



DELAWARE COUNTY PLANNING COMMISSION

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GINA BURRITT

DIRECTOR

Planning Department

November 22, 2024

Ms. Meredith Merino
Middletown Township
27 N. Pennell Road
Lima, PA 19037

RE: Name of Petition: Comprehensive Zoning Code and Map update
DCPD File No.: ZA-26-8129-24
Petitioner: Middletown Township
Recv'd in DCPD: October 17, 2024

Dear Ms. Merino:

In accordance with the provisions of Section 609 of the Pennsylvania Municipalities Planning Code, the above described proposal has been sent to the Delaware County Planning Commission for review. At a meeting held on November 21, 2024, the Commission took action as shown in the recommendation of the attached review.

Please refer to the DCPD file number shown above in any future communications related to this application.

Very truly yours,

Gina Burritt
Director



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Date: November 22, 2024

File No.: ZA-26-8129-24

PETITION: Comprehensive Zoning Code and Map update

DATE OF PETITION: October 17, 2024

PETITIONER: Middletown Township

MUNICIPALITY: Middletown Township

TYPE OF REVIEW: Zoning Text and Map Update

PROPOSAL: Map amendment: Comprehensive amendment of the Township zoning map

Text amendment: Comprehensive amendment of the Township zoning ordinance

RECOMMENDATIONS: Map amendment: Adoption

Text amendment: Adoption, with consideration given to staff comments

PREPARED BY: Michael A. Leventry

REMARKS:

ZONING MAP AMENDMENT

The proposal requests to make wholesale modifications to multiple zoning districts within the Township's map including the merging and adjusting of districts. Said map changes correlate with text modifications.

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REMARKS continued:

DISTRICT CHANGES

The proposed map (correlating with the proposed text) changed the nomenclature for Commercial from B-1 and B-2 to C-1, 2, and 3. The Institutional districts (1-4) were narrowed to two districts (I-1 and I-2). The OR districts (1-3) were narrowed to just one OR district. Finally, the R-4 and R-5 districts were merged as R-4. The floodplain depiction is removed and slated to be a standalone chapter within the Township code.

The proposed map generally reflects the mergers and adjustments made to the existing map classifications and/or correlate with the underlying existing use(s).

MAP AMENDMENT FINDINGS

The proposed map modifications, which reduce the number and districts, appear to be reasonable. Adoption is recommended.

ZONING TEXT AMENDMENT

The proposal requests to change the zoning code to address various factors throughout. District sections are modified to correlate with map changes (reduction/merging of sections/districts). Additionally, general provisions and guidance sections are added or improved.

PROPOSED AMENDMENT

Use Sections

The proposed code is updated with some new accessory uses. Renewable/solar energy systems are now addressed within the R-1A, R-A, R-2, R-3, R-4, and M districts. Additionally, in-law suites are addressed within R-1A, R-1, and R-2 districts.

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REMARKS continued:

The SU-1A district is modified to remove warehouse as a permitted use (as well as updated regarding parking and signage).

Conditional uses are also added including Bed-and-Breakfast (R-1A), Brewpub/Microbrewery/Distillery (M), Medical Marijuana grower/processor (M), Daycare Center is accommodated via Cultural/Religious Uses, and Medical Marijuana Dispensary (C-3).

General Provisions: Various general provisions are updated including revisions to interior lot provisions for scenarios where the parent tracts are either greater or less than 5 acres. Location of accessory structures (within the R-3 and R-4) is addressed and are allowed to be 5' from side/rear property lines. Regulations for in-law suites and solar systems are added while junk car provisions are removed (addressed within the Vehicle code section). Finally, outdoor signage and lighting are addressed.

Special Provisions: A new chart is created to supplement the code including the new proposed uses. The chart addresses area and bulk regulations.

Off-street Parking and Signage: These sections were modestly modified with adjustments made for the following uses: educational, fast-food restaurant, car wash, self-storage, marijuana dispensary, conference center, commercial garden center and bead-and-breakfast. Additionally, provisions were added for EV charging stations and a chart was provided for design standards based on the district.

Natural Resource Standards/Other: This new section addresses steep slope provision as well as woodlands and tree preservation/replacement. Other standalone code sections will be updated to correspond with zoning including Animals, Floodplain, Noise, Vehicles & Traffic, and SALDO.

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REMARKS continued:

HISTORICAL COMMENTS

The Township should be commended for updating their zoning code and for including as one of their main purposes 'to encourage the preservation of historic and cultural resources'. Middletown Township has a large number of historic buildings from the 17th-20th centuries that contribute to the character of the Township. Middletown has had a Historic Resource Survey since 1981, and although it needs to be updated, it is a great source of information about historic properties that were surveyed in the 1980s, mostly locally significant buildings.

The definitions given in the proposed Zoning Code do not include this 1981 Historic Resource Survey, and it should be noted that the Pennsylvania Inventory of Historic Resources and the Historic Architectural Building Survey are not comprehensive or updated. The Pennsylvania Historic & Museum Commission determines if buildings or sites are eligible for inclusion on the National Register of Historic Places and submit nominations to the National Park Service for verification and individual or district listing. Inclusion on the National Register should not be the only determining factor for preservation of historic buildings as only one district is listed, and 8 buildings or districts are eligible. The 1981 Historic Resource Survey listed 134 buildings and sites that were locally significant that contribute to the historic character of the Township and should be preserved.

It is recommended that the Township revise their definitions throughout the document to include 'buildings listed on the 1981 survey and as updated from time to time by the Delaware County Planning Department'. It is also recommended that the Township seek an update to the Historic Resource Survey to include resources that were not included on the 1981 survey or have since become eligible for inclusion because of its age (typically 50 years old). The Delaware County Planning Department can assist with the survey update or seeking funding for an external consultant.

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REMARKS continued:

Middletown Township has no preservation ordinance to protect historic buildings from demolition or inappropriate alterations. If the Township is determined to preserve their historic resources, please contact the Planning Department for a discussion regarding preservation ordinances.

Section recommendations:

- Section 275-64, G3: It is commendable to provide an incentive such as density relief in order to preserve historic buildings. This type of incentive can be used in other appropriate districts.
- Sections 275-131, C7 and 275-182, E: The use and protection of historic and cultural sites through open space regulations is commendable, although it should be noted exactly where the Township's Historic Sites Map is located and how to access it.

Middletown Township should be commended for taking this important step towards protecting their heritage and the Planning Department encourages them to continue their progress.

MUNICIPALITIES PLANNING CODE (ACT 247) CONSISTENCY

The proposed amendments to Middletown Township's zoning map and code appear to be generally consistent with the provisions and requirements of the Municipalities Planning Code (Act 247).

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REMARKS continued:

STAFF RECOMMENDATIONS

TEXT AMENDMENT FINDINGS

The proposed modifications provide a clearer and easier to use zoning code and map. The additional standards, uses, and provisions bring the code up to date. The changes in various uses (additions/subtractions) are reasonable and appear to correlate with the intent of the associated districts. A recommendation is made regarding historic properties. Adoption is recommended.

ADOPTION

In accordance with Section 609(g) of the PA Municipalities Planning Code, an executed copy of the amendment must be forwarded to the County Planning Department within thirty (30) days of enactment.