ORDINANCE NO. 474

AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 200 ("ZONING") REGARDING CONDITIONAL USES WITHIN THE C-2 (COMMERCIAL-HIGHWAY SERVICES) DISTRICT

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

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 Ordinance is hereby **AMENDED** as follows:

A. AMEND Article XI ("Commercial-Highway Services (C-2)"), Section 200-42 ("Permitted uses.") as follows:

1. **ADD** a new Section 200-42.C.(2) that reads:

(2) Lawful use not otherwise permitted. Any lawful use which is required to be permitted by the Pennsylvania Municipalities Planning Code and which is not otherwise permitted in other use categories of this chapter, provided that

the applicant for such conditional use establishes that the proposed use meets the following criteria as well as the requirements set forth in all other applicable sections of this chapter:

(a) The use must comply with the lot, area, dimensional and design criteria of the C-2 District.

(b) Where applicable, the applicant must demonstrate that the use proposed will comply with all permit requirements of the Pennsylvania Department of Environmental Protection and/or other commonwealth or federal governmental agencies which regulate such use.

(c) A buffer area shall be established in accordance with the conditions imposed upon the granting of the conditional use approval which is sufficient to adequately screen the lawful permitted use from other uses in the vicinity. The buffer area shall be in accordance with Article XVI of this chapter and shall be of sufficient width to protect the surrounding area from objectionable effects of the proposed use, including but not limited to noise, dust, vibration, odor, illumination, visual effects and the like.

(d) The applicant must submit an Environmental Impact Statement at the time the conditional use application is submitted. The Environmental Impact Statement shall be in accordance with the provisions of Appendix A, Requirements for Environmental Impact Assessment Report, incorporated into this chapter.

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 19th day of August, 2026.

ATTEST:

David W. Kratzer Jr.,
Township Manager

LOWER MAKEFIELD TOWNSHIP
BOARD OF SUPERVISORS

Name: John B. Lewis
Vice Chair