

**TOWNSHIP OF LOWER MAKEFIELD  
BUCKS COUNTY, PENNSYLVANIA**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY,  
PENNSYLVANIA, AMENDING CHAPTER 200, “ZONING,” and CHAPTER 178,  
“SUBDIVISION AND LAND DEVELOPMENT,” TO MODIFY THE DEFINITION OF  
“OPEN SPACE” AS REFERENCED IN CHAPTERS 200 AND 178, TO REPEAL  
INCONSISTENT PROVISIONS, AND TO ESTABLISH SEVERABILITY AND  
EFFECTIVE DATE**

**WHEREAS**, the Township of Lower Makefield, Bucks County, is a township of the second class, organized and existing in accordance with the laws of the Commonwealth of Pennsylvania; and

**WHEREAS**, the Township, in the exercise of its corporate powers, has the authority to enact, amend, repeal and establish ordinances and regulations governing subdivision and land development projects and plans within the Township’s territorial boundaries; and

**WHEREAS**, the Township, after due consideration and review, wishes to modify and amend the definition of “open space” as referenced and used within Chapter 200, entitled “Zoning” and Chapter 178, entitled “Subdivision and Land Development” of the Township’s Code of Ordinances; and

**WHEREAS**, the Township seeks to modify the definition of “open space” to more fully clarify the nature and scope of open space required for any and all land development and subdivision projects.

**NOW, THEREFORE, be it ORDAINED and ENACTED** as follows:

**I. Definition of Open Space** – As used in Chapter 178, Section 11, “Definitions” and Chapter 200 “Zoning”, Section 7, “Definitions,” open space shall be defined as follows:

## **OPEN SPACE**

An area of land or of water, or a combination of land and water, within a development site designed and intended for the use or enjoyment of residents. Open space can include resource-protected land and unpaved/gravel/pervious pavement trails. Open space shall not include streets, recreational facilities (e.g., courts, pool facilities, paved trails, athletic fields, and other developed recreational structures containing impervious surfaces), or parking areas. Open space shall not include land occupied by commercial, industrial, residential, or other non-open space uses, land reserved for future parking areas, stormwater management facilities, wastewater management facilities, and/or the yards or lots of dwelling units. Open space shall also not include leftover areas, remnants of land remaining after lotting out, or other unusable areas (such as landfills or environmentally damaged land that has not been remediated or has not been reclaimed)."

### **II. General Provisions**

A. All other ordinances, portions of ordinances, or any section of the Code inconsistent with this Ordinance, are hereby repealed.

B. 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 of Lower Makefield 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.

C. This Ordinance shall be effective five (5) days after enactment by the Board of Supervisors of Lower Makefield Township, Bucks County, Pennsylvania.

**ENACTED AND ORDAINED BY THE TOWNSHIP OF LOWER MAKEFIELD**

**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

**BOARD OF SUPERVISORS  
TOWNSHIP OF LOWER MAKEFIELD**

**BY: \_\_\_\_\_  
Chairperson**

**ATTESTED TO:**

\_\_\_\_\_  
**Township Manager**