

ARTICLE 1500
Corridor Enhancement Overlay District

§ 208-1501. Purpose.

- A. The purpose of establishing this overlay ZONING DISTRICT is to protect the aesthetic and visual character of lands in Marshall TOWNSHIP adjacent to major existing highway corridors, as defined herein, and to provide for and promote their orderly DEVELOPMENT. The overlay district regulations are intended to supplement the regulations of the underlying ZONING DISTRICTS and to provide for compatibility of DEVELOPMENT along the identified corridor. All LAND DEVELOPMENT proposed within this district shall be subject to the procedures, standards and guidelines specified in the following sections, in addition to those standards pertaining to the particular underlying ZONING DISTRICT in which the LAND DEVELOPMENT occurs. Where there is any conflict with the underlying ZONING DISTRICT, the regulations of this district shall be imposed. In particular, the purpose of the Corridor Enhancement Overlay District is as follows:
1. To provide for the continued safe and efficient USE of the TOWNSHIP'S major existing and proposed roadways.
 2. To maintain the natural beauty and scenic, cultural and historic character of the corridors, particularly distinctive views and visual continuity.
 3. To protect existing greenbelts, natural vegetation and wildlife habitats along the corridors.
 4. To limit clearing, grading and clear cutting along the corridors.
 5. To minimize cut and fill OPERATIONS by placing emphasis on the retention of natural topography of the corridors.
 6. To promote safe ingress and egress and efficient traffic flow in the corridor by managing access from the roadway to HOMES, businesses and other USES.
 7. To create general consistency with the Marshall TOWNSHIP Comprehensive Plan, including its goal to "balance the protection of Marshall TOWNSHIP'S natural resources with demands for economic growth and DEVELOPMENT."
- B. These purposes will be accomplished through evaluation of proposed LAND DEVELOPMENTS within this ZONING DISTRICT by the BOARD OF SUPERVISORS, which shall review the location, character and appearance of new DEVELOPMENT in the district. It is the purpose of such review to determine, in a cooperative fashion with the applicant, whether a proposed plan meets the guidelines and other standards of this ZONING DISTRICT.

§ 208-1502. Applicability.

- A. The Corridor Enhancement Overlay District shall include all lands within five hundred (500) feet of each side of the center line of the following rights-of-way as classified by the Marshall TOWNSHIP Comprehensive Plan:

1. INTERSTATES:
 - (a) Route I-79.
 - (b) The Pennsylvania Turnpike (Route 76).
2. Principal Arterials:
 - (a) Pennsylvania State Route 19 (Perry Highway).
3. Minor Arterials:
 - (a) Pennsylvania State Route 910 (Orange Belt).
 - (b) Warrendale-Bayne/Warrendale-Bakerstown Road (Red Belt).
 - (c) Pleasant Hill Road.
 - (d) Mingo Road.
4. MAJOR COLLECTORS:
 - (a) Knob Road.
 - (b) Brush Creek Road (south of the Commonwealth Drive intersection).
5. The approximate boundary of this ZONING DISTRICT shall be shown on the ZONING MAP of Marshall TOWNSHIP and shall be shown as a surveyed line by the applicant on each property subject to review.

§ 208-1503.Affected DEVELOPMENT.

- A. Applicants for all DEVELOPMENT PLANS for LAND DEVELOPMENT proposed in the Corridor Enhancement Overlay ZONING DISTRICT shall be reviewed by the BOARD OF SUPERVISORS. The BOARD OF SUPERVISORS may also review preliminary DEVELOPMENT PLANS or Design DEVELOPMENT drawings at the request of the applicant so that major redesign of FINAL PLANS by the applicant shall not be necessary.

§ 208-1504.DEVELOPMENT activity permitted within the district.

- A. There shall be no alteration of the existing condition of the lands, USES or STRUCTURES within the Corridor Enhancement Overlay District from the date of enactment of this section henceforth except as provided for by this section or by other sections of this Article.

