

**TOWNSHIP OF MIDDLETOWN  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 856**

AN ORDINANCE AMENDING THE MIDDLETOWN TOWNSHIP CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PA, CHAPTER 275, ZONING, ARTICLE II, ENTITLED TERMINOLOGY, SECTION 275-8 BY PROVIDING A NEW DEFINITION FOR "RESIDENTIAL GROUP HOME" AND AMENDING ARTICLE XXXIV, SPECIAL PROVISIONS, BY PROVIDING A NEW SECTION 275-216.5 AUTHORIZING RESIDENTIAL GROUP HOMES AS CONDITIONAL USE IN ALL RESIDENTIAL ZONING DISTRICTS SUBJECT TO CERTAIN STANDARDS AND CRITERIA GOVERNING OPERATION OF RESIDENTIAL GROUP HOMES AND CONDITIONAL USES.

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

**SECTION I.**

The Middletown Township Code of Ordinances, Chapter 275, Zoning, Article II, Section 275-8, Definitions, is hereby amended as follows:

The following term is hereby added to Section 275-8 and shall have the following meanings:

**RESIDENTIAL GROUP HOME**

A dwelling unit operated by a responsible individual, family, entity or organization with a program to provide a supportive living arrangement for persons and attendant staff, living together in a dwelling unit and functioning as a single housekeeping unit under a common housekeeping management plan based upon an intentionally structured relationship providing organization and stability. The resident of a residential group home must be limited to persons who need specialized housing because of age, disability or illness, and may include, but not necessarily be limited to, children, the mentally or physically handicapped and elderly, but shall not include drug and alcohol rehabilitation facilities, or adult pre-release correctional facilities such as work release, halfway houses or similar uses. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the federal Fair Housing Act, as amended. Residency shall be on a non-transient basis. This definition shall not apply to a club, lodge, fraternity house, nursing or day-care facility or similar use.

**SECTION II.**

The Middletown Township Code of Ordinances, Chapter 275, Zoning, Article XXXIV, Special Provisions, is hereby amended by adding a new Subsection 275-216.5., Residential Group Homes, to provide as follows:

§ 216.5-1. Purpose.

The purpose of this Section is to authorize residential group homes in residentially zoned districts within the Township as a conditional use subject to certain standards and requirements necessary to protect and maintain the residential character of neighborhoods, provide for effective use and regulation of utilities, emergency and other Township services and ensure that appropriate county, state and federal requirements have been met.

§ 216.5-2. Conditional Use. Residential Group Homes, as defined in Article II, are authorized in all residential zoning districts as a conditional use subject to the standard application procedures for conditional uses set forth in § 275-37, subject to standards and criteria for approval of Residential Group Homes set forth § 275-216.5-3 herein and the general standards and criteria for approval of conditional uses in § 275-236.

§ 216.5-3. Standards. Prior to occupying a property in connection with a Residential Group Home (as used sometimes herein, "Home"), the owner of the property or operator of the Home shall demonstrate or otherwise be subject to the following:

- A. The lot upon which the Residential Group Home is situated shall meet the minimum bulk and area requirements established in the zoning district for which the Home is to be located. The Residential Group Home shall not be maintained in an accessory building or unit.
- B. Residential Group Homes shall be used and maintained as a single housekeeping unit with shared use of living areas, eating areas, bathrooms and food preparation and serving areas.
- C. The maximum number of residents in the Residential Group Home shall not exceed the number of occupants or residents permitted by the applicable Township Building Codes or other state and federal regulations applicable to such Homes. Sewage disposal and water supply facilities shall be sufficient to handle the anticipated loading created by the number of proposed residents and shall meet all requirements of the Pennsylvania Department of Environmental Protection and/or applicable requirements of the Middletown Township Sewer Authority.
- D. Residential Group Homes shall, to the extent practicable, conform to the type and outward appearance of the residences in the area in which they are located. This provision shall in no way restrict the installation of any ramp or other special features required to serve residents of the Home.
- E. No signage other than that authorized under Section 275-195.A shall be permitted, except as otherwise required by law.
- F. In order to ensure the integration of the Residential Group Home into a neighborhood and to ensure proper use, availability and regulation of emergency and other Township services, a Residential Group Home shall be located no closer than 1,000 feet to another Residential Group Home, measured on a straight line radius from the property line so used, to the property to be used.

- G. Off-street parking must be adequate to accommodate the needs of the residents and staff. At a minimum, the Residential Group Home must meet the minimum requirements for the zoning district in which it is located.
- H. Notwithstanding any provision of the Township Building Code, the Residential Group Home must maintain an automatic sprinkler system.
- I. The Residential Group Home shall obtain any and all permits or licenses required by county, state or federal agencies prior to commencing occupancy of the Home.
- J. The Residential Group Home shall provide the Township, in writing, the following prior to commencing occupancy of the Home: the location of the Home, the individual(s) responsible for operation or maintenance Home and/or appropriate emergency contact personnel and a summary of the specialized treatment/care provided to the residents of the Home as may be necessary to aid Township emergency service personnel in the event of an emergency. The owner of the property or operator of the Home shall update the information required herein within five (5) business days of any change thereof.

**SECTION III.**

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 IV.**

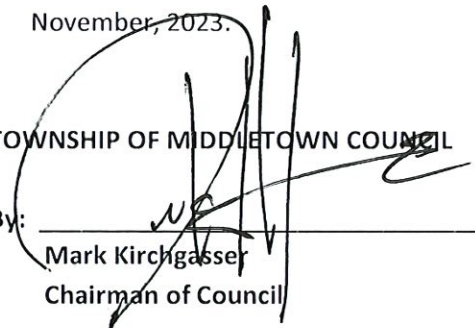
This Ordinance shall become effective thirty-one (31) days after its enactment.

ENACTED AND ORDAINED this 27<sup>th</sup> day of November, 2023.

ATTEST:

  
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 John McMullan  
 Township Manager

TOWNSHIP OF MIDDLETOWN COUNCIL

By:   
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 Mark Kirchgasser  
 Chairman of Council