

**TOWNSHIP OF MARPLE  
DELAWARE COUNTY, PENNSYLVANIA**

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

**AN ORDINANCE OF THE TOWNSHIP OF MARPLE, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE “CODE OF THE TOWNSHIP OF MARPLE”, CHAPTER 300, ZONING, AS AMENDED, BY ADDING A NEW ARTICLE VA ENTITLED PLANNED COMMUNITY CENTER DISTRICT AND PROVIDING A STATEMENT OF INTENT, GENERAL PROVISIONS (INCLUDING USE REGULATIONS, AREA AND BULK REGULATIONS, PARKING AND BUFFERING REGULATIONS AND SIGNAGE REGULATIONS), SPECIAL DESIGN GUIDELINES MASTER PLAN REQUIREMENTS AND OTHER DEVELOPMENT REGULATIONS.**

**The Board of Commissioners of the Township of Marple, Delaware County, Pennsylvania, does hereby ENACT AND ORDAIN THAT:**

**Section 1. The Code of the Township of Marple, as amended, is hereby amended, by adding a new Article VA entitled Community Center District and providing a statement of intent, general provisions (including use regulations, area and bulk regulations, parking and buffering regulations and signage regulations), special design guidelines, master plan requirements and other development regulations, as follows:**

**ARTICLE V-A. PLANNED COMMUNITY CENTER DISTRICT**

**§ 300-36A Intent.**

- A. Intent. It is the intent of the Planned Community Center District to promote the development of a large tract of land with an integrated mix of retail, office, entertainment, institutional and recreational uses in a single location within the Township which can serve as a Township focal point.
- B. Goal. It is the goal of the Planned Community Center District to provide a clearly defined single location for a mix of uses. Development within the District will utilize comprehensive design and planning techniques which will facilitate higher quality development, with beneficial features such as:
  - (1) Providing a plan to guide long-term, uniform and coordinated development within a single large tract of land.
  - (2) Providing cohesive architectural and building schemes, pedestrian-oriented walkways connecting buildings, unified landscaping and signage and coordinated storm drainage

and green space areas with pedestrian amenities and opportunities for active and passive recreation.

- (3) Providing landscaping and hardscaping material to enhance the appearance of development within the District.
- (4) Increasing the number of pedestrian and vehicular connections to complement adjacent properties and improve general traffic circulation.
- (5) Reducing the number of curb cuts and access points with public streets.
- (6) Providing consistency with the “Mixed Use Growth Area” concept of the Marple Township Comprehensive Plan for concentrating development in already built-up areas with good regional road access.

**§ 300-37A General Provisions.**

A. Permitted uses. A tract of land within the Planned Community Center District may be used or occupied for any combination of the following uses:

- (1) Business uses.
  - (a) Business and professional offices.
  - (b) Hotels, motels and inns.
  - (c) Conference Centers.
  - (d) Banquet Facilities.
  - (e) Adult and child daycare centers.
  - (f) Scientific laboratories research, engineering or testing laboratories and related administrative or office activities, provided that there shall be no exterior storage of materials or equipment and no use shall be permitted which may be noxious or offensive by reason of odor, dust, fumes, smoke, gas, vibration or noise or which may constitute a public hazard whether by fire, explosion or otherwise.
- (2) Consumer oriented retail.
  - (a) Retail stores (including department stores), with and without gasoline (including diesel fuel) sales.
  - (b) Wholesale clubs with and without gasoline (including diesel fuel) sales.
  - (c) Pharmacies and other personal service shops and services, with and without drive through service.

