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# **ZONING**

**From the**

**CODE**

**of the**

**TOWNSHIP OF MARSHALL**

**COUNTY OF ALLEGHENY**

**COMMONWEALTH OF PENNSYLVANIA**

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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.

ARTICLE 200  
ZONING DISTRICTS

§ 208-201. DISTRICTS Established.

Marshall TOWNSHIP is hereby divided into DISTRICTS of different types, each type being of such number, shape, kind and area and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the objectives of this chapter and the Comprehensive Plan.

§ 208-202. Classes of DISTRICTS.

For the purpose of this chapter, Marshall TOWNSHIP is hereby divided into DISTRICTS which shall be designated as follows:

- A. Residential District:
  - CR Conservation Residential District
  - SR Suburban Residential District
  - MDR Medium Density Residential District
  
- B. Commercial and Industrial DISTRICTS:
  - TC Town Center District
  - RB Route 19 Boulevard District
  - HC Highway Commercial District
  - PORBP Planned Office, Research and Business Park District
  - RRTP Residential, Research, and Technology Park
  - PIP Planned Industrial Park District
  
- C. Community Facilities and Conservation DISTRICTS:
  - OSPC OPEN SPACE, Public and Conservation District
  
- D. Overlay DISTRICTS
  - FP FLOODPLAIN Overlay District
  - CE Corridor Enhancement Overlay District
  
- E. Previous ZONING DISTRICTS on Current Zoning Map
  - PRD Planned Residential DEVELOPMENT

§ 208-203. ZONING MAP.

The boundaries of DISTRICTS shall be shown on the map attached to and made part of this chapter. Said map will be known as the "ZONING MAP of Marshall TOWNSHIP," and all notations, references and data shown thereon are hereby incorporated by reference into this chapter and shall be as much a part hereof as if all were fully described herein.

§ 208-204. District boundaries.

Where uncertainty exists with respect to the boundaries of the district as indicated on the ZONING MAP, the following rules shall apply:

- A. Where district boundaries are indicated as approximately coinciding with the center lines of STREET, highways, railroad lines or STREAMS, such center lines shall be construed to be such boundaries.
- B. Where district boundaries are so indicated that they approximately coincide with LOT LINES, such LOT LINES shall be construed to be said boundaries; or where district boundaries are extensions of LOT LINES or connect the intersections of LOT LINES, such lines shall be said district boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to center lines of STREETS or highways, such district boundaries shall be construed as being parallel thereto.
- D. Where a vacated STREET is bounded on either side by a different ZONING DISTRICT, the former center line of the vacated RIGHT-OF-WAY shall be considered the ZONING DISTRICT boundary line.

§ 208-205. Boundary tolerance such distance there from as indicated on the zoning map.

- A. The exact location of any disputed ZONING DISTRICT boundary line shall be determined by the ZONING HEARING BOARD.
- B. Where a LOT, held in single and separate ownership at the effective date of this chapter, is divided by a district boundary line, the USES permitted in the less restrictive district may extend into that portion of said LOT in the more restrictive district provided that neither district is a residential district. The YARD, LOT coverage and other regulations of the more restrictive district shall apply to the portion of the LOT where the less restrictive use has been extended.

**ARTICLE 300**  
**Tables for USES and BULK Standards**  
**and Special Requirements for Accessory USES**

§ 208-301. Table of Principal USES. [Amended 5-12-2008 by Ord. No. 389] (Updated 7-13-2011)

