

ARTICLE 100
General Provisions

§ 208-101. Title.

This chapter shall be known as and may be cited as the "Marshall TOWNSHIP Zoning Ordinance of 2007."

§ 208-102. Purpose.

The purpose of this chapter is to provide for implementation of the goals and objectives of the Marshall TOWNSHIP Comprehensive Plan, adopted August, 2006, as amended from time to time. The Comprehensive Plan recognizes that Marshall TOWNSHIP is a growing diverse community with tree-lined rural roads and INTERSTATE highways, pristine green AREAS and commercial DEVELOPMENT, historic villages and suburban DEVELOPMENTS, estate houses and townhomes. Marshall TOWNSHIP has been able to maintain a high quality of life for its residents, and the goal of this chapter is to assist in the implementation of those objectives expressed in the Comprehensive Plan and maintain a unique and attractive blend of the best of both rural and suburban living that has made Marshall TOWNSHIP a distinctive and desirable place in which to live, work and raise families. These objectives are accomplished by:

- A. Securing safety of residents from fire, flood, panic and other natural and man-made disasters.
- B. Providing adequate light, air and OPEN SPACE.
- C. Ensuring that the DEVELOPMENT of Marshall TOWNSHIP does not conflict with the DEVELOPMENT and general welfare of neighboring municipalities, the county and the state as a whole.
- D. Encouraging the appropriate and efficient expenditure of public funds by the coordination of public DEVELOPMENT with land USE policies.
- E. Providing sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and INDUSTRIAL USES and OPEN SPACE, both public and private, according to their respective environmental requirements.
- F. Encouraging the location and Design of transportation routes that promote the free flow of traffic while discouraging location of such facilities and routes that result in congestion or blight.
- G. Promoting a desirable visual environment through creative DEVELOPMENT techniques and good civic Design and arrangements.
- H. Promoting the conservation of OPEN SPACE and valuable natural resources and preventing urban sprawl and degradation of the environment through improper USE of land.
- I. Encouraging coordination of the various public and private procedures and activities shaping LAND DEVELOPMENT with a view of lessening the cost of such DEVELOPMENT to the TOWNSHIP and to the more efficient USE of land.

§ 208-103. Scope.

- A. From and after the effective date of this chapter, USE of all land, every BUILDING or portion of a BUILDING erected, altered in respect to height, USE or area, added to or relocated and every USE hereafter established with any BUILDING or USE accessory thereto in Marshall TOWNSHIP shall be in conformity with the provisions of this chapter.
- B. Any BUILDING, STRUCTURE or USE of a BUILDING or land existing at the effective date of this chapter which is not in conformity herewith may be continued, extended or changed only in accordance with the regulations herein contained relating to nonconforming BUILDINGS and USES.

§ 208-104. Construal of provisions.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare. Where the provisions of this chapter impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this chapter shall be controlling where such greater restrictions are permitted.

§ 208-105. Abrogation; greater restrictions to prevail.

It is not intended by this chapter to repeal, abrogate, annul, other than as enumerated in § 208-106 herein, or interfere with any existing ordinance or enactment or with any rule, regulation or permit adopted or issued thereunder except insofar as the same may be inconsistent or in conflict with any of the provisions of this chapter, provided that where this chapter imposes greater restrictions upon the USE of BUILDINGS or land, then the provisions of this chapter shall control.

§ 208-106. Repealer.

The Marshall TOWNSHIP Zoning Ordinance of 1992, as amended (Ord. No. 240) is hereby repealed.

§ 208-107. Community DEVELOPMENT objectives.