- (d) Eating or drinking establishments with and without drive-through service and with and without outdoor dining.
  - (e) Banks or other financial institutions, with and without drive through service.
  - (f) Sales of seasonal merchandise.
  - (g) Places of public amusement or recreation; motion picture (cinema) or live theaters, except for adult uses, which shall be prohibited.
  - (h) Health/fitness centers open to the public for membership or limited to employees within a building, as an accessory use.
  - (i) Educational/religious/cultural institutions.
  - (j) Convenience stores with and without gasoline (including diesel fuel) sales.
  - (k) Supermarkets and food retailers.
  - (l) General service shops.
  - (m) Pet stores, including boarding and grooming.
  - (n) Post offices, office supply stores and mailing centers.
- (3) Other uses.
- (a) Indoor/Outdoor community recreation, such as parks, green space and plazas.
  - (b) Medical/dental offices, clinics, urgent care and surgi-centers (including physical rehabilitative services and facilities), with inpatient and outpatient care.
  - (c) Animal hospital, veterinarian.
  - (d) Public transit facilities.
  - (e) Parking garages.
  - (f) Wireless communication facilities.
- (4) Area and bulk regulations.
- (a) Minimum tract size. The minimum tract size eligible for use in the Planned Community Center District shall be seventy-five (75) acres.
  - (b) Interior lots size – individual interior lots may be created and conveyed, provided that cross easements and restrictive covenants are in place to ensure compliance

with standards otherwise required for the tract but which may not be provided on the individual lot.

- (c) Building area coverage. Not more than forty percent (40%) of the tract area may be occupied buildings. Maximum tract floor area ratio shall not apply.
- (d) Impervious coverage. Not more than sixty-five percent (65%) of the tract area may be covered by impervious surfaces.
- (e) Green space. At least twenty-five percent (25%) of the tract area shall be designated and maintained as green space, i.e. land set aside for conservation, open space, public gathering areas, walking paths, trails or areas otherwise not containing impervious materials.
- (f) Minimum building setback.
  - 1. Front yard: Fifty (50) feet from each exterior street right-of-way on which the tract abuts.
  - 2. Side yards: Twenty (20) feet, except that no building shall be within thirty (30) feet of a property or zoning boundary line of a residential district.
  - 3. Rear yard: Twenty (20) feet, except that no building shall be within thirty (30) feet of a property or a zoning boundary line of a residential district.
  - 4. Buildings shall be separated from one another at least a minimum of twenty (20) feet.
- (g) Height.
  - 1. Building height shall be a minimum of twenty (20) feet and maximum of fifty-five (55) feet, not including uninhabitable ornamental or architectural elements.
  - 2. Accessory structures shall be a maximum of fifty (50%) of the height of the tallest principal building on the tract.
  - 3. Fences and walls (excluding retaining walls) shall not exceed ten (10) feet in height.
  - 4. Retaining walls shall be permitted to a height necessary and appropriate for proper function and to maximize the preservation of existing natural resources, consistent with the intent and requirements of this Article.

- (5) Parking. Parking for the Planned Community Center District shall be calculated on an overall basis at a minimum of 4.5 spaces per one thousand (1,000) square feet of gross floor area, not including areas of a building or structure not intended for public occupancy.
- (a) Parking stalls shall be a minimum of 9'x 18' and shall use California striping. Handicap spaces shall be as required by the ADA.
  - (b) Aisle widths for parking areas shall be a minimum of twenty-five (25) feet wide.
  - (c) Where parking is provided for a primary use which includes seasonal outdoor dining, no additional parking shall be required to be provided in excess of that provided for the primary use.
  - (d) Parking shall otherwise be in accordance with **Article XI, Off-Street Parking and Loading**, of the Township Zoning Code.
- (6) Buffering, Landscaping and Lighting. Buffering, landscaping and lighting requirements shall be exclusively in accordance with the approved Design Guidelines under § 300-38A **Development Design Guidelines** and § 300-39A **Master Plan** below.
- (7) Accessory structures, walls and fences. The placement of all accessory structures, walls (including retaining walls) and fences, and similar improvements shall be as shown on the approved Master Plan, notwithstanding anything in the Township Code to the contrary. All design and construction shall be in accordance with the approved Design Guidelines.
- (8) Signs. The following sign regulations shall apply exclusively in the Planned Community Center District, notwithstanding **Article XII, Signs**, of the Township Zoning Code:
- (a) Permitted signs.
    - 1. Planned Community Center Identification Sign – Signs consisting of channel letters which contain the name of the Planned Community Center and which are a part of or attached to an architectural element or feature, subject to the following:
      - a. The maximum total square footage of the letters forming the name of the Planned Community Center shall be sixty (60) square feet.
      - b. The maximum height of any architectural element or feature of which the sign is a part or to which the sign is attached shall be nine (9) feet in height.

