



TOWNSHIP OF NEWTOWN
DELAWARE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016- 1

AN ORDINANCE To Amend the Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, PRD Planned Residential Development is hereby amended to add Housing for the Elderly as a new use; modify the allowable sizes of buildings; establish accessory uses and accessory building dimensional requirements; revise parking requirements for multifamily units; and revise building setback requirements.

The Board of Supervisors of the Township of Newtown Hereby Ordains:

Section 1. The Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, Section 172-100.33, Title, Section B, Short title, is hereby amended as follows:

Short title. This Ordinance shall be known and may be cited as “The Township of Newtown Planned Residential Development Ordinance of 2009, as revised to 2016”.

Section 2. The Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, Section 172-100.35, Development Standards, Section B, Use regulations, Subsection (1) (u) is hereby amended to read as follows:

(u) Accessory use on the same lot with and customary and incidental to any of the foregoing, similar to a clubhouse or recreation building, swimming pool, tennis courts, fountains, fire pits, patios, terraces; parking lots and private garages; and recreational uses. Individual outside storage sheds in mixed-use areas are prohibited.

Section 3. The Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, Section 172-100.35, Development Standards, Section B, Use regulations, Subsection (1) is hereby amended to add another use by right and to read as follows:

(v) Housing for the Elderly

Section 4. The Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, Section 172-100.35, Development Standards, Section B, Use regulations, Subsection (3) (a) is hereby amended to read as follows:

(a) With the exception of single-use office buildings located adjacent to West Chester Pike, and existing or redeveloped buildings, no building within the PRD Development

shall have a building footprint in excess of 40,000 square feet, except that one (1) building shall be permitted to have a building footprint of up to 75,000 square feet and two (2) buildings shall be permitted to have building footprints of up to 55,000 square feet.

(b) No new retail building shall have a single retail tenant occupying in excess of 40,000 square feet of floor area, except that one (1) building shall be permitted to have a single retail tenant occupying up to 75,000 square feet of floor area and two (2) buildings shall be permitted to have single retail tenants occupying up to 55,000 square feet of floor area.

(c) No more than two office buildings and no more than 400,000 square feet of office space shall be located west of the Loop Road and within 1,000 feet of West Chester Pike. Structured parking facilities shall be permitted in addition to the two office buildings and shall not count towards office building square footage. There is no maximum floor area or building footprint requirement for the foregoing office buildings.

Section 5. The Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, Section 172-100.35, Development Standards, Section C, Use regulations, is hereby amended by adding a new Subsection 12 to read as follows:

(12) Accessory Use buildings within a PRD development shall be governed by the following requirements:

(a) No accessory use or building shall be located within the building setback required for the principal use.

(b) A clubhouse or recreation building that is 30 feet or less in height shall have a minimum setback to another building of 10 feet. A clubhouse or recreation building that is more than 30 feet in height shall have a minimum setback to another building of 25 feet. A clubhouse or recreation building shall not exceed 35 feet in height.

Section 6. The Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, Section 172-100.35, Development Standards, Section C, subsection (5) (b) is hereby amended to read as follows:

(b) For multi-family residential units, there shall be at least .5 garage parking space, and 1.25 off-street parking space for each unit.

Section 7. The Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, Section 172-100.35, Development Standards, Section C, subsection (5) (h) is hereby amended to read as follows:

(h) The Board may authorize the applicant to hold up to twenty (20) percent of the total number of parking spaces required in reserve without actually paving such spaces upon a showing that the additional number of parking spaces is not

currently needed. The Board's determination of whether reserve parking should be permitted shall be made at the time of tentative plan approval. In the event that reserve parking is permitted, the stormwater management system shall be designed to handle the total required parking spaces, including the parking spaces held in reserve. Applicant shall be required to construct the parking spaces held in reserve upon determination by the Board of Supervisors.

Section 8. The Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, Section 172-100.35, Development Standards, Section C, subsection (6), (a) and (b) are hereby amended to read as follows:

(6) Buildings used for residential purposes within mixed-use areas or that are within 300 feet of a nonresidential use shall be governed by the following additional dimensional requirements:

(a) Setback to curb line of a street: fifteen-foot minimum.

(b) Building to Building Separation Distance: twenty-five foot minimum.

Section 9. The Code of the Township of Newtown, Chapter 172, Zoning, Article XXE, Section 172-100.35, Development Standards, Section C, subsection (7) is hereby amended to read as follows:

(7) Mixed uses in buildings devoted to a mix of residential and nonresidential uses, or hotels shall be governed by the following additional dimensional requirements:

Section 10. Nothing in this Ordinance or in Chapter 172 of the Code of the Township of Newtown, as hereby amended, shall be construed to affect any suit or proceeding in any Court, any rights acquired or liability incurred, any permit issued, or any cause or causes of action existing under the said Chapter 172 prior to the adoption of this amendment.

Section 11. The provisions of this Ordinance are severable, and if any section, sentence, clause, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any Court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted as if such illegal, invalid, or unconstitutional section, sentence, clause, part, or provision had not been included herein.

Section 12. This Ordinance shall take effect and be in force from and after its approval as required by law.

ENACTED by the Board of Supervisors of the Township of Newtown, Delaware County,
Pennsylvania, this 11 day of JANUARY, 2016.

BOARD OF SUPERVISORS
THE TOWNSHIP OF NEWTOWN

By: 
John A. Nawn, P.E., Chairman

ATTEST: 
Stephen M. Nease
Township Manager
Secretary