.
- i. Occasionally used safety signals, warning devices and emergency pressure relief valves.

(G) Radioactive Radiation. No activities shall be permitted which emit dangerous radioactivity at any point beyond the property line. The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes, shall be in conformance with

the regulations of the Atomic Energy Commission as set forth in Title 10, Ordinance One, Part 20 - Standards for Protection Against Radiation, as amended; and all applicable regulations of the Commonwealth of Pennsylvania.

- (H) Vibration Hazards. No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at or beyond the Lot line; nor shall any vibration produced exceed 0.002g peak at up to 50 cps frequency, measured at or beyond the Lot line using either seismic or electronic vibration measuring equipment. Vibrations occurring at higher than 50 cps frequency or a periodic vibration shall not induce accelerations exceeding 0.001g. Single impulse aperiodic vibrations occurring at an average interval greater than five (5) minutes shall not induce accelerations exceeding .01g.

Section 4.20 Required Street Access

Except for Township approved private streets, each principal use hereafter established which involves buildings or structures for human occupancy shall be located and maintained upon a Lot which abuts a public Street or road for a distance of not less than is required in the applicable district. Upon recommendation by the Planning Commission and approval by the Board of Supervisors, the minimum road frontage can be reduced to not less than fifty (50) feet, provided that:

- (A) The Lot created meets all other dimensional requirements of this Ordinance; and
- (B) The Lot cannot be further subdivided without the provision of sufficient road frontage to meet the requirements of the applicable zoning district.

Section 4.21 Sale of Personal Vehicles

- (A) In any zone, a landowner may display a maximum of two (2) personal passenger or recreational vehicles titled into the property Owner's name for sale at any given time.
- (B) Such displays shall be for a maximum of sixty (60) days not more than two (2) times in a calendar year.
- (C) Two (2) Signs a maximum of six (6) square feet each may be displayed per vehicle.
- (D) All vehicle sale activities shall be in accordance with applicable state regulations.

Section 4.22 Swimming Pools

Swimming pools shall be a permitted accessory use where specified in the district regulations in accordance with the following requirements:

- (A) General Regulations.
1. The swimming pool shall be intended and be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
 2. No swimming pool shall discharge water or be drained into a sanitary sewer system or a storm sewer system.
- (B) Location and Setbacks.
1. The swimming pool, or accessory structures adjacent thereto, shall be located no closer than ten (10) feet from adjoining property lines measured from the water's edge.

2. The swimming pool, or accessory Building(s) adjacent thereto, shall be located no closer than ten (10) feet from the principal Building.
3. Swimming pools shall not be located in the front yard.

(C) Barrier Requirements. All swimming pools must comply with the Township Building Code.

Section 4.23 Temporary Portable Storage Units and Roll-Off Dumpsters

(A) It shall be a violation of this Ordinance for any Person or anyone acting as his agent or on his behalf to place or permit the placement of a Temporary Portable Storage Unit (hereinafter "unit") or Roll-off Dumpster (hereinafter "dumpster") on any property which that Person owns, rents, occupies or controls without complying with the standards of this Article.

(B) Permit Required. No Person shall place upon, cause to be placed upon, or permit to remain on a property located in the Township a unit or dumpster without first obtaining a zoning permit from the Township. In addition to the permit application requirements, the application shall also include the following information:

1. Applicant's relationship to the property (Owner, renter, occupier, or controller);
2. Address of the property upon which the unit or dumpster will be located;
3. Proposed delivery and removal dates of the unit or dumpster;
4. Any related Building permit numbers;
5. A sketch of the proposed location or placement for the unit or dumpster; and
6. The name, address and telephone number of the company who owns the unit or dumpster.

(C) Duration.

1. The unit or dumpster shall be located at the permittee's specified property location address for a maximum of thirty (30) days, including the days of delivery and removal. At the expiration of the thirty (30) day period, the Applicant may seek to extend the permit for an additional thirty (30) days by requesting an extension of cause from the Zoning Officer. No extensions shall be granted in excess of one hundred and eighty (180) days, including the initial period, except in the event of a catastrophic fire or other event causing substantial damage to the Structure.

2. Construction, Renovation, and Demolition Exception. Notwithstanding the provisions of Subsection (C)1, a dumpster shall be permitted for the period that a valid Building permit is issued for any construction, reconstruction, alteration, renovation or demolition of a Structure on a property located in the Township, upon compliance with all other provisions of this Ordinance. A valid Building permit shall be submitted with the permit application. All units or dumpsters must be removed prior to the occupancy of the Building. The Township shall not issue an occupancy permit until all units or dumpsters are removed from the property.

(D) Location. A permit granted under this Ordinance shall limit placement of a unit or dumpster to a single specified location that is identified in the permit. A unit or dumpster shall be located on a property or a Street in accordance with the following criteria:

1. A unit or dumpster shall not be placed closer than ten (10) feet from a property line unless placed on an existing impervious driveway.
2. No unit or dumpster may be placed so as to impede a parking area, loading area, aisle, driveway or cartway.
3. No unit or dumpster shall be placed within the Street Right-of-Way. However, in instances where placing the unit or dumpster in the Right-of-Way is the only option, then approval in writing must be obtained from the Township.
4. The unit or dumpster shall be placed in the first available location in the following order of priority: rear driveway (furthest point accessible from the Street), rear yard, front/side driveway, side yard, front yard, Street.
5. No unit or dumpster shall be placed on or over any curb or sidewalk.
6. The location of the unit or dumpster shall not impede clear sight lines.
7. The placement of the unit or dumpster shall not damage any portion of the public Street, including the berm or shoulder. Any damage to the Street, berm, or shoulder shall be paid and repaired by the permittee based on the review and approval by the Township Engineer. The permittee shall also be responsible for the cost of Township Engineer's inspection of the repair.
8. No unit or dumpster shall be located in a floodplain.

(E) Contents. The contents of a unit or dumpster shall comply with the following criteria:

1. No unit or dumpster shall contain any illegal or hazardous material, solid waste, or recyclable materials;
2. A dumpster must be emptied within three days of being filled to capacity;
3. A unit shall be removed from the property or Street within forty-eight (48) hours of being filled to capacity or filled to a point that no further personal property is to be added to the unit;
4. No unit or dumpster shall cause any foul, noxious or offensive odor to be emitted; and
5. At any reasonable time, the Zoning Officer or his or her designated agent may inspect the contents of a unit or dumpster to ensure compliance with this Ordinance.

(F) Responsibility. It shall remain the permittee's obligation to ensure that a unit or dumpster is secured such that it does not endanger the safety of persons or property in the vicinity. The permittee shall maintain the unit or dumpster in good condition, free from deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, holes and breaks at all times. Permittee is responsible to ensure the presence of reflective materials or illuminating marks on a minimum of four sides of the unit or dumpster. In addition to compliance with this Ordinance, permittee shall comply with all other federal, state or local statutes, rules and regulations applicable thereto.

(G) Revocation and Removal. All units or dumpsters shall be removed upon expiration of the permit. Any approved permit can be revoked by reason of the permittee's false statement or omission. The Zoning Officer can revoke any permit and/or, without notice, immediately remove the unit or

dumpster if the permittee violates this Ordinance; if the dumpster becomes a safety hazard; or if the unit or dumpster is not removed from the property prior to the expiration of the permit (or by direction of law enforcement officer or Township Public Works Director for safety reasons. The cost of removal by the Township shall be assessed against the property on which the unit or dumpster is located and filed as a lien by the Township.

- (H) Size. A unit or dumpster shall not exceed eight (8) feet six (6) inches in Height, ten (10) feet in width, or twenty (20) feet in length.
- (I) Emergency. In the event of high winds, weather conditions, or a natural disaster in which a unit or dumpster may become a physical danger to persons or property, the appropriate Township official or law enforcement officers may require the immediate removal of such unit or dumpster.
- (J) Preemption. Notwithstanding any of the provisions of this Ordinance, if the Commonwealth of Pennsylvania at any time has or places restrictions on roads over which it has jurisdiction that are more restrictive than the requirements of this Ordinance, then those restrictions shall supersede those of this Ordinance. If the Commonwealth of Pennsylvania notifies a permittee that he is in violation of a state standard, then such violation shall automatically rescind and void any permits issued under this Ordinance.
- (K) Liability Insurance. When placing a unit or dumpster in the public Street Right-of-Way is the only option, as a condition of the issuance of a zoning permit under Subsection (B)3., the applicant or property owner shall provide evidence of current commercial general liability insurance coverage as evidenced by an certificate of liability insurance, in an amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury and property damage and naming Middlesex Township as an additional insured. The certificate of liability insurance shall be subject to approval by the Township Solicitor and shall note a policy effective date and expiration date that covers the time period for which the permit has or will be issued and any applicable time period for which the permit may be extended.
- (L) Indemnification. The applicant or property owner shall execute an indemnity agreement, in a form reasonably acceptable to Middlesex Township, agreeing to indemnify, save harmless and defend the Township, its elected officials, appointees, agents, servants, and employees and each of them against and hold it and them harmless from any and all lawsuits, claims, demands, liabilities, losses and expenses, including court costs and reasonable attorney's fees, for or on account of any bodily injury to any person or any death at any time resulting from such injury or any damage to any property, which may arise or which may be alleged to have arisen out of or in connection with the placement or utilization of the unit or dumpster in the public Street Right-of-Way.

Section 4.24 Temporary Structures for Dwelling Purposes

Notwithstanding the requirements specified under Section 4.28(B) of this Ordinance, no tent, cabin, mobile home, garage, basement or other temporary structure, whether of a fixed or mobile nature, may hereafter be erected, established, or used for any dwelling purpose for any length of time unless approval for temporary use is granted by the Board of Supervisors.

Section 4.25 Toxic and Hazardous Substance Storage

Storage of toxic and hazardous substance shall meet the requirements of the Middlesex Township Building Code.

Section 4.26 Transit Bus Stops

Transit bus stops, which include both sheltered and non-sheltered infrastructure facilities that provide passengers safe access to both fixed-route and demand responsive public transportation services, shall comply with the requirements of this Ordinance, as well as the following specific criteria:

- (A) Bus stop infrastructure, including ADA loading pads, bus passenger benches, and bus shelters, as well as bus stop location signs and bus stop passenger information signs, shall be permitted by right in all zoning districts, including within public Rights-of-Way, and shall be considered an accessory use that can stand alone without the accompanying principal use.
- (B) Bus stop infrastructure shall be exempt from minimum Lot size, Open Space, yards, and setback requirements of the governing zoning district(s).
- (C) The location and design of the bus stop infrastructure shall be reviewed and approved by the applicable transit agency, Township, and in instances where the bus stop is proposed to be located within a state-owned Right-of-Way, PennDOT Engineering District 8-0. The transit agency shall provide written documentation certifying that a location is an existing or potential future bus stop. Such documentation should include an executed shelter location agreement with the property owner.
- (D) Whenever an ADA loading pad, bench for a bus stop, and/or bus shelter is provided, the applicable off-street parking requirements for the Lot's principal use may be reduced by one or more vehicular parking space(s) for each bus stop location.
- (E) Bus stop location signs and bus stop passenger information signs installed and maintained by the transit agency shall be permitted within the public Right-of-Way and on private property and shall be exempt from the Sign requirements specified under Article 5 of this Ordinance.

Section 4.27 Trash Dumpsters, Commercial

- (A) In addition to the other applicable requirements of the Township, commercial trash dumpsters shall be governed by the following provisions:
 - 1. Setbacks. Trash Dumpsters shall be located in accordance with the following setbacks, except for Neighborhood Development Design projects whereby the setback requirements specified under Section 4.11(F)4.c. of this Ordinance shall apply:
 - a. Twenty-five (25) feet from any residentially zoned or used property.
 - b. Five (5) feet from any non-residentially zoned or used property.
 - c. Twenty (20) feet from any public Street.
 - 2. Service Access.
 - a. Placement of trash dumpsters and enclosures shall be planned and constructed in a manner that allows unobstructed access to each trash dumpster and the unobstructed opening of the gates during the disposal process.
 - b. Trash dumpsters shall not be located in such a manner that the service Vehicle shall block any public Street or Alley.
 - c. When trash dumpsters are to be serviced from an Alley, enclosures shall be angled thirty (30) degrees and recessed off the Alley approximately six (6) feet (recessing

the enclosure is necessary so that gates do not open into the Alley to obstruct traffic and so that a Clear Sight Triangle can be achieved).

3. Screening. Shall be provided in accordance with Section 4.03 of this Ordinance.
4. Minimum Size.
 - a. All trash dumpsters shall be enclosed on three (3) sides by a six (6) foot tall enclosure to ensure that that the trash area is:
 - (1) Not visible from the Street, and
 - (2) Not visible from any single- or two-family home within fifty (50) feet.
 - b. Each screened enclosure shall provide a minimum ten (10) foot interior length and width subject to the following requirements:
 - (1) Each enclosure shall provide a minimum of twelve (12) inches of clear space between each side of the trash dumpster (including lifting flanges) and the adjacent wall surface of that enclosure, or any other trash dumpsters within that same enclosure; and
 - (2) Commercial trash dumpsters may be sized appropriately based on specific Use requirements.
 - c. Permitted materials for trash enclosures include materials that provide solid, opaque screening, such as:
 - (1) Masonry (such as concrete block, brick, or stone);
 - (2) Chain link with privacy slats; or
 - (3) Solid wood (real or composite) or vinyl fencing.
5. Service Gates.
 - a. All screened trash dumpster enclosures shall have gates and their construction shall be of sturdy metal frame and hinges with an opaque facing material consisting of wood or other solid material. Metal or plastic slats inserted in chain link are permitted and shall be maintained.
 - b. Service gates shall incorporate gate stops and latches that are functional in the fully open and closed positions.
 - c. Gates that swing out from the container shall be set back from the property line at least a distance equal to the width of the gate. Hinge assemblies shall be strong and durable so that access and servicing gates function properly and do not sag.
6. Applicability. This subsection applies to any and all Uses of land or Structures, including existing Uses and Structures; provided that, the requirements of this subsection shall not apply to any dumpster temporarily located on property for the receipt of construction or demolition waste during ongoing construction, renovation, demolition, or similar activities.

Section 4.28 Unenclosed Storage of Recreational Vehicles, Boats, Campers, Trailers, and Trucks**(A) Recreational Vehicles, Boats, Campers, Trailers, and Trucks.**

1. Within the NMC, A, R-1, C-2, and I Zoning Districts, the unenclosed storage of recreational vehicles, campers, travel trailers, commercial trucks, boats and trailers is permitted.
2. Within the R-2 and R-3 Zoning Districts, the unenclosed storage of recreational vehicles, campers, travel trailers, commercial trucks, boats, and trailers is permitted only according to the requirements specified below.
3. Within the MU-1 and MU-2 Zoning Districts, the unenclosed storage of recreational vehicles, campers, travel trailers, commercial trucks, boats, and trailers is prohibited.
4. For purposes of this section, recreational vehicles, campers, travel trailers, boats and trailers are divided into two separate categories, as follows.
 - a. Class I Vehicles. Those recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of the residents' recreational vehicle(s) that are no more than twenty-five (25) feet in length, as measured to the vehicle's outermost edges, nor exceed a Height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle.
 - b. Class II Vehicles. Those recreational vehicles, campers, travel trailers, boats and trailers used solely for the transport of the residents' recreational vehicle(s) that are more than twenty-five (25) feet in length, as measured to the vehicle's outermost edges, exceed a Height of ten (10) feet, as measured from the ground to the highest point of the main body of the vehicle, or both.
5. Recreational vehicles or campers with expandable roofs or sides shall be stored in the stowed position. The temporary parking of a Class I or II recreational vehicle or camper in a set-up position for a period not to exceed seventy-two (72) hours is permitted, so long as the vehicle is set back no less than five (5) feet from the edge of Cartway.
6. Vehicle Height shall not be measured on vehicle accessories (e.g., air conditioners, vents, hatches, masts, antennas, outrigger fishing poles, etc.), but shall be measured to the highest point of any flybridge or other boat console:
7. The storage of Class I vehicles registered to the landowner or tenant of a property shall be permitted subject to the following requirements:
 - a. One (1) vehicle plus one (1) vehicle per one half (1/2) acre of Lot area up to a maximum of three (3) vehicles, so long as each unit is set back no less than a horizontal distance equal to the zone's accessory use setbacks in the side and rear yard, and five (5) feet from the edge of the Right-of-Way in the front yard.
 - b. A paved surface shall be provided for the storage of Class I vehicles in the front yard.
 - c. All areas used for the storage of Class I vehicles shall be maintained to keep vegetation properly trimmed and debris or litter disposed of regularly.
 - d. All vehicles shall maintain required licensure and prevent the leakage of fuels, lubricants, or both, into the ground.

8. The storage of one (1) Class II vehicle is permitted subject to the following requirements:
 - a. Vehicles stored in the side or rear yard shall be set back a horizontal distance equal to the zone's accessory use setbacks.
 - b. Vehicles stored in the front yard on a paved or gravel surface shall be permitted, so long as the vehicle is set back no less than five (5) feet from the edge of Cartway.
 - c. All areas used for the storage of Class II vehicles shall be maintained to keep vegetation properly trimmed and debris or litter disposed of regularly. All vehicles shall maintain required licensure and prevent the leakage of fuels, lubricants, or both, into the ground.
 9. The storage or parking of one (1) commercial Truck upon any residential Lot is permitted. For the purpose of this section, commercial trucks shall include those that do not exceed a gross vehicle weight (Truck plus rated payload) of ten thousand (10,000) pounds. In addition, the parking or storage of any trailer other than those accessory to a principal residential use is expressly prohibited.
 10. No recreational vehicles, campers, travel trailers, commercial trucks, boats and trailers may be parked within the Street Right-of-Way for longer than twenty-four (24) hours without a special permit from the Board of Supervisors.
- (B) Temporary Use. Where a Building permit has been issued for the construction or alteration of a Building, a temporary permit for one (1) motor home or camping trailer to be used as a temporary residence may be issued for a period not to exceed six (6) months. Said temporary permit may be extended for one (1) additional period of six (6) months if it can be shown that construction has been diligently pursued and that justifiable circumstances require such an extension. Said residence may be occupied during the term of the temporary permit and shall be situated upon the Lot for which the Building permit has been issued. Prior to the issuance of such a temporary permit the location of said residence on the Lot shall be subject to Board of Supervisors approval. The Board of Supervisors may attach to their approval whatever conditions it deems necessary to carry out the intent of this Ordinance.

Section 4.29 Vehicular Access

- (A) Purpose. Whenever motor vehicle access is provided from the Street onto the Lot, the following regulations shall apply.
- (B) Required Vehicular Access. Every Building hereafter erected or moved to either a newly subdivided or vacant Lot which existed at the time of enactment of this Ordinance, shall be on a Lot adjacent to a public Street Right-of-Way. The erection of Buildings without approved access shall not be permitted. The erection of a principal Building on any Lot which existed at the time of the enactment of this Ordinance and does not have frontage on a public Right-of-Way shall be permitted if the Applicant provides proof of access to the property in the form of a legal document recorded with the Cumberland County Recorder of Deeds. If the existing document does not address access rights and maintenance responsibilities between the landowner and effected parties, or if no such document exists, a new document shall be recorded that does address these issues. In addition, the landowner shall enter into a binding legal agreement with the Township prepared by the Township Solicitor outlining the responsibility of each party as it pertains to the private Right-of-Way.
- (C) Access to the Lot shall comply with the following requirements:

1. All design standards specified for Driveways under Section 703.I of the Middlesex Township Subdivision and Land Development Ordinance shall apply;
2. Not more than two (2) driveways for each one hundred (100) feet of frontage on any Street or private road are permitted for each Lot;
3. In the residential districts, Single-Family Attached (Townhouse) driveways may Abut so long as all other requirements of this section are met;
4. No residential driveway shall be closer to a side property line than three (3) feet except shared driveways as may be permitted by the Township Subdivision and Land Development Ordinance. No portion of a driveway, including radius, may cross an extended side property except for single-family attached driveways;
5. Nonresidential driveways shall not cross the Street Right-of-Way commercial and industrial districts within twenty (20) feet of a property line unless two adjoining property owners mutually agree in a legally recorded instrument (i.e., deed, recorded subdivision) to a common driveway;
6. Prior to the issuance of a zoning permit, a site plan shall be submitted which includes the driveway location, width, construction specifications, sight distance and distance from property lines. A zoning permit shall be required when a driveway is newly installed, added, enlarged or relocated. Driveways located on a state road shall obtain a highway occupancy permit from the Pennsylvania Department of Transportation prior to the issuance of a zoning permit; and
7. Any new residential driveway required to be paved shall be constructed within a period of one (1) year from the issuance of a permit for the improvement upon the Lot. Any added, enlarged or relocated driveway shall be paved within one year of the issuance of a zoning permit. Any new nonresidential driveway shall be paved prior to receiving an occupancy permit or as soon as weather allows (referring to a paving season).

