

BOROUGH OF NEWTOWN

ORDINANCE NO. 724

AN ORDINANCE OF NEWTOWN BOROUGH, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE NEWTOWN BOROUGH ZONING ORDINANCE TO UPDATE DEFINITIONS AND OTHERWISE REVISE IT TO ENSURE CONSISTANCY AMONG BOROUGH ORDINANCES AND WITH CURRENT STANDARDS.

WHEREAS, by Ordinance No. 653, as amended, the Council of Newtown Borough, Bucks County, Pennsylvania ("Council") enacted a zoning ordinance ("Zoning Ordinance") pursuant to its statutory authority, the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended ("MPC"):

WHEREAS, after careful study and consideration Council has determined that certain provisions of the Zoning Ordinance should be amended to ensure consistency among its Ordinances and updated to reflect current standards as advised by the Borough Engineer.

NOW, THEREFORE, the Council of Newtown Borough, Bucks County, Pennsylvania does hereby enact and ordain the following:

SECTION 1. Section 201 of the Zoning Ordinance is amended by the insertion of the following definitions and deletion of the existing definitions of the following terms;

Development: Any human-induced change to improve or unimproved real estate, whether public or private, including but not limited to land development, construction, installation, or expansion of a building, other structure or impervious surface, land division, street construction, drilling, and site alterations such as embankments, dredging, grubbing, grading, paving, utilities, parking or storage facilities, excavation, filing, stockpiling, or clearing. As used in this ordinance, development encompasses both new development and redevelopment

Impervious Surface: A surface that prevents the infiltration of water into the ground. Impervious surfaces include, but are not limited to, streets, sidewalks, pavements, roof areas, driveway areas, any surface areas designed to be gravel or crushed stone and all decks.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, fens, and similar areas. Wetlands also include those

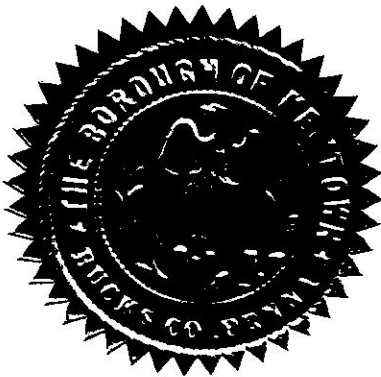
area of lands defined as wetlands in either (1) the United States Army Corps of Engineers Wetlands Delineation Manual; or (2) the Pennsylvania Department of Environmental Resources Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations.

SECTION 2. Section 901(C)(1)(f) of the Zoning Ordinance is deleted in its entirety

SECTION 3. Whatever the requirements of this Ordinance are in conflict with other requirements of the Ordinances of the Borough of Newtown, the most restrictive, or those imposing the higher standards, shall govern.

SECTION 4. The provisions of this Ordinance are severable. If any court of competent jurisdiction thereof shall hold any section, clause, sentence, part or provision illegal, invalid or unconstitutional, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Council of the Borough of Newtown that this Ordinance would have been enacted if such illegal, invalid or unconstitutional section, clause, sentence, part or provision had not been included herein.

SECTION 5. This Ordinance shall become effective upon adoption by the Council of Newtown Borough.



NEWTOWN BOROUGH COUNCIL

By: *Robert Walker, Jr.*
Robert Walker, Jr., President

Attest: *Marcia Scull*
Marcia Scull, Secretary

Approved by Dennis O'Brien, Mayor

Dennis O'Brien
Dennis O'Brien, Mayor

Dated: *April 10, 2012*