

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 SECTION 300- 33A ENTITLED PLANNED COMMUNITY RESIDENTIAL DISTRICT DEVELOPMENT AND PROVIDING A STATEMENT OF INTENT, USE REGULATIONS, ELIGIBILITY CRITERIA, AREA AND BULK REGULATIONS, SITE PLANNING, OPEN SPACE AND SIGNAGE REGULATIONS TOGETHER WITH SUBMISSION, REVIEW, PROCESSING, PUBLIC HEARING AND APPROVAL REGULATIONS AND PROCEDURES.

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 SECTION 300- 33A entitled planned community residential district development and providing a statement of intent, use regulations, eligibility criteria, area and bulk regulations, site planning, open space and signage regulations together with submission, review, processing, public hearing and approval regulations and procedures, as follows:

§ 300-33 A. PLANNED COMMUNITY RESIDENTIAL DISTRICT DEVELOPMENT.

A. Intent. In accordance with Article VII of the Pennsylvania Municipalities Planning Code (*See 53 P.S. § 10101 et seq*) the Township adopts this Section to:

- (1) Provide increased flexibility in the laws governing the development of large tracts of land in the Township and to encourage such development in directions that recognize both the changes in design, regulation and new demands in the housing market.
- (2) To provide an opportunity for flexibility in lot designs and building arrangement not afforded by conventional lot development.
- (3) Ensure that the uniform regulations appropriate to previously developed residential neighborhoods do not operate to discourage efficient and imaginative development consistent with the reasonable enjoyment of neighboring properties.
- (4) Encourage the more efficient allocation and maintenance by private initiative of common open space ancillary to new residential areas.
- (5) Provide for appropriate transition of housing types adjacent to areas of mixed non-residential use.

- B. Permitted uses. The following uses are permitted in the Planned Community Residential Development District and shall be limited to:
- (1) Single-family detached, two-family, three-family or four-family, or five-or-more-family dwellings, but not garden apartments or mid-rise apartments.
 - (2) Recreational and educational uses to the extent they are designed to serve the residents of the Planned Community Residential Development and are in accordance with § 300-33G and H.
- C. Minimum tract size. The minimum tract size for a Planned Community Residential Development shall be fifty (50) acres.
- D. Tract location. The tract shall be adjacent to and adjoining the Planned Community Center District.
- E. Density regulations.
- (1) The maximum density computed over the entire tract area shall not exceed six (6) units per acre, but no more than six dwelling units are permitted in a single attached row.
- F. General site planning.
- (1) The Board of Commissioners may allow removal and disturbance of trees and vegetation in a Planned Community Residential Development, notwithstanding the provisions of § 300-63 Tree Protection, subject to the following:
 - a. Clearing.
 - i. Clearing of healthy, non-diseased trees for any purpose shall not result in the removal of more than fifty (50%) of any existing trees, tree masses or hedgerows without the approval of the Board of Commissioners.
 - ii. Where the applicant proposes tree removal exceeding fifty (50%), tree replacement shall be provided as set forth in this subsection for the portion of trees removed beyond the fifty (50%) allowance.
 - iii. Replacement planting requirements. One shade tree shall be provided for each 1,500 square feet of woodland removed beyond the permitted fifty (50%) disturbance allowance. The applicant shall receive credit toward the replacement planting requirement as follows:
 - a) The applicant shall receive a credit equal to one (1) shade tree for any

of the following:

- i. One (1) shade tree of at least 2 to 2 ½ inches in caliper; or
 - ii. Two (2) evergreen trees of at least 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
 - iii. Ten (10) shrubs per required shade tree, for up to twenty five percent (25%) of the planting requirement; or
 - iv. Any combination of the above.
- b) The applicant shall receive a credit equal to one and one-half (1 ½) shade trees for each shade tree with a caliper greater than 2 ½ inches but less than 3 inches.
 - c) The applicant shall receive a credit equal to two (2) shade trees for each shade tree with a caliper of 3 inches or greater.
- b. The location of trees must be considered when planning the common open space, location of buildings, underground services, walks, paved area, playgrounds, parking areas and finished grade levels.
 - c. 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.
 - d. 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.
 - e. Prescribed new trees shall be guaranteed for a period of 18 months. Any planted material that dies within this period shall be promptly replaced, season and availability permitting.
- (2) The Board of Commissioners shall allow disturbance of and development within areas of steep and very steep slope in a Planned Community Residential Development, notwithstanding the provisions of § 300-62 Steep Slope Protection, upon demonstration that the proposed design standards and mitigation techniques utilize sound engineering standards and construction techniques.
 - (3) Natural features such as lakes and streams shall be preserved and incorporated into the final landscaping of the development whenever possible.
 - (4) Seeding, sodding and other planting shall be applied to stabilize topsoil on steep slopes and enhance the appearance of open areas.