Section 4.30 Yard/Garage Sales

- (A) In addition to the other applicable requirements of the Township, Yard/Garage Sales shall also be governed by the following provisions:
1. A Yard/Garage Sale shall include only the occasional sale of personal effects and shall not include wholesale sales.
 2. A Yard/Garage Sale may be conducted no more than four (4) times per calendar year and last no longer than 48 hours each.
 3. Yard/Garage sales shall only be conducted by the owner of the Lot or tract where such activity is conducted or by an occupant of the dwelling unit thereon erected.

ARTICLE 5 SIGN REGULATIONS

Section 5.01 Purpose and Intent

- (A) Signs may be erected and maintained only when in compliance with the provisions of this Section and any and other ordinances and regulations relating to erection, alteration, or maintenance of signs and similar devices. Zoning permits will be required for the erection, alteration, and maintenance of all signs and billboards as specified in this Section.
- (B) The Sign regulations, controls and provisions set forth in this Section are made in accordance with an overall plan and program for the provision of public safety, land development, preservation of property values, and the general welfare of the Township and are intended to achieve the following objectives:
1. To aid in traffic control and traffic safety;
 2. To preserve and protect property values;
 3. To lessen congestion of land and air space;
 4. To provide against undue concentrations of signs that distract and endanger traffic safety and traffic flow;
 5. To establish reasonable standards for commercial and other advertising through the use of signs in order to maintain and encourage business activity and development;
 6. To recognize the rights of the public in roads, Streets, highways and the areas adjacent to those roads, Streets and highways;
 7. To preserve the wholesome and attractive character of the Township; and
 8. To recognize that the general welfare includes a community that shall be beautiful as well as healthy, spacious, and well balanced in its growth and development.
- (C) Protection of First Amendment Rights. Any Sign, display or device allowed under this Ordinance may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale, and that complies with all other requirements of this Ordinance.

Section 5.02 General Sign Requirements

- (A) Sign Construction and Maintenance.
1. All Signs must be constructed and maintained in accordance with regulations in the duly adopted Township Building code and property maintenance code.
 2. Signs must be constructed of durable material and maintained in good condition.
 3. No Sign shall be maintained within the Township in such a state of disrepair as to have the appearance of neglect, that is rotting or falling down, that is illegible, or has loose parts separated from fastenings.
 4. Whenever a Sign becomes structurally unsafe or endangers the safety of a Building or premise or endangers the public safety, the Zoning Officer shall give written notice to the owner of the

premises on which the Sign is located that such Sign must be made safe or removed within five (5) days.

(B) Sign Location.

1. Except in the case of Billboards, only those signs referring directly to services, materials, business entity or products made, sold, or displayed or business operated on the premises shall be permitted.
2. No Sign shall be placed in such a position as to endanger pedestrians, bicyclists, or traffic on a Street by obscuring the view or by interfering with official Street Signs or signals by virtue of position or color.
3. No Sign may occupy a Clear Sight Triangle.
4. Signs and their supporting Structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.
5. No Sign shall be erected or located as to prevent free ingress or egress from any window, door, or fire escape.

(C) Sign Area.

1. The area of a Sign shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background, whether open or closed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
2. Where the Sign consists of individual letters, designs, or symbols attached to a Building, awning, wall, or window, the area shall be that of the smallest rectangle which encompasses all the letters, designs, and symbols.
3. Multifaceted Signs. In computing square foot area of a double-faced Sign, only one (1) side shall be considered, provided both faces are identical and parallel. Otherwise, all sides shall be considered in calculating the Sign area.
4. Multidimensional Signs. Signs that consist of, or have attached to them, one (1) or more three-dimensional or irregularly shaped objects, shall have a Sign area of the sum of two (2) adjacent vertical Sign faces of the smallest cube encompassing the Sign or object.
5. If elements of a Sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.
6. The permitted maximum area for all signs is determined by the Sign type and is stipulated in Tables 5.09.1, 5.09.2, 5.09.3, and 5.09.4 under Section 5.09.
7. Within an area regulated by Section 2.18 Floodplain Conservation District of this Ordinance, no Sign shall exceed a total area of six (6) square feet, nor shall the cross-sectional area of any portion of the Sign below the Base Flood Elevation be greater than fourteen (14) square inches.

8. In the event that a symbol, trademark or other such figure is used as a signpost or standard that could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable Sign area.

(D) Sign Height.

1. No Sign or part thereof (including braces, supports or lights) shall exceed the height of twenty (20) feet if erected at the Right-of-Way line of the Street, road or highway adjoining the premises on which the Sign is located, plus one (1) foot additional height for each three (3) lineal feet that said Sign is located from such Right-of-Way line to the nearest part of the Sign. Regardless of its distance from the right-of way line, no portion of any Sign shall exceed thirty-five (35) feet in height measured from the actual grade of the premises directly below the face of the Sign (exclusive of mounds or other additions to the grade level) to the highest part of the Sign, unless otherwise specified in Tables 5.09.1, 5.09.2, 5.09.3, 5.09.4.
2. Sign Height shall be measured as the distance from the highest portion of the Sign to the mean finished grade of the Street closest to the Sign.
3. Clearance for freestanding and projecting Signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the Sign, including any framework or other structural elements.
4. The permitted maximum height for all Signs is determined by the Sign type as specified in Tables 5.09.1, 5.09.2, 5.09.3, 5.09.4.

(E) Sign Spacing. The spacing between Sign Structures shall be measured as a straight-line distance between the closest edges of each Sign.

(F) Sign Illumination.

1. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters, and in accordance with the applicable regulations in the duly adopted Township Building code.
2. Signs may be illuminated, unless otherwise specified herein, consistent with the following standards:
 - a. Light sources to illuminate Signs shall neither be visible from any Street Right-of-Way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
 - b. No Sign located within three hundred (300) feet of any traffic light shall be illuminated with red, green, or yellow lights.
 - c. No more than 0.5 foot-candle of light shall be detectable at the boundary of any abutting property.
 - d. Hours of Illumination.
 - (1) Signs on non-residential properties may be illuminated from 5 AM (prevailing time) prevailing time) until 11 PM (prevailing time), or one-half (½) hour past the close of business of the facility being identified or advertised, whichever is later.

- (2) Signs shall provide an automatic timer to comply with the intent of this Article.
 - e. Brightness. and digital displays are subject to the following brightness limits:
 - (1) During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
 - (2) At all other times, luminance shall be no greater than two hundred fifty (250) nits.
 - (3) Each Sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change to comply with the limits set herein.
 - f. Message Duration. See Changeable Signs, Section 5.11(A)3.
 - g. Flags shall be permitted to be illuminated from dusk till dawn and each flag shall be illuminated by a source or sources with a beam spread no greater than necessary to illuminate the flag.
3. Types of Illumination.
- a. External. Externally illuminated Signs are subject to the following regulations:
 - (1) The source of the light shall be concealed by translucent covers.
 - (2) External illumination shall be by a steady, stationary light source, shielded and directed solely at the Sign. The light source shall be static in color.
 - b. Internal. Internally illuminated Signs are subject to the following regulations:
 - (1) Internal illumination, including neon lighting, shall be static in intensity and color.
- (G) Sign Landscaping. The landscaping plan for any permanent freestanding Sign requiring a permit shall be created as follows:
- 1. The Sign shall be centrally located within a planted area (island) at least equal to the allowable area of a single face or advertising side for the subject Sign. The planted area shall also include ornamental shrubbery to minimize the visibility of poles, supports and braces of such Sign.
 - 2. The island shall be a minimum of one (1) foot in height and formed from materials such as, but not limited to, stone, brick, or landscape timbers. The island shall be maintained to keep it free of weeds, debris, and brush.
 - 3. A sketch of the Sign and island shall be submitted with the Sign permit application for review and approval by the Zoning Officer.
- (H) Sign Abandonment. Signs that are abandoned shall be removed by the persons responsible for the erection and/or maintenance thereof within thirty (30) days after notice of the abandonment to such persons by the Zoning Officer. If such persons fail or refuse to remove such abandoned signs after the notice aforesaid, the Zoning Officer may remove the signs at the expense of the persons responsible for the erection and/or maintenance thereof.

Section 5.03 Sign Permits

(A) Sign permits documenting compliance with this Section shall be required for Permanent (P) and Temporary (T) signs as noted in the tables in Section 5.09. In addition to the Sign Permit, a Building Permit is required for certain signs in accordance with the duly adopted Township Building code. Application shall be made on forms to be provided by the Zoning Officer. Permits must be kept on the premises (except for off-premise signs) where the Sign is displayed and must be produced and exhibited to the Zoning Officer upon request.

(B) Administration and Enforcement.

1. The Zoning Officer shall examine all applications for permits to erect and/or maintain signs and shall issue permits for signs which conform to the requirements of this part. The Zoning Officer, or his designees, shall record and file all applications, conduct an inspection of all signs and make such reports as the Board of Supervisors may require.
2. When the Zoning Officer finds that any Sign has been constructed, structurally changed, altered or erected, or is being maintained in violation of the provisions of this part, he shall notify promptly the owner, lessee or lessor thereof in writing. If the owner, lessee, or lessor fails to remove or alter the Sign to comply with the provisions of this part within ten business (10) days of the mailing of written notice, the Zoning Officer shall commence enforcement proceedings as provided in this Ordinance.
3. When the Zoning Officer shall find any Sign which is in immediate peril to persons or property, he shall be empowered to order it to be removed and the costs of such removal shall be borne by the owner or lessor and shall constitute a lien upon the premises.

(C) Permits for New Signs, Alterations, or Relocation.

1. No Sign hereafter shall be erected, structurally changed, altered, or moved until a permit has been obtained from the Zoning Officer. Such permit shall be issued only after the Zoning officer is satisfied that such Sign will comply with all applicable provisions of this Ordinance.
2. An application for a Sign permit shall be made on the forms provided by the Township and shall contain or have attached thereto the following information and documentation:
 - a. The name(s), address(es) and telephone number(s) of the applicant.
 - b. Name and address of the owner of the land on which the Sign is to be erected, altered, or relocated, together with the owner's written consent.
 - c. A site plan drawn to scale, showing the location of the Building, structure or Lot to which the Sign is to be attached or erected, and showing the position of the Sign with reference to the adjoining buildings, property lines and Streets;
 - d. A drawing to scale, showing the design of the Sign, materials to be used, colors, lighting, lettering, method of construction and means of attachment to the Building or the ground. For a directional Sign or an on-premise Sign, advertising activities being conducted on the real property, the drawing shall also contain an accurate representation of the advertising or informative contents of the Sign.
 - e. Name of the person, firm, corporation, or association erecting, altering or moving said Sign.

- f. A landscaping plan for any freestanding signs shall be provided in accordance with Section 5.02(G) of this Ordinance.
 - g. Any other information as the Zoning Officer shall require in order to show full compliance with this and all other applicable ordinances of the Township.
- 3. After a Sign permit has been issued, the owner of the Sign shall promptly notify the Zoning Officer within thirty (30) calendar days of the completion of the permitted activity and provide a photograph of the completed Sign. The Zoning Officer shall inspect the Sign and, if it is finished in accordance with permit, the permit shall be validated by signature of the Zoning Officer.
- 4. Permits for Existing Signs. All owners of signs in existence at the time of the effective date of this part of the Ordinance who do not hold permits, shall make application for a Sign permit within ninety (90) calendar days of said effective date. After receipt of an application to permit an existing Sign, the Zoning Officer shall inspect the Sign. If the Sign is safe and in good repair, the permit shall be issued to the applicant.
- 5. Permit Fees. Every applicant for a permit hereunder shall pay to the Township a fee regulated by this part in accordance with a fee schedule adopted by Resolution of the Board of Supervisors specified under Section 5.11 of this Ordinance.
- 6. If there is any change in location or dimensions of any Sign, or in advertising or informative contents of a Sign, a new permit shall be required. The following operations shall not be considered as creating a Sign and shall not require a permit:
 - a. Replacing Copy. The changing of the advertising copy or message on an approved painted or printed Sign or on approved signs that are specifically designed for the use of replaceable copy.
 - b. The Sign face (gross surface area portion of the Sign) may be changed if the new Sign face is equal to or reduced in height, Sign area, and/or projection.
 - c. Maintenance, painting, repainting, cleaning and other normal maintenance and repair of a Sign or a Sign structure, unless structural change is made or would otherwise render the Sign contrary to any ordinance, code or regulation.
- 7. Revocation of Permits.
 - a. The Zoning Officer shall revoke any Sign permit if the Sign, whether new or pre-existing, is moved or otherwise altered, either intentionally or by natural forces, in a manner which causes the Sign not to be in conformity with this Ordinance. Signs must be properly maintained, properly painted, and be kept free from all hazards, including but not limited to, faulty wiring, loose fastenings, being in an unsafe condition or detrimental to public health, safety, or general welfare. In the event of a violation of any of the foregoing provisions, the Zoning Officer shall give written notice specifying the violation to the current owner of the Sign and the current owner of the land upon which the Sign is erected to conform or to remove the Sign. The Sign shall be made to conform to the permit requirements within thirty (30) calendar days from the date of the notice, or, the Zoning Officer shall revoke the Sign permit and the subject Sign shall be removed by the owner of the Sign or the owner of the premises.

- b. Revocation of a permit shall not be cause for refund of the permit fee.
8. Expiration of Sign Permit.
- a. If the Sign authorized by any Sign permit has not been erected or completed within one hundred twenty (120) calendar days from the date of issuance of that permit, the Sign permit shall be deemed expired.
 - b. An expired Sign permit may be renewed within thirty (30) calendar days from the expiration date for good cause shown and upon payment of a permit extension fee, as established by resolution of the Supervisors.
9. Inspections. Upon expiration of the time permitted for construction, creation, or installation of a Sign in an issued Sign Permit, the Zoning Officer shall cause an inspection of the Sign for compliance with the application for such permit and supporting materials with this Ordinance and all other Township Ordinances. If the construction is not substantially complete at the time of inspection, the permit shall remain lapsed. If the construction is substantially complete but not in full compliance with the application for such permit and supporting materials, this Ordinance, and all other Township Ordinances, the Zoning Officer shall give the Owner or Applicant notice of the deficiencies and extend the Sign Permit an additional thirty (30) calendar days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If a Sign Permit has lapsed, no work shall be performed upon the Sign unless and until a new Sign Permit is obtained.
10. Removal of a Violating Sign. After issuing an enforcement notice that complies with the Pennsylvania Municipalities Planning Code Section 616.1, as amended, the Zoning Officer shall have the power to, and may remove, cause to be removed, or order the removal of signs that are in violation of this Ordinance. The Zoning Officer has the option of waiving the removal of a Sign if the business is for sale. The removal will be completed at the expense of the owner of the Sign or the owner of the premises, or both. Removal shall take place in the following instances.
- a. When any Sign constructed after the adoption of this Ordinance or any amendment to it is not in conformance with the provisions of this Ordinance.
 - b. If the Zoning Officer finds a Sign that presents immediate peril to persons or property, the Sign shall be removed.
 - c. When any Sign, whether existing on, or erected on or after the effective date of this Ordinance, is declared obsolete for any of the following reasons:
 - (1) Any directional or off-premises Sign which refers or pertains to a business or facility, the affairs of which are discontinued for a period of six (6) months or more.
 - (2) Any Sign which pertains to a time, event or purpose that no longer exists or applies.
 - (3) On premises signs for any businesses or facilities which have been vacant, unoccupied or not actively being offered for sale for a period of six (6) months or more.

11. Time of Compliance, Nonconforming Signs and Signs Without Permits. Except as otherwise provided herein, the Owner of any Lot or other Premises on which exists a Sign for which there is no current and valid Sign Permit, shall be obligated to remove such Sign.

Section 5.04 Nonconforming Signs

- (A) Any Sign lawfully existing or under construction before the date of enactment of these Sign regulations or upon any date on which these regulations are amended, which does not conform to one (1) or more of the applicable portions of this Ordinance, and any Sign which is accessory to a nonconforming use, shall be deemed a Nonconforming Sign. Permits for these signs shall be requested from the Township Zoning Officer within ninety (90) calendar days after the adoption of this Ordinance. Permits for these signs shall be marked as "Non-Conforming Sign Permits."
- (B) All such nonconforming signs will be required to conform at such time as seventy-five (75) percent or greater of the Sign area is changed in any way, including, but not limited to, relocation, design, lighting and/or material composition.
- (C) Modifications. Nonconforming Signs shall not be enlarged, extended, structurally reconstructed, or altered in any except in accordance with the requirements of Section 4.12(B) and until a permit has been obtained from the Zoning Officer as provided in Section 5.03(C). The foregoing requirement notwithstanding, a nonconforming sign may be modified in any manner that reduces the Sign's nonconformity without the need to obtain a Special Exception upon issuance of a sign permit by the Zoning Officer. A Sign permit is not needed for a new Sign face or changing of the advertising copy or message on an approved painted or printed Sign or on approved signs that are specifically designed for the use of replaceable copy.
- (D) Removal. Nonconforming signs may remain, provided they are maintained in good repair, except for the following:
1. As provided in Section 15.01, a Nonconforming Sign or the structure supporting the Sign which is damaged or destroyed to the extent of fifty (50) percent or more of the replacement value shall not be altered, replaced or reinstalled unless it is in conformance with these regulations.
 2. If the damage or destruction is less than fifty (50) percent of the replacement value, the Sign must be under repair within sixty (60) days and all repairs must be completed within six (6) months. The Sign shall not be enlarged in any manner.
 3. Upon approval of a Special Exception, a non-conforming Sign may be upgraded to bring it closer into compliance with the requirements of this Ordinance without the need to bring the Sign completely into compliance as stated in Subsection (B) above.

Section 5.05 Permitted Permanent Signs

The following permanent signs may be erected and maintained only when in compliance with the provisions of this Section and any and other ordinances and regulations relating to erection, alteration, or maintenance of signs and similar devices. Zoning permits will be required for the erection, alteration, and maintenance of these signs.

- (A) P1 – Signs erected by or under the direction of the Township or another governmental body (e.g., historical markers, traffic control signs and devices, etc.). See Table 5.09.1 (P1).
- (B) P2 – Signs identifying semi-public uses (e.g., schools, churches, public utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses). See Table 5.09.1 (P2).

- (C) P3 – Residential nameplates identifying name of home and/or its occupant, not including name listing on mailbox. See Table 5.09.1 (P3).
- (D) P4 – Property control signs (e.g., “No Trespassing,” “Private Property,” “No Hunting or Fishing,” “Posted,” “Private Drive,” or similar type signs). See Table 5.09.1 (P4).
- (E) P5 – Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of residents, contractors and/or realtors. See Table 5.09.1 (P5).
- (F) P6 – Individual business signs identifying the name and type of business and/or any trademark of the business conducted on the premises. This does not include businesses contained within Planned Centers, as defined in Article 6 of this Ordinance. See Table 5.09.1 (P6).
- (G) P7 – On-site directional, entrance, exit, rest room, and other informational signs. Signs regulating on-premises traffic (e.g., “In-Out”, “Enter-Exit”), parking or other functional subdivision, such as lavatory facilities, telephone, signs denoting other sections of a premises such as a “Lubrication”, “Office”, etc., bearing no commercial advertising. See Table 5.09.1 (P7).
- (H) P8 – Billboards. A Billboard is used to advertise products, services, or businesses or to disseminate messages at a location other than the premises on which the Sign is placed. See Table 5.09.1 (P8).
- (I) PC1 and PC2 –Planned Center Identification Sign. A Freestanding Sign that identifies the name and/or log of a Planned Center. The Sign also serves as a directory of business/tenants located within the Planned Center area. The directory portion of the Sign shall be limited to the names/logos of the tenants and/or businesses in the Planned Center and shall remain static except to change business names and/or logos as circumstances may require. See Table 5.09.3 (PC1) and Table 5.09.4 (PC2).
- (J) PC3 and PC4 – Anchor Tenant Sign for one (1) use. See Table 5.09.3 (PC3) and Table 5.09.4 (PC4).
- (K) PC5 and PC6 – Storefront Sign for one (1) use. See Table 5.09.3 (PC5) and Table 5.09.4 (PC6).
- (L) PC7 and PC8 – Storefront under-canopy signs for all principal uses. See Table 5.09.3 (PC7) and Table 5.09.4 (PC8).
- (M) PC9 and PC10 – Non-anchor signs for principal freestanding uses sharing common ingress and egress to Planned Center. Refer to Table 5.09.3 (PC9) and Table 5.09.4 (PC10) for details.
- (N) PC11 and PC12 – Planned Center directional signs for traffic circulation at Planned Centers. Refer to Table 5.09.3 (PC11) and Table 5.09.4 (PC12).
- (O) PC13 and PC14 – Planned Center light pole banners (made of a durable non-movable material that is fastened at both the top and bottom of the banner so as not to move) identifying the name of the Planned Center. Refer to Table 5.09.3 (PC13) and Table 5.09.4 (PC14).