- c. The architectural element or feature shall not be closer than five (5) feet to a street right-of-way or be installed in a sight triangle necessary for clear view of traffic.
2. Primary entrance sign. One (1) entrance sign identifying the name of the development and tenants shall be permitted on or near the tract at the intersection of the primary entrance to the tract, subject to the following:
  - a. The maximum surface display area of the sign shall be five hundred (500) square feet on any one face.
  - b. The maximum height shall be fifty (50) feet.
  - c. The sign shall not overhang any parking area, drive or pedestrian walkway or be closer than five (5) feet to a street right-of-way or be installed in sight triangle necessary for clear view of traffic.
3. Secondary entrance signs. One (1) entrance sign identifying the name of the development and/or tenants shall be permitted on or near the tract at each intersection of a secondary entrance to the tract, subject to the following:
  - a. The maximum surface display area of the sign shall be two hundred (200) square feet on any one face.
  - b. The maximum height shall be thirty (30) feet.
  - c. The sign shall be located at least five hundred (500) feet from the Primary Entrance Sign.
  - d. Signs not located on the tract, shall be permitted in accordance with this subsection, provided that they are located on property within the Planned Community Center District.
  - e. The sign shall not overhang any parking area, drive or pedestrian walkway or be closer than five (5) feet to a street right-of-way or be installed in sight triangle necessary for clear view of traffic.
4. Monument Signs. At each pad-site along the tract frontage of Sproul Road, one (1) monument sign shall be permitted, subject to the following:
  - a. The maximum total surface display area of each side of the sign shall be fifty (50) square feet and the sign shall be set back from the right-of-way by a minimum of five (5) feet.

- b. The maximum height of any monument sign shall be twelve (12) feet in height, including the base.
  - c. The sign shall be located at least seventy-five (75) feet from another Monument Sign.
  - d. Monument signs shall not be located or installed in a sight triangle necessary for clear view of traffic.
5. Free standing pylon signs. At each pad-site along the tract frontage of Reed Road, one (1) pylon sign shall be permitted subject to the following:
- a. The total surface display area of the sign shall be one hundred (100) square feet.
  - b. The maximum height shall be thirty (30) feet.
  - c. The sign shall not overhang any parking area, drive or pedestrian walkway or be closer than five (5) feet to a street right-of-way or be installed in a sight triangle necessary for clear view of traffic.
6. Main Street master directory sign. One (1) interior sign which is located in proximity of the main street and the primary entrance and identifies the individual buildings or tenants having direct access to the main street, subject to the following:
- a. The maximum surface display area of any one face of a sign shall be one hundred (100) square feet.
  - b. The maximum height shall be twenty (20) feet.
7. Driveway entrance signs. A sign shall be permitted at each driveway entrance to a parking field from interior tract roads and driveways, subject to the following:
- a. The maximum surface display area of any one face of a sign shall be one hundred (100) square feet.
  - b. The maximum height shall be twenty (20) feet.
8. Wall mounted signs. Signs mounted on each wall or façade of a building shall be permitted, subject to the following:
- a. Except for buildings with visible exposure from, but no access to, a major traffic street, the maximum total surface display area

of each sign shall be: (i) 1.5 square feet for each 1 lineal foot of store building wall length on which a sign is to be located, or (ii) three hundred (300) square feet, whichever is less.