- (5) Where adequate surface drainage is not possible by means of grading alone, a supplementary drainage system to be approved by the Township Engineer will be required.
- (6) To create architectural interest in the arrangement and character of housing fronting streets, variations in housing setbacks will be encouraged.
- (7) All housing should be located so as to provide adequate privacy and to attempt to provide natural light in all principal rooms.
- (8) Routes for vehicular and pedestrian access and parking access shall be convenient without creating nuisances or detracting from privacy.
- (9) The location and arrangement of buildings and open spaces must be shown so that the Board of Commissioners may review the intensity of land use and serve the public interest by protecting neighboring land uses.

G. Dimensional requirements.

- (1) No building or structure shall be more than forty (40) feet in height measured from the mean level of the finished grade at the front of the building or structure to the point midway between the eaves and the peak, except when waived or modified by the Board of Commissioners.
- (2) No two-family, three-family or four-family, or five-or-more-family dwelling shall be within fifteen (15) feet of the edge of the cartway of any road.
- (3) In the case of a single-family detached dwelling, there shall be two side yards, one on each side of the dwelling, the depth of which shall be at least six (6) feet; a front yard, the depth of which shall be at least twenty (20) feet; and a rear yard, the depth of which shall be at least twenty (20) feet.
- (4) Other than single family dwellings, no building shall be erected within fifteen (15) feet of any other building.
- (5) There shall be a minimum of ten (10) feet between any parking lot containing more than ten (10) parking spaces and any dwelling structure, except when waived or modified by the Board of Commissioners. Such area shall contain a fence, a wall or landscaping.
- (6) All recreational or educational buildings designed to serve the residents of the Planned Community Residential Development shall be a minimum of twenty five (25) feet from the property lines of the development and a planting strip of no less than fifteen (15) feet shall be provided along all property lines adjacent to the development where privacy of other parties is a consideration.

- (7) Each dwelling unit must be at least twenty (20) feet wide.
- H. Maximum building coverage. The total ground area occupied by buildings and structures shall not exceed twenty five percent (25%) of the total tract area of a Planned Community Residential Development. For the purpose of this subsection, "total ground area" shall mean the aggregate of the maximum horizontal cross-section areas of all buildings on a lot above the ground level, measured at the greatest outside dimensions, excluding cornices, eaves, gutters or chimneys projecting not more than twenty four (24) inches, bay windows not extending through more than one story and not projecting more than five feet, one-story open porches projecting not more than ten (10) feet, steps and balconies.
- I. Recreational and educational uses. Residential and educational uses, if any, uses shall be designed and intended only for the use of the residents of a Planned Community Residential Development and the burden of proof shall be upon the applicant to prove that such is the case.
- J. Common open space.
- (1) A minimum of twenty five percent (25%) of the site shall be set aside as common open space. The location of the common open space shall be consistent with the declared function of the common open space as set forth in the application for a Planned Community Residential Development and, where possible, the common open space shall be planned as a contiguous area located for maximum benefit of residents and preserving natural features. In determining the type, amount and location of common open space, the Board of Commissioners shall:
- (a) Require that FEMA floodplain as delineated in the Marple Township Floodplain Map to be preserved as permanent common open space.
- (b) In all areas of the tract, development shall be subject to Township ordinances controlling excavation, removal of topsoil, prevention of erosion and stream siltation, provided however that in the event of a conflict between Township ordinances and § 300-33 A, the terms of § 300-33 A shall be controlling.
- (2) Provision for the ownership and maintenance of common open space shall be in accordance with § 300-18J of this Article.
- K. Signs. The following sign regulations shall apply exclusively in the Planned Community Residential District, notwithstanding **Article XII, Signs**, of the Township Zoning Code:
- (1) Permitted signs.
- a) Entrance sign. Two (2) entrance signs identifying the name of the residential development shall be permitted at or near the intersection of each entrance to the residential development, subject to the following:

