

AN ORDINANCE OF NEWTOWN TOWNSHIP, UPPER MAKEFIELD TOWNSHIP, AND WRIGHTSTOWN TOWNSHIP AMENDING THE NEWTOWN AREA JOINT MUNICIPAL ZONING ORDINANCE TO REVISE JMZO SECTION 305.B TO REMOVE THE REFERENCE TO PERFORMANCE SUBDIVISIONS

BACKGROUND:

A. Pursuant to the Pennsylvania Municipalities Planning Code (the "MPC"), Act 247 of 1968, as amended (53 P.S. §10101 *et seq.*), the Townships of Newtown, Upper Makefield, and Wrightstown have enacted the Newtown Area Joint Municipal Zoning Ordinance of 1983, (the "JMZO"); as amended;

B. The Townships, by adopting JMZO Ordinance 2008-09 removed performance subdivisions (Use B-14) as a use permitted in the Conservation Management (CM) Zoning District; and

C. The Townships have determined it appropriate to revised Section 305.B to reflect that performance subdivisions were removed as permitted uses in the CM Zoning District many years prior to the adoption of this Ordinance.

D. The proposed Amendment has been advertised, considered, posted and reviewed in accordance with MPC Section 609 (53 P.S. §10609).

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby **ENACTED AND ORDAINED** by the Boards of Supervisors of Newtown Township, Upper Makefield Township, and Wrightstown Township, Bucks County, Pennsylvania, as follows:

SECTION I. Section 305.B of the JMZO is hereby amended to read as follows

305.B Conservation Management (CM). The Conservation Management District consists of valuable natural resources such as woodlands, agricultural soils, floodplains, wetlands, aquifer recharge areas, and areas of steep slopes. The Conservation Management District is dependent on groundwater as the primary water source. Agriculture is a significant and an important use of land in the Conservation Management District. For these reasons, uses are permitted in both type and intensity which provide the maximum opportunities for open space in order to protect the natural resources and encourage the continuation of farming activities. Single-family detached and single-family detached cluster subdivisions are permitted, provided sewage disposal methods shall replenish the water table in accordance with the wastewater policies of the Joint Municipal Comprehensive Plan and the Sewage Facilities Plan (Act 537) of the participating municipality where building or development is proposed. The use and ownership of open space

within residential developments shall be designed to achieve the purposes noted above and to be compatible with other uses in the Conservation Management District.

SECTION III. Conflicts. To the extent any provision of this Use conflicts with any other applicable provision of the JMZO, the more restrictive provision shall apply.

SECTION VII – Repealer. All inconsistent provisions of other ordinances or resolutions are repealed to the extent of the inconsistency. All other provisions of the ordinances of Newtown Township, Upper Makefield Township, and Wrightstown Township shall remain in full force and effect.

SECTION VIII – Severability. The provisions of this ordinance are declared to be severable. If one or more of the provisions of this ordinance are declared to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall have no effect on the remaining provisions of this ordinance.

SECTION IX – Effective Date. This ordinance shall be effective five (5) days after adoption by the last adopting municipality hereto.

ORDAINED and ENACTED this _____ day of _____, A.D., 2021.

ATTEST:

NEWTOWN TOWNSHIP

MICAHA LEWIS
TOWNSHIP MANAGER

PHILLIP CALABRO
CHAIR

DATE: _____

ATTEST:

UPPER MAKEFIELD TOWNSHIP

DAVID R. NYMAN
TOWNSHIP MANAGER

THOMAS F. CINO,
CHAIR

DATE: _____

ATTEST:

WRIGHTSTOWN TOWNSHIP

JOSEPH PANTANO,
TOWNSHIP MANAGER

CHESTER S. POGONOWSKI,
CHAIR

DATE: _____