		Conservation Residential (CR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Town Center (TC)	Route 19 Boulevard (RB)	Highway Commercial (HC)	Planned Office, Research, and Business Park (PORBP)	Residential, Research, and Technology Park (RRTP)	Planned Industrial Park (PIP)	OPEN SPACE, Public, and Conservation (OSPC)	Subject to the Provisions of
<b>RESIDENTIAL USES</b> (* - Permitted only through Conservation SUBDIVISION or TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND))												
1	Single FAMILY Detached (SF-D) DWELLING	P	P	N	P	P*	N	N	N	N	N	
2	Single-FAMILY Attached (SF-A) DWELLING [Amended 9-29-2008 by Ord. No. 393]	N	N	P	P	P*	N	N	P	N	N	§208-2604(Y)
3	TWO-FAMILY DWELLING	N	N	P	P	P*	N	N	P	N	N	§208-2604(Y)
4	TRIPLEX DWELLING	N	N	P	P	P*	N	N	P	N	N	§208-2604(Y)
5	QUADPLEX DWELLING	N	N	P	P	P*	N	N	P	N	N	§208-2604(Y)
6	TOWNHOUSE DWELLING	N	N	C	P	P*	N	N	P	N	N	§208-2604(Y)
7	APARTMENT DWELLING	N	N	C	P	C	C	N	P	N	N	§208-2604(Y)
8	BED AND BREAKFAST	C	C	C	P	N	N	N	N	N	N	§208-2604(D)
9	CONSERVATION SUBDIVISION DESIGN	P	P	N	N	N	N	N	N	N	N	Article 1600
10	CONTINUING CARE RETIREMENT COMMUNITY	C	C	C	C	C	C	N	N	N	N	208-2604 (I)
11	HALFWAY HOUSE	N	N	N	N	N	C	N	N	N	N	208-2604 (Q)
12	ASSISTED CARE AND NURSING FACILITIES	N	N	C	P	P	P	N	N	N	N	208-2604 (HH)
13	MOBILE HOME PARK	N	C	N	N	N	N	N	N	N	N	208-2604 (X)
14	Conversion – Single-FAMILY to Multi-FAMILY	N	N	C	C	C	C	N	N	N	N	208-2604 (K)
15	Conversion – Residential to Non-Residential	N	N	N	C	C	C	C	N	N	N	208-2604 (J)
<b>CONSERVATION, RECREATION, AND NATURAL RESOURCE USES</b>												
16	AGRICULTURE	P	P	N	N	N	N	N	N	N	N	208-2604 (B)
17	FORESTRY / Timber Harvesting	P	P	P	P	P	P	P	P	P	P	Article 2400
18	COMMERCIAL GREENHOUSE, GARDEN CENTER, OR PLANT NURSERY	N	N	N	N	C	C	N	N	N	N	208-2604 (P)
19	CONCENTRATED ANIMAL OPERATIONS	C	N	N	N	N	N	N	N	N	N	208-2604 (H)
20	GAMELANDS	N	N	N	N	N	N	N	N	N	P	

**P: Permitted by Right**

**N: Not Permitted**

**C: Permitted By CONDITIONAL USE**

		Conservation Residential (CR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Town Center (TC)	Route 19 Boulevard (RB)	Highway Commercial (HC)	Planned Office, Research, and Business Park (PORBP)	Residential, Research, and Technology Park (RRTP)	Planned Industrial Park (PIP)	OPEN SPACE, Public, and Conservation (OSPC)	Subject to the Provisions of
21	GOLF COURSE / COUNTRY CLUB	C	C	C	N	N	N	N	N	N	C	208-2604 (JJ)
22	HORTICULTURE	P	P	P	N	N	N	N	N	N	P	
23	OIL AND GAS EXTRACTION	N	N	N	N	N	N	N	N	N	C	208-2604(LL)
24	NATURAL GAS PROCESSING PLANTS AND NATURAL GAS COMPRESSOR STATIONS	N	N	N	N	N	N	N	N	N	C	208-2604(MM)
25	RECREATION FACILITY	N	N	N	P	P	P	N	P	N	N	
26	SPORTSMEN'S CLUB	N	N	N	N	N	N	N	N	N	P	
27	OPEN SPACE	P	P	P	P	P	P	P	P	P	P	
28	RECREATION AREAS, OUTDOOR	P	P	P	P	P	P	N	P	P	P	
<b>BUSINESS USES</b>												
29	ADULT-ORIENTED ESTABLISHMENT	N	N	N	N	N	N	N	N	C	N	208-2604 (A)
30	AUTOMOBILE SALES	N	N	N	N	C	C	N	N	N	N	208-2604 (C)
31	BANK & FINANCIAL INSTITUTION	N	N	N	P	P	P	P	N	P	N	
32	BANQUET FACILITIES	N	N	N	P	P	P	P	N	P	N	
33	BUSINESS OFFICE	N	N	N	P	P	P	P	P	P	N	
34	CHILD DAY CARE HOME	C	C	C	N	N	N	N	N	N	N	208-2604 (F)
35	CHILD DAY CARE CENTER	N	N	N	C	C	C	C	N	C	N	208-2604 (F)
36	GROUP CHILD DAY CARE HOME	N	N	N	C	C	C	C	N	C	N	208-2604 (F)
37	CONSTRUCTION MATERIALS, STORAGE AND SALES	N	N	N	N	N	N	N	N	P	N	
38	DISTRIBUTION FACILITIES	N	N	N	N	N	N	N	N	P	N	
39	DRIVE-THROUGH FACILITY	N	N	N	N	C	C	C	C	C	N	208-2604 (L)
40	FUNERAL HOMES AND MORTUARIES	N	N	N	N	N	C	N	N	N	N	208-2604 (N)
41	GASOLINE STATION, WITH OR WITHOUT CONVENIENCE STORE	N	N	N	N	C	C	C	N	C	N	208-2604 (O)
42	HOTEL, MOTEL, AND HOTEL-OFFICE COMPLEX	N	N	N	N	C	C	C	C	N	N	208-2604 (R)
43	INDUSTRIAL USES	N	N	N	N	N	N	N	N	P	N	
44	JUNKYARD OR AUTOMOBILE SALVAGE YARD	N	N	N	N	N	N	N	N	C	N	208-2604 (S)
45	KENNEL, PRIVATE OR COMMERCIAL	N	N	N	N	N	C	N	N	C	N	208-2604 (T)
46	MANUFACTURING, LIGHT	N	N	N	C	N	N	N	N	P	N	208-2604 (V)
47	MEDICAL OFFICE	N	N	N	C	C	C	C	N	N	N	208-2604.(w)
48	MINERAL REMOVAL	P	P	P	P	P	P	P	P	P	N	

