

ORDINANCE # _____

AN ORDINANCE OF THE TOWNSHIP OF NEWTOWN, THE TOWNSHIP OF UPPER MAKEFIELD AND THE TOWNSHIP OF WRIGHTSTOWN, BUCKS COUNTY, COMMONWEALTH OF PENNSYLVANIA, TO AMEND THE DEFINITION OF "FAMILY" IN THE JOINT MUNICIPAL ZONING ORDINANCE; TO REPEAL ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE

BACKGROUND AND PURPOSE

1. The Townships of Newtown, Upper Makefield and Wrightstown ("Townships") have enacted the Newtown Area Joint Municipal Zoning Ordinance, as amended ("JMZO"); and
2. The Townships have determined that it is necessary and appropriate to amend the JMZO definition of "family" to insure the continuation of values and essential nontransient character of the Townships' residential zoning districts and the stability of the community;

SECTION 1 Amendment of Section 233 Definition of "Family"

Section 233 of the JMZO is hereby amended to revise the definition of "Family" to read as follows:

A single housekeeping unit intended to provide a stable, permanent and functional lifestyle including one or more persons related by blood, foster relationship, marriage or adoption*, and, in addition, any domestic assistants, caretakers or gratuitous guests thereof, or a group of not more than five persons who need not be so related, who shall reside together a minimum of thirty (30) consecutive days each year and in addition, domestic assistants, caretakers or gratuitous guests thereof, who are living together in a single dwelling unit and maintaining a common household with single cooking facilities. A roomer, boarder, or lodger shall not be considered a member of the family. The limit of not more than five persons unrelated by blood, foster relationship, marriage or adoption shall not apply to persons protected under the Federal Fair Housing Act, 42 U.S.C. §3601 et. seq. or the Americans with Disabilities Act.

**Our intention in this Ordinance is to express our concern for the stability and permanency of the neighborhood, and not to pass judgment on the life style choices of those who live in the household for an extended period of time. We seek only to avoid transiency, which tends to disrupt the, "sense of community and shared commitment to the common good." Albert v. Zoning Hearing Board of N. Abington Twp., 854 A.2d 401, 410 (Pa. 2004)." There is no intent to discriminate either expressed nor implied beyond the stated meaning herein."*

SECTION 2. Repealer.

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

SECTION 3. 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.

SECTION 4. Effective Date.

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

ENACTED AND ORDAINED this _____ day of _____, 2021.

NEWTOWN TOWNSHIP

Attest:

Micah Lewis, Manager

By: _____
Phillip Calabro, Chairperson

Date: _____

UPPER MAKEFIELD TOWNSHIP

Attest:

David R. Nyman, Manager

By: _____
Thomas F. Cino, Chairperson

Date: _____

WRIGHTSTOWN TOWNSHIP

Attest:

Joseph F. Pantano, Manager

By: _____
Chester Pogonowski, Chairperson

Date: _____