

JMZO ORDINANCE NO. 2026-01

**AN ORDINANCE OF THE MUNICIPALITIES OF
NEWTOWN TOWNSHIP, WRIGHTSTOWN TOWNSHIP,
AND UPPER MAKEFIELD TOWNSHIP, AMENDING THE
NEWTOWN AREA JOINT MUNICIPAL ZONING
ORDINANCE TO REVISE THE REGULATIONS FOR THE
B-17 ELDERLY HOUSING USE TO EXPRESSLY ALLOW
FOR PLACEMENT OF AIR CONDITIONERS AND WHOLE-
HOUSE GENERATORS WITHIN THE REQUIRED
SETBACK SUBJECT TO APPROVAL OF THE APPLICABLE
COMMUNITY ASSOCIATION OR HOMEOWNER'S
ASSOCIATION**

WHEREAS, dwelling units in existing residential subdivisions developed under the B-17 Elderly Housing use have been constructed so that the dwelling units are situated directly at the side yard setback lines, leaving no room for customary residential facilities such as air conditioners and whole-house generators without resort to the variance procedure; AND

WHEREAS, the Zoning Ordinance, as currently drafted, prevents the placement of generators within the required side yard setbacks, creating an obstacle to obtaining a source of emergency power among a vulnerable population; AND

WHEREAS, the location of the electrical panel within the dwelling units and the location of any doors or windows will often dictate the feasible and safe placement of whole-house generators; AND

WHEREAS, residential subdivisions developed under the B-17 Elderly Housing use are required to maintain sets of regulations to control and operate the age-restricted housing and the common facilities contained within those communities; AND

WHEREAS, the associations charged with enforcement of rules and regulations in those B-17 Elderly Housing communities are better suited to determine the appropriate placement of air conditioners and generators than the respective municipal zoning officers and zoning hearing boards who are tasked with literal enforcement and interpretation of the Zoning Ordinance.

NOW THEREFORE, The municipalities of Newtown Township, Wrightstown Township, and Upper Makefield Township, following review and comment by the municipalities individual planning commission and the Bucks County Planning Commission hereby amend Section 803B.B-17.3 of the Joint Municipal Zoning Ordinance to provide for exceptions to required setbacks to allow for the placement of air conditioners and whole-house generators subject to approval of the applicable homeowner or community association.

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ARTICLE I. ZONING ORDINANCE SECTION 803B.B-17.3

Section 803B.B-17.3 of the Newtown Area Joint Zoning Ordinance is hereby amended to read as follows, with italicized language added:

§803B.B-17.3 – All design and dimensional standards set forth in §405.C of this ordinance shall apply for all housing types permitted in the R-2 High Density Residential Districts, *except that air conditioners and whole-house generators, including pads, may be placed within a required setback as close as practicable to the relevant dwelling unit in subdivisions developed and constructed under the B-17 Elderly Housing Use, existing of January 1, 2026, subject to written approval by the Homeowner's Association or Community Association having jurisdiction over the subject property..*

ARTICLE II. REPEALER

Any provisions of the Newtown Area Joint Municipal Zoning Ordinance, as amended, inconsistent herewith are hereby repealed.

ARTICLE III. SEVERABILITY

If any provision of this Ordinance is declared by a Court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Newtown Area Joint Municipal Zoning Ordinance, as amended.

ARTICLE IV. EFFECTIVE DATE

This Ordinance shall go into effect immediately upon all three municipalities enacting it.

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SIGNATURE PAGE

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ASSOCIATION

ENACTED AND ORDAINED this 19th day of May 2026.

Attest:



Manager

Micah Lewis

Date: 5/13/26

Attest:



Manager

Gregg Schuster

Date: 5/20/26

Attest:

Manager

Date: _____

NEWTOWN TOWNSHIP

By: 

Chairperson

Edward Merriman

UPPER MAKEFIELD TOWNSHIP

By: 

Chairperson

Ben Weldon

WRIGHTSTOWN TOWNSHIP

By: _____

Chairperson

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ENACTED AND ORDAINED this 19th day of May 2026.

Attest:

NEWTOWN TOWNSHIP

Manager

By: _____
Chairperson

Date: _____

Attest:

UPPER MAKEFIELD TOWNSHIP

Manager

By: _____
Chairperson

Date: _____

Attest:

WRIGHTSTOWN TOWNSHIP

Manager

Stacy Crandell

By: _____
Chairperson

Chester S. Pogonowski

Date: 5/11/26