

**TOWNSHIP OF MIDDLETOWN  
BUCKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 21-09**

**AN ORDINANCE OF MIDDLETOWN TOWNSHIP  
AMENDING THE TOWNSHIP ZONING ORDINANCE AND ZONING MAP  
CREATING AN AGE QUALIFIED OVERLAY DISTRICT**

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Middletown Township, Bucks County, Pennsylvania that the Zoning Ordinance is hereby amended as follows:

WHEREAS, Chapter 500, Article XXXII of the Middletown Township Zoning Ordinance and Section 609 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 106909, authorize the Township of Middletown to enact amendments to the Middletown Township Zoning Ordinance and Zoning Map.

WHEREAS, the Board of Supervisors of Middletown Township has determined that it is in the best interests of the municipality to adopt this ordinance amending the Middletown Township Zoning Ordinance and Zoning Map.

WHEREAS, the Board of Supervisors of Middletown Township has determined that this Ordinance is generally consistent with the Township's Comprehensive Plan;

WHEREAS, a public hearing was held for the purpose of considering this amendment to the Middletown Township Zoning Ordinance and Zoning Map, and

WHEREAS, the Board of Supervisors of Middletown Township, after a public hearing, and after receipt of recommendations from the Middletown Township Planning Commission and the Bucks County Planning Commission, deems it appropriate and proper that the Zoning Ordinance be amended to create a new overlay zoning district to allow for the development of homes for persons 55 years of age and over, and to apply the new overlay to certain properties within the Township, and finds that such modifications are in accordance with the spirit and the intent of the Middletown Township Zoning Ordinance and Comprehensive Plan.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of Middletown Township, Bucks County, Pennsylvania that the Middletown Township Zoning Ordinance and Zoning Map are hereby amended as follows:

1. TEXT AMENDMENT.

SECTION 500, ARTCILE XXII of the Zoning Ordinance is hereby amended to add a new subsection 500-2205, which reads as follows:

**§ 500-2205. Age-Qualified Overlay District**

**A. Purpose and intent.** The purpose of establishing the Age-Qualified Overlay District is to allow the development of a well-planned, designed, built and maintained development, consisting of a community for persons 55 years of age and over which provides for a variety of residential housing types as well as indoor and outdoor recreational facilities.

**B. Applicability.**

- (1) The Age-Qualified Overlay District shall be deemed an overlay on the specified parcels identified on the Zoning Map, as designated by the Township from time to time. It shall not change the underlying zoning district of said parcels; but, rather, provide additional permitted uses and regulations applicable to such uses.
- (2) The Age-Qualified Overlay District may be applied to those parcels of land that include a declaration that at least one occupant of any dwelling unit is at least 55 years of age or older (subject to the exceptions set forth in the Federal Fair Housing Act).
- (3) The regulations, requirements and restrictions set forth in this section shall apply to development in the Age-Qualified Overlay District and shall supersede the regulations, requirements and restrictions applicable to the underlying zoning district to the extent of a conflict between them.

**C. Use regulations.**

A building may be erected or used and a lot may be used or occupied for any of the following purposes and no other:

- (1) Single-family detached dwelling. A single detached dwelling unit on an individual lot with private yards on all sides of the house.
- (2) Semidetached dwelling. A unit having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.
- (3) Accessory uses, consisting of:
  - (a) Uses customarily incidental to any permitted use, subject to the applicable provisions of this article and Article XXIV.
  - (b) Outdoor recreational facilities, including but not limited to tennis courts, swimming pools, walking paths, bocce, golf putting/chipping area, and shuffleboard courts.
  - (c) Clubhouse, consisting of auditorium, activity rooms, kitchen areas, craft rooms, fitness, lounges or similar facilities, for members of the community and invited guests.
  - (d) Guardhouse and/or entrance gates.

- (e) Administrative offices used for the management of the community.

**D. Area, dimensional and design requirements.**

All uses in the Age-Qualified Overlay District shall meet the following requirements:

- (1) Minimum site area: 85 gross acres.
- (2) Maximum density: 2 dwelling units per gross acre. The provisions of § 500-2603E of this chapter shall not be applicable in this district.
- (3) Maximum building coverage: 20% for the project.
- (4) Maximum impervious coverage: 40% for the project.
- (5) Unit mix requirements. On sites over 125 acres, at least two housing types shall be provided within the proposed development, with no one housing type comprising less than 15% of the total number of dwelling units; while on sites under 125 acres, only one housing type needs to be provided.
- (6) Minimum open space. The minimum open space ratio shall be 35% of gross site area (before deduction of any and all lands to be dedicated to the Township). In calculating the minimum open space for the Age-Qualified Overlay District, areas containing stormwater facilities or similar structures, including but not limited to, stormwater detention or retention basins, may comprise up to 20% of the open space area if such areas would otherwise meet the open space definition but for the stormwater facilities or similar structures (the “Stormwater Open Space”). No more than 20% of open space shall be Stormwater Open Space.
- (7) Minimum building setback from tract boundary: from off-site street cartway, 75 feet; from the property line, 50 feet.
- (8) Maximum building height: 3 stories or 35 feet, whichever is less, provided that, dwelling units with “walk-out” style basements may have a maximum building height of 40 feet.
- (9) Buffer yard. A twenty-five-foot buffer yard shall be provided along all property lines of the tract. The buffer yard shall meet the requirements of § 500-2605 of this chapter, however, § 500-2605A(1) shall not apply to the Age-Qualified Overlay District.
- (10) Off-street parking. There shall be 1 1/4 off-street parking spaces provided for each dwelling unit.