P: Permitted by Right  
N: Not Permitted  
C: Permitted by CONDITIONAL USE

		Conservation Residential (CR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Town Center (TC)	Route 19 Boulevard (RB)	Highway Commercial (HC)	Planned Office, Research, and Business Park (PORBP)	Residential, Research, and Technology Park (RRTP)	Planned Industrial Park (PIP)	OPEN SPACE, Public, and Conservation (OSPC)	Subject to the Provisions of
49	PARKING FACILITY	N	N	N	P	P	P	N	N	P	N	
50	PERSONAL SERVICE ESTABLISHMENT	N	N	N	P	P	P	P	N	P	N	
51	PERSONAL STORAGE FACILITY	N	N	N	N	N	N	C	N	C	N	208-2604 (Z)
52	PROFESSIONAL OCCUPATIONS	N	N	N	P	P	P	P	P	P	N	
53	PROFESSIONAL OFFICES	N	N	N	P	P	P	P	P	P	N	
54	RESEARCH TESTING FACILITY	N	N	N	N	N	N	N	P	P	N	
55	RESTAURANT AND TAVERN	N	N	N	P	P	P	P	P	P	N	
56	RETAIL BUSINESS	N	N	N	P	P	P	P	N	N	N	
57	SHOPPING CENTER	N	N	N	C	C	C	N	N	N	N	208-2604 (CC)
58	SUPERMARKET	N	N	N	C	C	C	C	N	N	N	208-2604 (EE)
59	TECHNOLOGICAL INDUSTRY	N	N	N	N	N	N	P	P	P	N	
60	TRUCK TERMINAL	N	N	N	N	N	N	N	N	P	N	
61	VEHICULAR BODY SHOP	N	N	N	N	N	N	N	N	P	N	208-2604 (O)
62	VEHICULAR REPAIR GARAGE	N	N	N	N	N	N	N	N	P	N	208-2604 (O)
63	VEHICULAR WASH	N	N	N	N	N	C	C	N	P	N	208-2604 (GG)
64	VETERINARIAN, EXCLUDING KENNEL	N	N	N	P	P	P	P	N	P	N	
65	WAREHOUSING	N	N	N	N	N	N	N	N	P	N	
66	WHOLESALE BUSINESS	N	N	N	N	N	P	P	N	P	N	
<b>INSTITUTIONAL / PUBLIC / OTHER USES</b>												
67	CEMETERY	C	C	C	N	N	N	N	N	N	C	208-2604(E)
68	CIVIC, SOCIAL, AND FRATERNAL ORGANIZATIONS	N	N	N	P	P	P	N	N	N	N	
69	COLLEGES AND UNIVERSITIES	N	N	N	N	C	C	C	C	C	N	208-2604 (M)
70	ELEMENTARY AND SECONDARY SCHOOLS	C	C	C	N	C	N	N	N	N	N	208-2604 (M)
71	HOSPITAL	N	N	N	N	C	C	N	N	N	N	208-2604 (II)
72	CHURCHES AND SIMILAR PLACES OF WORSHIP	C	C	C	C	C	C	N	N	N	N	208-2604 (KK)
73	MUNICIPAL BUILDINGS AND FACILITIES	P	P	P	P	P	P	P	P	P	P	208-2604 (AA)
74	STATE AND FEDERAL BUILDINGS AND FACILITIES	N	N	N	P	P	P	P	P	P	P	208-2604 (AA)