- b. For buildings with visible exposure from, but no access to, a major traffic street, the maximum total surface display area of each sign shall be five hundred (500) square feet on each such visibly exposed building wall, otherwise the sign shall be sized as required in subsection 8.a., above.
  - c. Signs shall be installed parallel to the supporting wall and project no more than eighteen (18) inches from the face of the such wall and shall not extend above the highest point of the building façade (including parapets or other architectural features) on which the sign is to be located.
9. Blade Signs. One (1) sign which protrudes from each store building facade perpendicular to the flow of traffic, shall be permitted subject to following:
- a. The maximum surface display area of each sign shall be eight (8) square feet.
  - b. The minimum height shall be eight (8) feet above the surface below the sign and the maximum height shall be fifteen (15) feet above the surface below the sign.
10. Traffic control signs. Signs for the control of pedestrian and vehicular traffic shall be permitted, provided that the maximum area of each sign shall be four (4) square feet.
11. Flags and Banners. Flags of the United States of America, other sovereign nations, the Commonwealth of Pennsylvania, Delaware County, Marple Township shall be permitted. Corporate flags and banners containing the name of the development, owners and/or tenants shall be permitted, provided that the maximum square footage of each flag such flag shall be twenty-five (25) square feet.
12. Gasoline Price Signs. For uses within the Planned Community Center District offering gasoline (including diesel fuel) for sale, electronic signs may be used to display the grade and/or price of gasoline (diesel fuel). Such signs shall be a maximum of (50) square feet and shall be calculated as part of the total free-standing signage for that use.

(b) Calculation of sign area. For the purposes of this subsection, “surface display area” or “sign area” shall mean the entire area within a continuous perimeter formed by straight lines joined at right angles which enclose the extreme limits of the writing, background, representation or display of the sign face. The supports, uprights or structure on which any sign is supported shall not be included in determining the surface display or sign area unless such supports, uprights or structure are designed in such a manner as convey meaning or to form an integral background of the display.

(9) Hours of Operation. The provisions of **§ 300 – 10 Hours of Operations for Businesses**, shall not apply in the Planned Community Center District.

B. All uses on the tract shall be served by public water facilities and public sanitary sewer facilities acceptable to the Board of Commissioners and subject to the approval of the Pennsylvania Department of Environmental Protection or its successor agency and the appropriate municipal authority or utility company providing the public water or sewer facilities.

C. Subdivision of the tract. Once the Master Plan is approved, the subdivision of the tract into a lot or lots may occur in accordance with the Master Plan provided that subdivision does not permit individual lots to be treated as independent parcels for separate, independent future development inconsistent with the Master Plan or Design Guidelines.

#### **§ 300-38A Development Design Guidelines.**

A. Submission and Approval of Design Guidelines. The Applicant shall submit Design Guidelines for the Planned Community Center to the Township at the time of submission of the Master Plan. The Design Guidelines shall be reviewed and approved by the Board of Commissioners and once approved, shall become part of the Master Plan and shall be consulted and utilized in developing individual preliminary or final land development plans under the Master Plan for the Planned Community Center. The guidelines shall consist of a manual and/or plans of written and graphic Design Guidelines as specified in **§300-39A Master Plan**, below. The Design Guidelines when approved by the Board of Commissioners, as part of the Master Plan, shall supersede any other provisions of the Township Code, to the contrary.

B. Amendments to Design Guidelines. The Board of Commissioners may, with the consent of the applicant, modify one or more of the design elements of the Design Guidelines without resorting to an amended master, preliminary or final land development plan provided the applicant demonstrates to the satisfaction of the Board of Commissioners that such concepts and designs are in furtherance of the intent of this Article and that the amendment is in the public interest of the Township and that the amendment will not be inconsistent with or impair the reasonable reliance of the occupants on the provisions of the Master Plan.

**§ 300-39A Master Plan.**

A. Master Plan required. In any development pursuant to this Article, a Master Plan of the entire tract shall be submitted for approval by the Board of Commissioners. Once approved, said Master Plan shall be recorded prior to or simultaneously with the recording of the initial subdivision and/or land development plan for any portion of the tract.

(1) At a minimum, said plan shall be drawn to the preliminary plan requirements, pursuant to **Chapter 265. Subdivision of Land, § 265-9. Preliminary Plan; Information Required**, of the Township Code. The Master Plan shall show relationships among the various lots, buildings and parking areas and shall show how development of the entire tract, once executed in accordance with the Master Plan, will function cohesively as an integrated development. The Master Plan shall contain a tabulation of the various ratios of building coverage, impervious coverage and green space provided on the development tract and depict proposed lot lines, vehicular circulation, buildings and parking for the entire tract. In addition, the Master Plan submission shall be accompanied by the Design Guidelines required by **§ 300-38A Development Design Guidelines** which shall include:

- (a) A draft of a manual and/or plans of written and graphic Design Guidelines for buildings, structures, walls, fences, streets, landscaping, hardscaping and pedestrian circulation within the proposed development which shall function as a coordinated and coherent set of drawings.
- (b) Plans and narratives which shall include, but not be limited to architectural and landscaping standards, street and circulation systems, building materials, pedestrian walkways, sidewalks and crosswalks, parking, screening, lighting, pavilions, gazebos and plazas, street furniture, pedestrian amenities and green space operation and maintenance.