Section 5.06 Permitted Temporary Signs

The following temporary signs may be erected and maintained only when in compliance with the provisions of this Section and any and other ordinances and regulations relating to erection, alteration, or maintenance of signs and similar devices. Zoning permits will be required for the erection, alteration, and maintenance of these signs.

- (A) T1 – Temporary signs of contractors, architects, mechanics, landscapers, financing institutions, and artisans, displayed only while actual on-site work is in progress. See Table 5.09.2 (T1).

- (B) T2 – Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than three (3) acres. See Table 5.09.2 (T2).
- (C) T3 – Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than three (3) acres. See Table 5.09.2 (T3).
- (D) T4 – Proposed development signs for residential and/or office complexes. See Table 5.09.2 (T4).
- (E) T5 – Proposed development signs for commercial, industrial and/or other nonresidential uses. See Table 5.09.2 (T5).
- (F) T6 – Special event signs and banners for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.) on the site of the permitted use. See Table 5.09.2 (T6).
- (G) T7 – Roadside stand signs for the sale of agricultural products upon a principal property. See Table 5.09.2 (T7).
- (H) T8 – Auctions, garage or yard sale signs upon properties conducting such sales. See Table 5.09.2 (T8).

Section 5.07 Prohibited Signs

The following signs are expressly prohibited in the Township unless specified otherwise in this Section.

- (A) *Abandoned Signs.* Any Sign located on a property that is vacant and unoccupied for a period of six (6) months or more; or any Sign that pertains to any occupant, business, or event unrelated to the present occupant or use; or any Sign in disrepair for more than thirty (30) calendar days, except real estate signs advertising a property for rent, lease, or sale, provide that such property is, in fact, for rent, lease, or sale.
- (B) *Animated and Moving Signs.* A Sign or other display with either kinetic or illusionary motion powered by natural, manual, mechanical, electrical or other means, including but not limited to flags having commercial messages, and all pennants, banners, streamers, propellers, and discs, as well as flashing signs, signs with illuminated elements that are used to simulate the impression of motion, and searchlights.
- (C) Any Banner or Sign of any type suspended across a public Street, without the permission of the Owner of the property and road.
- (D) Any Sign containing information that states or implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
- (E) Any Sign, banner, pennant, balloon, valance, or advertising display constructed of cloth, fabric, cardboard, or other non-durable material, intended to be displayed for a short period of time (except a permitted special event Sign). One bouquet of balloons shall be allowed on premises that sell balloons. Balloons shall also be permitted in temporary situations or on special occasions at a residence.
- (F) Any Sign that promotes illegal activity.
- (G) *Flashing Signs.* Any Sign that includes lights, or messages which flash, blink or turn on or off intermittently, at any time interval. This type of sign does not include a Changeable Sign as defined in Article 6 of this Ordinance and as regulated under this Section.
- (H) *Glaring Signs.* Signs with light sources or that reflect brightness in a manner that constitutes a hazard or nuisance. This includes signs with fluorescent text, graphics or background, as well as holographic signs.

- (I) Obstructive Signs. A Sign or other advertising device erected or maintained at any road intersection in a manner as to obstruct free and clear vision of the intersection.
- (J) Open flames used to attract public attention to a place of business or to an advertising Sign.
- (K) Posters and Handbills. Any signs affixed to any structures, trees or other natural vegetation, rocks or telephone poles.
- (L) Roof Signs. Any Sign attached to a Building shall not be placed on the roof or be higher than the wall to which it is attached.
- (M) Simulated Traffic Signs, Street Signs, and Obstructions. Any Sign that may be confused with, or obstruct the view of, any authorized traffic Sign, Street Sign or signal, obstruct the sight-distance triangle at any driveway or road intersection or extend into the public Right-of-Way.
- (N) Strings of Light. Any devices including lights that outline property lines, sales areas or any portion of a structure and are intended to advertise or draw attention to a business or commercial activity, except as follows:
 - 1. Lights used temporarily as holiday decorations.
 - 2. Lights or other devices used on a temporary basis on parcels on which carnivals, fairs or other similar temporary activities are held.
- (O) A-frame/ Wheeled Signs. Any portable "A" frame, wheeled or similar portable Sign is prohibited except on a temporary basis not to exceed seventy-two (72) consecutive hours not more than once per year.
- (P) Multiple Signs. Multiple signs, logos and insignia on a canopy or canopies attached to a Building or other structure are prohibited.
- (Q) Signs Adversely Affecting Life Safety. Signs that prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of the roof to any other part. No Sign of any kind shall be attached to a standpipe or fire escape.
- (R) Sign Emissions. No Sign that emits smoke, visible vapors, particles, sound or odor shall be permitted.
- (S) Mirrors. No mirror device shall be used as part of a Sign.
- (T) Signs placed on or affixed to vehicles and/or trailers that are parked on a public Right-of-Way, public property, or private property to be visible from a public Right-of-Way are prohibited where the apparent purpose is to advertise a product or direct people to a business, organization or activity.
- (U) Snipe Signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Ordinance.
- (V) No Sign shall display any matter in which the dominant theme of the material taken as a whole appeals to the prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value including, but not limited to:
 - 1. Any graphic illustration pertaining to specified sexual activities and/or specified anatomical areas; and,

2. Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above.

(W) An obsolete Sign that no longer advertises a bona fide business conducted or product sold.

Section 5.08 Exempt Signs

The following Sign types are exempt from the Township's Zoning Permit requirements.

- (A) Residential Nameplates. Up to two signs indicating address, number and/or name of occupants of the premises, that do not exceed two (2) square feet in area per side, and do not include any commercial advertising or other identification. See Table 5.09.3 (P3).
- (B) Decals. Decals not exceeding one square foot affixed to windows or door glass panels, indicating membership in a business group or identifying credit cards accepted at the establishment.
- (C) Flags, Emblems and Insignia of Government Agencies, Religious, Charitable, Public or Non-Profit Organizations. These are exempt from permit requirements, but flagpoles shall not exceed the maximum allowable Building height for the district in which located.
- (D) Handicapped Parking Space. Signs not exceeding two (2) square feet each in areas reserving parking for handicapped individuals. Such signs must comply with the duly adopted Township Building code and PennDOT regulations. See Table 5.09.3 (P7).
- (E) Holiday and seasonal decorations.
- (F) Private Drive Signs. On-premises private drive signs are limited to one per driveway entrance, not exceeding two (2) square feet in area, with language limited to the words "private drive" and the addresses of any residences using the private driveway. See Table 5.09.1 (P4).
- (G) Official Signs. Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by the Township under direction of the Board of Supervisors. See Table 5.09.1 (P1).
- (H) Personal Expression Signs. An On-Premise Sign, including flags, that expresses an opinion, interest, position, or other non-commercial message. Personal Expression Signs are not Political Yard Signs, and vice-versa. Personal Expression Signs of any Sign type, including Flags, provided they do not exceed three (3) square feet in area per side. There is no restriction on the number of personal expression signs permitted per property.
- (I) Seasonal Farm-Products Signs. Seasonal on-premises signs announcing the availability of seasonal farm products. Seasonal farm-product signs shall not be erected more than fifteen (15) calendar days in advance of the harvest of the produce in question and shall be removed within thirty (30) calendar days from the end of harvest. See Table 5.09.2 (T7).
- (J) Security and Warning Signs. On-Premise signs regulating the use of the premises, such as "no trespassing", "no hunting" and "no soliciting" signs that do not exceed two (2) square feet in area in residential areas and five (5) square feet in area in commercial and industrial areas. These limitations shall not apply to the posting of conventional "no trespassing" signs in accordance with state law. See Table 5.09.1 (P4).
- (K) Street Name Signs. Street name signs shall be designed and installed pursuant to the Street address requirements specified in the Middlesex Township Subdivision and Land Development Ordinance.

- (L) Temporary Real Estate Signs. Display of real estate sale, sold, or rent signs shall be limited to one (1) per Street frontage with a maximum of two (2) per property. One (1) real estate temporary directional sale Sign to direct buyers/customers to an open house, special event, etc. shall be allowed off premises with permission of the owner of the property where the Sign is erected. The real estate temporary directional Sign shall not be erected more than four (4) days prior to the event and shall be removed one (1) day after the close of the event. See Table 5.09.2 (T2 and T3).
- (M) Auctions, Garage or Yard Sale Signs. Signs advertising auctions, garage sales or yard sales are permitted, provided that no Sign shall exceed six (6) square feet in area and be erected more than 4 days prior to the event. One (1) yard sale Sign shall be allowed on premises. One (1) yard sale Sign shall be allowed off premises with permission of the property owner to direct customers to the yard sale. All signs shall be removed one (1) day after the close of the auction, garage or yard sale. See Table 5.09.2 (T8).
- (N) Memorial Signs/Tablets. Memorial plaques or tablets, grave markers, statutory or other remembrances of persons or events that are historical and/or non-commercial in nature.
- (O) Bulletin Boards for Public, Charitable or Religious Institutions. Bulletin boards for public, charitable, or religious institutions, when located on the premises thereof and with a Sign area of not more than twenty-five (25) square feet if single sided, or not more than fifty (50) square feet if double faced and used exclusively for non-commercial announcements.
- (P) Menu Boards for Eating Establishments. Menu boards for eating establishments, including those with drive-in and walk-up facilities, when located on the premises thereof and with a sign area of not more than twenty (20) square feet, and used exclusively to provide information pertaining to the items available for sale and the prices thereof. An eating establishment is permitted one (1) menu board for each drive-in lane or walk-up window. If located outdoors, menu boards for walk-up windows shall be located, arranged, and screened so as not to be visible from the Street. See Table 5.09.1 (P9) for details.

Section 5.09 Specific Sign Requirements

Tables 5.09.1, 5.09.2, 5.09.3, and 5.09.4 below stipulate requirements imposed upon Permanent (P), Temporary (T), and Planned Center (PC) Signs as permitted within the Township.

Table 5.09.1, Permanent (P) Sign Requirements

Sign Type	Maximum Number	Maximum Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
P1 - Signs erected by or under the direction of the Township or another governmental body.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All	N/A	No
P2 - Signs identifying semi-public uses (e.g., schools, churches, public utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	2 per principal use	64 square feet combined area (No single Sign over 32 square feet)	10 feet	Height of wall to which Sign is attached.	Height of wall to which Sign is attached.	10 feet, but no closer than 10 feet from any Lot line.	All	N/A	Yes
P3 - Residential nameplates identifying name of home and/or its occupant, not including name listing on mailbox.	1 per dwelling unit (except corner Lots where 1 facing each Street is permitted)	2 square feet	5 feet	Height of wall to which Sign is attached.	Not Permitted	Not Permitted	All	N/A	No
P4 - Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 50 lineal feet of property line	2 square feet per Sign in farm and residential areas and 5 square feet per Sign in commercial and industrial districts.	5 feet	Height of wall to which Sign is attached.	Not Permitted	Not Permitted	All	Not Permitted on trees in the right of way or utility poles.	No
P5 - Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of residents, contractors and/or realtors.	1 per Street entrance, but no more than 2 total	1 square foot per dwelling, not to exceed 32 square feet per Sign	For pole type signs, 16 square feet in area and 12 feet in height maximum. For monument type signs, 20 square feet area and 5 feet in height maximum.	Height of wall to which Sign is attached.	Height of wall to which Sign is attached.	10 feet, but no closer than 10 feet from any Lot line.	Where use is permitted.	Must be sited with a 10-foot setback from all property lines and outside the clear sight triangle for any intersections.	No
P6 - Individual business signs identifying the name and type of business and/or any trademark of the business conducted on the premises. This does not include businesses contained within Planner Centers, as defined herein.	3 per principal use, except when a Building is located on a corner Lot and has public entrances on 2 or more public ways, or where a	For freestanding signs 1 square foot per lineal foot of Lot width, not to exceed 64 square feet per Sign. Single sided freestanding signs shall not exceed	See Section 5.04 and 5.09 for additional requirements.	Height of wall to which Sign is attached.	Height of wall to which Sign is attached.	20 feet, but no closer than 10 feet from any Lot line.	Where use is permitted.	Neither flat wall Sign, nor wall projecting Sign shall be larger than 15 percent of the wall area to which the Sign is attached.	Yes

Sign Type	Maximum Number	Maximum Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
	Building has both a front and rear public entrance, 1 additional Sign may be erected.	32 square feet. For flat wall signs 0.5 square feet per lineal foot of Building front not to exceed 64 square feet.							
P7 - On-site directional, entrance, exit, rest room, and other informational signs.	Unlimited	6 square feet per Sign	5 feet	10 feet	Height of wall to which Sign is attached.	2 feet	All	See Section 5.04 as applicable.	No
P8 - Billboards	See Section 5.09 of this Ordinance.								Yes
P9 –Menu Board Sign for Eating Establishments	Maximum 1 per Drive Through Lane or walk-up window	20 square feet per Sign	6 feet	6 feet	6 feet	Not permitted.	CH	See Section 5.04 as applicable.	No

Table 5.09.2, Temporary (T) Sign Requirements

Sign Type	Maximum Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
T1 - Temporary signs of contractors, architects, mechanics, landscapers, financing institutions, and artisans, displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	32 square feet	8 feet	Not Permitted	Not Permitted	Not Permitted	All	Should a Sign be left on-site beyond allowable time period, the Township may impound it and recover a fee from owner equal to cost of impoundment and storage	Yes, if Sign area exceeds twelve (12) square feet
T2 - Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per Street frontage, maximum of 2 signs	24 square feet per Sign	5 feet	Height of wall to which Sign is attached.	Not Permitted	Not Permitted	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy or are subject to Township impoundment and a recovery fee.	No
T3 - Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per Street frontage, maximum of 2 signs	24 square feet per Sign	5 feet	Height of wall to which Sign is attached.	Not Permitted	Not Permitted	All	Same as above	No
T4 - Proposed development signs for residential and/or office complexes.	1 per Street frontage, maximum of 2 signs	1 square foot per unit of occupancy, not to exceed 32 square feet	10 feet	Height of wall to which Sign is attached.	Not Permitted	Not Permitted	All, but only after final plan is approved	Such signs shall be removed upon completion of construction of final unit	Yes
T5 - Proposed development signs for commercial, industrial and/or other nonresidential uses.	1 per Street frontage - maximum of 2 signs	1 square foot per 1,000 square feet of gross leasable floor area, not to exceed 32 square feet	10 feet	Height of wall to which Sign is attached.	Not Permitted	Not Permitted	Where use is permitted but only after final plan approval	All such signs shall be removed upon completion of Building construction	Yes
T6 - Special event signs and banners for businesses (e.g., grand openings, change of use	2 per business per year. (Special event	32 square feet if freestanding; 48	10 feet	Height of wall to which Sign is attached	Not Permitted	Not Permitted	Where use is permitted	Such signs may only be displayed for a	Yes

Sign Type	Maximum Number	Maximum Permitted Sign Area	Maximum Height of Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
or ownership, closeout sale, clearance sale, holiday sale, etc.) on the site of the permitted use.	sites for charitable or non-profit organizations shall be exempt from the limit of 2 per year)	square feet if attached to wall						combined total of 30 days.	
T7 - Roadside stand signs for the sale of agricultural products produced upon a principal property.	2 per property	16 square feet	6 feet	Height of wall to which Sign is attached	Height of wall to which Sign is attached.	5 feet	Where use is permitted	Roadside stand signs shall only be displayed during seasons when products are for sale.	No
T8 - Auctions/garage/yard sale signs upon properties conducting such sales.	Maximum of 2 signs	6 square feet per Sign	5 feet	Height of wall to which Sign is attached	Not Permitted	Not Permitted	All	See Section 5.05 for additional requirements.	No

Table 5.09.3, Planned Center (PC) Signage for Sites Containing Less Than 100,000 Square Feet of Gross Leasable Floor Area

Sign Type	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Letter Height	Permitted Zones	Other Requirements	Permit Required
PC1 - Planned Center Identification Sign.	1 per Planner Center	75 square feet	20 feet	18 inches	Where use is permitted.	This sign shall devote no less than 25 percent of the total sign area (per side) to the advertisement of the Planner Center's name.	Yes
PC3 - Anchor tenant sign for one use.	1 per side facing a Street, with a maximum of 2 signs	75 square feet per sign	Height of wall to which sign is attached.	42 inches.	Same as above	These signs shall only be provided as flat wall or wall projecting signs.	Yes
PC5 - Storefront sign for one use.	1 per principal use	1½ square foot per lineal foot of storefront up to a maximum of 50 square feet	Height of wall to which sign is attached.	30 inches	Same as above	This sign shall only be provided as a flat wall or a wall projecting sign. This sign shall be located at least four (4) feet from the edge of each storefront. Each tenant also shall be permitted one (1) non-illuminated sign, not to exceed six (6) square feet, which identifies the tenant's name and is located above the tenant's rear entrance in order to direct deliveries.	Yes
PC7 - Storefront under-canopy signs for all principal uses.	1 per principal use	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	8 inches	Same as above	No under – canopy Sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under – canopy Sign shall be no less than 8 feet, 6 inches above the finished grade below such Sign.	Yes
PC9 - Non-anchor signs for principal freestanding uses sharing common ingress and egress to Planner Center.	2 per principal use, but only 1 per wall	50 square feet per Sign, not exceeding 20 percent of wall area to which Sign is attached.	Height of wall to which Sign is attached.	28 inches	Same as above.	These signs shall only be provided as flat wall and/or wall projecting signs.	Yes
PC-11 – Planned Center Directional Signs.	1 per secondary Street entrance	6 square feet	6 feet		Same as above.	These signs shall be used to direct motorists to businesses and amenities within the Planner Center and shall contain only the Planner Center name and directional information.	Yes
PC-13 – Planned Center Light Pole Banners.	1 per light pole in the Planed Commercial Center	12 square feet per light pole	Height of light pole to which it is attached.		Same as above.	These banners shall contain only the name of the Planner Center and shall not be used to advertise any of the businesses or amenities located within the Planner Center. The banners must be made of rigid materials and fastened at both the top and bottom of the banner so not to move.	Yes

Table 5.09.4, Planned Center (PC) Signage for Sites Containing More Than 100,000 Square Feet of Gross Leasable Floor Area

Sign Type	Maximum Number	Maximum Sign Area	Maximum Height	Maximum Letter Height	Permitted Zones	Other Requirements	Permit Required
PC2 –Planned Center Identification Sign.	1 per Street frontage with entrance or exit	100 square feet	20 feet	18 inches	Where use is permitted.	This sign shall devote no less than 25 percent of the total sign area (per side) to the advertisement of the Planner Center's name.	Yes
PC4 - Anchor tenant sign for one use containing more than 150 lineal feet of storefront.	1 per side facing a Street, with a maximum of 2 signs	If sign is less than 300 feet from facing Street, then sign can be 1 square foot per each lineal foot of storefront up to a maximum of 100 square feet. If sign is more than 300 feet from facing Street, then sign can be 1.5 square feet per each lineal foot of storefront up to a maximum of 150 square feet.	Height of wall to which sign is attached.	42 inches.	Same as above	These signs shall only be provided as flat wall or wall projecting signs.	Yes
PC6 - Storefront sign for one use containing up to 150 lineal feet of storefront.	1 per principal use	1.5 square feet per lineal foot of storefront up to a maximum of 75 square feet	Height of wall to which sign is attached.	30 inches	Same as above	This sign shall only be provided as a flat wall or a wall projecting sign. This sign shall be located at least four (4) feet from the edge of each storefront. Each tenant also shall be permitted one (1) non-illuminated sign, not to exceed four (4) square feet, above the tenant's rear entrance in order to direct deliveries.	Yes
PC8 - Storefront under-canopy signs for all principal uses.	1 per principal use	4 square feet	To base of canopy, or where no canopy is provided, 10 feet.	8 inches	Same as above	No under – canopy sign shall have a vertical dimension of more than 18 inches from its lowest to highest point. The base of an under – canopy sign shall be no less than 8 feet, 6 inches above the finished grade below such sign.	Yes
PC10 - Non-anchor signs for principal freestanding uses sharing common ingress and egress to a Planner Center.	2 per principal use, but only 1 per wall	75 square feet per sign, not exceeding 20 percent of wall area to which sign is attached.	Height of wall to which sign is attached.	28 inches	Same as above.	These signs shall only be provided as flat wall and/or wall projecting signs.	Yes
PC12 – Planned Center Directional Signs.	1 per secondary Street entrance	8 square feet	6 feet		Same as above.	These signs shall be used to direct motorists to business and amenities within the Planner Center and shall contain only the Planner Center name and directional information.	Yes

PC-14 – Planned Center Light Pole Banners.	1 per light pole in the Planner Center	12 square feet per light pole	Height of the light pole to which it is attached.		Same as above.	These banners shall contain only the name of the Planner Center and shall not be used to advertise any of the businesses or amenities located within the Planner Center. The banners must be made of rigid materials and fastened at both the top and bottom of the banner so as not to move.	Yes
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Section 5.10 Billboards

- (A) Billboards shall be allowed by Special Exception upon approval of the Zoning Hearing Board only in the C-1, C-2, and I Districts as designated elsewhere in this Ordinance.
- (B) Development of Billboards shall not be subject to subdivision and land development plan approval, but shall comply with all applicable requirements of ordinances, codes, and regulations of the Township.
- (C) Lot requirements for Billboards shall be as follows:
 - 1. Billboards shall only be erected upon a Lot located entirely within the C-1 District, C-2 District, or I District.
 - 2. A Lot specifically for Billboard use may not be used for any other use or as a residential or non-residential Building Lot but may be consolidated with and conveyed as a Lot addition to an adjacent Lot.
 - 3. Billboards shall only be erected upon a Lot that is accessed by or adjacent to either a public road or a leased area or an easement at least fifty (50) feet wide with direct and continuous access to a public road, subject to recommendation by the Planning Commission and approval by the Board of Township Supervisors.
 - 4. The minimum area for a Lot in Billboard use is thirty thousand (30,000) square feet.
 - 5. The minimum Lot width, minimum Lot depth and minimum dimension of a property line on any one side of a Lot in Billboard use is fifty (50) feet.
 - 6. The maximum Lot coverage for a Lot in Billboard use is fifteen (15) percent.
 - 7. The maximum impervious area for a Lot in Billboard use is forty (40) percent.
- (D) Billboards are subject to the following additional restrictions:
 - 1. Every Billboard shall be identified on the structure with the name of the owner.
 - 2. All Billboards approved for erection or construction shall comply with duly adopted Building and construction regulations of this Township, and any other applicable federal, state or local laws, regulations or ordinances.
 - 3. All Billboards shall be attached to the ground by a single supporting monopole, or vertical metal or concrete post, pillar, pole or column.
 - 4. No Billboard shall obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.
 - 5. Billboards may be illuminated, but no direct ray of light shall extend beyond the face of the Sign. Lighting fixtures used to illuminate a Billboard shall be mounted on the top of the Billboard structure. Bottom mounted lighting is not permitted. All such Billboard lighting fixtures shall be constructed to prevent direct light from being directed toward residential buildings on adjacent or nearby land and to prevent glare perceptible to persons operating motor vehicles on public ways.