**P: Permitted by Right**

**N: Not Permitted**

**C: Permitted By CONDITIONAL USE**

		Conservation Residential (CR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Town Center (TC)	Route 19 Boulevard (RB)	Highway Commercial (HC)	Planned Office, Research, and Business Park (PORBP)	Residential, Research, and Technology Park (RRTP)	Planned Industrial Park (PIP)	OPEN SPACE, Public, and Conservation (OSPC)	Subject to the Provisions of
75	MUSEUM	N	N	N	P	P	P	P	N	N	C	208-2604 (AA)
76	PUBLIC UTILITY STRUCTURES, OTHER THAN TELECOMMUNICATIONS TOWER	C	C	C	C	C	C	P	P	P	C	208-2604 (BB)
77	SEWAGE TREATMENT PLANT	N	N	N	N	N	C	N	N	C	N	
78	SOLID WASTE DISPOSAL FACILITY	N	N	N	N	N	C	N	N	N	N	208-2604 (DD)
79	TELECOMMUNICATIONS TOWER	N	N	N	N	N	N	C	N	C	C	208-2604 (FF)
80	TELECOMMUNICATIONS ANTENNA – Co-Location – Other STRUCTURES	P	P	P	P	P	P	P	P	P	P	208-2604 (FF)
81	TELECOMMUNICATIONS ANTENNA – Co-Location – Existing Towers	P	P	P	P	P	P	P	P	P	P	208-2604 (FF)
82	ESSENTIAL SERVICES	P	P	P	P	P	P	P	P	P	P	
83	TRADITIONAL NEIGHBORHOOD DEVELOPMENT	N	N	N	C	C	N	N	N	N	N	Article 1800
84	USES Not Specifically Listed	N	N	N	N	N	N	N	N	C	N	208-2604 (G)

**P: Permitted by Right**

**N: Not Permitted**

**C: Permitted By CONDITIONAL USE**

§ 208-302. Table of ACCESSORY USES. [Amended 5/12/2008 by Ord. No. 389]

		Conservation Residential (CR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Town Center (TC)	Route 19 Boulevard (RB)	Highway Commercial (HC)	Planned Office, Research, and Business Park (PORBP)	Residential, Research, and Technology Park (RRTP)	Planned Industrial Park (PIP)	OPEN SPACE, Public, and Conservation (OSPC)	Subject to the Provisions of
1	Detached Garage, private	A	A	A	A	A	A	N	A	N	N	
2	FENCES	A	A	A	A	A	A	A	A	A	A	208-304(A)
3	Greenhouse, private	A	A	N	N	N	N	N	N	N	A	
4	HOME OCCUPATIONS	C	C	C	C	C	C	N	C	N	N	208-304(B)
5	NO IMPACT HOME-BASED BUSINESSES	A	A	A	A	A	A	A	A	A	A	208-304(B)
6	Keeping/Stabling of Horses or Ponies for private USE	A	A	A	N	N	N	N	N	N	A	208-304(C)
7	Passenger Shelters	A	A	A	A	A	A	A	A	A	A	208-304(D)
8	ACCESSORY DWELLING UNIT [Amended 9-29-2008 by Ord. No. 393]	A	A	N	N	N	N	N	N	N	N	208-304(E)
9	Residential tool or garden sheds, private	A	A	A	A	A	N	N	N	N	N	
10	Swimming Club	N	N	A	N	N	A	N	A	N	N	208-304(F)
11	SWIMMING POOL, PRIVATE	A	A	A	A	A	A	N	N	N	N	208-304(G)
12	Tennis Court	A	A	A	A	A	A	N	A	N	N	
13	USES accessory to AGRICULTURE or HORTICULTURE	A	A	N	N	N	N	N	N	N	A	208-304(H)
14	PARKING AREAS	A	A	A	A	A	A	A	A	A	A	Article 1900
15	SIGNS	A	A	A	A	A	A	A	A	A	A	Article 2100
16	Customarily Associated ACCESSORY USES of Permitted and CONDITIONAL USES	N	N	N	A	A	A	A	A	A	A	
17	OUTDOOR STORAGE	N	N	N	N	N	N	N	N	A	N	
18	Viewable OUTDOOR STORAGE AREAS (from public RIGHT-OF-WAY)	N	N	N	N	N	N	N	N	N	N	
19	EMPLOYEE Lunchroom Facilities and Health Care Facilities	N	N	N	A	A	A	A	A	A	A	
20	WAREHOUSING of Goods in an ACCESSORY BUILDING	N	N	N	N	N	N	A	N	A	N	

A: Permitted ACCESSORY USE

N: Not Permitted

C: Permitted by CONDITIONAL USE

§ 208-303. Table of Area and BULK Standards. [Amended 5-12-2008 by Ord. No. 389]

Area and BULK Standards Table for Residential DISTRICTS

(SF-D – Single-FAMILY Detached; SF-A – Single FAMILY Attached; P – Principal STRUCTURE; A – Accessory STRUCTURE)

ZONING DISTRICT/USE	Minimum LOT Area (square feet)	Maximum Gross Density (UNITS/acre)	Minimum Width @ STREET LINE	Minimum LOT WIDTH	Minimum FRONT YARD SETBACK	Minimum SIDE YARD SETBACK	Minimum REAR YARD SETBACK	Max. IMPERVIOUS SURFACE RATIO	Maximum BUILDING HEIGHT
<b>CR</b>									
Conventional SF-D	50,000 60,000 <sup>1</sup>	0.75	75'	150'	40'	20' one side 50' total	P: 40' A: 20'	18% <sup>2</sup> 26%	40'
Cluster SF-D	15,000 <sup>3</sup>	1.0	50'	65'	30'	10' one side 30' total	P: 30' A: 15'	30%	40'
COUNTRY LOT SF-D	4 acres <sup>4</sup>	0.25	100'	150'	50'	50'	50'	18% <sup>5</sup>	40'

1 For LOTS that do not have public sewer and public water facilities.

2 For LOTS greater than 40,000 square feet in area.

3 No more than 50% of the LOTS in the CR Conservation SUBDIVISION cluster option are permitted to be less than 20,000 square feet in area.