§ 208-1505.DEVELOPMENT activity prohibited within the district.

- A. USES prohibited in the underlying ZONING DISTRICT are also prohibited in the overlay district.

§ 208-1506. Tree protection.

- A. DEVELOPMENT of land for different USES and intensity of USES will often necessitate the removal of TREES to accommodate roads, parking, BUILDINGS and facilities. It is the expressed intent of this chapter that the Design, layout and construction of DEVELOPMENT projects strive to preserve existing tree cover on the DEVELOPMENT SITE.
- B. No PERSON shall cut, destroy, move or remove any living tree of any species having a trunk with a diameter of six (6) inches or larger, measured four and five-tenths (4.5) feet from the base, in conjunction with any DEVELOPMENT of land governed by this chapter unless and until such removal or destruction has been approved under the provisions of this chapter. **[Amended 5/12/2008 by Ord. No. 389]**
- C. No PERSON shall cut or clear TREES for the sole purpose of offering land for sale. Land may be underbrushed (brushhogged) in preparation for sale or DEVELOPMENT.
- B. Except for property classified for tree FARMING under an approved forest management plan by a state forester, the clear-cutting of TREES is prohibited. The term "clear-cutting," as Used herein, shall mean the cutting of more than fifty percent (50%) of the TREES six (6) inches in trunk diameter or larger. Clear-cutting pursuant to an approved DEVELOPMENT PLAN shall require the planting of replacement TREES as indicated in the detailed landscape plan accompanying the DEVELOPMENT application. The replacement rate for TREES having a DBH of six (6) inches or greater shall be as follows:
- 1 Replacement tree is required for each 4 TREES 6" to 9" DBH that are removed.
 - 1 Replacement tree is required for each 2 TREES 9" to 12" DBH that are removed.
 - 1 Replacement tree is required for each tree 12" to 18" DBH that is removed.
 - 2 Replacement TREES are required for each tree 18" to 24" DBH that is removed.
 - 3 Replacement TREES are required for each tree 24+" DBH that is removed.

Replacement TREES shall be TREES that are at least of two-inch caliper. Said replacement TREES shall be guaranteed to be alive one (1) year after planting. At least seventy (70%) percent of the replacement TREES are required to be CANOPY TREES. **[Amended 5/12/2008 by Ord. No. 389]**

- E. A survey of all TREES of applicable size shall be made and submitted in conjunction with the DEVELOPMENT SITE layout. All TREES proposed for removal shall be clearly noted. The tree survey shall be certified by a registered land surveyor, registered engineer or registered landscape architect.
- F. The requirement for a tree survey is waived when preliminary SITE evaluation by the applicant reveals the ability to accomplish the proposed project without removal of any TREES six inches (6") in diameter or larger. In the latter case, the applicant shall submit a written statement that no TREES will be removed, and his permit will indicate "No Tree Removal" as a condition thereof. **[Amended 5/12/2008 by Ord. No. 389]**
- G. Considerable damage to or the death of TREES may result if soil is added around the base of a tree, more than thirty percent (30%) of circumferential bark is removed, or more than thirty percent (30%) of the root system is removed. In addition, asphalt paving, BUILDING CONSTRUCTION and soil compaction too close to TREES may cause their destruction.

Accordingly, it shall be the responsibility of the DEVELOPER to institute alternative SITE Designs to assure the best chance of tree survival.

- H. TREES Designated for preservation as shown on the approved landscape plan shall be protected during CONSTRUCTION in accordance with the Guide for Landscaping in Appendix B.
- I. As a condition of approval under this chapter, the applicant may be required to plant replacement TREES for TREES approved for removal as part of the FINAL PLAN. In requiring replacement TREES, the following will be considered:
 - 1. The intended USE of the property.
 - 2. The existing or predevelopment tree coverage, sizes and types.
 - 3. The number, size, type and location of natural TREES proposed for preservation by the applicant.
 - 4. The grading, road, BUILDING, parking and DRAINAGE requirements.

