

MIDDLETOWN TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 817

AN ORDINANCE AMENDING THE MIDDLETOWN TOWNSHIP CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PENNSYLVANIA, CHAPTER 275, ZONING, ARTICLE II TERMINOLOGY, BY DELETING THE EXISTING DEFINITION OF INTERIOR LOT AND ADDING NEW DEFINITIONS FOR FLAG FRONT LINE, FLAG LOT, INTERIOR LOT, EXISTING INTERIOR LOT AND PARENT TRACT; AND AMENDING CHAPTER 275, ZONING, ARTICLE XXXIII GENERAL PROVISIONS BY DELETING SECTION 275-199.D(1), (2), (3) AND (4) RELATING TO COMMON DRIVEWAYS FOR INTERIOR LOTS IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 275-199.D (1), (2), (3), (4) RELATING TO EXISTING INTERIOR LOTS AND SECTION 275-199.E (1), (2), (3), (4), (5), (6) and (7) RELATING TO REGULATIONS FOR FLAG LOTS AND INTERIOR LOTS.

The Council of the Township of Middletown, Delaware County, Pennsylvania, hereby ENACTS AND ORDAINS the following amendments to the Code of Ordinances of the Township of Middletown:

Section 1.

The Middletown Township Code of Ordinances, Chapter 275, Zoning, Article II Terminology is hereby amended by deleting the existing definition of Lot, Interior, and adding definitions for the following terms:

Flag Front Line: A line which is parallel to the public street from which a flag lot gains access; extends the full width of such flag lot; and intersects the point nearest such public street at which the flag lot first achieves a width equal to 75% of the applicable lot width requirement.

Lot, Flag: A lot which is connected to a street by an access strip of required minimum width at the street line per the applicable zoning district. Minimum lot area and other dimensional requirements shall be met on that portion of the lot exclusive of the minimum access strip.

Lot, Existing Interior: A lot existing as of the date of this Ordinance with an existing separate Tax Folio Number, which meets all of the R-1 or R-1A Residential District Zoning regulations except the minimum lot width at the street line.

Lot, Interior: A lot created through the subdivision process, after the date of this Ordinance, which does not front on a street and has access to a street only by way of an easement or right-of-way.

Parent Tract: the area of land from which parcels are subdivided.

Section 2.

The Middletown Township Code of Ordinances, Chapter 275, Zoning is hereby amended by deleting the existing Section 275-199.D (1), (2), (3) and (4) in its entirety and replacing it with 275-199.D and 275-199.E as follows:

D. The following regulations shall apply to Existing Interior Lots:

For one or two Existing Interior Lots, a common driveway may be provided subject to compliance with the following requirements:

(1) A private driveway providing public street access to one or two Existing Interior Lots shall have a recorded easement right-of-way of 50 feet in width and a paved cartway of not less than 16 feet in width. The paved cartway shall have a minimum setback of 50 feet from any existing dwelling. The fifty-foot-wide easement shall be unobstructed by any building.

(2) A private driveway providing access to a public street for the one or two Existing Interior Lots may also provide access for one lot which must have a minimum lot width at the street line as specified for the residence zoning district in which the lot is located.

(3) In order to protect the public health, safety and general welfare of persons residing in dwellings on lots adjacent to a private driveway providing public street access to an Existing Interior Lot or lots, buffer planting strips shall be provided within the easement area at appropriate locations to prevent the headlights of motor vehicles using the private driveway from shining directly on any dwelling or dwellings on any adjacent lots or lots. The buffer planting area shall be in accordance with Article XXXIV.

(4) If an Existing Interior Lot exceeds the Lot Area required for the residence zoning district in which the lot is located, the Existing Interior Lot may not be further subdivided to create any additional Interior Lots and the owner of the Existing Interior Lot shall record a restriction against further subdivision of the Existing Interior Lot.

E. The following regulations shall apply to Flag Lots and Interior Lots:

(1) Flag lots and Interior Lots shall be permitted only within the R-1 and R-1A residential districts and shall be subject to all regulations of this section and the applicable district regulations.

(2) Flag lots and Interior Lots shall be permitted within a subdivision when no other reasonable alternative can be achieved.

(3) No more than one Flag Lot and one Interior Lot may be created from a Parent Tract.

(4) The access strip serving any Flag Lot shall have a minimum width of 50 feet at the street line and shall not exceed 300 feet in length, as measured from the street right-of-way to the Flag Front Line.

(5) The Flag Lot access strip shall be excluded from the required minimum lot area (net lot area) calculation imposed by the district regulations.

(6) The private driveway providing access to a public street for one Flag Lot may also share a driveway with any lot which fronts completely on the street. The recorded easement shall not be less than 25 feet in width and a paved cartway of not less than 12 feet in width. The paved cartway shall have a minimum setback of 25 feet from any existing dwelling and be a minimum of four feet from a property line. The 25-foot-wide easement shall be unobstructed by any building or structure.

(7) If a subdivision of a Parent Tract results in the creation of an Interior Lot, the access easement to the Interior Lot shall be 50 feet in width and must have a paved cartway which is constructed in accordance with the design standards for streets as set forth in the Township Subdivision and Land Development Ordinance. The paved cartway shall have a minimum setback of 25 feet from any existing dwelling and be a minimum of four feet from a property line. The 50-foot-wide easement shall be unobstructed by any building or structure.

Section 3.

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid or unconstitutional by any courts of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this Ordinance invalid.

Section 4.

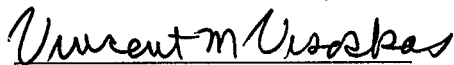
All Ordinances or parts of Ordinances inconsistent herewith are hereby superseded to the extent of any inconsistency with any provision contained herein.

Section 5.

This Ordinance shall be effective thirty-one (31) days after its enactment.

ENACTED AND ORDAINED by the Council of Middletown Township, Delaware County, Pennsylvania, this 13th day of July 2020 at a regularly scheduled public meeting.

ATTEST:



Vince Visoskas
Acting Township Manager

TOWNSHIP OF MIDDLETOWN

TOWNSHIP COUNCIL

By: 

Mark Kirchgasser
Chairman of Council