



Cumberland County Review Report

Cumberland County Planning Department
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<i>Name of Amendment:</i>				
Rezone to VC and Neighborhood Design Development (NDD)				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
Middlesex Township	2/9/2022	3/17/2022	SH, EG, KS	Planning Commission
<i>Type of Amendment:</i>			<i>Recommendation:</i>	
Zoning Map & Text Amendment			Approval With Comments	
<i>Explanation of Amendment:</i>				
Proposed Rezoning to Village Center (VC) and requirements for a Neighborhood Design Development to be located in the Village Center Zoning District.				
<i>Consistent with Municipal Comprehensive Plan:</i>		<i>Consistent with County Comprehensive Plan:</i>		
Project is Consistent		Project is Consistent		
<i>Comments and Recommendations:</i>				
<p>The proposed text amendment was submitted to the Cumberland County Planning Department for official review and comments on January 28, 2022. On February 9, 2022, the applicant submitted a revised version of the NDD language for county review. The following comments are based on the latest submission dated February 9, 2022.</p> <ol style="list-style-type: none"> 1. The Middlesex Township Zoning Ordinance was originally written in 1989. The ordinance has seen hundreds of pages of text and map amendments and the Township has seen significant changes in growth and infrastructure in that 30-year timeframe. The proposed language will add an additional 25 pages of regulations for one additional use (NDD). The Township should consider adoption of a completely new zoning ordinance with holistic changes that address neighborhood developments in addition to other contemporary planning issues not envisioned over 30 years ago. 2. The Middlesex Township Comprehensive Plan (2003) encourages new residential and nonresidential development to locate only in areas adequately served by public sewer and public water (page AS-3). Land development patterns in the vicinity of the proposed amendment include more densely developed commercial and residential uses to the west and south and less intensive land uses to the north, northeast and southeast. 3. The proposed Zoning Map amendment is generally consistent with the 2017 Cumberland County Comprehensive Plan. Most of the land area of the parcels proposed for reclassification from Agriculture Preservation to Mixed Use Commercial Residential are currently designated as Agriculture/Prime Farmland in the Cumberland County Future Land Use Map. Reclassifying these parcels would effectively remove approximately 20-25% of the overall Agriculture/Prime Farmland acreage found in Middlesex Township. Due to the proximity of the subject parcels to public sewer and public water, and the lack of current agricultural preservation policies expressed in the Township planning documents, the CCPD has evaluated this proposal to be generally consistent with the Cumberland County Comprehensive Plan. 				

A portion of the acreage proposed for rezoning is currently designated as Traditional Neighborhood in the Cumberland County Comprehensive Plan FLU Map. The plan encourages municipalities to allow for mixed land uses in these areas, with small scale service-oriented businesses to serve residents located nearby. These mixed land uses better support alternative modes of transportation and create lively activity centers.