6. All properties upon which a Billboard is erected shall be regularly maintained so as not to create a nuisance by means of weeds, litter, vector habitation or violations of any other applicable federal, state or local laws, regulations or ordinances.
7. No portion of any Billboard shall exceed a height of thirty-five (35) feet above ground elevation as measured at any point within fifteen (15) feet in a circle around the base of the supporting monopole for the Billboard.
8. All Billboards shall be setback a minimum distance of forty (40) feet from any property line or utility easement line.
9. All Billboards shall be located not less than forty (40) lineal feet from the legal Right-of-Way of any existing Street, road or highway or from the dedicated Right-of-Way line of any Street, road or highway as shown on a subdivision or land development plan approved by the Township.
10. No Billboard shall be located at a lesser distance than 1,000 lineal feet from the following features:
 - a. The District boundary line of any adjoining residential Zoning District; or
 - b. Any Building used for residential purposes, including individual dwelling units and other buildings used for residential purposes such as but not limited to apartment houses, boarding houses, convalescent homes, group homes, hotels, lodging houses and motels.
11. The minimum distance required between all Billboards shall be 2,640 feet as measured along the centerline of the abutting roadway. Signs located on the opposite sides of the road or in an adjacent Municipality are subject to this distance requirement. In addition, no Billboard or off-premises Sign shall be erected within two hundred and fifty (250) feet of any existing freestanding on-premises Sign.
12. The maximum area for any one Billboard face shall be three hundred (300) square feet (inclusive of any border or trim, but excluding the base or apron, supports and other structural members), except in said Zoning Districts where the Billboard is located adjacent to and intended to be seen by vehicular traffic on the limited access highways known as "Interstate 81" and "The Pennsylvania Turnpike", in which latter locations said Billboard face shall not exceed fourteen (14) feet in vertical measurement or forty-eight (48) feet horizontally and in no event to exceed six hundred seventy-two (672) square feet per facing (inclusive of any border, trim or embellishment, which embellishment shall not exceed twenty-eight (28) square feet of area, but excluding the base or apron, supports and other structural members). The terms "face" and "facing" as used in this Section shall mean the surface area or surface areas of the structure containing the message of the Billboard or Billboards.
 - a. The Billboard face area shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire Billboard face above ground level.
 - b. A Billboard structure shall not contain more than two (2) facings with only one advertising message per face which facings may be placed only back-to-back or V-shaped at an interior angle of less than ninety (90) degrees.
13. Billboard Changeable Signs shall not be allowed in the following locations:

- a. Abutting a public Street where traffic merging conditions exist Billboard Changeable Signs located on the opposite sides of the road are also subject to this requirement.
 - b. Abutting a curve on a public Street which is posted with a traffic warning sign. Billboard Changeable Signs located on the opposite sides of the road are also subject to this requirement.
 - c. Abutting an Interstate; within 1,100 feet of an entrance to or exit from the Interstate as measured along the centerline of the Abutting Interstate. Billboard Changeable Signs located on the opposite sides of the road are also subject to this requirement.
 - d. Abutting a Principal Arterial providing access to an Interstate highway; within five hundred (500) feet of an entrance to or exit from the Interstate as measured along the centerline of the Abutting Principal Arterial. Billboard Changeable Signs located on the opposite sides of the road are also subject to this requirement.
14. It is recommended that Billboard Changeable Signs specified within this Section should not include advertising messages with telephone numbers, internet addresses, or similar complex information that could be distracting to motorists.

Section 5.11 Retail Fuel Sales Signs

- (A) Any establishment engaged in the retail sale of fuel for use by motor vehicles shall comply with all applicable regulations within this Section and the following requirements:
- 1. Establishments engaged in the retail sale of fuel for use by motor vehicles may also utilize a Changeable Sign to list the current prices of fuel disbursed on the premises on the same foundations of the main business identification Sign. If such a Changeable Sign is utilized, only the price may be changed, with price changes to be made no more than once an hour to reflect current fuel prices.
 - 2. If the Changeable Sign is separate from the main business identification Sign the Changeable Sign shall not project higher than ten (10) feet from the actual grade of the premises directly below the face of the Sign (exclusive of mounds or other additives to the grade level), shall maintain side and rear Yard Setbacks and shall not extend within fifteen (15) feet of any point of vehicular access to a public roadway. In addition, only the price may be changed, with price changes to be made no more than once an hour to reflect current fuel prices.
 - 3. The total area for the combination of the main business identification Sign and the Changeable Sign shall not exceed thirty-two (32) square feet for each exposed face.

Section 5.12 Changeable Signs

- (A) Changeable Signs as defined in Article 6 of this Ordinance, including, but not limited to Electronic Messaging Center (EMC) Signs and Light Emitting Diode (LED) Signs as defined in Article 6 of this Ordinance shall be permitted for all signs permitted in Section 5.04(B), (F), (H), (I), (J), (K), (L), (M), and (N) of this Ordinance subject to the following restrictions:
- 1. Changeable Signs shall only be permitted in the C-1, C-2 and I Zoning Districts, except that permanent type P2 signs permitted in accordance with Section 5.04(B) and Bulletin Boards permitted in accordance with Section 5.09 are allowed in Zoning Districts where semi-public

uses (e.g., schools, Place of Worship, public utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses are permitted as specified under Table 3.02.1 of this Ordinance.

2. Permitted only when installed in conjunction with, and on the structure of, a legally permitted permanent Flat Wall Sign or permanent Freestanding Sign.
3. For Billboard Changeable Signs and all other Changeable Signs, each message shall remain fixed for a minimum of twenty (20) seconds.
4. When a message is changed, the time interval used to change from one complete message to the next complete message shall be a maximum of one (1) second.
5. Messages shall not be illuminated by blinking, traveling, scrolling, training, intermittent, animated, flashing lights, or any form of movement.
6. The sign face shall have only one advertising message at any one time.
7. Messages that display static or movable video or movie-like images or real-life or animated life-like images are prohibited.
8. Changeable Signs shall not operate at brightness levels of more than 0.30-foot candles above ambient light levels as measured at five (5) feet above grade and the following distances from the Sign:

<u>Sign (sq. feet)</u>	<u>Distance (feet)</u>
Less than 300	150
300-400	200
Greater than 400	250

In addition to the requirements listed above, the brightness level of Changeable Signs shall be automatically adjustable to ambient light levels, and if the automatic adjustment feature malfunctions, the brightness level shall default to the nighttime ambient light level settings until the automatic adjustment equipment can be repaired.

9. Only one (1) Changeable Sign shall be permitted for each approved principal use on a property.
10. The owner of or applicant for a Changeable Sign and her, his, its and/or their successors, shall be required to coordinate and permit message access for local, regional, state, and national emergency services during emergency situations. Emergency messages are not required to conform to message standards listed herein.

ARTICLE 6 DEFINITIONS

Section 6.01 Rules of Interpretation

(A) The following rules apply to the interpretation of this Ordinance:

1. Words in the singular include the plural and those in the plural include the singular;
2. Words used in the present tense include the future tense;
3. The words "Person", "Applicant", "developer", and "Owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual engaged in the subject activity;
4. The word "Building" includes Structure and shall be construed as if followed by the phrase "or part thereof";
5. The word "Watercourse" includes channel, creek, ditch, dry run, spring, Stream and river;
6. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive;
7. The word "Lot" includes the word plot or parcel; and
8. The word "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged or designed to be used or occupied."

Section 6.02 Defined Words and Terms

(A) Words and terms used in this Ordinance shall have the meanings given in this Section. Unless expressly stated otherwise, any pertinent word or term not part of this listing but vital to the interpretation of this Ordinance, shall be construed to have their legal definition, or in absence of a legal definition, their meaning as commonly accepted by practitioners including Registered Design Professionals and/or Certified Planners.

ABANDONED SIGN – An abandoned Sign shall mean:

1. A Sign which has remained without bonafide advertising for a period of six (6) months, and for which the Sign owner has not made application for a current permit as provided hereinbelow, or which is without a current lease or license from the landowner, or as to which the Sign owner has ceased to attempt to lease the advertising space; or
2. A Sign which requires maintenance or repair in excess of twenty-five (25) percent of the replacement cost of the Sign as determined by the Zoning Officer after consultation with the Sign owner if said owner can be identified from the permit previously issued for such Sign.

ABANDONMENT – The relinquishment of property, or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

ABANDONMENT OF WELL – An abandoned or unused well may be defined as one or more of the following:

1. A well, other than a monitoring well, which has been out of service continuously for one year or more, and does not meet the definition of a standby well.
2. A monitoring well from which no measurement or sample has been taken for a period of three (3) years.
3. A well that is in such a state of disrepair that it cannot be made operational for its intended purpose.
4. A test hole or exploratory boring twenty-four (24) hours after construction and testing work has been completed.
5. A cathodic protection well that is no longer functional for its original purpose.
6. Any boring that cannot be satisfactorily completed as a well.
7. An inactive geothermal groundwater heat exchange system.

ABUT[TING] – To physically touch or border upon; or to share a common property line.

ACCESS DRIVE(WAY)– A paved surface, other than a Street, which provides vehicular access from a Street or private road to a Lot. An Access Drive may serve multiple properties and may require a shared access and maintenance agreement.

ACCESSORY USE OR STRUCTURE – A use or structure on the same Lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

ADDITION – An extension or increase in the footprint, floor area, Height or other dimension of a Building or Structure.

ADJACENT TRACT, PARCEL, OR LOT – Property that is Contiguous with, or directly across a public Street or other Right-of-Way from, the boundaries of any side of the subject property.

ADJUSTED TRACT AREA – The Gross Tract Area minus the Constrained Areas of the site that are not available for development in the underlying zoning district.

AGRICULTURAL COMMODITY – Includes any of the following transported or intended to be transported in commerce: (1) agricultural, aquacultural, horticultural, floricultural, viticultural or dairy products; (2) Livestock and the products of livestock; (3) ranch-raised fur-bearing animals and the products of ranch-raised fur- bearing animals; (4) the products of poultry or bee raising; (5) forestry and forestry products; and (6) any products raised or produced on farms intended for human consumption and the processed or manufactured products of such products intended for human consumption.

AIRPORT ELEVATION – The highest point of an airport's useable landing area measured in feet above sea level.

AIRPORT HAZARD – Any structure or object, natural or manmade, or use of land which obstructs the airspace required for flight or aircraft in landing or taking off at an airport or is otherwise hazardous as defined in 14 CFR Part 77 and 74 Pa. Cons. Stat. §5102.

AIRPORT HAZARD AREA – Any area of land or water upon which an airport hazard might be established if not prevented as provided for in this Ordinance and the Act 164 of 1984 (Pennsylvania Laws Relating to Aviation).

AISLEWAY – The traveled way by which cars enter and depart parking spaces.

ALLEY – A public Right-of-Way, other than a Street, affording secondary means of access to abutting property.

ALTERATION OF NATURAL SITE FEATURES – Any earth moving, clearcutting, filling, mining, dredging, grading, paving, excavating or drilling activities which require a permit or approval from Federal, State or local officials.

ALTERATIONS – As applied to a Building or structure, any change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

AMENDMENT – A change in Use in a district that includes revisions to this Ordinance text or the official Zoning Map. The authority for any amendment lies solely with the Township Board of Supervisors.

ANTENNA – an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

APPEAL – For the purpose of this Ordinance, an Appeal shall refer to a timely submitted and complete application on an application form prescribed by the Zoning Hearing Board for appeal of an order, requirement, Decision or Determination made by the Zoning Officer or rule or regulation adopted pursuant thereto.

APPLICANT – A landowner, developer or other Person who has filed an application for development, Building permit, zoning permit, approval to engage in any regulated earth disturbance activity, etc., at a property or project site within Middlesex Township.

APPROACH SURFACE (ZONE) – An imaginary surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of the runway based on the planned approach. The inner edge of the approach surface is the same width as the primary surface and expands uniformly depending on the planned approach. The approach surface zone, as shown on Figure 2.17.1, Federal Aviation Regulations (FAR), Part 77 Surface Areas, is derived from the approach surface.

ATTIC – That part of a Building which is immediately below and wholly or partly within the roof framing. Within a dwelling unit, an attic shall not be counted as floor area unless it is constructed as or modified into a habitable room by an average ceiling Height of five (5) feet or more, and a permanent stationary interior access stairway to a lower Building story.

AUTOMOBILE – A motor vehicle or a combination of vehicles having a gross vehicle weight rating or gross combination weight rating less than or equal to 26,000 pounds. For purposes of this definition, the gross vehicle weight rating shall be the value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle and the gross combination weight rating shall be the value specified by the manufacturer as the load weight of a combination.

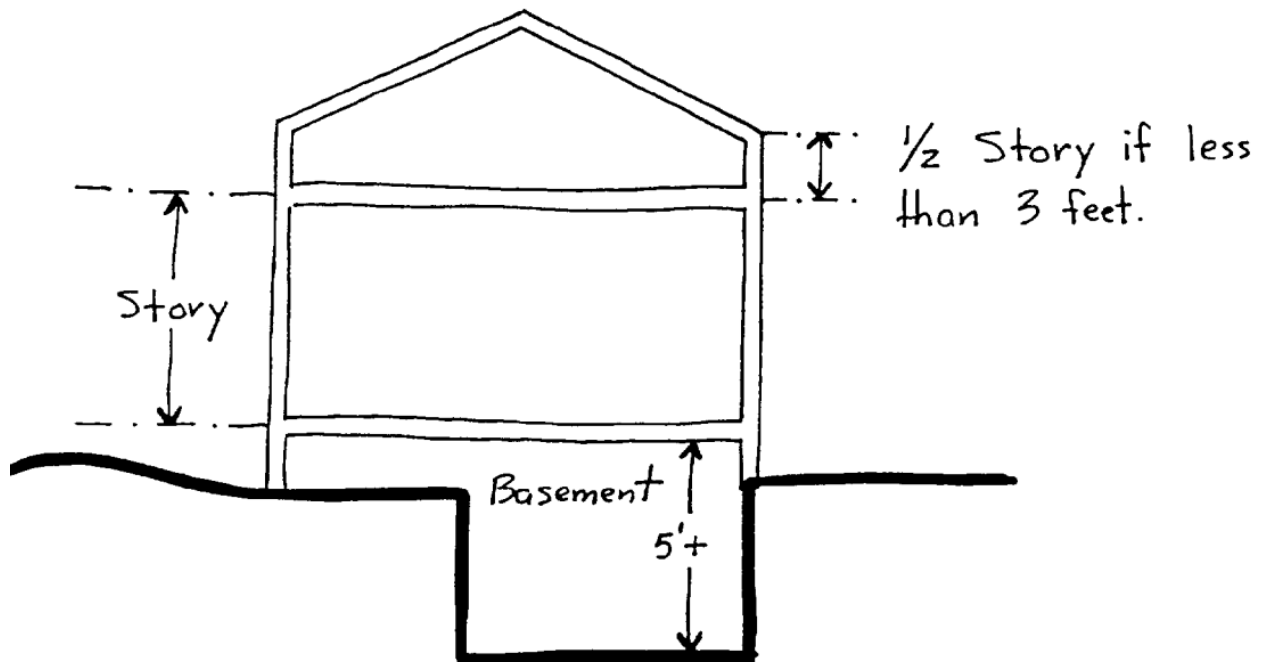
BASE FLOOD– A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

BASE FLOOD DISCHARGE – The volume of water resulting from a Base Flood as it passes a given location within a given time, usually expressed in cubic feet per second (cfs).

BASE FLOOD ELEVATION (BFE) – The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT – That portion of a Building that is partially or wholly below ground level. This portion serves as a substructure or foundation for a Building. A basement shall be counted as a story for the purpose of height measurement, if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet (See Figure 6.02.1).

Figure 6.02.1, Basement and Story



BERM – A landscaped mound of earth or the act of pushing earth into a mound to shield, screen and buffer two separate, incompatible land uses. Berms may also be used to provide visual interest, decrease noise and control the direction of water flow.

BEST MANAGEMENT PRACTICES (BMPs) – State-of-the-art recommended practices for controlling stormwater runoff or handling hazardous substances.

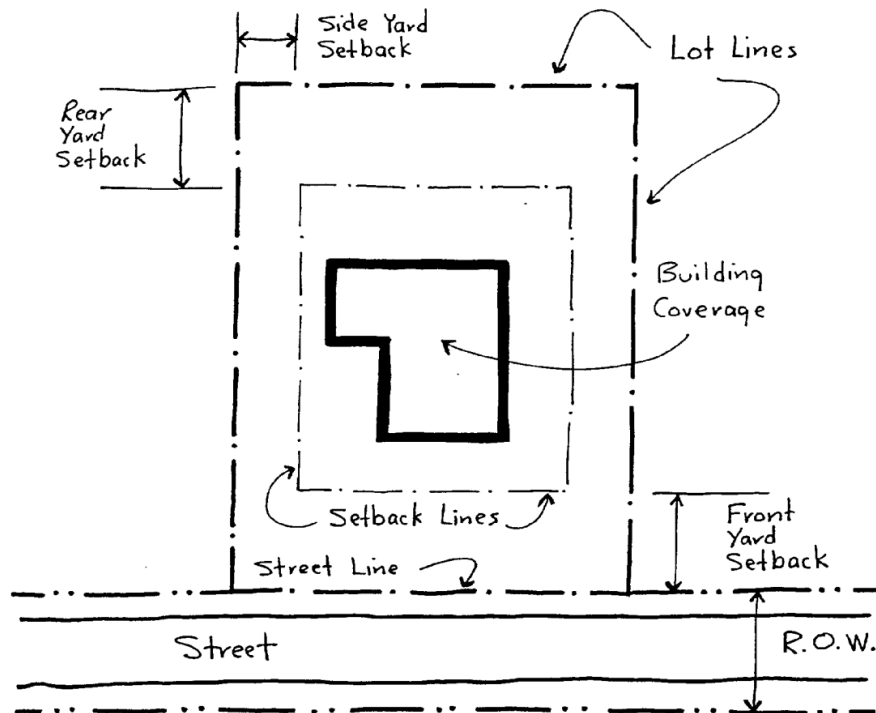
BOARD OF SUPERVISORS – The Board of Township Supervisors of the Township of Middlesex.

BUILDING – Any structure, whether temporary or permanent, having walls and a roof or other covering and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes stated above.