4 The minimum lot area is 4 acres. Within that lot, a "BUILDING ENVELOPE" of no more than one acre will include all land that is to be disturbed.

5 The maximum IMPERVIOUS SURFACE RATIO is 18% of the one-acre BUILDING ENVELOPE.

SR									
Conventional SF-D	40,000 <sup>1</sup> 20,000	1.0 <sup>1</sup> 2.0	60'	150' <sup>1</sup> 80'	40'	15'	P: 35' A: 15'	18% <sup>2</sup> 26%	40'
Cluster SF-D	10,000	2.25	35'	50'	25'	8' one side 20' total	P: 25' A: 15'	35%	40'

MDR									
SF-A	10,000	4.0	30'	45'	30'	0' one side 10' total <sup>6</sup>	25' <sup>6</sup>	40%	40'
Two-FAMILY	20,000	4.0	60'	90'	30'	10' <sup>6</sup>	25' <sup>6</sup>	40%	40'
Triplex & Quadplex	20,000	6.0	60'	90'	30'	10' <sup>6</sup>	25' <sup>6</sup>	40%	40'
Individual Townhouse	5,000	8.0	25'	25'	30'	10' <sup>6</sup> at row end	25' <sup>6</sup>	40%	40'
Apartment or Townhouse	40,000	12.0	75'	150'	30'	10' <sup>6</sup>	25' <sup>6</sup>	40%	40'

<sup>6</sup> If adjoining a lot which contains a single-family dwelling outside the MDR ZONING DISTRICT, the required minimum SETBACK is 50'.

Area and BULK Standards Table for Non-Residential DISTRICTS [Amended 5/12/2008 by Ord. No. 389]

	Highway Commercial (HC)	Planned Office, Research and Business Park (PROBP)	Town Center (TC) <sup>7</sup>	Route 19 Boulevard (RB) <sup>7</sup>	Planned Industrial Park (PIP)	Residential, Research and Technology Park (RRTP)
<b>Minimum Lot Area (square feet unless otherwise stated)</b>						
All Uses	1 acre 5 acres for shopping centers	1 acre (minimum Gross Tract Area = 25 acres)	15,000 <sup>8</sup>	20,000 <sup>8</sup>	1 acre (minimum Gross Tract Area = 500 acres) <sup>9</sup>	NA (minimum Gross Tract Area = 200 acres)
<b>Maximum Gross Floor Area for Principal Structure (square feet)</b>						
One (1) Story	NA	NA	10,000 for one story <sup>10</sup>	15,000 for one story <sup>10</sup>	NA	NA
Multi-Story	NA	NA	20,000 for multi-story <sup>11</sup>	30,000 for multi-story <sup>11</sup>	NA	NA
Supermarket, movie theater, or shopping center	NA	NA	NA	45,000	NA	NA

	Highway Commercial (HC)	Planned Office, Research and Business Park (PROBP)	Town Center (TC) <sup>7</sup>	Route 19 Boulevard (RB) <sup>7</sup>	Planned Industrial Park (PIP)	Residential, Research and Technology Park (RRTP)
<b>Minimum Lot Frontage (feet)</b>						
All Uses (except shopping center)	150	150; 50 on a cul-de-sac	50	50	100; 150 for conditional uses	NA
Shopping Center	400	NA	NA	NA	NA	NA
<b>Minimum Lot Depth (feet)</b>						
All Uses (except shopping center)	200	200	NA	NA	200	NA
Shopping Center	400	NA	NA	NA	NA	NA
<b>Minimum Front Yard (feet)</b>						
Uses along Route 19	60	NA			60	NA
Uses along State Routes	40	50	10	25	50	NA
Uses along arterial streets	40	100	10	25	50	NA
Uses along Township or private streets	40	50	5	10	50	NA
Uses along all other streets	40	50	5	10	50	NA
Shopping Center	100	NA	NA	NA	NA	NA
<b>Maximum Front Yard (feet)</b>						
USES along State Routes	NA	NA	25	35	NA	NA
USES along TOWNSHIP or private STREETS	NA	NA	25	25	NA	NA

7 (a) Additional BULK and Area Standards are found in Article 2600 for particular CONDITIONAL USES. The specific BULK and area standards for CONDITIONAL USES supersede the more general standards set forth in this table. (b) Off-STREET PARKING AREAS shall be subject to the minimum YARD SETBACK requirements established for principal BUILDINGS/STRUCTURES within each sub-district. (c) The maximum BUILDING SETBACK may be exceeded when a DEVELOPMENT incorporates enhanced pedestrian SPACES and amenities. Enhanced pedestrian SPACES or amenities shall consist of more than one of the following: plazas, courtyards, arcades, outdoor seating AREAS, widened sidewalks, shelters, STREET furniture and public art.