4. The Cumberland County Comprehensive Plan supports a variety of housing types and encourages plans and regulations providing for all types of residential uses (Grow Page 10). In addition, the plan recommends directing growth toward existing developed areas. (Grow Goal 4, Objective 1 Strategy A). The proposed text amendment will support a variety of types of residential units and opportunities for greater flexibility in design in an area served by public water and public sewer.
5. Section 14.63.B.1-Interpretation and Application (page 6). In the event of a conflict between Section 14.63 and either the zoning ordinance or the SLDO, Section 14.63 shall prevail.
 - a. Section 14.63.H-Driveway and access drive standards (page 18). Driveway and access drive standards are established in Section 14.12 and 14.15 of the zoning ordinance. Where else will the proposed language apply? The proposed language is written for a specific development proposal and not for the Township vision. The Township should consider a downtown, or neighborhood zoning district in a new zoning ordinance.
 - b. Several requirements in the proposed text indicate that the provisions in the SLDO do not apply to the NDD. This language is not typically found in a zoning ordinance. The Township should consider amending the SLDO or suggesting waiver requests for the project. The zoning ordinance should not control the SLDO. In addition, profiles and drawings should not be considered in a zoning ordinance. The SLDO includes requirements for street design. The proposed drawings for the NDD should be removed from the proposed language.
 - 1) Section 14.63.M.3-Recreation Land (page 22). The SLDO specifies that open space land dedication should be for the public and be suitable for development as a particular type of park or recreation area (SLDO Section 710.A.1). Stormwater management areas may not meet the requirements. However, open space areas within a NDD count toward the recreation dedication requirements.
 - 2) Section 14.63.N-Street and Alley Standards (page 23). See Section 703 of the SLDO, except as follows... The proposed language includes 12 SLDO requirements for streets and alleys do not apply to a NDD.
 - 3) Section 14.63.R-Site Lighting Standards (page 27). Street lighting in a NDD will be placed in the yard by the developer and be privately owned and maintained. Street lighting is required within the rights-of-way in the SLDO.
6. Section 14.63.C.6-Required Dwelling Mix (page 9). This Section requires varied dwelling unit types in a proposed NDD. The language should be revised to require the dwelling unit types to be mixed throughout the development rather than segregated into clusters of similar units.
7. Section 14.63.F.2.B-On-street parking (page 16). Township staff may be required to track which on-street parking spaces are counted for specific uses in the NDD. The Township should verify that on-street parking will be managed by the staff.
8. Section 14.63.I-Sign Standards (page 18). Requirements for changeable message signs, residential development/neighborhood signs and on-site directional signs are found in Section 14.16 of the zoning ordinance.

In addition, A-frame signs are currently prohibited except on a temporary basis not to exceed 72 consecutive hours not more than once per year (Zoning Section 14.16.D.10). The Township should review the proposed language and revise Zoning Section 14.16.

9. Section 14.63.I.2.E-Signs on corner lots (page 21). This section permits a sign along each street when a lot adjoins multiple streets or alleys in all underlying zoning districts. The Township should adopt this language in Zoning Section 14.16, or limit the language to the NDD.
10. Section 14.63. M.1.A-Open Space Standards (page 21). The Township should retain the requirement to preserve natural resources, historical and archaeological sites in the open space areas. Further, the natural resources should include the 100-year floodplain and prime agricultural soils.
11. Section 14.63.M.1.A.2-Width of Open Space Area (page 22). The proposed minimum width of an open space area is 6 feet. This requirement should be increased for access. The Township should provide for maintenance equipment (excavation and delivery of amenities which may include gazebos, swing set/slides, etc.) and emergency services (ambulance, police and fire) access to the open space area. Further, the land dedication requirements in the SLDO (Section 710.A.1) require that the proposed recreation area be contiguous and regular in shape and be suitable for development as a particular type of park or recreation area. The Township should determine whether a 6-foot open space area meets the intent of the SLDO.
12. Section 14.63.R.1.A-Street Lighting (page 27). Lamp post lighting shall be installed by the developer in the front yard near the right-of-way. The lamp post lighting shall be privately owned and maintained. Who will be the private owner? The ordinance should clarify whether the maintenance will be the responsibility of the property owner or the homeowner's association.
13. Exhibit A-Proposed Zoning Map. The Township should include Parcel 21-08-0575-009 (which is currently split zoned) and 21-08-0573-028 in the rezoning to Village Center.
14. A connector road is currently under construction from York Road to Trindle Road in the vicinity of the proposed rezoning. Future site development should provide multimodal accessibility and connectivity to the connector road and sidewalks. During the land development process, the developer should implement improvements such as crosswalks, signage and other traffic controls where warranted to facilitate bike and pedestrian movement across Trindle Road.
15. The proposed rezoning is adjacent to large tracts of land that are subject to an Agriculture Conservation Easement. The Township and future residents of this area should expect agricultural uses and dust/odor associated with normal farming activity.
16. Most of the parcels in the zoning map amendment are currently designated as Agriculture Security Areas (ASA). Based on the proposed re-zoning, the property is no longer proposed to be for agricultural use. The Township should remove the parcels from the ASA record pursuant to Act 43 of 1981 should the re-classification occur.

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