

**SOUTH MIDDLETON TOWNSHIP  
CUMBERLAND COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 03 OF 2007**

**ORDAINING CLAUSE**

BE IT HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of South Middleton, County of Cumberland, by authority of and pursuant to the provisions of that Act of the General Assembly of the Commonwealth of Pennsylvania, approved July 31, 1968, known and cited as the "Pennsylvania Municipalities Planning Code," (53 P.S., Section 10101) and any amendments and supplements thereto, as follows:

**ARTICLE I**

**GENERAL PROVISIONS**

100. Title

AN ORDINANCE OF THE TOWNSHIP OF SOUTH MIDDLETON, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE 13 OF 1999 (THE SOUTH MIDDLETON TOWNSHIP ZONING ORDINANCE) ORIGINALLY ENACTED ON JANUARY 2, 1970, AS SUBSEQUENTLY AMENDED, PERMITTING, PROHIBITING, REGULATING, RESTRICTING, AND DETERMINING THE USES OF LAND, WATERCOURSES, AND OTHER BODIES OF WATER; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE ALTERATION, RAZING, REMOVAL, AND USE OF STRUCTURES AS WELL AS COURTS YARDS, AND OTHER OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; THE LOCATION AND SIZE OF SIGNS; CREATING ZONING DISTRICTS AND ESTABLISHING THE BOUNDARIES THEREOF; CONTINUING THE OFFICE OF ZONING OFFICER; CONTINUING A ZONING HEARING BOARD; AND PROVIDING FOR THE ADMINISTRATION, AMENDMENT, AND ENFORCEMENT OF THE ORDINANCE, INCLUDING THE IMPOSITION OF PENALTIES.

101. Short Title

This Ordinance shall be known and may be cited as the "South Middleton Township Zoning Ordinance."

## 102. Purpose

This Zoning Ordinance has been prepared in consideration with the Township Comprehensive Plan as amended, and with consideration for the character of the municipality, its various parts, and the suitability of the various parts for particular uses and structures, and is enacted for the following purposes:

- (1.) To promote, protect, and facilitate any or all of the following: the public health, safety, and the general welfare; coordinated and practical community development and proper density of population; emergency management preparedness and operations, airports, and national defense facilities, the provision of adequate light and air, access to incident solar energy, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provision of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values in the environment and preservation of forests, wetlands, aquifers and floodplains.
- (2.) To prevent one or more of the following: Overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- (3.) To preserve prime agriculture and farmland considering topography, soil type and classification, and present use.
- (4.) 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 multi-family dwellings in various arrangements, mobile homes and mobile home parks, provided, however, that this Ordinance shall not be deemed invalid for the failure to provide for any other specific dwelling type.
- (5.) To accommodate reasonable overall community growth, including population and employment growth, and opportunities for development of a variety of residential dwelling types and nonresidential uses.

### 103. Interpretation

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, safety, and the general welfare of the Township and its citizens. It is not intended by this Ordinance to interfere with or abrogate or annul any rules or regulations adopted or permits previously issued by the Township which are not in conflict with any provisions of this Ordinance nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of the buildings or premises or upon the height of the building, or requires a larger open space than is imposed or required by such ordinances, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Ordinance shall control. Where, due to inherent ambiguity, vagueness or lack of clarity in the language of this Ordinance, a reasonable doubt exists as to the meaning of any restriction upon the use of land, said doubt shall be resolved in favor of the property owner and against any implied extension of a restriction.

### 104. Township Ordinances

No uses shall be permitted in any district which directly violates any Township ordinance.

### 105. Review

All development shall be subject to the provisions and requirements delineated in the Township Subdivision and Land Development Ordinance as amended.

### 106. Validity

(1.) If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Zoning Ordinance is, for any reason, declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Zoning Ordinance. The Board of Supervisors of the Township of South Middleton, Cumberland

County, Pennsylvania hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

- (2.) Where this ordinance is found to be inconsistent with the Municipalities Planning Code (MPC) or any subsequent amendment thereof, the requirements of the MPC shall be deemed to control.

#### 107. Repealer

Inconsistent Ordinances: Any resolution, ordinance, or part of any ordinance or resolution that is inconsistent with the provisions of this ordinance, and any amendments thereof are hereby expressly repealed.