

**TOWNSHIP OF MARPLE
ORDINANCE NO.2023-1**

AN ORDINANCE OF THE TOWNSHIP OF MARPLE, DELAWARE COUNTY, PENNSYLVANIA PURSUANT TO ARTICLE VI OF THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AMENDING CHAPTER 300 ZONING, BY: (1) AMENDING §300-20A- DEVELOPMENT STANDARDS TO ALLOW LOT AREA FOR THE R-A DISTRICT TO BE REDUCED TO 40,000 SQUARE FEET IF SERVED BY PUBLIC SANITARY SEWER; (2) AMENDING §300-20A- DEVELOPMENT STANDARDS TO ELIMINATE PROVISION FOR THE MAXIMUM SHED DIMENSION (FEET IN ALL ZONING DISTRICTS) AND TO PROVIDE FOR A MAXIMUM SIZE OF SHED (SQUARE FEET) OF 280 SQUARE FEET IN ALL ZONING DISTRICTS; AND; (3) AMENDING §300-111 FENCES AND WALLS TO REMOVE WORDING REFERENCING “FRONT YARD” AND TO ADD LANGUAGE REQUIRING THAT FENCES GREATER THAN 4 FEET IN HEIGHT MAY NOT EXTEND BEYOND THE FRONT OF THE PRIMARY STRUCTURE ON THE LOT; (4) AMENDING §300-62 TO ADD THE PERMISSIBLE DISTURBANCE PERCENTAGES FROM CHAPTER 159. GRADING, DRAINAGE AND EROSION CONTROL), REQUIRING CONDITIONAL USE APPROVAL FOR ANY DISTURBANCE GREATER THAN THE MAXIMUM PERMISSIBLE DISTURBANCE PERCENTAGES AND CORRECTING CERTAIN REFERENCES THEREIN; AND (4) AMENDING CHAPTER 159 GRADING, DRAINAGE AND EROSION CONTROL BY REMOVING LANGUAGE (USE LIMITATIONS AND DISTURBANCE OF GROUND COVER) THAT IS REDUNDANT OR INCONSISTENT WITH §300-62 (USE LIMITATIONS AND DISTURBANCE OF GROUND COVER) AND REPLACING SAME WITH “REFER TO §300-62.”

BE IT ENACTED AND ORDAINED AS FOLLOW:

SECTION I: Chapter 300 Zoning, §300-20.A, The Table of Development Standards Districts R-A, R-B, R-C, R-1, R-1A, R-2, R-3, R-4 (300 Attachment 2) shall be and is hereby amended to (1) change the maximum size of shed feet in all applicable districts to 280 square feet, subject to maximum accessory structure coverage and maximum impervious coverage requirements; (2) remove maximum shed dimensions requirements in all applicable districts; and (3) provide that minimum lot size for the R-A District may be decreased from 80,000 square feet to 40,000 square if served by public sanitary sewer. Chapter 300 Zoning, §300-20.A, The Table of Development Standards

Districts R-A, R-B, R-C, R-1, R-1A, R-2, R-3, R-4 (300 Attachment 2) shall be so amended to now read in its entirety as set forth in Exhibit “A” attached hereto and incorporated herein.

SECTION II: Chapter 300 Zoning, §300-111- Fences and Walls, specifically §300-111.A, shall be and is hereby amended to remove wording referencing “front yard” and to add language requiring that fences greater than 4 feet in height may not extend beyond the front of the primary structure on the lot. Chapter 300, §300-111- Fences and Walls shall be so amended to now read in its entirety, as follows:

§ 300-111. Fences and walls.

A. Location. No fence or wall shall be beyond the front of the primary structure for each lot, with the exception of fences erected on residentially-zoned properties, provided the fence does not exceed four feet in height and has at least 50% of the area of the fence open and provided further that retaining walls required to stabilize changes in elevation be permitted to a height of one foot above the average ground elevation retained.

