

ORDINANCE NO. 06-05-01

**AN ORDINANCE AMENDING THE
MARLBOROUGH TOWNSHIP ZONING
ORDINANCE TO REVISE THE REGULATIONS FOR
THE R-1 RESIDENTIAL DISTRICT**

**MARLBOROUGH TOWNSHIP
MONTGOMERY COUNTY, PA**

WHEREAS, the Board of Supervisors ("Board") of the Township of Marlborough is desirous of amending its Zoning Ordinance ("Zoning Ordinance") to ensure the continued protection of the health safety and welfare of the Township; and

WHEREAS, the Board wishes to clarify and amend the legislative intent, permitted uses, and dimensional standards contained in Article XII of the Zoning ordinance which governs the R-1 Residential Zoning Districts.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED AND IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of the Township of Marlborough that the Zoning Ordinance be amended as follows:

Section 1. Zoning Ordinance, Article XII, Section 1200 shall be rewritten to read as follows:

Section 1200. Declaration of Legislative Intent.

In expansion of the Declaration of Legislative Intent found in Article I, Section 101 of this Ordinance, and the Statement of Community Development Objectives found in Article I, Section 102, of this Ordinance, it is the intent of this Article to maintain the rural character of the Township and promote the preservation of land and waterways which because of location or natural features have a unique character by:

- A. Preserving natural amenities, including woodlands, floodplains, steep slopes, stream valleys, and rock outcrops.
- B. Encouraging retention of woodlands, hedgerows, and other vegetation to moderate the effects of storms, absorb pollutants and noise, shelter wildlife, and provide a diverse natural environment.
- C. Maintaining natural and rural vistas, especially from public areas such as roads and waterways.

- D. Minimizing the impact of development on groundwater resources to ensure the continued availability of a reliable, safe, and adequate water supply.
- E. Preserving as much as possible the unique expanse of contiguous forest which extends into the Township; an expanse which constitutes the single largest forest within Bucks and Montgomery counties, as identified by the Pennsylvania Department of Environmental Protection, Division of Forestry.

Section 2. Zoning Ordinance, Article XII, Section 1201 shall be rewritten to read as follows:

Section 1201. Permitted Uses.

On any lot in the R-1 District, any one of the following uses, and no other, is permitted:

A. Permitted Uses.

1. Single-family detached dwelling.
2. Accessory uses in accordance with Section 816, herein.
3. Agriculture.
4. Natural open space uses of a passive nature and conducted out-of-doors, including wildlife sanctuary, forest preserve, nature center, and arboretum.
5. Game farm, fish hatchery, hunting or fishing preserve, or similar uses designed for the protection or propagation of wildlife.
6. Public utility facilities provided the exterior architectural design shall be of a residential character and provided the property at no time be used for the storage of equipment or vehicles or that it be used for any other commercial purpose.
7. Cluster subdivisions pursuant to the standards of Section 835, herein.
8. Municipal parks and recreation areas providing facilities for active recreation such as playing fields, tot lots and picnic areas.

- B. Conditional Use. The following use when approved by the Board of Supervisors as a conditional use:

1. Group Home, as defined in Section 701 pursuant to the standards of Sections 815 and 833, herein.
2. Police substation.
3. Fire substation.
4. Ambulance substation.

Section 3. Zoning Ordinance, Article XII, Section 1202 shall be rewritten to read as follows:

Section 1202. Dimensional Standards

- A. Minimum Developable Lot Area: 2 acres (87,120 square feet).

Note: Refer to Article XI for determination of actual allowable lot size(s).

- B. Minimum lot width: 150 feet

- C. Minimum yards:

Front: 75 feet, however, parcels with frontage on a scenic road (currently identified as Finland Road (from Upper Ridge Road to Brinckman Road), Swamp Creek Road (from Miller Road to Bucks County Line), Long Road, Whites Mill Road, Swamp Creek Road (from Geryville Pike to Whites Mill Road), Hiffletrager Road, Geryville Pike, Mclean Station Road (from Buck Road to Geryville Pike), and Hoppenville Road, and additional roads, and parts thereof, as further designated and amended, from time to time in the Marlborough Township Open Space Plan) shall have a front yard setback of 100 feet. The Board of Supervisors, upon recommendation of the Township Planning Commission may allow for a lesser setback to 75 feet if an adequate hedgerow or woodland exists and is maintained to preserve the corridor's scenic value.

Side (each): 30 feet (accessory building: 10 feet)

Rear: 60 feet (accessory building: 10 feet)

D. Maximum impervious coverage: 15%.

E. Maximum height:

1. For any dwelling: 35 feet.
2. For any building accessory to any dwelling use: 20 feet.
3. For any non-residential building or other structure: 35 feet, except that such height may be increased to a maximum of 60 feet or such increased height as may be warranted when approved by the Zoning Hearing Board for such structures as water towers, barns, silos, chimneys, and stacks provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement 1 corresponding foot of width or depth.

Section 4. Repeal and Ratification. All ordinances or parts of 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. Any other terms and provisions of the ordinances of the Township of Marlborough that are unaffected by this Ordinance are hereby reaffirmed and ratified.

Section 5. Severability. Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

Section 6. Effective Date. This Ordinance shall become effective immediately upon enactment.

ORDAINED AND ENACTED by the Board of Supervisors of the Township of Marlborough this 10th day of May, 2006.

**BOARD OF SUPERVISORS
MARLBOROUGH TOWNSHIP**





Robert B. Mensch, Chairman



Carl A. Ascoli, Vice Chairman



Sharon M. Young, Member

Attested by:



Paul A. Williams, Secretary