(2) Demonstration of the treatment of natural features shall be documented through the Master Plan and on subsequently required subdivision and/or land development plans and landscape plans. The following shall be addressed in terms of natural features:

- (a) Floodplains shall be protected, to the extent not inconsistent with this article, in accordance with Chapter 143 Floodplain Management of the Township Code, as well as all applicable state and federal regulations.
- (b) The Board of Commissioners may allow disturbance of and development within areas of steep and very steep slope in the Planned Community Center District, notwithstanding the provisions of **§ 300-62 Steep Slope Protection**, upon demonstration that the District is within a Mixed Use Growth Area identified on the Marple Township Comprehensive Plan, and that the proposed design standards and mitigation techniques utilize sound engineering standards and construction techniques which will not cause stream siltation and contamination

of surface waters. Mitigation techniques may include retaining walls, and plantings to stabilize slopes being disturbed.

- (c) The Board of Commissioners may allow removal and disturbance of trees and vegetation in the Planned Community Center District, notwithstanding the provisions of § 300-63 **Tree Protection** upon demonstration that the District is within a Mixed Use Growth Area identified on the Marple Township Comprehensive Plan, and, subject to the following:
1. Clearing.
    - a. Clearing of healthy, non-diseased trees for any purpose shall not result in the removal of more than fifty percent (50%) of any existing woodlands or hedgerows without the approval of the Board of Commissioners.
    - b. Where the applicant proposes woodland and hedgerow removal exceeding fifty percent (50%), tree replacement shall be provided as set forth in this subsection for the portion of woodland and hedgerow removed beyond the fifty percent (50%) allowance.
  2. Replacement planting requirements. One shade tree shall be provided for each 1,500 square feet of woodland and hedgerow removed beyond the permitted fifty percent (50%) disturbance allowance. Replacement trees shall be:
    - a. One (1) shade tree of at least 2 to 2 ½ inches in caliper; or
    - b. Two (2) evergreen trees of at least (eight) 8 feet in height or understory trees of at least ten (10) feet to twelve (12) feet in height, for up to fifty percent (50%) of the planting requirement; or
    - c. Ten (10) shrubs per required shade tree, for up to twenty-five percent (25%) of the planting requirement; or
    - d. Any combination of the above.
  3. In determining the total number of trees to be replaced, trees provided as part of a buffer and those provided for street tree compliance shall be included as part of the replacement calculation. Trees being planted shall generally be located in areas surrounding the buildings for which they are required, but need not be within any set distance from the building served.

4. Subsequent to the determination of those trees to be removed, the Board of Commissioners may determine that the remaining tree coverage is substantial enough to grant a reduction of the requirement to provide some or all of the replacement trees required by this subsection, and/or the Board of Commissioners may accept a payment in lieu of the trees not being provided for use to purchase trees for other locations in the Township as determined by the Board of Commissioners.
  5. Prescribed new trees shall be guaranteed for a period of one (1) year. Any planted material that dies within this period shall be promptly replaced, season and availability permitting.
    - (d) Stormwater shall be controlled, managed and recharged in accordance with Chapter 257 Stormwater Management of the Township Code.
- (3) Pedestrian accommodations shall be included on the development tract in locations logical to provide pedestrian movement between buildings, between buildings and parking areas and between building and parking areas and green spaces.
- B. Changes to Master Plan. Any change to proposed lots, buildings, circulation, parking, landscaping or extent of natural features preservation which is substantive, shall necessitate a revised Master Plan to be submitted, approved and recorded to replace any prior Master Plan(s). Except as set forth below, no subdivision or land development for any development on the subject development tract shall be approved without a current recorded Master Plan.
- C. Current Master Plan. The most current recorded Master Plan shall contain a tabulation of the various ratios building coverage, impervious coverage and green space provided on the development tract, current through the most recently approved subdivision and/or land development. Any Master Plan needing revision by submission of a subdivision and/or land development shall be recorded simultaneously with the recording of the approved subdivision and/or land development causing the revision.
- D. Submission and Review. The Master Plan, Design Guidelines and related materials shall be submitted to the Township together with the required fees for the review and processing thereof, as established by the Township.
- (1) The Master Plan shall be reviewed by the Township Planning Commission, and referred to the Board of Commissioners for a decision thereon, which may include:
    - (a) Approval of the Master Plan as submitted.
    - (b) Approval of the Master Plan subject to specified conditions not included in the Master Plan as submitted.