- i. The maximum surface display area of the sign shall not exceed seventy five (75) square feet on any one face.
- ii. The signs may be illuminated by means of light from a concealed source cast upon an opaque surface, including the sign face and the supports, uprights or structures on which the signs are supported.
- iii. If such signs are freestanding, the maximum height shall not exceed fifteen (15) feet.
- iv. The signs 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.

b) Traffic control signs. Signs for the control of pedestrian and vehicular traffic shall be permitted.

(2) 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, representation or display of the sign face, together with any material forming an integral part of the display or used to differentiate such sign from the background against which it is placed. 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 to convey meaning or to form an integral part of the sign display.

L. Declaration of protective covenants. Proposed covenants, easements and other provisions relating to the bulk, location and density of such residential units, nonresidential uses and public and community facilities as are necessary for the welfare of the residents of a Planned Community Residential Development and are not inconsistent with the best interests of the entire Township shall be included in a Declaration of Protective Covenants and made part of a plan submission for a Planned Community Residential Development. Such covenants, easements and other provisions, if part of the plan as finally approved, may be modified, removed or released only in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

M. Phasing plan. The landowner shall designate divisible geographic sections and number and type of dwellings of the entire parcel to be developed as a Planned Community Residential Development and shall in such case specify the time periods within which development of each section is to be commenced. Each section to be developed may deviate from the number of dwelling units per acre established for the entire Planned Community Residential Development, provided that such deviation shall be adjusted for in other sections of the development so that the number and the type of dwelling units per acre and other conditions authorized for the entire Planned Community Residential Development are not affected. The period of the entire development and the commencement date for each section thereof may be modified from time to time by the Board of Commissioners upon the showing of good cause by the landowner. Upon final approval as set forth under Subsection U, below, the landowner shall provide such easements, covenants and other

arrangements and shall furnish such performance guaranty or guaranties in the form of a bond, escrow agreement or certified check in a form acceptable to the Board of Commissioners to assure completion of streets, utilities and other on-site improvements in accordance with the plan and to protect the public interest in the event of abandonment of the plan before completion. In the event that the improvements in such section or sections are not satisfactorily completed and approved within the time period specified in the final approval of the plan or any extension thereof, the Board of Commissioners may declare an abandonment of such section or sections and have recourse to the performance guaranty or guaranties and may install such improvements as it shall deem necessary. Such guaranty or guaranties shall remain in effect in accordance with the provisions of Article V and Article VII of the Municipalities Planning Code. If the Board of Commissioners accepts dedication of some or all of the completed improvements, the landowner shall post financial security to secure the structural integrity and functioning of such improvements in accordance with the provisions of Article V and Article VII of the Municipalities Planning Code.

- N. Submission of plans with Planned Community Center Development. In the event that plans for a Planned Community Residential Development are submitted with plans for a Planned Community Center Development, the Planned Community Residential Development shall be included on and as part of the master plan required by § 300-39A of the Township Zoning Code.
- O. All uses in a Planned Community Residential Development 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.
- P. Modification of subdivision and land development standards. The uniqueness of each proposal for a Planned Community Residential Development may require that the specifications, including without limitation, for the width and surfacing of streets and highways, alleys and ways for public utilities and for curbs, gutters, sidewalks, streetlights, public parks and playgrounds, school grounds, stormwater drainage, water supply and distribution, sanitary sewers and sewage collection and treatment shall be subject to modification from the specifications established in the Subdivision and Land Development Ordinance or in certain other Township ordinances, including the Township Zoning Code. The Board of Commissioners may, therefore, waive or modify the specifications otherwise applicable for a particular public facility where the Board of Commissioners finds that such specifications are not required in the interest of the residents of a Planned Community Residential Development and that the modifications of such specifications are consistent with the interests of the entire Township. Proposed specifications and standards that are inconsistent with those required under the prevailing Township ordinances shall be termed acceptable upon approval by the Board of Commissioners.