BUILDING AREA –The horizontal area measured around the outside of the foundation walls plus the floors of roofed porches and roofed terraces, and including the area of accessory buildings if any. In the case of split-level dwellings, the "first floor area" shall be deemed to include floor areas on two non-overlapping levels, separated by a half story, or less, of height.

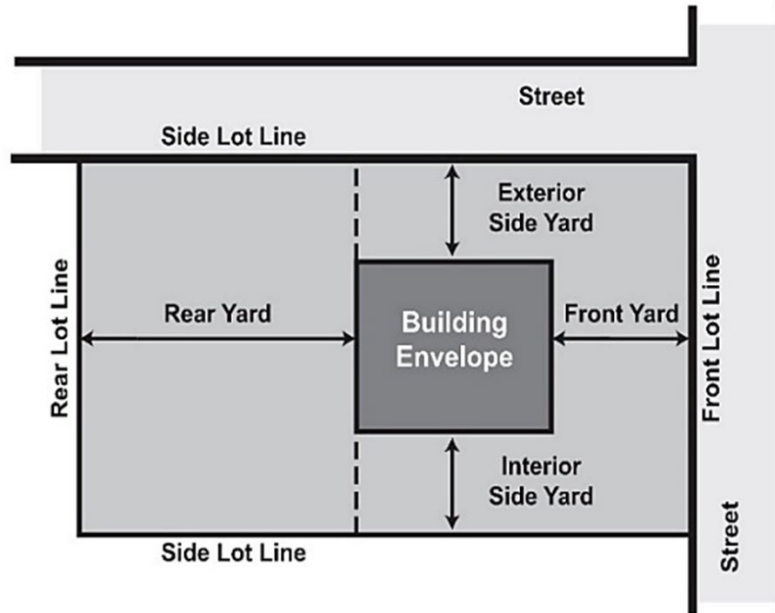
BUILDING COVERAGE – Total area of a Lot covered by Buildings. Measured from the outside of all exterior walls at ground level, it includes all exterior stairways, covered parking and walkways. (See Figure 6.02.2).

Figure 6.02.2, Building Coverage



BUILDING ENVELOPE – The area within a Lot where Buildings and other improvements shall be located as determined by the applicable Yard setbacks (See Figure 6.02.3).

Figure 6.02.3, Building Envelope

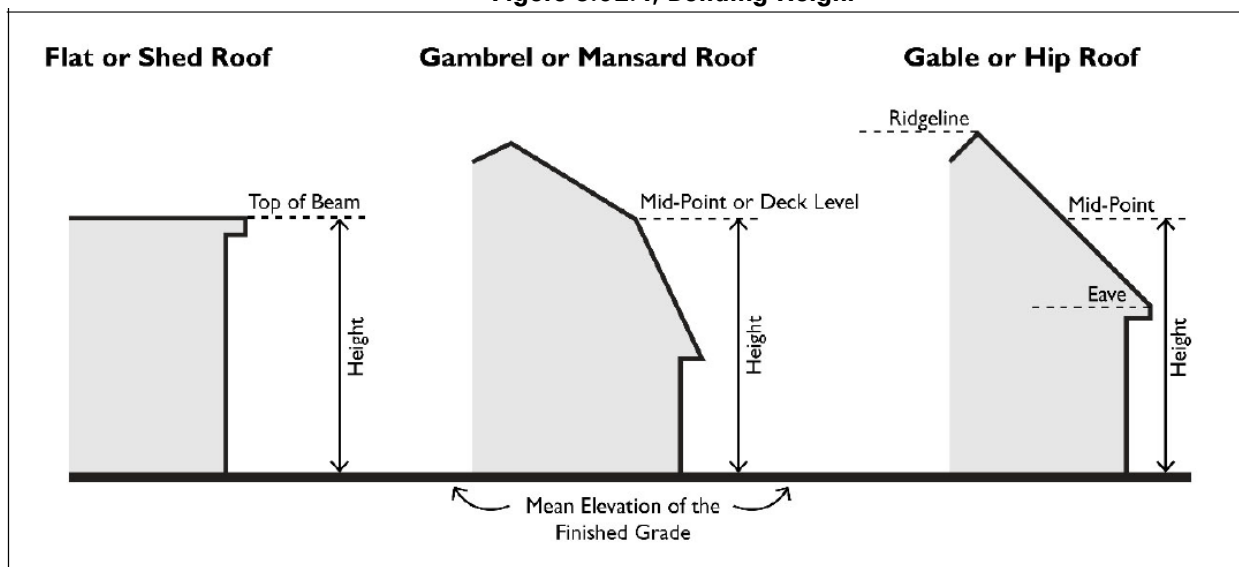


BUILDING FACE – The general outer surface of any exterior wall of a Building or other Structure.

BUILDING FRONTAGE – The maximum linear width of a Building measured in a single straight line parallel, or essentially parallel, with the abutting public Street or parking Lot.

BUILDING HEIGHT – The vertical distance calculated by subtracting the elevation of the highest point on the roof on flat or shed roofs and/or the elevation of the deck line on gambrel and mansard roofs and/or the average height between eaves and ridges on gable or hip roofs from the average elevation of finished grades at the outside walls facing and/or nearest to the Front Yard Setback lines (See Figure 6.02.4).

Figure 6.02.4, Building Height



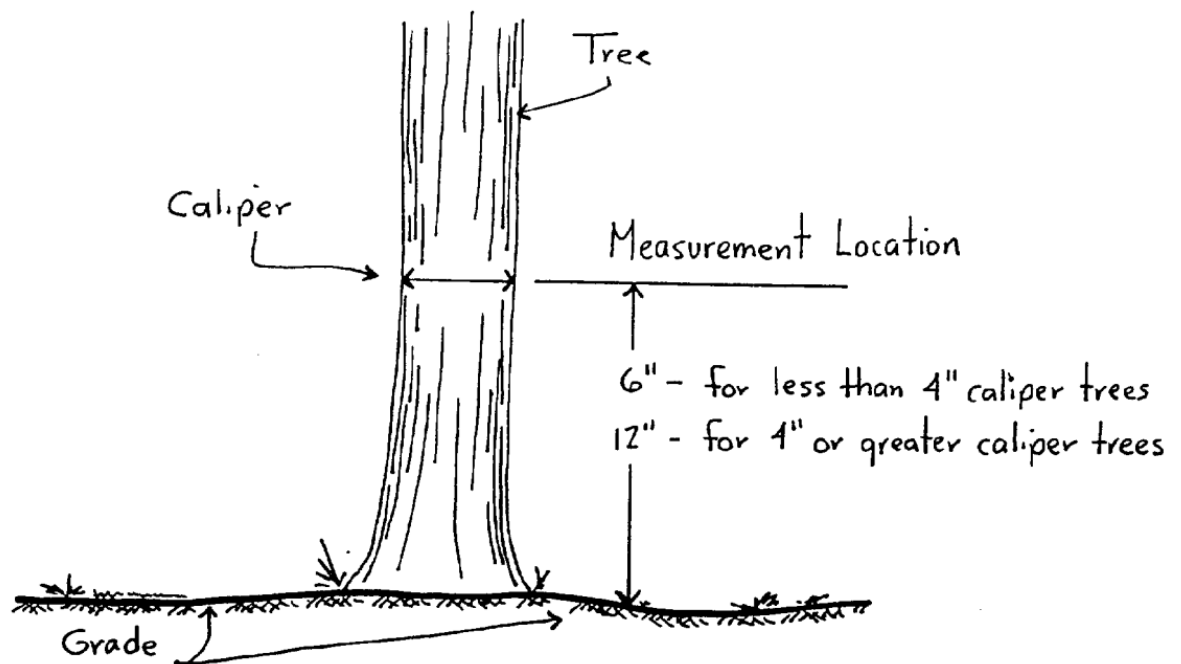
BUILDING SETBACK LINE (SETBACK) – The line within a property defining the required minimum distance between any structure and any adjacent street rights-of-way, and the lines defining side and rear yards, where required.

BUFFER – An area within a property or site generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to limit continuously the view, sound and/ or light from the site to adjacent sites or properties.

BUSINESS DAY – Means a day that is not a recognized municipal or federal holiday and is not a Saturday or Sunday.

CALIPER, TREE – The diameter of a tree trunk, measured in inches, six inches above ground level for trees up to four inches in diameter and twelve (12) inches above ground level for trees over four (4) inches in diameter. The term applies to nursery stock (See Figure 6.02.5).

Figure 6.02.5, Tree Caliper



CARBONATE – A sedimentary bedrock made up of limestone and/or dolomite that is highly permeable and prone to fractures, solution channels and the formation of sinkholes.

CERTIFICATE OF USE AND OCCUPANCY – A certificate issued and enforced by the Township's appointed code enforcement officer after completion of the construction of a new Building or after a change or conversion of the Structure or use of a Building, and prior to the use of said Structure or Building, which certifies that all requirements and regulations as provided herein, as well as all other applicable requirements, have been satisfied.

CERTIFIED PLANNER – A person that has received certification through the American Institute of Certified Planners (AICP).

CHICKENS – Female poultry or fowl of the species gallus domesticus.

CLEAR SIGHT DISTANCE – An area of unobstructed vision measured at the centerline of the Cartway to an object one and one-half (1½) feet above the pavement, from a Height of three and one-half (3½) feet and ten (10) feet from the edge of paving at the intersection. Sight distances shall be designed pursuant to the Middlesex Township Subdivision and Land Development Ordinance.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at Street intersections defined by lines of sight between points at a given distance from the intersection of the Street center lines.

COLLOCATED WIRELESS COMMUNICATIONS FACILITY (COLLOCATED WCF) – Wireless communications facilities that are attached to existing structures, such as, but not limited to Buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles, and other similar structures that do not require the installation of a new or replacement wireless support Structure.

COLLOCATION – The mounting of one or more WCFs, including antennas, on a pre-existing Structure, or modifying a Structure for the purpose of mounting, or installing a WCF on that Structure.

COMMERCIAL VEHICLE – Any type of motor vehicle used for transporting goods or passengers for compensation. Commercial vehicle operations are categorized as either intrastate or interstate operations. Interstate operations require the applicant to operate in Pennsylvania and at least one other jurisdiction.

COMMON FACILITIES – All the real property and improvements, owned in common by residents within the development; which is served by the facilities. Common facilities include, without limitation, landscaped areas, buffers, Common Open Space land not included within title lines of any privately owned Lot, and Street Rights-of-Way not dedicated to the municipality.

COMMUNITY ASSOCIATION – A non-profit organization comprised of homeowners or property owners, the function of which is to maintain and administer property owned in common by members of the association or by the association, to protect and enhance the value of the property owned individually by each of the members. Homeowners Associations and Condominium Associations are types of Community Associations.

COMPREHENSIVE PLAN – The Comprehensive Plan adopted by the Board of Township Supervisors pursuant to Article III of the Pennsylvania Municipalities Planning Code which indicates the general locations recommended for the various functional classes of public works, places, and structures, and for the general physical development of the Township, and includes any unit or part of such plan separately adopted and any amendment to such plan or part thereof.

CONDITIONAL USE – A Use conditionally permitted in a particular Zoning District under this Ordinance that may be undertaken only following the approval by the Board of Supervisors and the subsequent issuance of a Zoning Permit by the Zoning Officer pursuant to standards and criteria established in this Ordinance.

CONDOMINIUM – Real estate, portions of which is designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those separate portions, in accordance with the Pennsylvania Uniform Condominium Act 1980-82, as amended.

CONICAL SURFACE (ZONE) – An imaginary surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally to one (1) foot vertically for a horizontal distance of 4,000 feet. The conical surface zone, as shown on Figure 2.17.1, Federal Aviation Regulations (FAR), Part 77 Surface Areas, under Section 2.17 of this Ordinance, is based on the conical surface.

CONSERVATION DESIGN – A method of subdivision design as described in Section 4.06 of this Ordinance.

CONSERVATION SUBDIVISION – A form of residential development where Lot sizes are reduced below those required in the underlying zoning district in which the development is located in return for the provision of permanent Open Space and the conservation of environmentally sensitive areas.

CONSISTENCY – An agreement or correspondence between matters being compared which denotes a reasonable, rational, similar connection or relationship.

CONSTRAINED LAND – Selected resources listed in Table 4.06.1, Constrained Area Types and Multiplier Factors, Section 4.06 of this Ordinance Section Zoning Ordinance, multiplied by a protection factor and totaled.

CONSTRUCTION – The erection or installation of a new Building, Structure, or object, as well as modifications or improvements to existing Buildings, Structures, or objects.

CONTIGUOUS TRACT/PARCEL, OR LOT – All portions of one operational unit as described in the deed or deeds, whether or not the portions are divided by streams, public roads or bridges and whether or not the portions are described as multiple tax parcels, tracts, subparts or other property identifiers. The term includes supportive lands, such as unpaved field access roads, drainage areas, border strips, hedgerows, submerged lands, marshes, ponds and streams.

COOP – A Structure, either portable or permanent, to shelter poultry.

COUNTY – The County of Cumberland, Commonwealth of Pennsylvania.

DECISION – A final adjudication of any board or other body granted jurisdiction under this Ordinance do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from Determinations. All Decisions shall be appealable to the Court of Common Pleas of Cumberland County and applicable judicial district wherein the Township lies.

DECLARATION OF LAND RESTRICTION (NON-CONVERSION AGREEMENT) – A form signed by the property owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain enclosures below the lowest floor of elevated buildings and certain accessory structures. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

DEMOLITION OR DEMOLISH – The removal or destruction of all or part of a Building or Structure. Demolition includes, but is not limited to:

1. Permanent removal of any portion of any structural element such as a Roof or exterior wall, or any significant Building elements such as cornices, doors, windows, doorways, porches, or chimneys.
2. Permanently covering or obscuring any portion of any Roof or exterior wall, or any significant exterior Building elements.
3. Removing all or part of a Building or Structure that has been damaged by a fire, flood, or other disaster.

DENSITY – The average number of persons, families, or dwellings per unit of area (acre, square mile, etc.).

DETERMINATION – Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. the Governing Body; or
2. the Zoning Hearing Board.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; Streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DIAMETER AT BREAST HEIGHT (DBH) – The measurement of the tree in inches, specifically four (4) feet six (6) inches above natural grade on the uphill side of the tree. In the case of trees with multiple trunks, the diameter of all stems (trunks) at breast height shall be combined to calculate the diameter at breast height of the tree.

DISABILITY – A physical or mental impairment that substantially limits one or more major life activities, a Person who has a history or record of such an impairment, or a Person who is perceived by others as having such an impairment.

DOMESTICATED ANIMAL – An animal, as the horse or cat, that has been tamed and kept by humans as a work animal, food source, or pet, especially a member of those species that have, through selective breeding, become notably different from their wild ancestors.

DRIVEWAY – A private drive providing access between a public or private street and a permitted use or structure.

DWELLING, FRONT FACADE - The plane of the facade of the Building closest to the Street Right-of-Way, excluding stoops, porticos, open colonnades, and open porches.

EARTHMOVING ACTIVITY – Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth, excluding the tilling of the soil.

EASEMENT – A right to cross or otherwise Use someone else’s land for a specified purpose. Such as ingress or egress or utility installation and maintenance.

EAVELINE – Lower edges of a roof that overhang a Building’s exterior walls.

ELECTRIC VEHICLE – Any vehicle that operates in any way on electrical energy which includes but is not limited to the following:

1. A battery Electric Vehicle.
2. A plug-in hybrid Electric Vehicle.
3. A neighborhood Electric Vehicle.
4. A medium-speed Electric Vehicle.

ELECTRIC VEHICLE CHARGING SPACE – An off-street parking space designated for an Electric Vehicle to park while charging.

ELECTRIC VEHICLE CHARGING STATION – A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle.

ELECTRIC VEHICLE MAKE READY – Infrastructure that will support the future installation of an Electric Vehicle Charging Station.

ENCROACHMENT, MAJOR – A type of obstruction that is a permanent structure constructed or erected in a fixed location in the public Right-of-Way that is structurally or otherwise integral to abutting property and are assumed to be conveyed with any transfer of the Building to the original permittee’s successors or assigns. Major encroachments include but are not limited to foundations, fences, vaults, retaining walls, ramps, steps, balconies and non-standard infrastructure.

ENCROACHMENT, MINOR – A type of obstruction that is minor in nature, posing little long-term physical impact on the public space and which can be removed with relative ease. Minor encroachments are often desirable or convenient, but not necessary or required, for the use and enjoyment of private property and will be considered for permit by the Township where such encroachment does not interfere with the public’s safety, convenience, use, or enjoyment of the public Right-of-Way. Minor Encroachments include but are not limited to, planters, benches, bike racks, overhead projecting awnings without footers, overhead projecting signs, Building or mechanical equipment that project over the Right-of-Way (ROW), and most fences.

ENVIRONMENTALLY SENSITIVE AREAS – An area on a development site with one or more of the following characteristics:

1. Any area of archeological significance as defined by the Pennsylvania Archaeological Site Survey;
2. Any Building, structure, object, district, place, site or area significant in the history, architecture, maritime heritage, archaeology or culture of the Commonwealth of Pennsylvania as defined by the Pennsylvania Historical and Museum Commission;

2. Habitats of endangered species or threatened species as designated by applicable Laws, including Environmental Laws
3. Any floodplain or other Special Flood Hazard Area as defined by FEMA;
4. Soils determined by the United States Department of Agriculture defined as being highly erodible and/or having a high water table; and
5. Wetlands and surface waters as defined by Title 25 Chapter 93 of the PA Code including surface waters of exceptional ecological significance and exceptional recreational significance.

EPA – United States Environmental Protection Agency.

EQUINE – Relating to or affecting horses or other members of the horse family.

EQUIPMENT COMPOUND – An area surrounding or adjacent to a wireless support Structure within which base stations, power supplies, or accessory equipment are located.

EXISTING LAND USE – The use of a property as of the date this Ordinance was adopted.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION –A manufactured home park or subdivision for which the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXOTIC WILDLIFE – The phrase includes, but is not limited to, all bears, coyotes, lions, tigers, leopards, jaguars, cheetahs, cougars, wolves and any crossbreed of these animals which have similar characteristics in appearance or features. The definition is applicable whether or not the birds or animals were bred or reared in captivity or imported from another state or nation.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – The expansion to an existing manufactured home park or subdivision – the preparation of additional sites by the construction of facilities for servicing the Lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of Streets, and either final site grading or the pouring of concrete pads).

FAA – Federal Aviation Administration of the United States Department of Transportation.

FAÇADE – The face of a Building, especially the principal front that looks onto a Street or Open Space.

FAMILY – An individual or two or more persons related by blood, foster relationship, marriage, or adoption and up to one (1) unrelated person; or up to four (4) unrelated individuals living and cooking together as a single housekeeping unit with single cooking facilities and shared utility services. Buildings with more than one (1) set of cooking facilities are presumed to contain multiple dwelling units unless it can be shown the additional cooking facilities are clearly accessory, such as an outdoor grill. Shared utility services mean the Dwelling Units is served by one electric meter, one gas line, and/or one sewer line. A roomer, boarder or lodger shall not be considered a member of the family. This definition shall not be construed to include persons occupying Community Residences, Rooming Houses, Boarding Houses, Bed

and Breakfast establishments, Hotels, Motels, Fraternities, Sororities, Short-term Rentals, or other similar lodgings.

FCC – Federal Communications Commission.

FENESTRATION – An architectural feature that provides a real, functional opening that allows light to pass or filter through; or faux opening (a decorative veneer giving the appearance of an opening) in the building façade, through the installation of curtain walls, or recessed or protruding windows or doors.

FINISHED GRADE – The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

FLOOD – A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM) – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) – The official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or Watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPROOFING – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY – The channel of a river or other Watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA, GROSS – See GROSS FLOOR AREA (GFA).

FLOOR AREA, GROSS LEASABLE – The total floor area designed for occupancy by an Owner or tenant, as measured to the center of interior joint walls and the exterior of outside walls.

FOOT CANDLE – A measure of illumination produced by 1 candle, at a distance of 1 foot on a 1 square foot area.

FRACTURE TRACE – Natural, linear-drainage, soil-tonal and topographic alignments, usually visible on aerial photographs, which are commonly the surface manifestations of corresponding zones of fracture concentration within underlying bedrock. Particularly in soluble rocks (e.g., limestone and dolomite), fracture zones cause increased bedrock porosity and permeability, resulting in rates of groundwater movement that are greater than the surrounding bedrock.

FRONTAGE – The linear measurement taken along a property's common boundary with an adjoining Street Right-of-Way, other than that of a limited access highway.

FRONTAGE BUILDOUT – The percentage of the property width that is occupied by the Building facade within the front yard.

FRONTAGE, STREET – The side or sides of a Lot abutting on a public Street or Right-of-Way.

GARAGE, FRONT LOADED - A garage having its vehicular entry door facing the Street.

GARAGE, REAR LOADED - A garage having its vehicular entry door facing an Alley or rear lane.