§ 208-1507. Retention of and/or creation of a minimum visual buffer along the corridor RIGHT-OF-WAY.

- A. Each approved application for LAND DEVELOPMENT shall provide a minimum visual buffer between the RIGHT-OF-WAY lane of the subject roadway and all proposed STRUCTURES and PARKING AREAS. The purpose of the minimum visual buffer is to soften the appearance of STRUCTURES and PARKING LOTS from the road, to screen vehicular headlight GLARE on and off SITE and to lessen spillover light from on-SITE lighting. The buffer shall be continuous, except as set forth below, and be no less than fifty (50) feet average and thirty (30) feet minimum depth. Depth shall be measured from the edge of the buffer facing the STRUCTURE or PARKING LOT to the existing RIGHT-OF-WAY lane or to the new RIGHT-OF-WAY lane should the application under consideration be required to or voluntarily provide a DEDICATION of land or EASEMENT for proposed roadway improvement or widening purposes.
- B. BUFFERYARD D is required along Arterials, MAJOR COLLECTORS, and INTERSTATES (See Appendix A). The thirty (30) feet minimum depth shall not occur at the high activity AREAS of a project. These AREAS include but are not limited to BUILDING entrances, drop off AREAS, drive-throughs and PARKING LOTS. To determine the average depth of the minimum visual buffer, measurements shall be taken at intervals not greater than ten (10) feet perpendicular to the RIGHT-OF-WAY line. Where DRAINAGE SWALES and other natural features occur in the minimum visual buffer and should remain undisturbed because of natural land forms or DRAINAGE patterns, additional buffer depth and vegetation shall be required to augment the screening effect.
- C. The intent of the minimum visual buffer is to leave the naturally occurring buffer vegetation intact for its softening effect. This buffer shall be enhanced or created where such vegetation is insufficient or nonexistent with TREES and shrubs of a variety of species described in the Guide for Landscaping (see Appendix B). If the minimum visual buffer already has TREES or masses of native shrubs, their preservation with minimum disturbance is strongly encouraged. While complete screening of a project is not required, sufficient plant material shall be installed to

accomplish the softening effect required. In order to maintain the screening effect, existing vegetation shall not be limbed-up from the ground more than six (6) feet to the lowest branches. However, if understory planting is planned, existing vegetation may, with the approval of the BOARD OF SUPERVISORS, be limbed-up to a height that will provide adequate sunlight to those PLANTS.

- D. Minimum height and caliper of new TREES and shrubs in the minimum visual buffer shall be as follows:

Type	Height	Caliper
CANOPY TREE	8 feet	3 inches
UNDERSTORY TREE	6 feet	2 inches
Shrub	3 feet	N/A
Evergreen/Conifer	6 feet	N/A

§ 208-1508.Exemptions from buffer requirements.

- A. Exemptions, whether partial or total, from the BUFFERYARD provisions may be granted by the BOARD OF SUPERVISORS in the following cases where the characteristics of the existing visual environment would be detracted from by the provision of a required BUFFERYARD:
1. Views and vistas of existing BUILDINGS which are viewed by the community as important landmarks or contain value as important historical resources.
 2. Views and vistas of existing natural landscape/topographical features which correspond to certain high points affording panoramic views, views to settlement clusters, farmland, pastures, views of water, valleys and other elements of the physical landscape.
 3. Views and vistas to existing recreational/OPEN SPACE AREAS, whether natural or man-made, such as golf courses, state or local PARKS, equestrian centers and cemeteries.

§ 208-1509.Permitted activity in minimum visual buffer before and after LAND DEVELOPMENT.