8 Parcel consolidation is encouraged. If public water and sewer are not available, the minimum LOT size is one (1) acre.

9 A portion may be outside the TOWNSHIP

10 No one-STORY (single STORY) BUILDING shall exceed the GROSS FLOOR AREA (GFA) listed by the respective District.

11 (a) A LOT may support multiple PRINCIPAL BUILDINGS, provided the grouping of BUILDINGS are Designed as a unified series (architecturally related) and incorporate a formal public plaza(s) and other SITE Design features serving to unify elements on the SITE and create a pedestrian environment. (b) Where a LOT contains more than one principal BUILDING, the distance between each BUILDING shall be a minimum of twenty (20) feet in width. A defined pedestrian corridor shall be created between each

BUILDING providing access to the area in the rear of the BUILDING. The opening shall feature public amenities including among others, an outdoor plaza with public seating, concrete pavers or brick courtyard, shade TREES calculated at a rate of one (1) tree per forty (40) feet of BUILDING length, UNDERSTORY TREES calculated at rate of two (2) per forty (40) feet of BUILDING length, and other landscape features to be incorporated into the Design of the BUILDING. This plant material shall be Used to create an inviting pedestrian space. This area shall also be lighted with pedestrian scale lighting.

	Highway Commercial (HC)	Planned Office, Research and Business Park (PROBP)	Town Center (TC) <sup>12</sup>	Route 19 Boulevard (RB) <sup>12</sup>	Planned Industrial Park (PIP)	Residential, Research and Technology Park (RRTP)
<b>Minimum SIDE YARD (feet)</b>						
USES fronting Route 19	20	NA			NA	NA
USES fronting any other STREET	40	20	0	10	20	NA
SHOPPING CENTER	50	NA	NA	NA	NA	NA
LOTS ABUTTING existing RESIDENTIAL DISTRICTS	ALL USES or	50	20 <sup>12</sup>	25 <sup>12</sup>	100	NA
<b>Minimum REAR YARD (feet)</b>						
All USES	30	30	10	10	20	NA
SHOPPING CENTER	50	NA	NA	NA	NA	NA
LOTS ABUTTING existing RESIDENTIAL DISTRICTS	ALL USES or	50	20 <sup>12</sup>	25 <sup>12</sup>	100	NA
<b>Maximum IMPERVIOUS SURFACE (percent of lot coverage including pavement and accessory STRUCTURES unless otherwise stated)</b>						
One (1) STORY	70	60	75	65	60	80 of the buildable area
Multi-STORY			85 <sup>13</sup>	75 <sup>13</sup>		
<b>Maximum BUILDING HEIGHT (feet)</b>						
Residential	35	45 (no habitation above 35 feet)	50 (20 feet minimum) <sup>14</sup>	50 (20 feet minimum) <sup>14</sup>	35	35
Non-Residential			5 stories or 65 feet whichever is lower			

12 For attached single family DWELLINGS zero (0) SIDE LOT LINE shall be permitted.

13 The BOARD OF SUPERVISORS may through CONDITIONAL USE approval, permit the increase in IMPERVIOUS SURFACE RATIO beyond the maximum for two or multi-STORY BUILDINGS, if the proposed two or multi-STORY CONSTRUCTION exhibits the form and character presented in this Article.

14 The intent is to encourage vertical (two-STORY) CONSTRUCTION rather than horizontal one-STORY PRINCIPAL BUILDINGS.

§ 208-304. Standards for ACCESSORY USES.

A. FENCES:

1. FENCES, provided that their height shall be limited to four (4) feet in the FRONT YARD and six (6) feet in side and REAR YARDS, except that these provisions shall not apply to agricultural USES or the keeping of horses and ponies.
2. FENCES are not subject to the minimum YARD SETBACK requirements and may be located up to the property line. The finished side of the FENCE shall face the adjoining property or public STREET where applicable.
3. All FENCES shall be constructed of customary fencing materials, but shall exclude chain link fencing in FRONT YARDS. In no AREAS of any YARD shall fencing ordinarily Used for CONSTRUCTION activity, such as silt FENCES or temporary CONSTRUCTION FENCES be permitted, except during the time when such CONSTRUCTION activity is being performed.

B. HOME OCCUPATIONS and NO IMPACT HOME-BASED BUSINESSES:

1. HOME OCCUPATIONS

All proposed HOME OCCUPATION USES, including the expansion or replacement of an existing USE or STRUCTURE, shall conform to the performance standards below, as well as all other applicable laws and regulations of the county, state and federal government.