- Q. Application for tentative approval.
- (1) The application for tentative approval shall be executed by the landowner and filed with the Township Secretary. An initial filing fee as set from time to time by resolution of the Board of Commissioners shall be paid upon filing the application and additional fees shall be paid from time to time as directed by the Township, to be supplied against the expense of processing the application. Such fees shall not exceed actual expenses incurred by the Township.
 - (2) The application for tentative approval shall include documents illustrating the following:
 - (a) The location and size of the area involved and adjoining areas and the nature of the landowner's interest in a Planned Community Residential Development.
 - (b) The proposed use areas and the residential density of each proposed land use.
 - (c) The location, function, size, ownership and manner of maintenance of the common open space.
 - (d) The use and the approximate height, bulk and location of buildings and other structures.
 - (e) Information showing the feasibility of proposals for sanitary sewage and stormwater disposition.
 - (f) Utility systems.
 - (g) The substance of covenants, grants of easements or other restrictions existing and to be imposed upon the use of land, buildings and structures, including proposed grants and easements for public utilities.
 - (h) The provisions for parking of vehicles and the location and right-of-way and cartway widths of proposed streets and public ways.
 - (i) In the case of plans that call for development over a period in excess of two years, a schedule showing the time within which applications for final approval of all parts of a Planned Community Residential Development are intended to be filed, which shall be updated annually on the anniversary of submission for final approval.
 - (j) Proof that the application insofar as possible complies with the provisions set forth herein governing the requirements for final approval.
 - (3) The application for tentative approval shall also include the following documents:
 - (a) Plans, at a scale of one inch equals 100 feet, of existing natural features of the land,

including topography, vegetation, drainage and soils.

- (b) A site plan showing approximate locations of buildings, roads and parking areas at a scale of one inch equals 100 feet.
- (c) A plan at a scale of one inch equals 100 feet delineating common open space, indicating size, nature of facilities, structures and uses.
- (d) A plan at a scale of one inch equals 100 feet delineating approximate locations, street types and right-of-way and cartway widths.
- (e) A site plan illustrating phasing, including a time schedule for all on-site and off-site improvements to be dedicated for public use, which may be modified from time to time by the Board of Commissioners.
- (f) A plan illustrating connection to public utilities, streets and rights-of-way, accompanied by documentation as to the impact of the proposed development on the public utilities, streets and rights-of-way.
- (g) A plan illustrating the relation of the proposed Planned Community Residential Development to the Township.
- (h) A cost-revenue analysis that shall estimate the net cost of the Planned Community Residential Development to the Township and school district. The net cost shall be the difference between governmental expenditures that may be specifically identified with a particular piece of land and the revenues that will come to local government by virtue of the characteristics of the proposed development. The cost analysis shall clearly identify whether a net gain or a net loss is anticipated and shall itemize the measurements used in the evaluation.
- (i) A plan and specifications that indicate alterations and variations to the prevailing regulatory codes of the Township, including all the design standards of the Marple Township Zoning Ordinance and the Marple Township Subdivision and Land Development Ordinance as proposed in the plan. The procedural regulations of the Marple Township Subdivision and Land Development Ordinances shall not apply.

R. Public hearing.

- (1) Within sixty (60) days after the filing of an application for tentative approval, a public hearing on the application shall be held by the Board of Commissioners pursuant to public notice. All testimony by witnesses at any hearing shall be given under oath and every party of record at a hearing shall have the right to cross-examine adverse witnesses.
- (2) A verbatim record of the hearing shall be caused to be made by the Board of Commissioners whenever requested by any party to the proceedings. The cost of making a transcribing such

record shall be borne by the party requesting it and the expense of copies of such record shall be borne by those who wish to obtain such copies. All exhibits accepted in evidence shall be identified and duly preserved or if not accepted in evidence shall be properly identified and the reason for the exclusion clearly noted in the record.

- (3) The Board of Commissioners may continue the hearing from time to time or refer the matter to the Planning Commission for a report; provided, however, that in any event the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing.