[Amended 8-12-2002 by Ord. No. 2002-5] [Amended 06-12-2023 by Ord. No. 2023-1]

B. Height. The maximum height for a fence or wall shall be six feet, measured from finished grade.

C. Appearance. Any portion of a fence construction intended or utilized for the support of the fence shall be located on the inside of the fence, facing the principal portion of the tract upon which the fence is erected. The finished portion of the fence shall face the property or right-of-way adjacent to the fence.

D. Permit required. No fence or wall shall be constructed without first obtaining a permit. Permit applications shall be accompanied by a property survey or plot plan with the proposed location of the fence or wall shown thereon. A permit application for a retaining wall must be approved by the Township Engineer before such a permit may be issued.

SECTION III: Chapter 300 Zoning, §300-62- Steep Slope Protection shall be and is hereby amended to: (1) add permissible disturbance percentages currently contained in Chapter §159 (Slope Conservation); (2) to require Conditional Use approval for any disturbance greater than the maximum permissible disturbance percentages; and (3) correct certain references therein. Chapter 300 Zoning, §300-62- Steep Slope Protection shall be so amended to now read in its entirety, as follows:

§ 300-62. Steep slope protection.

A. Intent. The intent of this § **300-62** is to protect hillsides and their related soil and vegetative resources, thereby minimizing adverse

environmental effects. Specific objectives include the following:

(1) Conservation and protection of steep and very steep slopes from inappropriate development such as excessive grading, land-form alteration and extensive vegetation removal.

(2) Avoidance of potential hazards to life and property and the disruption of ecological balance that may be caused by increased runoff, flooding, soil, erosion and sedimentation, blasting and ripping of rock and landslide and soil failure.

(3) Protection of the entire Township from uses of land that may result in subsequent expenditures for public works and disaster relief and adversely affect the economic well-being of the Township.

(4) Encouragement of the use of steep and very steep slopes for open space and other uses that are compatible with the conservation and protection of natural resources.

B. Applicability and scope. This § **300-62** regulates the circumstances in which any use may occur on areas of steep slope or very steep slope. The regulations of this § **300-62** apply to all districts in the Township.

C. Disturbance of ground cover:

(1) No person shall directly or indirectly disturb vegetative ground cover on more than the following percentages of each classification of land:

Slope Classification	Permissible Area (maximum percent)
Steep (15% to 25%)	15%
Very steep (greater than 25%)	5%

(2) For steep and very steep slope disturbances in excess of those set forth in § **300-62.C(1)**, Conditional Use authorization from the Board of Commissioners is required.

D. Permitted uses in areas of steep slope and very steep slope. The following uses and no other are permitted in areas of steep slope and very steep slope:

(1) Agricultural uses not requiring cultivation or structures.

(2) Game preserve, wildlife sanctuary, woodland preserve or similar conservation uses not requiring structures.

(3) Passive recreation.

(4) Sealed water supply wells with the approval of the Township Engineer.

(5) Front, side or rear yards and required lot area for any district, provided that such yards are not to be used for on-site sewage disposal systems or for non-wire fences or any other structures.

E. Prohibited uses in areas of steep slope and very steep slope. The following uses and activities are specifically prohibited:

(1) Structures, other than those associated with § **300-62D** and **F**.

(2) Cut and fill, other than in conjunction with uses associated with § **300-62E** and **F**.

(3) Soil, rock or mineral extraction.

(4) Removal of topsoil.

(5) On-site sewage disposal systems.

(6) Roads, driveways and parking lots, other than those associated with § **300-62F(5)**.

F. Conditional uses in areas of very steep slope. The Board of Commissioners is authorized to grant conditional uses for the following uses, subject to recommendations of the Planning Commission and Township Engineer and pursuant to the standards of § **300-62G** and **H**:

(1) Agricultural cultivation and agricultural uses requiring structures.

(2) Conservation uses requiring structures.

(3) Passive recreation uses requiring structures.

(4) Utility easements and rights-of-way.

(5) Accessory structures to any permitted uses included in § **300-62C**.

(6) Individual driveways accessory to single-family detached dwellings only if the Board of Commissioners determines that no practicable alternative alignments exist.

