



PLANNING DEPARTMENT
Cumberland County

Cumberland County Review Report

Cumberland County Planning Department
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Recommendation: *Approval With Comments*

<i>Name of Amendment:</i>				
Miscellaneous Amendments Throughout				
<i>Municipality:</i>	<i>Date Received:</i>	<i>Date Reviewed:</i>	<i>Reviewed By:</i>	<i>Checked By:</i>
South Middleton Township	8/31/2023	9/18/2023	SH	KS
<i>Type of Amendment:</i>				
Zoning Text Amendment				

Explanation of Amendment:

South Middleton Township has submitted a zoning ordinance text amendment that includes numerous clean-up amendments throughout the ordinance including dimensional requirements in the village district, small wireless facilities, and sign requirements. The current zoning ordinance was adopted on February 9, 2023.

The text amendment is generally consistent with the Cumberland County Comprehensive Plan and the South Middleton Township Comprehensive Plan.

Administrative Comments and Recommendations:

1. The flood hazard district will be removed from section 1401 and the subsequent chapters will not be renumbered. The flood hazard section should be replaced with the word, "Reserved" to maintain the numbering.
2. Page 293, section 1708.C-1. The term right-of-way is misspelled.

Technical Comments and Recommendations:

3. Page 45, section 400. The Town Center District should be added to the list of districts and the flood hazard district should be removed from the overlay districts.
4. Page 205, section 1607.1. The township should list each district for the screening requirement. The term 'residential district' could include the village district, suburban commercial district, or the town center district as residential uses are permitted.
5. Page 262, section 1639.1.4.A.vii.9. A small wireless facility (SWF) is permitted by right and only requires a zoning permit application. Requiring the applicant to notify all property owners within 150 feet of the SWF seems excessive.

In addition, a SWF should be included as a permitted use in each of the zoning districts.

6. Page 262, section 1639.1.4.A.vii.10. A SWF is permitted by right in all zoning districts without a land development plan submission (see section 1639.1.4.A.i-ii). This section requires a detailed explanation of the justification for any variance or special exception. Does this requirement apply to a SWF?
7. Page 265, section 1639.1.4.E. Prior to or at the time of adoption, the township should adopt a SWF design manual.
8. Page 275, section 1639.1.11. The violations and penalties section of the SWF requirements should be compared to section 2205 (page 333) of the zoning ordinance. CCPD recommends removal of duplicative or conflicting requirements.
9. Page 270, section 1639.1.6.B.iii. This section indicates that the township may require the discontinuance of a SWF if the township designates the area of the utility pole as an 'underground district'.
 - a. The township should determine whether underground utilities are currently required in all new developments.
 - b. In addition, the ordinance should include a definition of an 'underground district'. utilities such as public water, public sewer, and gas are typically located underground.
10. Page 266, section 1639.1.5.A.v. A SWF in the public right-of-way shall not be located immediately in front of any building entrance or exit.
 - a. The township should verify that this is consistent with similar requirements that may be provided in the SWF design guidelines (if applicable).
 - b. For enforcement purposes, the CCPD recommends that the township establish a distance from the front of any building entrance or exit. As proposed, the language is subject to interpretation.
 - c. The definition of "immediately in front of" should be determined.
11. Page 284, section 1701.1. Signs identifying the owner of a private property and signs for a private road or no trespassing are included under the 'governmental/public safety signs' section. The township should consider a different name for this section as these signs are not typically associated with the government or the safety of the public.
12. Page 293, section 1708.C-2. The freestanding commercial sign requirements excludes individual businesses in a commercial center. The township should add shopping plazas and malls to this exclusion as section C-6 (page 294) has separate requirements for a freestanding commercial sign in shopping plazas, malls, or commercial centers.
13. Page 292, section 1708.G. The sign requirement for public and semi-public facilities such as schools, churches, public utilities, clubs, hospitals, libraries, etc. will be removed from the ordinance. Will these sign types be included as a 'commercial sign'? The ordinance should clarify what is considered a 'commercial sign'.
14. Page 285, section 1701.2. The commercial sign types in this section include C-2 'freestanding business signs excluding shopping center and C-3 attached business signs excluding a shopping center. These sign descriptions should be changed to 'commercial signs' to reflect the same terminology used on the table in section 1708 (permitted permanent signs).

"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."