- A. Within the minimum visual buffer there shall be no DEVELOPMENT, clearing, grading or CONSTRUCTION activity with the following exceptions:
1. Roadway and/or DRIVEWAY access to the portion of the SITE not in the minimum visual buffer, provided that it is approximately perpendicular to the RIGHT-OF-WAY.
 2. Improvements for water, sanitary sewer, storm DRAINAGE, electrical, telephone, natural gas, cable, etc., service lines, provided that they are approximately perpendicular to the RIGHT-OF-WAY. In the event that utilities must be installed approximately parallel to the road RIGHT-OF-WAY, an equal amount of buffer may be required to substitute for the area of vegetation removal. Permission for EASEMENT and RIGHT-OF-WAY disturbance and clearing for such services shall be more favorably considered when such activity is consolidated with vehicular access routes.

3. Pedestrian, bicycle and equestrian paths Designed to provide continuous connection along the road corridor, provided that they can be constructed without materially reducing the screening and visual softening capacity of the vegetative buffer.
4. SIGNS in accordance with the SIGN regulations of this chapter.
5. Lighting fixtures only for approved SIGNS or if, for safety reasons, they cannot be placed outside the buffer, and then only when electric utility lines serving these fixtures and necessary EASEMENTS can be established and constructed without reducing the screening and visual softening capacity of the vegetation buffer.
6. Clear sight distances at the permitted entrances and exits to any DEVELOPMENT as needed to provide for reasonable traffic safety, in accordance with accepted traffic engineering practices when recommended by the Pennsylvania Department of Transportation.
7. The addition of plantings, earth forms or other visual buffers that, in the opinion of the BOARD OF SUPERVISORS, would better achieve the purpose set out in § 208-1501 than would otherwise be the case. **[Amended 9-29-2008 by Ord. No. 393]**

§ 208-1510. Access.

- A. Where a proposed LAND DEVELOPMENT adjoins a highway located within the Corridor Enhancement district, the BOARD OF SUPERVISORS may require that access to such STREETS be limited by one (1) of the following means:
 1. Provision of a service road parallel with and located parallel to the subject highway but located behind the minimum visual buffer (see § 208-1507).
 2. USE of reverse frontage or double frontage LOT layouts featuring exclusive access from a secondary road (which may not be a corridor enhancement road as Designated in § 208-1502). The main entrance to a BUILDING on a reverse frontage or double frontage LOT shall be on a BUILDING facade that faces the secondary road.
 3. USE of shared entrances with those established or likely to be required on adjacent SITES to minimize curb cuts or increase spacing between curb cuts.
 4. USE of deceleration or turning lanes where access must be taken from the major highway with sufficient capacity to avoid queuing of entering vehicles on the major highway.
- B. The means of access control provided shall be that which effectively minimizes creation of new intersections and new individual SITE access locations along the corridors and best preserves highway traffic capacity.

§ 208-1511. LAND DEVELOPMENT review guidelines.

- A. The compatible relationship of architecture along roads in the Corridor Enhancement Overlay District shall be considered for any BUILDING or SITE improvements. The intent of the Design review is not to stifle innovative architecture but to assure respect for and reduce incompatible and adverse impacts on the visual experience from the roadway. To accomplish this, the BOARD OF SUPERVISORS shall exercise the following guidelines in reviewing proposed STRUCTURES, SITE improvements, SIGNS and Streetscape improvements:

