ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 200 ("ZONING") TO UPDATE DEFINITIONS ENSURING CONFORMITY WITH CHAPTER 173 ("STORMWATER MANAGEMENT"); TO AMEND ARTICLES III THROUGH VIII REGARDING IMPERVIOUS SURFACE REQUIREMENTS; TO AMEND ARTICLE XV ("USE REGULATIONS") TO UPDATE THE USE REGULATIONS FOR ACCESSORY BUILDINGS OR STRUCTURES AND GARAGES OR CARPORTS; AND TO UPDATE ATTACHMENT 1 ("USES BY DISTRICT" TABLE) AS NECESSARY

WHEREAS, the Township of Lower Makefield ("Township") is a municipality organized and existing under the Second-Class Township Code of the Commonwealth of Pennsylvania, 53 P.S. §§ 65101, et seq.; and

WHEREAS, the Second Class Township Code provides that the corporate powers of the Board of Supervisors of Lower Makefield Township ("Board of Supervisors") include the ability to plan for the development of the Township through zoning, subdivision, and land development regulations under the Municipalities Planning Code ("MPC"), 53 P.S. § 66516; and

WHEREAS, the Second Class Township Code also provides that the Board of Supervisors may adopt ordinances in which general or specific powers of 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 to the Township's Zoning Ordinance 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 to amend other inconsistencies; 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 Article I ("General Provisions"), Section 200-7 ("Definitions.") as follows:

1. **ADD** a new term, "Easement," that reads as follows:

   EASEMENT
   A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, the Township or other governmental authority or another person or entity.

2. **STRIKE** the definition of "Impervious Surface" and **REPLACE** it with the definition that reads as follows:

   IMPERVIOUS SURFACE (IMPERVIOUS AREA)
   A surface that prevents the infiltration of water into the ground. Impervious surfaces (or areas) shall include but not be limited to: roofs; additional indoor living spaces; patios and similar structures (including those made of wood or other planks); rock, crushed stone, or aggregate of any kind; pools, ponds, and other permanent water-storage areas; garages; storage sheds and similar structures; driveways; and any new streets or sidewalks. For the purposes of this definition, structures that are elevated a minimum of 18 inches above ground level, have completely pervious material beneath the structure, and provide means for water flow through the structure shall be considered pervious (i.e., decks or awnings). Pervious pavement and similar surfaces that are specifically designed to allow for porous infiltration of stormwater are considered partially impervious surfaces (see Section 200-50.4). For calculation purposes, 50% of the area covered by pervious pavement shall be considered impervious while the remaining 50% shall be considered grass, in good condition, or similar cover type. Pervious pavement and similar surfaces that are specifically designed to allow for porous infiltration of stormwater may be used if constructed and maintained in accordance with this Chapter 200, in lieu of traditional SWM conveyance facilities, such as inlets and pipes, in order to provide for the transmission of stormwater runoff to subsurface SWM Facilities; if this method of transmission is utilized, the surfaces in question are still considered partially impervious surfaces for this chapter and the purpose of modeling.

B. AMEND Article III ("Residential-Resource Protection (R-RP)"), Section 200-14 ("Impervious surface requirements.") as follows:

1. **AMEND** Section 200-14 to **INSERT** a new subsection C. that reads as follows:

   C. An additional ten percent (10%) above the base, or maximum, impervious surface ratio may be permitted on existing developed residential lots of record should an applicant successfully verify that the

applicant will install a structural best management practice (BMP), as defined by the Stormwater Management Ordinance, Section 173-11. This additional ten percent (10%) above the base, or maximum, impervious surface ratio is the cumulative amount above the base maximum that is permitted under this section without relief by the Township's Zoning Hearing Board. The structural BMP must be reviewed and approved by the Township Engineer, to account for the additional impervious surface coverage. The applicant must enter into an Operations and Management (O&M) Agreement consistent with the form attached as Appendix A of the Stormwater Management Ordinance, Chapter 173. If the Township Engineer so requires, other or additional compliance requirements with Chapter 173 must also be met. The Township reserves the right to inspect and/or require self-reporting to ensure the adequacy of the structural BMP(s).

C. AMEND Article IV ("Residential Low-Density (R-1)"), Section 200-19 ("Impervious surface requirements.") as follows:

1. **AMEND** Section 200-19 to **INSERT** a new subsection C. that reads a follows:

   C. An additional ten percent (10%) above the base, or maximum, impervious surface ratio may be permitted on existing developed residential lots of record should an applicant successfully verify that the applicant will install a structural best management practice (BMP), as defined by the Stormwater Management Ordinance, Section 173-11. This additional ten percent (10%) above the base, or maximum, impervious surface ratio is the cumulative amount above the base maximum that is permitted under this section without relief by the Township's Zoning Hearing Board. The structural BMP must be reviewed and approved by the Township Engineer, to account for the additional impervious surface coverage. The applicant must enter into an Operations and Management (O&M) Agreement consistent with the form attached as Appendix A of the Stormwater Management Ordinance, Chapter 173. If the Township Engineer so requires, other or additional compliance requirements with Chapter 173 must also be met. The Township reserves the right to inspect and/or require self-reporting to ensure the adequacy of the structural BMP(s).