- (a) The HOME OCCUPATION and its associated STRUCTURES shall conform to all applicable standards for the ZONING DISTRICT.
- (b) HOME OCCUPATIONS shall be conducted entirely within the residence or within an accessory STRUCTURE. The area Used for the HOME OCCUPATION shall not exceed twenty-five percent (25%) of the GROSS FLOOR AREA of the residence.
- (c) The HOME OCCUPATION shall in no way cause the residential appearance or character of the premises to differ from the surrounding residential area. HOME OCCUPATIONS shall not be conducted in such a manner as to produce NOISE, dust, vibration, GLARE, smoke or smell, electrical interference, fire hazard, traffic or any other nuisance not typically experienced in the ZONING DISTRICT where the property is located.
- (d) No USE shall require internal or external CONSTRUCTION features or the USE of electrical, mechanical or other equipment that would change the fire rating of the STRUCTURE or in any way Significantly increase the fire danger to neighboring STRUCTURES or residences.
- (e) No outside storage of material, goods, supplies or equipment related to the operation of the HOME OCCUPATION shall be allowed.
- (f) Merchandise shall be limited only to products manufactured or substantially altered on the premises or to incidental supplies necessary for the conduct of HOME OCCUPATION. Items shall not be purchased off-SITE for resale.

- (g) To the extent that there is any sale of any item related to a HOME OCCUPATION, delivery of that item to the buyer should occur off the premises.
- (h) The HOME OCCUPATION shall not employ more than one (1) nonresident EMPLOYEE.
- (i) Any need for parking generated by the HOME OCCUPATION shall be off-STREET and in the side or REAR YARD of the STRUCTURE. The Zoning Officer shall determine the number of PARKING SPACES required based on the parking provisions of this chapter.
- (j) No commercial vehicle shall be Used in connection with the HOME OCCUPATION for delivery of goods to or from the premises, nor parked on the property. This provision does not preclude the delivery of mail or packages by the Postal Service or by private or public shipping and courier services. HOME OCCUPATIONS shall not generate more than an average of one (1) truck delivery per day.
- (k) No more than one (1) HOME OCCUPATION per residence shall be allowed and it must be conducted by the occupant.
- (l) HOME OCCUPATIONS that attract customers, clients or students to the premises shall not be allowed in multifamily DWELLING UNITS.
- (m) The business may not involve any illegal activity.
- (n) The following USES are not appropriate as HOME OCCUPATIONS and are not permitted:
  - (1) Vehicle or boat repair or painting.
  - (2) CONSTRUCTION equipment or materials storage.
  - (3) Equipment or vehicle rental.
  - (4) Furniture sales.
  - (5) Funeral director, mortuary or undertaker.
  - (6) Glazier's or painter's shop.
  - (7) Heating, plumbing or air-conditioning services.
  - (8) Laboratory or taxidermy shop.
  - (9) Medical clinic or laboratory, or MEDICAL OFFICE.
  - (10) Private club.
  - (11) Restaurant.
  - (12) CHILD DAY CARE.

## 2. NO-IMPACT HOME BASED BUSINESS

No-impact home based businesses are permitted by right in all residential ZONING DISTRICTS as long as the business or commercial activity satisfies the following requirements:

- (a) The business activity shall be compatible with the RESIDENTIAL USE of the property and surrounding RESIDENTIAL USES.
- (b) The business shall employ no EMPLOYEES other than FAMILY members residing in the DWELLING.
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (d) There shall be no outside appearance of a business USE, including but not limited to, parking, SIGNS or lights, except that the name of the business may be indicated on the residence mailbox, as long as the mailbox SIGN does not exceed one (1) square foot in area.
- (e) The business activity may not USE any equipment or process which creates NOISE, vibration, GLARE, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in a neighborhood.
- (f) The business activity may not generate any solid wastes or sewage discharge in volume or type which is not normally associated with RESIDENTIAL USE in the neighborhood.
- (g) The business activity shall be conducted only within the DWELLING and may not occupy more than twenty-five (25%) percent of the GROSS FLOOR AREA.
- (h) The business may not involve any illegal activity.

### C. Keeping/Stabling of Horses or Ponies for private USE:

The keeping/stabling of horses or ponies shall meet the following requirements and shall conform to the performance standards below:

- 1. At least three (3) but less than four (4) acres: maximum of two (2) horses or ponies.
- 2. At least four (4) but less than five (5) acres: maximum of three (3) horses or ponies.
- 3. At least five (5) acres: no limit on horses or ponies.
- 4. No manure storage shall be established any closer than one hundred (100) feet to any property line.
- 5. Horse barns, stables or STRUCTURES for the storage of food and hay shall not be constructed closer than one hundred (100) feet to any property line.

