

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA AMENDING LOWER MAKEFIELD TOWNSHIP ZONING ORDINANCE REGARDING REQUIRED NOTIFICATION TO SURROUNDING PROPERTY OWNERS AND SPECIAL EXCEPTION USES AND CONDITIONAL USES WITHIN THE OFFICE/RESEARCH (O-R) DISTRICT

WHEREAS, Section 1516 (53 P.S. Section 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Lower Makefield Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code;”

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of Lower Makefield Township (“Lower Makefield” or the “Township”) may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601); and

WHEREAS, the proposed amendments fulfill the Township’s obligation to protect the public health, safety, and welfare of Township citizens; and

WHEREAS, it is in the public interest of the residents of the Township for the Township to amend and update the Zoning Ordinance for clarity and firm guidance regarding notice, and to more closely conform with the statutory requirements of the Municipalities Planning Code; and

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Municipalities Planning Code Section 609 (53 P.S. Section 10609) and all other applicable law; and

WHEREAS, the Township now enacts an amendment to the Zoning Ordinance.

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Lower Makefield Township, Bucks County, Pennsylvania, as follows:

- I.** Chapter 200, Zoning, of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. AMEND Section 200-7, “Definitions,” as follows:

1. **ADD** the following definition for the term, “ABUTTING:”

Areas that are contiguous; join at a border or boundary; or lots that share a common boundary, as where no other land, road, or street intervenes.

2. **ADD** the following definition for the term, “ADJOINING:”

Touching or contiguous; to be in contact with; to abut upon.

3. **ADD** the following definition for the term, “APPLICANT:”

A landowner or developer, including heirs, successors, assigns and grantees, who has filed a complete application for subdivision and/or land development, or a complete application for a special exception, variance, or conditional use, or a complete application for a certificate of appropriateness. “Applicant” also includes a person or entity who applies for the placement/location of a telecommunications or commercial communications facility.

4. **ADD** the following definition for the term, “APPLICATION:”

A duly filed application for subdivision and/or land development; or, a duly filed application for a special exception, variance, or conditional use; or, a duly filed application for a certificate of appropriateness; or, a duly filed application for the placement/location of a telecommunications or commercial communications facility.

5. **ADD** the following definition for the term, “DULY FILED:”

An application for approval by the Township, which is complete in terms of plans, reports, studies, maps, investigations, analyses, exhibits, fees, and the like. Applications for variances, special exceptions, conditional uses, subdivision, land development, certificates of appropriateness and the like shall not be considered as being duly filed unless all plans and papers are submitted as required by the Township.

6. **AMEND** the term, “PERSON,” to **ADD** the words “including any members, directors, officers, employees, partners or principals thereof” after the word “entity” and to **ADD** the sentence “Whenever used in any clause prescribing and imposing a penalty, person includes the members, trustees, partners, directors, officers, managers and supervisors, or any of them, of partnerships, associations, corporations or other form of entity,” so that the definition now reads:

Any natural person, corporation, limited-liability company, partnership (general or limited), trust, estate, or other entity, including any members, directors, officers, employees, partners or principals thereof. Whenever used in any clause prescribing and imposing a penalty, person includes the members, trustees, partners, directors, officers, managers and supervisors, or any of them, of partnerships, associations, corporations or other form of entity.

7. **AMEND** the term, “STRUCTURE,” to **ADD** the words “or improvement” after “object” and the sentences “This term shall include sand mounds, well heads, landscaping berms and detention basin facilities. This term shall also include any pole, telescoping mast, tripod or the like which supports a device used in the transmitting and/or receiving of electromagnetic signals.” so that the definition now reads:

Any man-made object or improvement having an ascertainable stationary location on or in land or water, whether or not affixed to the land. This term shall include sand mounds, well heads, landscaping berms and detention basin facilities. This term shall also include any pole, telescoping mast, tripod or the like which supports a device used in the transmitting and/or receiving of electromagnetic signals.

B. AMEND Section 200-48, “Permitted uses,” as follows:

1. **AMEND** Section 200-48.B. to **STRIKE** Subsections (1), (2), (7), (8), (9), (10), and (11) and **RE-NUMBER** current Subsections (3), (4), (5), and (6) as (1), (2), (3), and (4) so that the Section now reads:

B. Uses by special exception. The following uses may be authorized only as special exceptions by the Zoning Hearing Board in accordance with the standards set forth in § 200-98 of this chapter:

- (1) Medical office.
- (2) Utility.
- (3) Restaurant.
- (4) Riding Stable.

2. **AMEND** Section 200-48.C. to **STRIKE** it in its entirety and **REPLACE** it with the following so that the Section now reads:

C. Conditional uses. The following uses may be authorized only as conditional uses by the Board of Supervisors under the standards set forth in Article XXII of this chapter:

- (1) Hospital.
- (2) Light manufacturing.
- (3) Veterinary hospital.
- (4) Warehousing and distribution.

- (5) Wholesale trade.
- (6) Accessory outside storage.
- (7) Community treatment/rehabilitation facility.
- (8) Accessory farm business.
- (9) Hotel.
- (10) Commercial communications tower.

C. AMEND Section 200-104, “Public hearings,” as follows:

1. **AMEND** Section 200-104.A. to **STRIKE** the phrase “persons whose properties adjoin the property in question” and **REPLACE** it with “landowners abutting or adjoining the subject property or on the other side of a section of street (public or private) on which the subject property has frontage .” Also **AMEND** Section 200-104.A. to **ADD** the following sentences after the word “notice” so that the Section now reads:

A. Public Notice shall be given and written notice shall be given to the applicant, the Zoning Officer, owners of all properties within 200 feet of the lot line of the lot, building, or structure at issue, and to any other person who has made timely written request for notice. If the application, in whole or in part, requests a use variance, Public Notice shall be given and written notice shall be given to the applicant, the Zoning Officer, owners of all properties within 400 feet of the lot line of the lot, building, or structure at issue and to any other person who has made timely written request for notice. The Township will provide all affected individuals and entities notice of the application by mail. Written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

II. Partial Repealer

All other provisions of the Ordinances of Lower Makefield Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

III. Severability

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, 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 Township Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

IV. Effective Date

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption of this Ordinance.

V. Failure to Enforce Not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED this ____ day of _____, 2024.

BOARD OF SUPERVISORS OF LOWER
MAKEFIELD TOWNSHIP, BUCKS
COUNTY, PENNSYLVANIA

John B. Lewis, Chair

Attest:

David W. Kratzer Jr., Township Manager