- A. To continue to intelligently manage growth and balance the increasing pressures brought about by growth within the TOWNSHIP and its neighboring communities with a desire to sustain a community that effectively and efficiently meets the needs of all its residents, respects the rights of property OWNERS and demonstrates a profound respect for its natural resources.
- B. To provide for a zoning ordinance that is consistent with the provisions of the Pennsylvania MUNICIPALITIES PLANNING CODE and benefits the residents of the TOWNSHIP by:
 - 1. Regulating the USE of land by establishing AREAS of LOTS, size of YARDS, courts, OPEN SPACES, density of population, and by the Designation of residential, business, industrial, manufacturing and other AREAS for the orderly growth of the TOWNSHIP;

2. Regulating CONSTRUCTION to meet adequate standards of light, air, fire protection, sanitation, off-STREET parking, of other desirable qualities which will enhance the well-being of the TOWNSHIP as to public health, safety and general welfare;
 3. Providing opportunity for special purpose mixed-USE DISTRICTS and overlay ZONING DISTRICTS to foster economic and business DEVELOPMENT, housing opportunities and natural resource protection in a manner that is consistent with the desired community character;
 4. Establishing provisions to maintain the unique character of the TOWNSHIP that focus on the preservation of the TOWNSHIP'S natural resources;
 5. Preparing for DEVELOPMENT pressures that will be increasing in the Big Sewickley Creek Watershed portion of the TOWNSHIP due to the availability of public sanitary sewage; and
 6. Developing performance-oriented regulations, which allow flexibility and variety in meeting land USE and community DEVELOPMENT objectives.
- C. To preserve natural resources and features of the TOWNSHIP by:
1. Providing due consideration to the DEVELOPMENT limitations of certain slopes, soil types and DRAINAGEWAYS that are imposed by natural factors;
 2. Protecting, preserving and maintaining the integrity of the STEEP SLOPES, FLOODPLAINS and WOODLANDS and providing Useable OPEN SPACE for residents outside these AREAS of the TOWNSHIP;
 3. Limiting DEVELOPMENT along STREAMS and providing for reasonable buffers in these AREAS in order to provide for the safety of people, HOMES, and businesses that are downstream; and
 4. Protecting identified natural resources located within potential DEVELOPMENT SITES by allowing for clustering of housing to allow for the permanent protection of those natural resources.
- D. To promote and enhance the TOWNSHIP'S current and future residential neighborhoods by:
1. Encouraging innovation in housing DEVELOPMENT, through conservation SUBDIVISIONS to assist in achieving the goal of maintaining the natural character of the TOWNSHIP landscape;
 2. Maintaining quality housing to serve all current and future TOWNSHIP residents by encouraging flexibility, economy and ingenuity consistent with the high-quality housing standards that the TOWNSHIP currently experiences; and
 3. Regulating the planning of DEVELOPMENTS to gain the maximum practical amount of usable OPEN SPACE for the benefit of residents.
- E. To encourage sufficient industrial and commercial DEVELOPMENT consistent with the prevalent residential character of the TOWNSHIP that results in employment growth in all sectors and growth of the TOWNSHIP tax base by:

1. Revitalizing the TOWNSHIP Central Business District and particularly Warrendale as an area of revitalization that incorporates small business DEVELOPMENT, housing opportunities and mixed-USE DEVELOPMENT with Design standards;
 2. Promoting DEVELOPMENT along the Route 19 corridor that is consistent with the predominant character of the community through Design standards affecting landscaping, Signage, lighting, BUILDING materials, parking location and vehicular access;
 3. Continuing to promote the DEVELOPMENT of the TOWNSHIP planned industrial and research PARKS in order to attract high-quality employment opportunities to TOWNSHIP residents and the region as a whole; and
 4. Encouraging the Design of SITES that enhance and protect the natural beauty and predominant character of the community.
- F. To minimize pollution of the environment and to minimize noise, vibration, smoke, fumes, odors, harsh light, excessive Signage, solid waste and liquid-borne effluent for the general health, safety and general welfare of the community and the general public.
- G. To provide for such regulations as will best comply with applicable laws and will further implement the Comprehensive Plan for Marshall TOWNSHIP, adopted August, 2006 by the BOARD OF SUPERVISORS.

§208-108. Previously Approved Subdivision Plans [**Added 9-29-2008 by Ord. No. 393**]

- A. In accordance with applicable law, a previously approved SUBDIVISION plan may be developed in accordance with the ordinances in effect at the time the application for such plans was submitted to the TOWNSHIP. Appendix E identifies such plans and their governing regulations.