1. STRUCTURES shall preserve, to the extent possible, scenic views from the main road or from existing STRUCTURES and the natural environment. STRUCTURES shall not dominate, by excessive or inappropriate height or mass, any general DEVELOPMENT, adjacent BUILDING or natural landscape.
2. The architectural Design of STRUCTURES and their materials and colors shall be visually consistent with the overall appearance of the corridor, with natural land forms and existing vegetation, and with other DEVELOPMENT PLANS already approved by the TOWNSHIP. Specific consideration shall be given to compatibility with adjacent properties. The following criteria shall be Used by the BOARD OF SUPERVISORS when evaluating SITE planning, Design and architectural features:
 - (a) Large work area doors or open bays shall not open toward or face the highway.
 - (b) Heating, ventilating and air-conditioning equipment, duct work, air compressors and other fixed operating machinery shall be either screened from view or located so that such items are not visible from the highway. Large trash receptacles, dumpsters, utility meters, aboveground tanks, satellite dishes, ANTENNAS, etc., shall be similarly treated.
 - (c) Fencing along the highway RIGHT-OF-WAY is discouraged, except where Used as part of the required BUFFERYARD in Appendix A. Any other fencing shall be landscaped to minimize visibility from the highway.
 - (d) Long monotonous facade Designs, including but not limited to those characterized by unrelieved repetition of shape or form or by unbroken extension of line, shall be avoided.
 - (e) Stucco, stone, natural wood siding, brick or other materials with similar texture and appearance are appropriate. Concrete block and reflective SURFACES are not acceptable.
 - (f) The location and dimensions of WALL SIGNS shall maintain compatibility with architectural features of the BUILDING.
 - (g) Architectural lighting shall be recessed under roof overhangs or generated from concealed source, low-level light fixtures to prevent light spillage onto the RIGHT-OF-WAY.
3. The landscaping PLANS for the proposed DEVELOPMENT shall follow the recommendations in the Guide for Landscaping (see Appendix B) and shall blend with the surrounding landscape. Natural appearing landscape forms are strongly encouraged; formal PLANS and the appearance of straight edges are discouraged. Landscaping shall be required between BUILDINGS and sidewalks, PARKING LOTS and DRIVEWAYS. The scale of the proposed landscaping shall be in proportion to the BUILDING.
4. SITE lighting shall be of low-intensity from a concealed source, shall be of a clear white light that does not distort colors and shall not spill over into adjoining properties, buffers or roadways or in any way interfere with the vision of oncoming motorists.

5. Streetscape improvements and external changes shall meet the following standards:
- (a) Streetscape improvements shall be Designed to be consistent with other such improvements on adjacent SITES and within the corridor.
 - (b) Decorative, low-level intensity, non-concealed-source lighting that defines vehicular and/or pedestrian ways shall be acceptable when Used for such purposes, but is strongly discouraged as general lighting for a DEVELOPMENT. The SITE plan must show the relationship of the fixtures and the light patterns to each other, to the project SITE, to unit DEVELOPMENT and to the highway corridor.
 - (c) External changes to Streetscape improvements, existing STRUCTURES and SITES subject to review by the BOARD OF SUPERVISORS shall be consistent with all guidelines and standards in this section.

6. SIGNS, permanent.

- (a) All SIGNS shall meet the requirements for SIGNS contained in this chapter.
 - (b) The amount of information on SIGNS shall be no more than is necessary to provide reasonable identification of the name and nature of the business to the passerby.
 - (c) An integrated SIGN system Design shall be required for all new planned DEVELOPMENTS, commercial and residential SUBDIVISIONS, office complexes and shopping AREAS. The ESTABLISHMENT of integrated SIGN systems for existing DEVELOPMENTS is strongly encouraged. These systems shall be reviewed for materials, colors, shapes, sizes, compatibility with architecture and overall unity of Design for the DEVELOPMENT. Individual SIGNS shall be reviewed for conformance with such SIGN systems, whether newly established or existing.
 - (d) Size and proportions of SIGNS shall not be a dominant feature of the SITE and shall be judged by sizes and proportions of SIGNS on adjacent and nearby properties.
 - (e) Spotlighting of SIGNS shall be restricted to not more than one (1) one-hundred-fifty-watt light per side for SIGN faces up to forty (40) square feet and no more than two (2) one-hundred-fifty-watt lights per SIGN faces over forty (40) square feet. The SIGN base and/or proposed landscaping shall be Designed to shield the light from oncoming motorists and to conceal the light fixture.
- B. Following project completion, all STRUCTURES, visual buffers, landscaping, Streetscape improvements, SIGNS, and other SITE improvements required by this Article or shown on approved PLANS shall be maintained in good condition by all subsequent OWNERS of the property. Changes beyond the OWNERS control shall be restored by the OWNER, unless otherwise provided. Changes proposed by the OWNER shall require approval by the BOARD OF SUPERVISORS.