



**TOWNSHIP OF NEWTOWN**  
**DELAWARE COUNTY, PENNSYLVANIA**  
**ORDINANCE NO. 2024-02**

**AN ORDINANCE To Amend the Code of the Township of Newtown, Chapter 172, Zoning, Article XIX, SU-1 Special Use Districts, repealing Section 172-88.B(3) to eliminate R-5 Uses in Special Use Districts**

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

**Section 1.** The Code of the Township of Newtown, Chapter 172, Zoning, Article XIX, Section 172-88 is hereby amended to repeal and delete Section 172-88.B(3) in its entirety, such that no R-5 uses are permitted in SU-1 Districts.

**Section 2.** The following provisions of Section 172-88.B are modified and renumbered as follows:

~~(3) Any use permitted in R-5 Residence Districts, provided that all provisions of Article XII are met to the extent that they are more restrictive than this article, in addition to the requirements of this article, except that § 172-49E shall supersede the provision in § 172-91C as it relates to the minimum distance between buildings used for purposes allowed in the R-5 Residence Districts.~~

~~(4)~~(3) Any use of an existing building, landmark or site which has been designated as historic by the federal government, the commonwealth or which is listed on the Historic Sites Map proposed by the Delaware County Planning Commission of December 1979 as part of a proposed Comprehensive Plan for Newtown, provided that such use is compatible with the historic nature of such building, landmark or site and will contribute to the preservation of such building, landmark or site.

~~(5)~~(4) Golf courses, if over 2,500 yards in length for a nine-hole course or if over 5,000 yards for an eighteen-hole course, provided that such courses are not illuminated for nighttime use.

~~(6)~~(5) Accessory uses in the same building or on the same lot with and customarily incidental to any of the uses permitted by Subsection **B(1)** through **(5)** hereof, provided that such accessory uses will not be detrimental to the public health, safety, comfort, convenience or general welfare or cause damage to or unreasonably interfere with the use or enjoyment of public or private property, and provided further that such accessory uses are approved in conjunction with approval, pursuant to §§ **172-89** and **172-90**, of the uses

described in Subsection **B(1)** through (5) hereof. Accessory uses permitted by this Subsection **B(6)** shall include, without limitation of the foregoing:

**(a)** A cafeteria located within a building constructed for and/or used for the purposes described in Subsection **B(1)** and **(2)** hereof, provided that such cafeteria is operated by or on behalf of any employer or employers who use or occupy offices within such building, and provided further that any such cafeteria is operated for the exclusive use of employers or business visitors of such employer or employers, and provided further that no more than 10% of the net floor space of any such building is used for cafeteria purposes.

**Section 3.** 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 4.** 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 5.** This Ordinance shall take effect and be in force from and after its approval as authorized by law.

ENACTED by the Board of Supervisors of the Township of Newtown, Delaware County, Pennsylvania, this 12<sup>th</sup> day of February, 2024.



**BOARD OF SUPERVISORS  
THE TOWNSHIP OF NEWTOWN**

By:   
Leonard B. Altieri, III Esq., Chair

ATTEST:   
Stephen M. Nease  
Township Manager/Secretary