GARAGE, SIDE LOADED - A garage having its vehicular entry door facing the side yard.

GLARE – Excessive brightness in the field of view that is sufficiently greater than the brightness to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility, so as to jeopardize health, safety or welfare.

GOVERNING BODY – The Board of Supervisors of Middlesex Township, Cumberland County, Pennsylvania.

GRADE (ADJACENT GROUND ELEVATION) – The lowest point of elevation of the finished surface, paving or sidewalk within the area between the Building and the property line. When the property line is more than five (5) feet from the Building, the Grade shall be the lowest point of elevation between the Building and a line five (5) feet from the Building.

GREEN-WALL – A vertically constructed element of a Structure or Building that is functionally designed with a primary purpose of accommodating or featuring living plants across the surface area of the subject Structure or Building plane.

GREENWAY LAND OR OPEN SPACE LAND - A parcel or parcels of land and/or water, within a Conservation Subdivision consisting of Open Space and set aside for the protection of natural and cultural resources. Greenway land consists of Primary and Secondary Conservation Areas and is permanently restricted against further development. The terms “Greenway” and “Greenway land” are synonymous.

GROSS FLOOR AREA (GFA) – The total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the center line of party walls dividing the Building from another Building, of all floors above the average level of finished ground adjoining the Building at its exterior walls.

GROSS LAND AREA – See LAND AREA, GROSS.

GROSS TRACT AREA – The total amount of land contained within the limits of the legally described property lines bounding the tract.

GROUNDWATER – Water that occurs in the subsurface and fills or saturates the porous openings, fractures, and fissures of underground soils and rock units.

HABITABLE FLOOR AREA – The aggregate of the horizontal area of all rooms used for habitation, such as living room, dining room, kitchen, bedroom, but not including hallways, stairways, cellars, attics, service rooms or utility rooms, bathroom, closets, nor unheated areas such as enclosed porches, nor rooms without at least one window or skylight opening onto an outside yard or court. At least one-half of the floor area of every habitable room shall have a ceiling Height of not less than seven (7) feet and the floor area of that part of any room where the ceiling Height is less than five (5) feet shall not be considered as part of the habitable floor area.

HANDICAP – Means, with respect to a Person:

1. a physical or mental impairment which substantially limits one or more of such Person's major life activities,
2. a record of having such an impairment, or
3. being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

HISTORIC RESOURCE, HISTORIC STRUCTURE, or HISTORICALLY SIGNIFICANT SITE- Any Structure or site that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a County or local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without an approved program.
5. Individually listed on the most recent inventory of the Cumberland County Historical Society Register or the Cumberland County Planning Commission inventory.

HAZARDOUS MATERIAL – Substances or materials which, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. A “release” may occur by use, spilling, leaking, emitting toxic vapors, or any other process that enables the material to escape its container, enter the environment, and create a potential hazard. The separate and authoritative definitions are in the U.S. OSHA, U.S. EPA, U.S. Nuclear Regulatory Commission (NRC), and U.S. DOT regulations. These agencies and their state counterparts provide the authoritative definitions of hazardous wastes, radioactive materials, and related definitions.

HEARING – See PUBLIC HEARING.

HEAT – For the purpose of this Ordinance, heat is defined as thermal energy of a radioactive, conductive, or convective nature. Heat emitted at any or all points shall not at any time

cause a temperature increase on any adjacent property in excess of ten (10) degrees F. whether such change be in the air or in the ground, in a natural stream or lake, or in any structure on such adjacent property.

HEIGHT, BUILDING – See BUILDING HEIGHT.

HEIGHT, STRUCTURE – A Structure's vertical measurement taken from average grade along the face of the Structure which is nearest the property line adjacent to a public or private Street Right-of-Way to the highest point of the Structure.

HEIGHT, WIRELESS COMMUNICATIONS FACILITY – The distance measured from the pre-existing grade level to the highest point on the Wireless Communication Facility, even if said highest point is an Antenna or lightning protection device.

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HIVE – Any frame hive, box hive, box, barrel, log, gum, skep or other receptacle or container, natural or artificial, or any part thereof, which may be used or employed as a domicile for bees.

HOMEOWNERS ASSOCIATION – Shall be as defined under the Uniform Planned Community Act.

HORIZONTAL SURFACE (ZONE) – An imaginary plane one hundred fifty (150) feet above the established airport elevation that is constructed by swinging arcs of various radii from the center of the end of the primary surface and then connecting the adjacent arc by tangent lines. The radius of each arc is based on the planned approach. The horizontal surface zone, as shown on Figure 2.17.1, Federal Aviation Regulations (FAR), Part 77 Surface Areas, is derived from the horizontal surface.

HOUSEHOLD LIVING – Household living means the use of one or more Dwelling Units located within the Principal Structure of a Lot by a household, in which the units may or may not share a common wall with the adjacent unit or have individual entrances from the outside. Nothing in this Article shall be deemed to limit the ability of lawful occupants of a Dwelling Unit to have bona fide guests.

IDENTIFIED FLOODPLAIN AREA – This term is an umbrella term that includes all of the areas within which the community has selected to enforce floodplain regulations. It will always include the area identified as the Special Flood Hazard Area on the Flood Insurance Rate Maps and Flood Insurance Study but may include additional areas identified by the community. See Section 2.18(D)2. of this Ordinance for the specifics on what areas the community has included in the Identified Floodplain Area.

IMPERMEABLE – Impervious, impenetrable to moisture.

IMPERVIOUS (AREA) COVERAGE – The ratio of the total area on a Lot which is in Impervious Cover, divided by the total area of the Lot, expressed as a percentage. For the purpose of this definition, Impervious Coverage on a Lot encompasses all Impervious Cover plus the entire Building area, including Roof overhangs, cornices, eaves, and gutter.

IMPERVIOUS COVER/SURFACE – A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Includes, but is not limited to, rooftops, parking Lots, driveways, Buildings, Streets, roads, decks, swimming pools and any concrete or asphalt. Impervious cover does not include Pervious Surfaces as defined herein (see PERVIOUS SURFACE).

INFILTRATION – Movement of surface water into the soil, where it is absorbed by plant roots, evaporated into the atmosphere, or percolates downward to recharge ground water.

JUNK – Items or objects that are old, discarded, or not currently being used for the purpose or purposes for which they are designed or normally used, including but not limited to used or salvaged metals and their compounds or combination; used or salvaged rope; rubber; rotting wood; scrap iron; tires and snowmobile treads; parts for motor vehicles, boats, all-terrain vehicles, recreational vehicles, snowmobiles, and/or trailers; inoperable or dismantled refrigerators, stoves, dishwashers, dryers, washing machines, and furniture; and inoperable or dismantled lawn mowers, weed trimmers, snow blowers, snow plows, tractors, and any other machinery used for excavation, maintenance, or snow removal.

JUNKED MATERIALS – The accumulation of used and/or discarded materials with the potential for leaching pollutants into the groundwater, including, but not limited to, trash, appliances, machinery, vehicles, or parts thereof, whether on the land surface, into a sinkhole or into a stream, wetland or other water body.

KARST – A type of topography characterized by closed depressions and/or sinkholes, caves, rock pinnacles, fracture traces, and underground drainage, resulting from solution of limestone and dolomite bedrock.

LAND AREA, GROSS – The total square footage or acreage of a parcel of land prior to subdivision, development, or offer of or acceptance of dedication of land area for access drainage and/or public utility easements and/or Rights-of-Way.

LAND AREA, NET – The Gross Land Area of the property less the land area included in utility easements, drainage easements, ingress/egress easements, rights-of-way, 100-year flood plain and encroachments on or across the Property.

LAND DEVELOPMENT – Any of the following activities:

- 1.. The improvement of one (1) Lot or two (2) or more contiguous Lots, tracts, or parcels of land for any purpose involving:
 - a. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential Building on a Lot or Lots regardless of the number of occupants or tenure; or
 - b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of Streets, common areas, leaseholds, condominiums, Building groups, or other features.
2. A Subdivision of land.

Excluded from this definition of land development are the following:

1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
2. The addition of an accessory Building, including farm buildings, on a Lot or Lots subordinate to an existing principal Building.

3. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

LAND DISTURBANCE – Any activity, which exposes soils, alters topography and/or alters woody vegetation, except for removal of a safety hazard, diseased trees, or invasive plant species.

LANDOWNER – The legal or beneficial Owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other Person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.

LANDSCAPING – The planting of turf, trees, shrubs, and other appropriate vegetative materials and ground cover within the open areas of a Lot other than for agricultural purposes, and including the maintenance and replacement thereof, for the purposes of erosion control, retention of precipitation, protection against the elements and promotion of human comfort and welfare.

LIGHT EMITTING DIODE (LED) – A semiconductor device that emits light when current flows through it.

LIVESTOCK – Those class of animals that are customarily kept and housed outside the home or in enclosures such as pens, barns, corrals or paddock areas. Livestock includes, but is not limited to, horses, cattle (beef and dairy), llamas, mules, swine, sheep, goats, poultry, and fowl. Animals customarily considered to be domesticated such as dogs, cats and other small pets are not considered Livestock under this Ordinance.

LOT – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit. Lot types include the following and as illustrated in Figure 6.02.6, Lot Types.

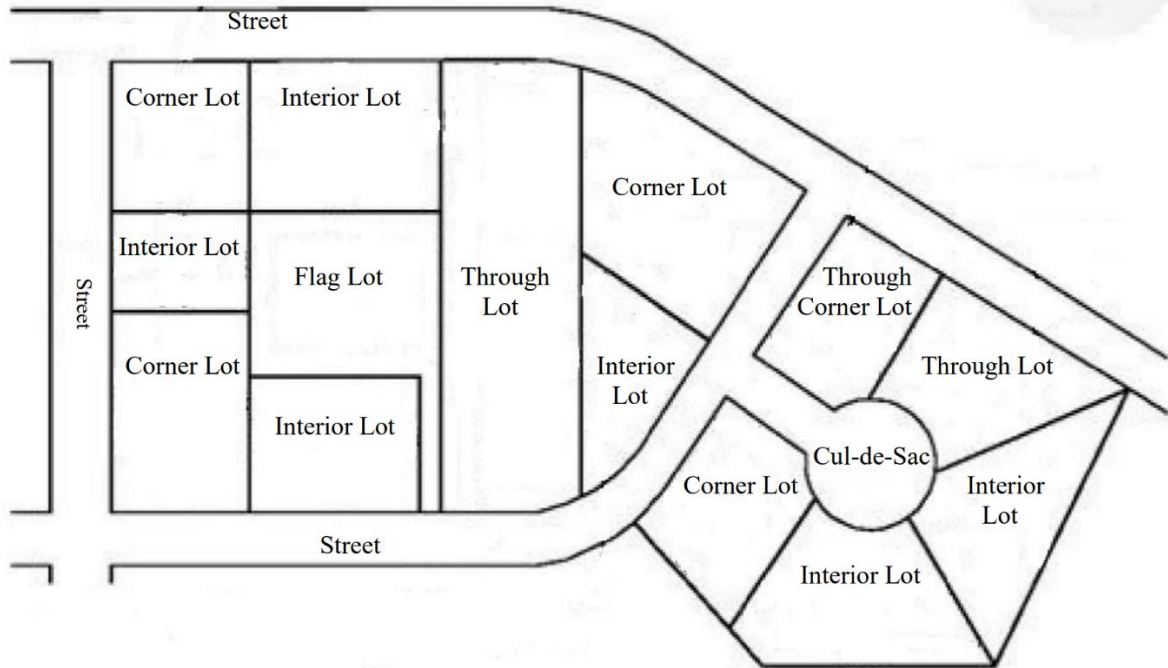
Corner Lot – A Lot at the junction of and abutting on two (2) or more intersecting Streets or private roads or at the point of abrupt change of a single Street or private road, where the interior angle is less than one hundred and thirty-five (135) degrees and the radius of the Street or private road line is less than one hundred (100) feet.

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

Interior Lot – A Lot other than a Corner Lot with only one frontage on a Street other than an Alley.

Through Lot – A Lot other than a Corner Lot with frontage on more than one Street other than an Alley. Through Lots with frontage on two Streets may be referred to as double frontage Lots.

Figure 6.02.6, Lot Types



LOT AREA – The area contained within the property lines of a lot (as shown on the Plat), excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

LOT COVERAGE – Expressed as a percentage of the Lot which is covered with impervious surfaces, including Buildings, driveways, parking area, sidewalks or any other “non-green” cover, including semi-impervious or porous pavement materials.

LOT DEPTH – The horizontal distance measured between the Street Right-of-Way line and the rear property line. On corner Lots, reverse frontage Lots, and triangular or other irregularly shaped Lots, the depth shall be measured along the property line adjacent to the side yard which extends from the Street of address to the opposite property line. Where a rear yard is formed by angled or offset property lines, the Lot depth shall be measured as the weighted average distance from the Street Right-of-Way line to the farthest rear property line.

LOT FRONTAGE – See LOT WIDTH.

LOT LINE – A line of record which divides one (1) Lot from another Lot, or from a public or private road or any other public space. Where a Lot abuts a public Right-of-Way, the Lot line for regulatory purposes shall be the Right-of-Way line. Also known as road or Street line (see Figure 6.02.2, Building Coverage).

LOT LINE, ZERO – A Building or Structure sited on one (1) or more lot lines with no yard.

LOT OF RECORD – A Lot identified on a subdivision plan or on a deed or other instrument of conveyance recorded in the Office of the Recorder of Deeds in and for Cumberland County, Pennsylvania.

LOT WIDTH – The mean horizontal distance of a lot between the side lot lines, measured at right angles to its depth. Required lot width shall be measured at the most forward allowable building line or setback line; however, the mean lot width shall not be less than the required lot width.

LOT, DOUBLE FRONTAGE – A Through Lot that fronts upon two parallel Streets or that fronts upon two Streets that do not intersect at the boundaries of the Lot (See Figure 6.02.6).

LOT, REVERSE FRONTAGE – A Lot extending between and having frontage on an Arterial Street and a minor Street, and with vehicular access solely from the latter.

LOWEST FLOOR – The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, Building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a Building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

MAINTENANCE AND REPAIR – Work that does not alter the appearance or harm the stability of exterior features of a Building.

MAJOR COMMERCIAL VEHICLE – Those vehicles not normally and customarily associated with or adaptable to passenger use, such as tractor-trailer trucks or bulldozers.

MAJOR RECREATIONAL EQUIPMENT – Includes boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, converted school buses, tent trailers and the like, in cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

MANUFACTURE – A function involving either the processing or production of materials, goods, or products.

MANUFACTURED HOUSING – A structure manufactured after 1975, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein. The term shall include any structure which meets all the requirements of this definition with respect to which the manufacturer voluntarily files a certification required by the United States Department of Housing and Urban Development.

MANUFACTURED HOUSING LOT – A parcel of land in a manufactured housing park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single manufactured house.

MANURE – The fecal and urinary excrement of livestock and poultry, often containing some spilled feed, bedding or litter.

MANURE STORAGE FACILITY – A Structure or other improvement built to store manure for future use, or disposal. Types of storage facilities are as follows: underground storage, in ground storage, earthen bank, stacking area, and above-ground storage.

MASSAGE – Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance, with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice.

MEDICAL MARIJUANA – Refers to using the whole unprocessed marijuana plant or its basic extracts to treat a disease or symptom.

MICRO WIRELESS FACILITY – A small wireless communications facility that:

- (1) Does not exceed two cubic feet in volume; and
- (2) Has an exterior Antenna no longer than eleven (11) inches.

MINERAL RESOURCE – Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINOR REPAIR – The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a Structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

MODIFICATION OR MODIFY – The improvement, upgrade, or expansion of existing wireless communications facilities or base stations on an existing wireless support Structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support Structure.

MODULAR (INDUSTRIALIZED) HOME – A home that is wholly or mostly made, constructed, fabricated or assembled in manufacturing facilities. These Structures are then shipped to the home site for assembly and installation. A modular home is designed only for installation on a site built permanent foundation and not to be moved after the installation.

MOTOR VEHICLE – A Vehicle that is self-propelled except an electric personal assistive mobility device or a Vehicle which is propelled solely by human power.

NATIVE SPECIES – A species of plant or other organism that currently or previously inhabited or grew in a specified location, and which was not introduced to that location as a result of human activity, either intentional or accidental. The term “native” species generally refers to a species whose range was located within a large area like a continent or a nation. The term “indigenous” species is typically used to refer to a species whose original range extended into a smaller area like a state, county, or watershed.

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 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.

NET ACRE – The Gross Tract Area less any areas that are not suitable for development or are designated for conservation.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective start date of this Ordinance and includes any subsequent improvements to such structures.

NONCONFORMING LOT – A Lot, of which the area or dimension was lawful prior to the adoption or amendment of a zoning ordinance, but now fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

NONCONFORMING STRUCTURE – A Structure or part of a Structure manifestly not designed to comply with the applicable zoning ordinance or amendment heretofore or hereafter enacted, where such Structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming Structures include, but are not limited to, nonconforming Signs.

NONCONFORMING USE – A Use, whether of land or of Structure, which does not comply with the applicable Use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such Use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

NONCONFORMITY, DIMENSIONAL – Any aspect of a land use that does not comply with any size, Height, bulk, setback, distance, landscaping, coverage, screening, or any other design or performance standard specified by this Ordinance, where such dimensional nonconformity lawfully existed prior to the adoption of this Ordinance or amendment thereto.

NORMAL AGRICULTURAL OPERATION – The activities, practices, equipment and procedures that an Agricultural Operation adopts, uses or engages in the production and preparation for market of poultry, livestock and their products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is: (1) not less than ten contiguous acres in area; or (2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000. The term includes new activities, practices, equipment, and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to, crop dryers, feed grinders, sawmills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.

NUTRIENT MANAGEMENT ACT – The PA Nutrient Management Act of 1993, which is applicable to agricultural operations with over 2,000 pounds of animal weight per acre which generate or utilize manure. The Act requires the development of a plan demonstrating that nutrients that are land applied do not exceed crop uptake.

OBSCENE – Any material that an average person, applying contemporary adult community standards, finds that the matter taken as a whole, appeals to prurient interests (i.e., an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion) and would find that the matter depicts or describes sex in a patently offensive way, and finds that the matter, taken as a whole, lacks serious literary, artistic, political, scientific value.

OBSTRUCTION – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

ON-LOT SEWER SERVICE – The disposal of sewage generated by a user on land by safe and healthful means, as approved by the Township On-Lot Management Ordinance.

ON-LOT WATER SERVICE – The provision of a safe, adequate and healthful supply of water to a user from a private well.

OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water, within a development site, designed and intended for the use and enjoyment by the residents of such development, and possibly the general public. Open space shall be substantially free of structures, but may contain such improvements as are in the finally approved Development Plan, and shall not include individually owned private yards, except in the case of approved conservancy lots. Open space is permanently restricted against further development. Open Space may be a combination of natural or naturalized areas (such as the Township interconnected greenway network) plus more intensely managed areas (such as lawn, recreational areas, or play fields).

OPEN SPACE, COMMON – A parcel or parcels of land or an area of water, including natural areas, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

OWNER – Owner means the Person with legal title to real property, a Building, or Structure.

PA DEP - The Department of Environmental Protection of the Commonwealth of Pennsylvania.

PEN – A fenced area designed to contain the animal to a restricted area and prevent animals roaming at large.

PENNSYLVANIA CONSTRUCTION CODE (PCC) ACT – Act of Nov. 10, 1999, P.L. 491, No. 45 as amended. The statewide Building code adopted by the Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial Buildings, the code adopted the International Residential Code (IRC) and the International Building Code (IBC), by reference as the construction standard applicable with the Commonwealth floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC such references shall be based on the most recently adopted editions thereof. Also see UNIFORM CONSTRUCTION CODE.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L. 805, No. 247 as reenacted and amended.

PERMANENT FOOD FACILITY – A retail food facility operating in a permanently constructed Structure permitted and operated for the purpose of storing, preparing, serving, packaging, or otherwise handling food at the retail level. Permanent Food Facility does not include Mobile Food Facility, or a facility licensed as a Temporary Food Service Facility (TFS) under The Retail Food Facility Safety Act §5703(g)(2).

PERSON – Includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11 of the United States Code, receivers, and fiduciaries.

PERVIOUS SURFACE – A pervious surface is a surface that allows the percolation of water into the underlying soil. Pervious surfaces include grass, mulched groundcover, planted areas, vegetated roofs, permeable/porous paving as well as porches and decks erected on pier foundations that maintain the covered Lot surface's water permeability. Pervious surfaces do not include any Structure or Building, any porch or deck that limits the covered Lot surface from absorbing water, or any outdoor stairs, on-grade surface sports court, swimming pool, artificial turf, sidewalk or patio constructed of concrete, asphalt, brick, compacted gravel or other material that impedes the infiltration of water directly into the subsurface of the Lot.