G. Conditional uses in areas of steep slope. The Board of Commissioners is authorized to grant conditional uses for the following uses, subject to recommendations of the Planning Commission and Township Engineer and pursuant to the standards of § **300-62G** and **H**:

(1) Any conditional use identified in § **300-62 F**.

(2) Single-family detached dwellings, when permitted in the district in

which the property is located.

(3) Recreation use, whether open to the public or restricted to private membership, such as parks, camps, picnic areas and golf courses, when permitted in the district in which the property is located. not to include enclosed structures excepting toilet facilities but permitting small shelters usually found in developed outdoor recreational areas. Any toilet facilities provided shall be connected to central water and sewage systems.

(4) Stormwater management facilities.

(5) Roads, driveways and parking lots, where required by the regulations for the district applicable to the lot without consideration of this § **300-62**, provided that no practicable alternative alignments or locations exist.

(6) Central sanitary sewer systems.

(7) Accessory uses and structures customarily incidental to uses identified in this § **300-62F**.

H. Standards for conditional uses, or variances. The Board of Commissioners, in considering a use as a conditional use and the Zoning Hearing Board, in considering a variance, shall bear in mind the objectives of § **300-62A** and shall consider the following:

(1) Degree of modification proposed to the topographic, soil and vegetation resources.

(2) Techniques and extent of mitigation proposed to offset potential adverse environmental effects.

(3) Effects on adjacent and neighboring properties.

(4) Consistency of proposed uses with the objectives of § **300-62A**.

I. Additional standards for conditional uses or variances. An affirmative decision shall not be issued by the Board of Commissioners for conditional uses nor by the Zoning Hearing Board for variances unless there is evidence that:

(1) Development is being proposed on areas of steep slope or very steep slope only because no other alternative location is practicable.

(2) Earthmoving activities and vegetation removal will be conducted only to the extent necessary to accommodate the proposed uses and structures and in a manner that will not cause excessive surface water runoff, erosion, sedimentation and unstable soil conditions.

(3) Mitigation techniques will be utilized, including but not limited to retaining walls, tree wells, the establishment of ground covers and/or low spreading shrubs and the use of erosion control fabric.

(4) Proposed structures will be of sound engineering design and footings will be designed in response to the site's slope, soil and bedrock characteristics.

J. Application procedures for conditional uses, or variances. An application for a zoning permit shall be filed with the Code Enforcement Officer who shall make an initial determination on the application. For a use other than those permitted in § **300-62C**, an application seeking approval of a conditional use or variance shall be forwarded to the Board of Commissioners or Zoning Hearing Board, as appropriate, along with required studies or information and the findings of the Code Enforcement Officer. The application for conditional use, or use by variance shall be accompanied by the following:

(1) Plans drawn to a scale of at least one inch equals 50 feet depicting the following:

(a) Location, dimensions and elevation of the property.

(b) Existing and proposed uses and development.

(c) Existing and proposed contours at two-foot intervals.

(d) Location and boundaries of steep slopes and very steep slopes.

(e) Cross-sections and elevations of the property and proposed structures.

(f) Existing and proposed land cover characteristics of that portion of the property within the area of steep slope or very steep slope, indicating wooded areas, open areas, ground cover types, any areas with impervious surfaces and subsurface soil types.

(2) Photographs showing existing uses, vegetation and topography of areas of steep slope or very steep slope.

(3) Narrative report describing the slope, soil and vegetation characteristics of that portion of the property within the area of steep slope or very steep slope. Such report shall also describe:

(a) Proposed types of structures and methods of construction, types of foundation system(s) to be employed and proposed landscaping, sewage disposal and water supply.

(b) Sediment and erosion control measures.

(c) Engineering and conservation techniques intended to alleviate adverse environmental effects that may be created by the proposed use.