**E. Individual lot area and bulk requirements.\***

<b>Requirement</b>	<b>Single-Family Detached</b>	<b>Single-Family Semidetached</b>
Minimum lot area	6,000 square feet	4,000 square feet

Minimum lot width	60 feet		40 feet	
Minimum front yard from edge of cartway				
	1.	With sidewalks, 30 feet	1.	With sidewalks, 30 feet
	2.	Without sidewalks, 25 feet	2.	Without sidewalks, 25 feet
Minimum side yard	10-foot minimum		10 feet on 1 side	
Minimum rear yard**	15 feet		15 feet	
Floor area ratio	N/A		N/A	
Minimum distance between buildings	20 feet		20 feet	
Maximum units per structure	N/A		2	

\*Lot lines can be removed from final plans if the units are subject to the Planned Community Act or the Condominium Act. Hypothetical lot lines can then be shown on a plan to confirm compliance with the individual lot area requirements.

\*\* Decks, patios and similar structures are permitted in and as part of rear yards but shall not be permitted in any buffer area.

#### **F. General requirements.**

- (1) All units shall be served by public water and public sewer. All utilities including water and sewer shall be in accordance with the provisions of the Subdivision and Land Development Ordinance (Chapter 440).
- (2) Designated open space shall be restricted from further development by declaration and duly recorded in the office of the Recorder of Deeds of Bucks County. Required open space may be owned by a homeowners' or condominium association, the Township, or in private ownership.
- (3) Roads within the proposed development shall be private and shall be owned and maintained by a homeowners' or condominium association. All roads shall be constructed to Township standards for public residential streets, except that all such streets within the proposed development shall be permitted to have a right-of-way width of 50 feet and a cartway width of 26 feet. The Board of Supervisors may impose parking restrictions on one or both sides of such streets. A utility easement area shall be provided along all streets to provide suitable area for the location of utility lines.
- (4) A pedestrian circulation system shall be provided as an integral part of the proposed development. The pedestrian circulation system shall include any one or a

combination of sidewalks, pathways and trails to provide reasonable access to all neighborhoods, recreation, shopping or other destination within and adjacent to the proposed development.

- (5) At least one occupant of each dwelling unit shall be 55 years of age or older.
- (6) Subsequent to the approval of the plan for the first phase of the development, but prior to the recording of the plan, developers shall each record a declaration against their respective portions of the tract, in a form acceptable to the Township Solicitor, binding all properties and owners to the restriction which shall require one occupant of an individual dwelling unit within the proposed development to be 55 or older.
- (7) The Township Police Department shall be given the right to enforce the provisions of the Pennsylvania Motor Vehicle Code on streets throughout the development.
- (8) No single-wide or double-wide mobile homes shall be permitted as part of this development.
- (9) All units must have garages for the parking of at least one vehicle. This garage space cannot be used for storage or converted to additional living space. This restriction to be included in the declaration of covenants, easements and restrictions.
- (10) Any additional open space and/or recreation space requirements, including those set forth in § 500-2604 of this chapter and § 440-424, Recreation areas and community facilities, of Chapter 440, Subdivision and Land Development, of this Code, shall not be applicable to the Age-Qualified Overlay District as long as a clubhouse is provided as part of the community.

2. MAP AMENDMENT. The Zoning Map of Middletown Township is hereby amended as follows:

To subject Tax Map Parcel No. 22-005-007, located along Newtown-Langhorne Road (Route 413) and Fulling Mill Road, consisting of a total of approximately 168 acres and currently split-zoned RA-2 Residence Agricultural Zoning District and RA-3 Residence Agricultural Zoning District, as more particularly described on Exhibit A attached hereto, to the overlay district identified in the Zoning Ordinance as the Age-Qualified Overlay District. This map amendment will not change the underlying zoning district classification of the Tax Map Parcel No. 22-005-007.

3. SEVERABILITY. It is hereby declared to be the legislative intent that if a court of competent jurisdiction declares any provision of this Amendment to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly state in the decision to be invalid or ineffective, and all other provisions of this Amendment shall continue to be separately and fully effective. The Board of Supervisors hereby declares that it would have passed this Amendment and each Section or part thereof, other than the part declared

invalid, if the Board of Supervisors had advanced knowledge that any part would be declared invalid.

4. REPEALER. Any resolution, ordinance or part of any ordinance or resolution inconsistent herewith, and any amendments thereof, are hereby expressly repealed and the provisions of this Ordinance shall prevail.

5. RATIFICATION. In all other respects, the provisions of the Middletown Township Zoning Ordinance and Zoning Map, as amended, shall remain in full force and effect.

6. EFFECTIVE DATE. This Amendment shall become effective five (5) days after adoption.

ENACTED and ORDAINED this 20th day of December, 2021.

BOARD OF SUPERVISORS OF  
MIDDLETOWN TOWNSHIP

Attest: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Chairman of Board of Supervisors