- (c) Denial of the Master Plan with the stated reasons therefore, including specific citations to the Township Code outlining the areas of non-compliance.
- (2) Review and decisions on the Master Plan shall be in the time and manner as prescribed by Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10508, for preliminary applications.
- (3) From the time an application for Master Plan approval is filed, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision, or other governing codes or ordinances shall affect the decision on such application adversely to the applicant, and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was filed. In addition, when a Master Plan has been approved, the applicant shall be entitled to proceed with individual preliminary and final plan approvals in accordance with the terms of the Master Plan approval.
- (4) Vested right to proceed following Master Plan approval. The applicant or any successor to the applicant for all or any portion of the development plan shall have a vested right to proceed according to the approved Master Plan and no subsequent change or amendment to the Township Zoning or Subdivision and Land Development Codes nor to any other governing ordinance, regulation, or plan shall be applied to affect adversely the right of the applicant or any successor to commence and complete any aspect of the approved Master Plan for a period of 10 years from the date of approval of the Master Plan.
- (5) Submission and review of subsequent individual preliminary and/or final subdivision plans following approval of the Master Plan shall be in accordance with Section 508 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10508, for review of such applications.

**§ 300-40A Restrictive Covenants.**

- A. Declaration of restrictive covenants required. Accompanying the Master Plan, a declaration of restrictive covenants must be approved by the Township and recorded. Said declaration shall provide all of the restrictions necessary and practical at the current state of development to assure that a proposed development will operate as depicted on the Master Plan. The following are the minimum requirements for the declaration:
  - (1) Provisions for the establishment of an association with mandatory membership by the current owner of each lot represented in the Master Plan.
  - (2) Parties to the declaration of restrictive covenants shall be bound by all restrictions contained therein, and shall include, at a minimum, the aforementioned association, developer, mortgagees of any lot and/or building on the tract, tenants and any other parties having any interest in all or any part of the proposed development and the

Township. Provisions shall be included to permit Township enforcement of the restrictions contained in the declaration in the event that the association fails to do so.

- (3) Cross easements shall be included, which shall assure proper circulation throughout the development and access to all parking areas.
- (4) Maintenance provisions shall be included for the circulation network, parking areas, landscaping and all other common areas.
- (5) Provisions to ensure that all buildings within the development will be architecturally compatible and that compatible building materials are used throughout the Planned Community Center District.
- (6) Provisions to ensure that development of any buildings, parking or other similar improvements be prohibited on any lots to be utilized solely for green space purposes, as indicated on the most currently approved Master Plan.
- (7) Provisions to guarantee public right to use of the interior roads and common green space areas; also provisions stipulating each lot owner/occupant rights with respect to common green space areas.
- (8) Any additional restrictions which will be applied to the development which are stricter than existing Township regulations.

B. Any change to cross easements, maintenance responsibilities, architectural controls or other applicable restrictions, which is substantive, will necessitate a revised declaration of restrictive covenants to be submitted, approved and recorded to replace any prior such document. No subdivision or land development for any development on the subject development tract shall be approved without a current recorded declaration of restrictive covenants.

**Section 2. All Ordinances or parts of Ordinances inconsistent herewith be and the same are hereby repealed.**

ENACTED AND ORDAINED this \_\_\_ day of \_\_\_\_\_ 2015.

TOWNSHIP OF MARPLE

BY: \_\_\_\_\_

President  
Board of Commissioners

ATTEST: \_\_\_\_\_  
Township Secretary