PESTICIDE – Any substance or mixture of substances intended for use in preventing, destroying, repelling, sterilizing, or mitigating any insects, rodents, nematodes, predatory animals, fungi, weeds, or other forms of plant or animal life.

PETROLEUM PRODUCT – Oil petroleum of any kind and in any form, including crude oil and derivatives of crude oil. It may be alone, as a sludge, as oil refuse, or mixed with other wastes.

PLANNED COMMUNITY – Real estate with respect to which a person, by virtue of ownership of an interest in any portion of the real estate, is or may become obligated by covenant, easement or agreement imposed on the owner's interest to pay any amount for real property taxes, insurance, maintenance, repair, improvement, management, administration or regulation of any part of the real estate other than the portion or interest owned solely by the person. The term excludes a cooperative and a condominium, but a condominium or cooperative may be part of a planned community. For purposes of this definition, "ownership" includes holding a leasehold interest of more than 20 years, including renewal options, in real estate. The term includes nonresidential campground communities.

PLANNING COMMISSION – The Planning Commission of Middlesex Township, Cumberland County, PA.

PORCH – A non-enclosed or semi-enclosed Roof covered Accessory Structure adjoining a first floor entrance to a Building.

POST-FIRM STRUCTURE – A structure for which construction or substantial improvement occurred after December 31, 1974, or on or after the community's initial Flood Insurance Rate Map (FIRM) dated June 15, 1981, whichever is later, and, as such, would be required to be compliant with the regulations of the National Flood Insurance Program.

PRE-COMMERCIAL TIMBER STAND IMPROVEMENT – A forest practice, such as thinning or pruning, which results in better growth, Structure, specific composition, or health for the residual stand but does not yield a net income to the landowner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

PRE-FIRM STRUCTURE – A structure for which construction or substantial improvement occurred on or before December 31, 1974, or before the community's initial Flood Insurance Rate Map (FIRM) dated June 15, 1981, whichever is later, and, as such, would not be required to be compliant with the regulations of the National Flood Insurance Program.

PREMISES – The property upon which the activity is conducted as determined by physical facts rather than property lines. It is the land occupied by the Buildings or other physical uses that are necessary or customarily incident to the activity, including such Open Spaces as are arranged and designed to be used in connection with such Buildings or uses.

PRESERVATION OR PROTECTION – When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIMARY SURFACE (ZONE) – An imaginary surface longitudinally centered on the runway, extending 200 feet beyond the end of paved runways or ending at each end of turf runways. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The primary surface zone, as shown on Figure 2.17.2 under Section 2.17 of this Ordinance, is derived from the primary surface.

PRIME AGRICULTURAL LAND – Land used for agricultural purposes that contains soils of the first, second or third class, or is considered to be unique agricultural land, all as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

PRINCIPAL BUILDING – A Building in which the primary use of the Lot on which the Building is located is conducted.

PROPERTY OWNER – A Person that holds either legal or equitable title to the real estate as set forth on any deed, agreement of sale, or any other document recorded in the Office of the Recorder of Deeds for the applicable jurisdiction.

PUBLIC – Owned, operated, or both, by the Township, its authority, a municipal-supported fire company, or a municipal-supported ambulance association.

PUBLIC HEARING – A formal meeting held pursuant to public notice by the Middlesex Township Board of Supervisors or Zoning Hearing Board intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING – A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings.)

PUBLIC NOTICE – Notice published once each week for two (2) successive weeks in a newspaper of general circulation in Middlesex Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing. Public notice for rezoning, special

exception, variance, or any combination thereof, requests shall also include the posting of a sign(s) at a conspicuous location(s) upon the site to notify potentially interested citizens; this sign(s) shall be posted at least one week prior to the hearing and will exhibit the nature, date, time and location of the hearing.

PUBLIC SEWER – A municipal sanitary sewer or a comparable common or package sanitary facility approved and permitted by the Pennsylvania Department of Environmental Protection.

PUBLIC WATER – A municipal water supply system, or a comparable common water facility approved and permitted by the Pennsylvania Department of Environmental Protection.

REAL ESTATE -- Any fee, leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests which by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. The term includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

REAR ACCESS LANE – A lane for the purpose of providing access to rear yard parking for a group of Lots. Such a lane may be designated within a Right-of-Way or by way of easements.

RECREATIONAL VEHICLE – A Vehicle built on a single chassis, not more than four hundred (400) square feet measured at the largest horizontal projections, designed to be self-propelled or permanently towable by a consumer-owned Vehicle, not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use that complies with all applicable Federal vehicle regulations and is certified by the manufacturer as complying with NFPA 1192 Standard on Recreational Vehicles or ANSI A119.5 Park Model Recreational Vehicle Standard and includes the following types:

1. Motor home.
2. Travel trailer.
3. Fifth wheel travel trailer.
4. Folding camping trailer.
5. Truck camper.
6. Park model RV.

REGISTERED DESIGN PROFESSIONAL – A professional engineer, land surveyor or professional geologist licensed by the State Registration Board for Professional Engineers, Land Surveyors and Geologists under the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law, " a landscape architect who is licensed by the State Board of Landscape Architects under the act of January 24, 1966 (1965 P.L. 1527, No. 535), known as the "Landscape Architect's Registration Law, " or any corporation or association, including professional corporations, organized or registered under the act of December 21, 1988 (P.L. 1444, No.177), known as the "General Association Act of 1988," practicing engineering, landscape architecture or surveying in this Commonwealth.

REGULATORY FLOOD ELEVATION -- The base flood elevation (BFE) or estimated flood height as determined using simplified methods plus a freeboard safety factor of one and one-half (1 ½) feet. The freeboard safety factor also applies to utilities and ductwork.

RENTALS – A procedure by which services or personal property are temporarily transferred to another Person for a specific time period for compensation.

REPAIR – A function involved in correcting deficiencies of products that affect its performance, appearance, or both.

REPLACEMENT OF A WIRELESS COMMUNICATIONS FACILITY (REPLACEMENT OF WCF) – The replacement of existing wireless communications facilities on an existing wireless support Structure or within an existing equipment compound due to maintenance, repair, or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight, and Height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support Structure.

REPORT – Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such Report in the rendering of any Decision or Determination. All Reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie therefrom. Any Report used, received or considered by the body, board, officer or agency rendering a Determination or Decision shall be made available for inspection to the Applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RIGHT-OF-WAY (ROW) – An area acquired or reserved for Streets, Street trees (or landscaping), drainage, utilities and pedestrian ways owned by a public or private Person. When used in the regulation of Wireless Telecommunications Facilities, the surface of and space above and below any real property in the Township in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all Streets, highways, avenues, roads, Alleys, sidewalks, tunnels, viaducts, bridges, skyways, or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes, but excluding lands other than Streets that are owned by the Township. The phrase “in the right(s)-of-way” means in, on, over, along, above and/or under the right(s)-of-way.

RIPARIAN BUFFER – A riparian buffer is an area of trees and other vegetation adjacent to a Watercourse that forms a transition area between the aquatic and terrestrial environment. The riparian buffer provides the following benefits: (1) reduces the amount of nutrients, sediments, pesticides, and other harmful substances that reach watercourses, wetlands, and other surface water bodies; (2) provides for shading of the aquatic environment to moderate temperatures and protect fish habitat; (3) provides organic matter which provides food and habitat for bottom dwelling organisms essential to the food chain; (4) increases stream bank stability and reduces stream bank erosion and sediment production; (5) conserves natural features important to land and water features (e.g., headwater areas, groundwater recharge zones, streams, prime wildlife habitat); and (6) conserves natural, scenic, and recreation areas and promotes the functioning of interconnected natural greenway lands.

ROLL-OFF DUMPSTER – A metal storage receptacle used primarily for the temporary storage or deposit of waste materials, including debris, trash or construction, renovation or demolition waste and which is transportable such as to be delivered by, rolled off of, and picked up by a carrying vehicle that allows for the disposal and removal of its contents to a dump site.

The term does not include dumpsters which are permanently placed for the collection of normal household trash, such as at commercial locations or apartment complexes.

ROOF – An Impervious Cover of a Building or Structure.

RUNWAY – A defined area of an airport prepared for landing and takeoff of aircraft along its length.

RUNWAY, NON-PRECISION INSTRUMENT – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

RUNWAY, OTHER THAN UTILITY – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

RUNWAY, PRECISION INSTRUMENT – A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

RUNWAY, UTILITY – A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

RUNWAY, VISUAL – A runway intended solely for the operation of aircraft using visual approach procedures.

SAFETY FAN – An area on a Shooting Range Facility designed to contain all projectiles fired from a shooting range. The Safety Fan consists of three parts: the direct fire zone, the safety zone, and the ricochet zone. The direct fire zone is that area into which all shots are fired during the normal course of shooting.

SCREEN BUFFER OR VISUAL SCREEN – A well-maintained hedge, landscaped berm, or other vegetative materials which upon planting or installation is both of sufficient height and of sufficient density to conceal from the view of adjacent properties the structures and uses on the premise where the screening is located.

SETBACK – The minimum required horizontal distance between a setback line and a property or Street Right-of-Way line.

SETBACK LINE – A line parallel to the front, side or rear Lot line so as to provide the required yards. See Figure 6-2.

SETBACK, FRONT – The minimum distance between the Street line and the Building setback line projected the full width of the Lot. Commonly, called “required front yard”.

SETBACK, REAR – The minimum distance between the rear Lot line and the rear setback line projected the full width of the Lot. Commonly called “required rear yard”.

SETBACK, SIDE – The minimum distance between the side Lot line and the side setback line projected from the front yard to the rear yard. Commonly called “required side yard”.

SIGN – A device for outdoor visual communication that is used to bring the subject to the attention of the public, but excluding flags or other insignia of any government, fraternal, or similar organization. A Sign shall include the support structure by which it is attached to or displayed upon the ground, a Building, or another structure. Sign area shall be defined and determined in accordance with Article 5 of this Ordinance. Sign types include, but are not limited to the following:

1. **Billboard:** A type of Sign upon which images and/or messages of any kind are printed, posted, or lettered, whether freestanding or attached to a surface of a Building or other structure. A billboard is used to advertise products, services or businesses or to disseminate messages at a location other than the premises on which the Sign is placed.
2. **Changeable Sign:** A type of sign that is designed so that its characters, letters, illustrations or other content can be changed, altered or rearranged without physically altering the permanent physical face or surface of the sign. This sign type includes Bulletin Boards permitted in accordance with Section 5.07(P) of this Ordinance, Retail Fuel Sales Signs permitted in accordance with Section 5.10 of this Ordinance, manual, electrical, Electronic Messaging Center (EMC) Sign, Light Emitting Diode (LED) or other variable message signs. Section 5.11 of this Ordinance provides additional regulations for Changeable Signs.
3. **Electronic Message Center (EMC) Signs:** A Sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.
4. **Flat Wall Sign:** A Sign that is displayed and/or mounted upon or generally parallel to the same plane as the face of a wall, such that no portion of the Sign extends more than twelve (12) inches from said wall.
5. **Freestanding Sign:** A Sign erected upon a permanently affixed, independent structure (legs or base). Freestanding signs shall include pole signs that are attached to the ground or other structure by means of a pole or poles supporting the Sign and monument signs that sit upon or are attached directly to the ground.
6. **Permanent Sign:** A Sign that is expected to be continuously displayed during the presence of a principal land use.
7. **Temporary Sign:** A Sign that is only allowed for specified periods of time, associated with some temporary event or work, conducted on the site.
8. **Under Canopy Sign:** A Sign that identifies one (1) leasable unit within a premises and is hung from an overhead canopy of the premises.
9. **Wall Projecting Sign:** A Sign that is mounted to a Building wall such that its principal display area is not parallel to the Building wall. A wall projecting Sign can also be attached to a marquee.

For the purposes of this Ordinance, Signs, shall not include the following:

10. **Flags and insignias of any governmental agency or civic, charitable, religious, fraternal, or similar organization.**

11. Legal notices identification, informational, or directional signs erected or required by governmental bodies.
12. Signs which are solely devoted to prohibiting trespassing, hunting, or fishing.

SIGN, ABADONED – Shall mean the following:

1. A Sign which has remained without true advertising for a period of six (6) months, and for which the Sign owner has not made application for a current permit as provided hereinbelow, or which is without a current lease or license from the landowner, or as to which the Sign owner has ceased to attempt to lease the advertising space; or
2. A Sign which requires maintenance or repair in excess of twenty-five percent (25%) of the replacement cost of the Sign as determined by the Zoning Officer after consultation with the Sign owner if said owner can be identified from the permit previously issued for such Sign.

SIGNIFICANT BUILDING OR STRUCTURE – Means any Building or Structure within the Township that:

1. Is listed on, or is within an area listed on, the National Register of Historic Places, or which is the subject of a pending application for listing on the National Register,

OR
2. Is at least fifty (50) years old, or if it has been determined by The Township Board of Supervisors to be a significant Building or Structure after a finding that the Building or Structure is either:
 - (a) Importantly associated with one or more Historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the Township or the Commonwealth of Pennsylvania, or
 - (b) Historically or architecturally significant (in terms of period, style, method of Building construction, or association with a reputed architect or builder) either by itself or in the context of a group of Buildings or Structures, and therefore it is in the public interest to be preserved or rehabilitated rather than to be demolished.

SINKHOLE – A closed, generally circular, depression in the land surface of variable depth and width, characterized by a distinct breaking of the ground surface, and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids or by collapse of underlying caves.

SLOPE – The change in elevation over the horizontal distance between consecutive contour lines. Slope shall be measured over three (3) consecutive two (2) foot contour intervals [six (6) cumulative vertical feet of slope]. All slope measurements shall be determined by a topographic survey signed and sealed by a Professional Engineer or a Professional Land Surveyor.

SMALL WIRELESS COMMUNICATIONS FACILITY – A wireless communications facility that meets the following criteria:

1. The wireless support Structure on which Antenna facilities are mounted—
 - (a) Is fifty (50) feet or less in Height, or
 - (b) is no more than ten (10) percent taller than other adjacent structures, or
 - (c) is not extended to a Height of more than fifty (50) feet or by more than ten (10) percent above its pre-existing Height as a result of the Collocation of new Antenna facilities; and
2. Each Antenna associated with the deployment (excluding the accessory equipment) is no more than three (3) cubic feet in volume; and
3. All accessory equipment associated with the wireless support Structure (excluding antennas) is cumulatively no more than twenty-eight (28) cubic feet in volume.
4. The wireless communications facility does not require Antenna Structure registration under 47 CFR Section 17;
5. The wireless communications facility is not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The wireless communications facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

SMALL WIRELESS FACILITIES DEPLOYMENT ACT – Act of Jun. 30, 2021, P.L. 232, No. 50.

SOLAR ARRAY – A grouping of multiple solar modules/panels with the purpose of harvesting solar energy.

SOLAR CELL – The smallest basic solar electric device which generates electricity when exposed to light.

SOLAR ENERGY SYSTEM – A complete design or assembly consisting of a solar energy Collector, an energy storage facility (where used), and components for the distribution of transformed energy.

SOLAR MODULE – A grouping of solar cells with the purpose of harvesting solar energy.

SOLAR PANEL – That part or portion of a Solar Energy System containing one or more receptive cells or modules, the purpose of which is to convert solar energy for use in space heating or cooling, for water heating and cooling, and/or for electricity.

SPECIAL EXCEPTION USE – A Use conditionally permitted in a particular Zoning District under this Ordinance that may be undertaken only following the approval by the Zoning Hearing Board and the subsequent issuance of a Zoning Permit by the Zoning Officer pursuant to standards and criteria established in this Ordinance.

SPECIAL FLOOD HAZARD AREA (SFHA) – Means an area in the Floodplain subject to a one (1) percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1 A30, AE, A99, or, AH.

SPECIFIED ANATOMICAL AREAS – Means any of the following:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola.
2. Human male genitals in a discernable turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES – Means any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
3. Excretory functions as a part of or in connection with any of the activities set forth in 1. or 2. this definition.

SPECIMEN TREE – A unique, rare, or otherwise specifically selected tree or plant considered worthy of conservation by the Township, because of its species, size, age, shape, form, historical importance, or any other significant characteristics, including listing as a Species of Special Concern by the Commonwealth of Pennsylvania (see Table 6.02.1). All healthy trees over twenty (20) inches DBH are considered specimen. *Note: Not all trees reach specimen size at the same diameter. For example, a dogwood or sassafras is considered large at 20 inches, while an oak may not be considered large until it is about thirty-two (32) inches. A more accurate, but more complex, method of designating specimen trees is to give size parameters for each species, as in the following Table 6.02.1. Noninvasive species not listed in the table, having a DBH twenty (20) inches or greater, are considered specimen.*

Table 6.02.1, Specimen Trees

Species	Min. Size (DBH)	Species	Min. Size (DBH)	Species	Min. Size (DBH)
		Locust	30"	Spruce	30"
Ash	32"	Maple	32"	Sycamore	36"
Beech	32"	Oak	32"	Tulip Tree	36"
Cherry	24"	Osage Orange	20"	Walnut	30"
Elm	30"	Pine	30"	Hickory	32"
Hemlock	30"	Sassafras	20"	--	--

STORM WATER MANAGEMENT BASIN – Any facility used to retain or detain storm water, that is part of a storm water management system.

STORY – The part of a Building between the surface of any floor and the next floor above it or in its absence, the finished Story if its floor level is six (6) feet or more above the level of the line of the finished floor next below it. Any floor under a sloping roof at the top of a Building, which is more than two (2) feet below the top plate shall be counted as a Story; and, if less than two (2) feet below the top plate, it shall be counted as a half-Story. A basement shall

be counted as a Story if it averages more than five (5) feet above grade (See Figure 6.02.1).

STREAM – A Watercourse with definite bed and banks which confine and convey continuously or intermittently flowing water.

STREAM, EPHEMERAL – A reach of stream that flows only during and for short periods following precipitation and flows in low areas that may or may not have a well-defined channel. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Some commonly used names for ephemeral streams include: stormwater channel, drain, swale, gully, hollow, saddle, and routinely and incorrectly as “dry streams.” The term is often used interchangeably with intermittent stream but the difference is in length of time of continuous flow (less than one month per year for ephemeral streams).

STREAM, INTERMITTENT – A reach of stream that flows only during wet periods of the year (30% - 90% of the time) and flows in a continuous well-defined channel. During dry periods, especially in summer months, intermittent streams may be reduced to a trickle of water which makes it appear dry, when in fact there is water flowing through the stream bottom or “substrate”. This is usually caused by the seasonal changes of the local soil water table or during periods of long-term drought.

STREAM, PERENNIAL – A body of water in a channel that flows throughout a majority of the year in a defined channel and is capable, in the absence of pollution, drought or man-made stream disturbances, of supporting a benthic macroinvertebrate community that is composed of two or more recognizable taxonomic groups of organisms, large enough to be seen by the unaided eye and can be retained by a U.S. Standard No. 30 sieve (28 meshes per inch, 0.595 mm openings) and live at least part of their life cycles within or upon available substrates in a body of water or water transport system. A perennial stream can have Q7-10 flow of zero. For the purposes of this document, a perennial stream includes lakes and ponds.

STREET – Any Street, avenue, boulevard, road, highway, freeway, parkway, lane, viaduct, or any other way used or intended for use by vehicular traffic or pedestrians, whether public or private. The word "Street" includes the entire Right-of-Way and is not limited to the cartway area. Streets in Middlesex Township include the following classification types:

1. Interstates. Limited Access Highways designed for traffic between major regional areas or larger urban communities of 50,000 or more; these highways extend beyond state boundaries with access limited to interchanges located by the U.S. Department of Transportation. Middlesex Township includes Interstates 76 (Pennsylvania Turnpike) and Interstate 81. See Table 6.02.2, Middlesex Township Roadway Classifications.
2. Principal Arterials. Roadways that provide land access while retaining a high degree of thru traffic mobility and serve major centers of urban activity and traffic generation. They provide a high speed, high volume network for travel between major destinations in both rural and urban areas. See Table 6.02.2, Middlesex Township Roadway Classifications.
3. Minor Arterials. Roadways that give greater emphasis to land access with a lower level of thru traffic mobility than Principal Arterials and serve larger schools, industries, hospitals, and small commercial areas not incidentally served by Principal Arterials. See Table 6.02.2, Middlesex Township Roadway Classifications.

4. Collectors. Collector roadways serve dual functions—collecting traffic between Local Roadways and Arterial Streets and providing access to Abutting properties. They serve minor traffic generators, such as local elementary schools, small individual industrial plant, office, commercial facilities, and warehouses not served by Principal and Minor Arterials. See Table 6.02.2, Middlesex Township Roadway Classifications.
5. Local Roads. Roadways that are local in character and serve farms, residences, businesses, neighborhoods, and Abutting properties. See Table 6.02.2, Middlesex Township Roadway Classifications.

