

AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA AMENDING THE LOWER MAKEFIELD TOWNSHIP ZONING ORDINANCE REGARDING ACCESSORY STRUCTURES

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, 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 200-69, “Accessory uses and accessory structures,” as follows:

1. **AMEND** Section 200-69.A.(14)(a) to **STRIKE** it in its entirety and **REPLACE** it with the following so that the Section now reads:

(a) For a residential accessory building or structure incidental to the uses permitted in the R-RP, R-1, R-2, R-3, R-3M and R-4 Districts, the following standards shall apply:

[1] No accessory buildings or structures shall be permitted in front yards. Accessory buildings or structures shall only be permitted in the side and/or rear yards behind the Median Line of the residential dwelling. For purposes of this section, "Median Line" shall be defined as the central location equidistant from the front and rear boundaries of the depth of the residential dwelling. This point is determined by measuring the total depth of the home from the front exterior wall to the rear exterior wall and identifying the midpoint along this depth.

[2] Accessory buildings or structures less than 200 square feet (e.g., sheds) may be located no closer than five feet from any side or rear property line.

[3] Accessory buildings or structures greater than 200 square feet (e.g., garages) may be located on permitted side and/or rear yards but not less than ten feet from any property line.

[4] No accessory building or structure shall exceed 15 feet in height.

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

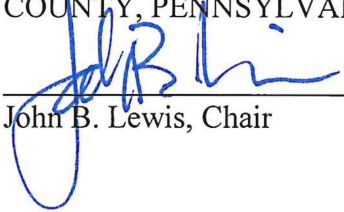
All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption of this Ordinance.

V. Failure to Enforce Not a Waiver

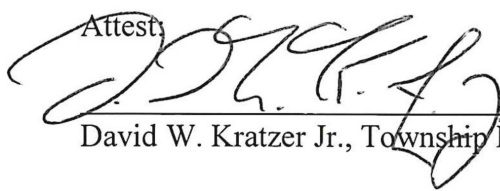
The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED this 21st day of AUGUST, 2024.

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



John B. Lewis, Chair

Attest,


David W. Kratzer Jr., Township Manager

LOWER MAKEFIELD TOWNSHIP
Bucks County, Pennsylvania

NOTICE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of Lower Makefield Township, Bucks County, Pennsylvania, will conduct a public hearing on Wednesday, August 21, 2024 at 7:30 p.m. at the Lower Makefield Township Building, 1100 Edgewood Road, Yardley, Pennsylvania 19067. The purpose of the public hearing is to receive comment and public testimony regarding the proposed ordinance entitled,

**AN ORDINANCE OF THE TOWNSHIP OF LOWER
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In summary, the proposed Ordinance amends Chapter 200 of the Lower Makefield Township Code of Ordinances (“Zoning”) by amending Section 200-69 (“Accessory uses and accessory structures.”). Specifically, it deletes Subsection 200-69.A.(14)(a) in its entirety and replaces it with updated location and height standards.

The proposed Ordinance also contains a partial repealer, a severability clause, and a provision about the proposed ordinance’s effective date.

At the public meeting after the hearing, the Board of Supervisors may consider enactment of the proposed Ordinance. A copy of the proposed Ordinance may be reviewed at the Township Building, 1100 Edgewood Road, Yardley, Pennsylvania 19067 during normal business hours; a copy may be obtained for a charge not greater than the cost thereof. A copy also has been provided to the newspaper in which this notice appears, and to the Bucks County Law Library.

Maureen B. Carlton, Esquire
Curtin & Heefner LLP
1040 Stony Hill Road, Suite 150
Yardley, PA 19067
Lower Makefield Township Solicitor

CERTIFICATION OF POSTING

I, Katie McVan, Lower Makefield Township Manager's Assistant, hereby certify that I have posted notice of the public hearing to be held at 7:30 p.m. on Wednesday, August 21, 2024 at the Lower Makefield Township Building, 1100 Edgewood Road, Yardley, Pennsylvania 19067. The purpose of the public hearing is to consider the ordinance entitled:

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The notice was posted on Tuesday, July 23rd, 2024, at the Lower Makefield Township Building so that it could be visible to the public outside of the Township building.

I further certify that I have maintained copies of the proposed Ordinance at the Township Building where they could be examined without charge or obtained for a charge not greater than the cost thereof.

I verify that the foregoing is true and correct to the best of my knowledge, information and belief and I understand that any false statements are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: 7/23/24



KATIE MCVAN
LOWER MAKEFIELD TOWNSHIP
TOWNSHIP MANAGER'S ASSISTANT