SECTION IV: Chapter 159 Grading, Drainage and Erosion Control, Article IX Slope Conservation shall be and is hereby amended to remove language from § 159-28. Use limitations and from § 159-29. Disturbance of ground cover that is redundant or inconsistent with §300-62 (Steep slope protection) and replacing such language with “refer to §300-62.” Chapter 159 Grading, Drainage and Erosion Control, Article IX Slope Conservation, § 159-28. Use limitations and from § 159-29. Disturbance of ground shall be so amended to now read in its entirety, as follows:

§ 159-28. Use limitations.

Refer to §300-62.

§ 159-29. Disturbance of ground cover.

Refer to §300-62.

SECTION V: All Ordinances or parts Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

SECTION VI. To the extent that any provision of this ordinance is deemed to be unlawful, such provision shall be severable from the remainder of provisions which are not deemed to be unlawful, which lawful provisions shall continue in full force and effect.

SECTION VII. This Ordinance shall become effective five (5) days after passage.

ENACTED AND ORDAINED this _____ day of 2023.

TOWNSHIP OF MARPLE

By: _____
Joseph Rufo, President
Board of Commissioners

ATTEST: _____
Sharon Angelaccio
Township Secretary

Exhibit "A"

ZONING

300 Attachment 2

Township of Marple

Section 300-20A: Development Standards -- Districts R-A, R-B, R-C, R-1, R-1-A, R-2, R-3, R-4 [Amended 7-14-2003 by Ord. No. 2003-13; 11-15-2004 by Ord. No. 2004-13; 12-13-2004 by Ord. No. 2004-17; 10-8-2007 by Ord. No. 2007-15; 8-11-2008 by Ord. No. 2008-8; 6-12-2023-by Ord. No. 2023-1

Standards	Districts							
	R-A	R-B	R-C	R-1	R-1A	R-2	R-3	R-4
Minimum lot area (square feet) ¹	80,000 ⁴	40,000	20,000	12,000	9,800	7,500	6,250	5,000
Maximum building coverage (percent of lot area)	15	15	18	20	22.5	25	30	35
Maximum impervious coverage (percent of lot area) ²	20	22	25	30	35	40	45	50
Central water and sewer facilities required	No	No	Yes	Yes	Yes	Yes	Yes	Yes
Maximum height - principal structures (feet)	35	35	35	35	35	35	35	35
Maximum height - principal structures (stories)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
Minimum lot width at right-of-way line (feet)	50	50	50	50	50	50	50	35
Minimum lot width at building line (feet)	200	125	100	75	70	60	50	40/30/60**
Minimum front yard (feet)	50*	50*	40*	40*	35*	30*	25*	20*
Minimum side yards - residential use (aggregate) (feet)	50	45	35	30	28	25	18	14***
Minimum side yard - residential use (one-side) (feet)	20	20	15	12	11	10	8	6***, ****
Minimum side yard - nonresidential use (each side) (feet)	30	25	25	20	19	18	15	12
Minimum rear yard	30	30	25	25	25	25	25	20
Minimum accessory structure setback from property lines	15	15	10	7	6	6	6	6
Maximum height - accessory structures (feet)	16	16	16	14	14	12	12	12
Maximum height - accessory structures (stories)	1.5	1.5	1.5	1.5	1.5	1.5	1.5	1.5
Maximum accessory structures coverage (percent of lot area)	1.25	1.5	3	4.25	5	6.5	8	8.5
Maximum size of shed (square feet) ³	280	280	280	280	280	280	280	280

NOTES:

*Corner lots: Lesser-depth front yard must be 2/3 depth of greater-depth front yard

**Single-family detached = 40 feet; Twin = 35 feet for each dwelling unit; Duplex = 60 feet.

***Minimum side yard for Twin = 12 feet; for Duplex = 15 feet.

****The minimum distance between buildings on adjoining lots shall be 14 feet.

+Per Family

¹ The minimum lot area for twin, semidetached and duplex dwellings shall be 3,750 square feet.

² The maximum impervious coverage for twin, semidetached and duplex dwellings shall be 45%.

³ Subject to maximum accessory structure coverage and maximum impervious coverage requirements.

⁴ Minimum lot size for the R-A District may be decreased to 40,000 square feet if served by public sanitary sewer.