S. Findings after hearing.

- (1) Within thirty (30) days following the conclusion of the public hearing or hearings, the Board of Commissioners shall give official written communication to the landowner, either:
 - (a) Granting tentative approval of the plan as submitted; or
 - (b) Granting tentative approval subject to specified conditions not included in the plan as submitted; or
 - (c) Denying tentative approval of the plan.
- (2) Failure of the Board of Commissioners to so act within the said period shall be deemed to be a grant of tentative approval of the plan as submitted. In the event, however, that tentative approval is granted subject to conditions, the landowner may, within thirty (30) days after receiving a copy of the official written communication from the Board of Commissioners, give notice of his refusal to accept all of the conditions, in which case the Board of Commissioners shall be deemed to have denied tentative approval of the plan. In the event the landowner does not within the said period notify the Board of Commissioners of his refusal to accept all of the said conditions, tentative approval of the plan, with all conditions, shall stand as granted.
- (3) The grant or denial of tentative approval shall be in the form of a written resolution that shall include findings of fact related to the specific proposal and shall set forth the reasons of the grant, with or without conditions or for the denial and shall set forth with particularity in what respects the plan would or would not be in the public interest. A copy of the written resolution shall accompany the official written communication to the landowner.

T. Status of plan after tentative approval. Where tentative approval has been granted, the same shall be noted on the Township's Zoning Maps and the plan shall have the status established by and be subject to the provisions of Section 710 of Article VII of the Pennsylvania Municipalities Planning Code.

U. Application for final approval.

- (1) An application for final approval or any section thereof shall be submitted to the Township

Secretary and shall comply with and be subject to the requirements and procedures of Section 711 of Article VII of the Pennsylvania Municipalities Planning Code. In addition, the application for final approval shall include all documentation submitted for tentative approval, shall comply with the conditions of tentative approval imposed by the Board of Commissioners, if any and shall be submitted within the time period specified by the official written conditions set forth under Subsection S, above. The application for final approval shall also include a site plan at a scale of one inch to fifty (50) feet delineating all building lots, as well as schematic architectural drawings of a typical building at a scale of one inch equals thirty-two (32) feet.

- (2) In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, as required by this § 300-33 and by the official written communication of tentative approval, the Board of Commissioners shall, within thirty (30) days of such filing, grant such plan final approval, except that in the event the plan as submitted contains variations from the plan given tentative approval, the Board of Commissioners may refuse to grant final approval and shall so advise the landowner in writing and set forth the reasons why the variations are not in the public interest and shall do so within thirty (30) days from the filing of the application for final approval.
- (3) The granting or denial of final approval of the plan shall be in the form and contain the findings required for a resolution on an application for tentative approval and the Board of Commissioners shall forthwith notify the landowner by official written communication of the granting or denial of final approval.
- (4) In the event that a plan or section thereof is given final approval and thereafter the landowner shall substantially amend such plan or section thereof, the Board of Commissioners will require a public hearing.
- (5) In the event that a plan or section thereof is given final approval and thereafter the landowner shall abandon such plan or the section thereof that has been finally approved and shall so notify the Board of Commissioners in writing or in the event that the landowner shall fail to commence and carry out the Planned Community Residential Development or section thereof, within 180 days from the date final approval has been granted, no development or further development shall take place on the property included in the plan until the said property is re-subdivided and reclassified by means of an amendment to the Township's Zoning Ordinance.

V. Administration and judicial review.

- (1) Issuance of permits and all matters pertaining to administration of the plan as finally approved shall be the responsibility of the Director of Code Enforcement.
- (2) Upon application of the landowner showing compliance with the requirements of final approval,

the Director of Code Enforcement shall issue permits for construction pursuant to the plan or any section thereof.

- (3) The Director of Code Enforcement shall review the progress and status of construction of the plan and render monthly reports thereon to the Board of Commissioners in order to assure compliance with the provisions of this § 300-33 A and the conditions of final approval.
- (4) Any decision of the Board of Commissioners under this § 300-33 A granting or denying tentative or final approval of a plan or authorizing or refusing to authorize a modification in such plan shall be subject to review and appeal in the same manner and within the same time limitation as is provided for zoning appeals by the Pennsylvania Municipalities Planning Code.

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