Table 6.02.2
Middlesex Township Roadway Classifications

Classifications	Roadways
Interstate	I-76 & I-81
Principal Arterial	U.S. Route 11
Minor Arterials	PA Route 34, PA Route 641
Collectors	PA Route 944, Sunnyside Drive, Harmony Hall Road, Claremont Drive, Claremont Road and a portion of South Middlesex Road
Local Roads	All others

Source: Middlesex Township Comprehensive Plan, February 2003

STEEP SLOPES - Areas of land, 3,000 square feet or greater, where the grade is fifteen (15) percent or greater. Steep slopes are divided into the following categories:

1. Precautionary moderate to steep slopes are those areas of land where the grade is fifteen (15) to twenty-five (25) percent.
2. Prohibitive steep slopes are those areas of land where the grade is greater than twenty-five (25) percent.

Slope shall be measured as the change in elevation over the horizontal distance between consecutive contour lines. Slope shall be measured over three (3) consecutive two (2) foot contour intervals, i.e., six (6) cumulative vertical feet of slope). All slope measurements shall be determined by a topographic survey signed and sealed by a Registered Design Professional.

START OF CONSTRUCTION – Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days after the date of the permit and shall be completed within twelve (12) months after the date of issuance of the permit unless a time

extension is granted, in writing, by the Zoning Officer. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of Streets and walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a Building, whether or not that alteration affects the external dimensions of the Building.

STORAGE TANK, ABOVEGROUND – A tank which contains hazardous or petroleum substances as regulated under the Storage Tank and Spill Prevention Act (STSPA), as amended, and which meets the following criteria: a stationary tank with 250 gallons or more of capacity with greater than ninety (90) percent of its capacity above ground. Specific exceptions to this definition are included within the STSPA, and include, among others, on-premise heating fuel tanks, and farm or residential motor fuel tanks with a capacity of 1,100 gallons or less.

STORAGE TANK, EXEMPTED – Any tank or container which contains hazardous or petroleum substances, either above or underground, which is otherwise unregulated by the Storage Tank and Spill Prevention Act (STSPA), as amended. For the purpose of this Ordinance, exempted tanks are limited to the following: on premise heating fuel tanks, farm or residential motor fuel tanks with a capacity of 1,100 gallons or less, and tanks, drums or containers with a capacity of less than one hundred ten (110) gallons which contain hazardous substances.

STORAGE TANK, UNDERGROUND – A tank which contains hazardous or petroleum substances as regulated under the Storage Tank and Spill Prevention Act (STSPA), as amended, and which meets the following criteria: a tank with one hundred ten (110) gallons or more of capacity with ten (10) percent or greater of its capacity beneath the ground surface. Specific exceptions to this definition are included within the STSPA, and include, among others, on-premise heating fuel tanks, farm or residential motor fuel tanks with a capacity of 1,100 gallons or less.

STREET CENTERLINE – A baseline used for the layout of Lots and the construction of a cartway generally midway between the Street lines.

STREET FRONTAGE – See Frontage, Street.

STREET LINE (RIGHT-OF-WAY LINE) – A line defining the edge of a Street Right-of-Way and separating the Street from abutting property or Lots.

STREET WALL – The façade wall of a Building or portion of a wall facing a Street line.

STRUCTURE – Any assembly of materials constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, any portion of which is above the natural surface grade, including, but not limited to Buildings, sheds, cabins, manufactured houses and trailers, pavilions, pagodas, tents, kennels, swimming pools, dumpsters, fences, dams, culverts, roads, railroads, bridges, storage tanks, and signs.

STRUCTURE, ACCESSORY – A Structure associated with an accessory use, (e.g., swimming pools, patios, antennas, tennis courts, garages, utility shed, etc.).

STRUCTURE, PRINCIPAL – A Structure associated with a primary use. Structures shall not include such things as temporary fences, sandboxes, decorative fountains, swing sets, doghouses, birdhouse, bird feeders, mailboxes, and any other similar non-permanent improvements.

SUBDIVISION – The division or redivision of a Lot, tract or parcel of land by any means into two (2) or more Lots, tracts, parcels or other divisions of land including changes in existing Lot lines for the purpose, whether immediate or future, of lease, partition of the court for distribution to heirs or devisees, transfer of ownership or Building or Lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new Street or easement of access, or any residential dwelling, shall be exempted.

SUBSTANTIAL CHANGE – A modification substantially changes the physical dimensions of any support Structure if it meets the criteria established by 47 CFR §1.6100.

SUBSTANTIAL DAMAGE – Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT – Any reconstruction, rehabilitation, addition, or other improvement of a structure, of which the cost equals or exceeds fifty (50) percent of the market value of the structure before the Start of Construction of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

SURFACE WATERS – Perennial and Intermittent streams, rivers, lakes, reservoirs, ponds, wetlands, springs, natural seeps and estuaries, excluding water at facilities approved for wastewater treatment such as wastewater treatment impoundments, cooling water ponds and constructed wetlands used as part of a wastewater treatment process.

TEMPORARY PORTABLE STORAGE UNIT (commonly known as **PORTABLE ON DEMAND STORAGE** or **PODS®**) – Any mobile container, storage unit, shed-like container or other portable Structure that is not permanently affixed to the land, is designed for temporary short-term storage, is not intended for human habitation, that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed Building, other than an accessory Building or shed complying with all Building codes and land use requirements.

TERMINAL VISTA – The visual scene terminating the view down a road or Street, as at an intersection or on the outside of a curve.

TESTING – A function involving the examination and assessment of qualities, performances, capabilities, or any combination thereof, of a product, good or material.

TOTAL FLOOR AREA – The area of all floors in all Buildings measured to the outside of the exterior walls, excluding attics, basements, and open porches (measured in square feet). (Note: An "open porch" has a Roof but is not enclosed with screens or windows. Porches enclosed with screens or windows shall be counted toward Total Floor Area.)

TOWER-BASED WIRELESS COMMUNICATIONS FACILITY (TOWER-BASED WCF) – Any Structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers, and monopoles, and the accompanying Antenna and Accessory Equipment.

TOWNSHIP – Middlesex Township, Cumberland County, Pennsylvania.

TRACT AREA, ADJUSTED OR ADJUSTED TRACT AREA – The gross tract area minus the constrained land.

TRACT AREA, GROSS – The total amount of land contained within the limits of the legally described property lines bounding the tract.

TRAILER – A vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

TRANSITIONAL SURFACE (ZONE) – An imaginary surface that extends outward and upward from the edge of the primary and approach surfaces to the horizontal surface at a slope of seven (7) feet horizontally to one (1) foot vertically (7:1). The transitional surface zone, as shown on Figure 2.17.2 in Section 2.17 of this Ordinance, is derived from the transitional surface.

TRUCK – A motor vehicle or a combination of vehicles having a gross vehicle weight rating or gross combination weight rating in excess of 26,000 pounds primarily designed to carry cargo, freight, goods or material. For purposes of this definition, the gross vehicle weight rating shall be the value specified on the Federal weight certification label by the manufacturer as the loaded weight of a single vehicle and the gross combination weight rating shall be the value specified by the manufacturer as the load weight of a combination.

UNDERGROUND INJECTION WELL – A bored, drilled, driven or dug well for the emplacement of fluids into the ground (except geothermal exchange systems and drilling muds and similar materials used in well construction).

UNIFORM CONSTRUCTION CODE (UCC) – The statewide Building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.

UNIFORM PLANNED COMMUNITY ACT – 68 Pa.C.S. § 5101 – 5414, *et seq.*

USE – The specific purpose for which land or a Building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "Permitted Use" or its equivalent shall not be deemed to include any Non-Conforming Use.

USE, PERMITTED – Means any Use allowed by right within a Zoning District, subject to the restrictions applicable to that Zoning District, and that is not a Special Exception Use or a Conditional Use.

USE, PRINCIPAL – The dominant purpose for which a Lot or Building is utilized.

USE, TEMPORARY – Any Use authorized under and in accordance with the provision of this Ordinance which is limited to the time in which such Use may legally continue.

VARIANCE – The permission granted by the Zoning Hearing Board following a Public Hearing that has been properly advertised as required by the Pennsylvania Municipalities Planning Code, as amended, for an adjustment to some regulation which, if strictly adhered to, would result in an unnecessary hardship and where the permission granted would not be contrary to the public interest, and would maintain the spirit and original intent of the Ordinance.

VEHICLE – Every device which is or may be moved or drawn upon a highway, except devices which are infrequently operated or moved upon a highway but are designed primarily for use in construction or agriculture or road maintenance, devices moved by human or animal power, devices used exclusively upon rails or tracks, motorized pedalcycles, and mobility vehicles.

VOLUNTARILY – Means any act(s) done by design or intention, which is proposed, intended, or not accidental. An Act of God is not considered voluntary, but rather is regarded as an act done without the will or choice of the Applicant (or Owner, if different from Applicant). For the purposes of this Ordinance, the destruction of a significant Building or Structure for failure to properly secure it shall be considered voluntary.

WALL MOUNTED (ELECTRIC VEHICLE CHARGING STATION) – An Electric Vehicle Charging Station that is mounted to a wall or any similarly substantial vertical surface.

WATERCOURSE – A channel or conveyance of surface water, such as a stream creek, or run, having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow. For the purposes of the Ordinance, a Watercourse shall not include manmade swales constructed expressly for the purpose of stormwater management.

WATERCOURSE, EPHEMERAL – A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and no long-continued supply from melting snow or other sources. Its channel is at all times above the water table. The term may be arbitrarily restricted to streams which do not flow continuously during periods of the month.

WATERCOURSE, INTERMITTENT – A defined channel in which surface water is absent during a portion of the year, as ground water levels drop below the channel bottom.

WATERCOURSE, PERENNIAL - A defined channel containing surface water throughout the year.

WETLANDS – Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. Any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Ordinance. In the event the definition of wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

WIND ENERGY SYSTEM (WES) – Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

WIND ENERGY SYSTEM, ACCESSORY (AWES) – A Wind Energy System designed as a secondary use on a Lot, wherein the power generated is used primarily for on-site consumption.

WIND ENERGY SYSTEM, PRINCIPAL (PWES) – A Wind Energy System designed as the primary use on a Lot, wherein the power generated is used primarily for off-site consumption.

WINDOW – An opening to the outside other than a door which provides all or part of the required natural light, natural ventilation or both to an interior space. The glazed portion of a door in an exterior wall may be construed to be a window in regard to provision of natural light.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF Applicant) – Any Person that applies for a wireless communication facility Building permit, zoning approval, and/or permission to use the public Right-of-Way (ROW) or other Township-owned land or property.

WIRELESS SUPPORT STRUCTURE – A pole, tower, base station, or other Building, whether or not it has an existing Antenna facility that is used or is to be used for the provision of wireless service (whether on its own or commingled with other types of services).

WOODLANDS – A tree mass or plant community in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete, aerial canopy. Any area, grove, or stand of mature or largely mature trees [larger than twelve (12) inches DBH] covering an area of one-quarter (1/4) acre or more or consisting of ten (10) individual trees larger than six (6) inches DBH, shall be considered a woodland. The extent of any woodland plant community or any part thereof shall be measured from the outer-most drip line of all the trees in the plant community.

YARD – An area between the permitted structures and the property lines (see Figure 6.02.7).

YARD, BUFFER – A strip of required yard space adjacent to the boundary of a property or district, not less than the width designated in this Ordinance, and on which is placed (planted) year-round shrubbery, hedges, evergreens or other suitable plantings of sufficient Height and density to constitute an effective screen and give maximum protection and immediate screening to an abutting property or district, and may include a wall, as provided for in this Ordinance.

YARD, EXTERIOR – An open, unoccupied space between a Building and the property boundary or Street line.

YARD, FRONT – An open unoccupied space on the same Lot with a Building, extending the full width of the Lot and situated between the Street line and the Building line projected to the side lines of the Lot. The depth of the front yard shall be measured between the front Building line and the Street Line.

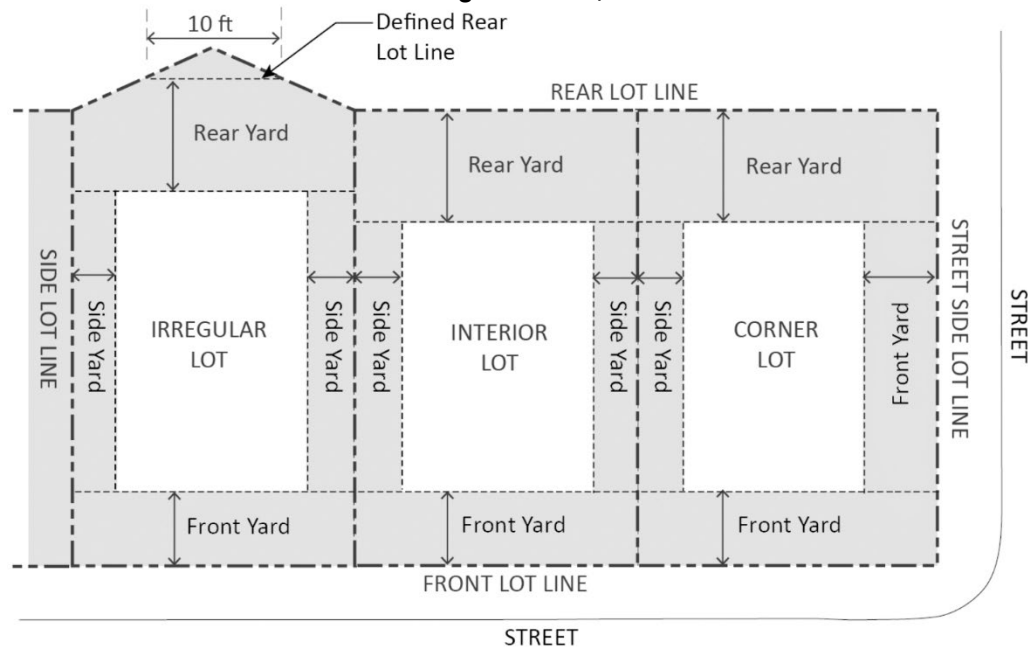
YARD, INTERIOR – An open, unoccupied space between Building Structures, all of which are located on the same Lot.

YARD, REAR – The area contained between the principal Structure and the property line directly opposite the Street of address. For flag Lots, the rear yard shall be that area between the principal Structure and that Lot line which is directly opposite the above described front yard.

YARD, SIDE – The area (s) between a principal Structure and any side Lot line(s). On corner Lots, the side yard shall be considered those areas between the principal Structure and the property lines directly opposite the non-address Street(s). For flag Lots, the side yards shall be the

area between the principal Structure and that one (1) outermost Lot line which forms the flag and pole, plus the area on the opposite side of the principal Structure.

Figure 6.02.7, Yards



YIELD PLAN OR YIELD PLAT – A method of evaluating the maximum possible number of residential dwelling units that can be constructed on a property under the current zoning district regulations.

ZONING DISTRICTS – A portion of the Township or adjacent municipality(s) within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of the Ordinance (or the adjacent municipality's Zoning Ordinance).

ZONING HEARING BOARD – The Zoning Hearing Board of and for Middlesex Township.

ZONING MAP – The Zoning Map of Middlesex Township adopted under the Middlesex Township Zoning Ordinance, together with all amendments thereto subsequently adopted.

ZONING OFFICER – The zoning administrative officer, or his/her authorized representative, including zoning inspector(s), duly appointed by the Township Board of Supervisors.

ZONING ORDINANCE – The officially adopted Middlesex Township Zoning Ordinance with any and all amendments thereto.

APPENDIX A – SMALL WIRELESS COMMUNICATIONS FACILITY DESIGN MANUAL

Middlesex Township **Wireless Facilities Design Manual**

Section 1: Purpose and Intent

The purpose of this Wireless Facilities Design Manual is to provide the Township with uniform design and aesthetic standards regarding the placement of Small Wireless Facilities within the Right-of-Way consistent with the Township's obligation to promote the public health, safety, and welfare; to manage the Right-of-Way; and to ensure that the public's use is not obstructed or disturbed by the use of the Right-of-Way for Small Wireless Facilities. The Township recognizes the importance of wireless telecommunications facilities to provide high-quality communications and internet access services to residents and businesses within the Township. The Township also recognizes its obligation to comply with applicable federal and state laws regarding the placement of wireless telecommunications facilities in the Right-of-Way including, without limitation, the Telecommunications Act of 1996, 47 U.S.C. § 151, *et seq.*, and Act 50 of 2021, 53 P.S. §§ 11704.1 – 11704.11.

Section 2: Definitions

The definitions contained in Article 6 of the Middlesex Township Zoning Ordinance are incorporated into this policy by reference as though fully set forth herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and words in the singular include the plural.

Section 3: Aesthetic and Design Requirements for Small Wireless Facilities

The following aesthetic and design requirements shall apply to any person who installs, operates, Modifies, or maintains a Small Wireless Facility in the Right-of-Way:

1. An Applicant and/or Permittee shall use all design techniques possible to minimize the visual impact of a Small Wireless Facility on the public during and after the installation, Modification, or repair of a Small Wireless Facility.
2. Applicants and/or Permittees shall minimize the quantity and size of Accessory Equipment placed on Wireless Support Structures. Long and narrow Accessory Equipment, as opposed to wide and bulky Accessory Equipment, should be used. Accessory Equipment should be clustered together as much as possible and located toward the top of the Wireless Support Structure when possible.
3. No Applicant and/or Permittee shall install or attach flashing lights or unnecessary, distracting, non-essential or poorly placed signage or stickers, unless required by Applicable Codes or agreed upon by the Township, on any Small Wireless Facility, Accessory Equipment, or Wireless Support Structure.
4. No Small Wireless Facility or Accessory Equipment shall have any exposed cables or wiring. All cables and wiring shall be concealed or contained within a Wireless Support Structure unless doing so is not Technically Feasible as determined by the Township's engineer. If the cables and wiring cannot be contained within the Wireless Support Structure, then all cables and wires shall be contained within a conduit that is flush mounted to the Wireless Support Structure. All conduits shall be of a color that matches the Wireless Support Structure to which the Small Wireless Facility is attached and be non-reflective unless otherwise agreed upon by the Permittee and Township.
5. Spools and/or coils of excess wires or cables shall not be stored on a Wireless Support Structure unless they are completely within the approved enclosures or conduits.

6. All cables and wiring shall be installed tautly and without excessive slack or extra cable storage on the Wireless Support Structure. Extra wiring shall not be attached to any Wireless Support Structure.
7. Exterior panel Antennas should not exceed the height of the Wireless Support Structure.
8. Antennas and Accessory Equipment should not extend further than 20 inches from the Wireless Support Structure.
9. Applicants and/or Permittees shall avoid installing Small Wireless Facilities on Wireless Support Structures that are directly in front of dwelling units or businesses. Wireless Support Structures near Street corners, landscaped areas, or in Alleys shall instead be considered for installation first.
10. Small Wireless Facilities and Accessory Equipment shall be painted with graffiti-resistant paint which matches the Wireless Support Structure's color and surroundings.
11. Colors and materials for Small Wireless Facilities, Antennas, and Accessory Equipment shall be chosen to minimize visibility and be compatible with the surrounding environment. Muted colors, earth tones, and subdued hues, such as light green, brown, gray, or light blue, or a color that is more compatible with the surrounding architecture or environment only as approved by the Township shall be used. Small Wireless Facilities, Antennas, and Accessory Equipment shall match the color of the Utility Pole or Municipal Pole that they are attached to if they are attached to such structure.
12. Advertisements are prohibited on a Wireless Support Structure, Accessory Equipment, or Small Wireless Facility. Likewise, all manufacturer decals, logos, and the like shall

- be removed or otherwise entirely concealed by the Applicant/Permittee from any Wireless Support Structure, Accessory Equipment, or Small Wireless Facility.
13. If technically feasible, all Accessory Equipment shall be entirely contained or enclosed within a single cabinet which has the smallest physical dimensions possible.
14. Any replacement Wireless Support Structure shall be placed as close as possible to the existing Wireless Support Structure that is being replaced.
15. Any replacement Wireless Support Structure shall substantially conform to the material and design of the existing Wireless Support Structure or to the adjacent Wireless Support Structures located within the contiguous Right-of-Way.
16. The height of any replacement Wireless Support Structure shall not extend more than ten (10) feet above the height of the existing Wireless Support Structure.
17. RESERVED.

Section 4: Updates

This Wireless Facilities Design Manual may be updated from time-to-time by resolution of the Township.

Section 5: Limitations

Nothing contained in this Wireless Facilities Design Manual shall be deemed to restrict or otherwise limit the lawful exercise of the discretion of Township staff in approving and issuing a Permit that deviates from the strict application of these standards where, in the sole and exclusive judgment of the Township, circumstances so warrant.

Section 6: Effective Date

This Wireless Facilities Design Manual shall be effective as of the date of the enactment of this Ordinance.