D. AMEND Article V ("Residential Medium-Density (R-2)"), Section 200-23 ("Impervious surface requirements.") as follows:

1. **AMEND** Section 200-23 to **INSERT** a new subsection C. that reads as follows:

C. An additional ten percent (10%) above the base, or maximum, impervious surface ratio may be permitted on existing developed residential lots of record should an applicant successfully verify that the applicant will install a structural best management practice (BMP), as defined by the Stormwater Management Ordinance, Section 173-11. This additional ten percent (10%) above the base, or maximum, impervious surface ratio is the cumulative amount above the base maximum that is permitted under this section without relief by the Township's Zoning Hearing Board. The structural BMP must be reviewed and approved by the Township Engineer, to account for the additional impervious surface coverage. The applicant must enter into an Operations and Management (O&M) Agreement consistent with the form attached as Appendix A of the Stormwater Management Ordinance, Chapter 173. If the Township Engineer so requires, other or additional compliance requirements with Chapter 173 must also be met. The Township reserves the right to inspect and/or require self-reporting to ensure the adequacy of the structural BMP(s).

E. AMEND Article VI ("Residential Single-Family High Density (R-3)"), Section 200-27 ("Impervious surface requirements.") as follows:

1. **AMEND** Section 200-27 to **INSERT** a new subsection C. that reads as follows:

C. An additional ten percent (10%) above the base, or maximum, impervious surface ratio may be permitted on existing developed residential lots of record should an applicant successfully verify that the applicant will install a structural best management practice (BMP), as defined by the Stormwater Management Ordinance, Section 173-11. This additional ten percent (10%) above the base, or maximum, impervious surface ratio is the cumulative amount above the base maximum that is permitted under this section without relief by the Township's Zoning Hearing Board. The structural BMP must be reviewed and approved by the Township Engineer, to account for the additional impervious surface coverage. The applicant must enter into an Operations and Management (O&M) Agreement consistent with the form attached as Appendix A of the Stormwater Management Ordinance, Chapter 173. If the Township Engineer so requires, other or additional compliance requirements with Chapter 173 must also be met. The Township reserves the right to inspect and/or require self-reporting to ensure the adequacy of the structural BMP(s).

F. AMEND Article VII ("Residential Single-Family High-Density Modified (R-3M)"), Section 200-31 ("Impervious surface requirements.") as follows:

1. **AMEND** Section 200-31 to **INSERT** a new subsection C. that reads as follows:

   C. An additional ten percent (10%) above the base, or maximum, impervious surface ratio may be permitted on existing developed residential lots of record should an applicant successfully verify that the applicant will install a structural best management practice (BMP), as defined by the Stormwater Management Ordinance, Section 173-11. This additional ten percent (10%) above the base, or maximum, impervious surface ratio is the cumulative amount above the base maximum that is permitted under this section without relief by the Township's Zoning Hearing Board. The structural BMP must be reviewed and approved by the Township Engineer, to account for the additional impervious surface coverage. The applicant must enter into an Operations and Management (O&M) Agreement consistent with the form attached as Appendix A of the Stormwater Management Ordinance, Chapter 173. If the Township Engineer so requires, other or additional compliance requirements with Chapter 173 must also be met. The Township reserves the right to inspect and/or require self-reporting to ensure the adequacy of the structural BMP(s).

G. AMEND Article VIII ("Residential Multiple-Family High-Density (R-4)"), Section 200-35 ("Impervious surface requirements.") as follows:

1. **AMEND** Section 200-35 to **INSERT** a new subsection C. that reads as follows:

   C. An additional ten percent (10%) above the base, or maximum, impervious surface ratio may be permitted on existing developed residential lots of record should an applicant successfully verify that the applicant will install a structural best management practice (BMP), as defined by the Stormwater Management Ordinance, Section 173-11. This additional ten percent (10%) above the base, or maximum, impervious surface ratio is the cumulative amount above the base maximum that is permitted under this section without relief by the Township's Zoning Hearing Board. The structural BMP must be reviewed and approved by the Township Engineer, to account for the additional impervious surface coverage. The applicant must enter into an Operations and Management (O&M) Agreement consistent with the form attached as Appendix A of the Stormwater Management Ordinance, Chapter 173. If the Township Engineer so requires, other or additional compliance requirements with Chapter 173 must also be met. The Township reserves the right to inspect

and/or require self-reporting to ensure the adequacy of the structural BMP(s).

H. AMEND Article XV ("Use Regulations"), Section 200-69 ("Accessory uses and accessory structures.") as follows:

1. **AMEND** Subsection 200-69.A.(14)(a) to **INSERT** new subsections [5] through [6] that read as follows:

   [5] No accessory buildings or structures shall be located within any public right-of-way or easement, as defined in Section 200-7.
   [6] No accessory buildings or structures shall be located within any clear sight triangles. See Section 200-53.

2. **AMEND** Subsection 200-69.A.(14)(b) to **INSERT** new subsections [1] through [2] that read as follows:

   [1] No garage or carport shall be located within any public right-of-way or easement, as defined in Section 200-7.
   [2] No garage or carport shall be located within any clear sight triangles. See Section 200-53.

I. AMEND Attachment 1 ("Uses by District" Table) to **INSERT** new uses as follows:

1. **Lawful use not otherwise permitted** as a Conditional Use ("CU") in the C-2 District

II. Partial Repealer

All other provisions of the Lower Makefield Township Code of Ordinances, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Township's Code 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, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and 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 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.

ENACTED AND ORDAINED this _____ day of _____ , 2026.

ATTEST:

LOWER MAKEFIELD TOWNSHIP
BOARD OF SUPERVISORS

_____
David W. Kratzer Jr.,
Township Manager

_____
Name: _____
Vice Chair