D. Passenger Shelters

1. Passenger shelters, for public conveyance, shall be no more than one hundred fifty (150) square feet in floor area and no more than twelve (12) feet in height. No shelter may be so located as to obstruct the sight triangle distance at an intersection along a public RIGHT-OF-WAY.

E. ACCESSORY DWELLING UNIT [**Amended 9-29-2008 by Ord. No. 393**]

1. ACCESSORY DWELLING UNITS include: caretaker's quarters, guest quarters, and mother-in-law suites.
2. ACCESSORY DWELLING UNITS, when located within a building detached and separate from the principal DWELLING shall have a minimum LOT AREA equal to the product of the minimum LOT AREA of the district multiplied by the number of separate housekeeping units on the LOT.
3. All YARD requirements of this Chapter shall be met by both the principal DWELLING and the ACCESSORY DWELLING UNIT.
4. Rental or leasing of any ACCESSORY DWELLING UNIT shall not be permitted.

F. Swimming Club

Swimming clubs shall meet the following requirements and shall conform to the performance standards below:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose Ownership or jurisdiction the pool is operated.
2. The pool and accessory STRUCTURES thereto, including the AREAS Used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which located.
3. The SWIMMING POOL and all of the area Used by bathers shall be so walled or fenced as to prevent uncontrolled access by children from the STREET or adjacent properties. The said FENCE or wall shall not be less than six (6) feet in height, and it shall be maintained in good condition. The area surrounding the enclosure, except for the PARKING SPACES, shall be suitably landscaped with grass, hardy shrubs and TREES, and it shall be maintained in good condition.

G. SWIMMING POOL, PRIVATE

SWIMMING POOLS shall meet the following requirements and shall conform to the performance standards below:

1. The pool is intended and is to be Used solely for the enjoyment of the occupants of the principal USE of the property on which it is located.

2. The pool, including any deck AREAS or accessory STRUCTURES, must meet all YARD and SETBACK requirements.
3. The SWIMMING POOL, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the STREET or from adjacent properties. Said FENCE or wall shall be not less than four (4) feet in height and it shall be maintained in good condition.

#### H. USES accessory to AGRICULTURE or HORTICULTURE

When the principal USE is agricultural or horticultural or the production or keeping of FARM animals such as cattle, hogs, goats or sheep, all ACCESSORY BUILDINGS customarily incidental to them shall be permitted, with the following requirements:

1. To qualify as agricultural USE or for the production and keeping of FARM animals, the minimum LOT size shall be five (5) acres.
2. No barn LOT, mushroom house or manure storage shall be established any closer than one hundred (100) feet to any property line.
3. The number of DWELLINGS permitted on a FARM shall not be limited, provided that density does not exceed one (1) single-FAMILY DWELLING per ten (10) acres and that DWELLINGS shall be separated by a minimum of two hundred (200) feet for USE by resident FARM workers or FAMILY members.
4. Silos and BULK bins shall be exempted from area and BULK regulations when attached to an existing BUILDING.
5. FARM BUILDINGS and other STRUCTURES shall not be constructed closer than one hundred (100) feet to any property line.
6. All other new CONSTRUCTION, including STRUCTURES for temporary storage of feeds, shall conform to SETBACK requirements.
7. Display and sale of FARM products shall be permitted, provided that:
  - (a) At least fifty percent (50%) of such products shall have been produced on the property on which they are offered for sale.
  - (b) PARKING SPACE for at least three (3) cars shall be provided no closer than twenty (20) feet from the highway RIGHT-OF-WAY.
  - (c) Sale of FARM products shall be conducted from a portable stand, dismantled at the end of the growing season, or from a permanent BUILDING, under the following conditions:
    - (i) Such permanent BUILDING shall be located at least one hundred (100) feet from the RIGHT-OF-WAY line of the road or fifty (50) feet if such permanent BUILDING, in the opinion of the Zoning Officer, resembles a FARM outbuilding. Such portable stand shall be located at least twenty-five (25) feet from the edge of the cartway; and

- (ii) **PARKING SPACE** shall be provided behind the highway **RIGHT-OF-WAY** line at the ratio of one (1) space for each three hundred (300) square feet of **BUILDING** floor area, but in no case fewer than three (3) **SPACES**.

ARTICLE 400  
CONSERVATION RESIDENTIAL (CR) DISTRICT

§ 208-401. Purpose.

It is the intent and purpose of this ZONING DISTRICT to mutually provide for DEVELOPMENT of housing opportunities and preserve identified sensitive environmental AREAS. Lands within the Conservation Residential (CR) District possess many common features, including: STEEP SLOPES, OPEN SPACES and forested AREAS, limited access to public water and sewer, natural resources and sensitive environmental AREAS, and lower densities of housing.

Past DEVELOPMENT patterns have generally included HOMES on larger LOTS either within DEVELOPMENTS or on distinct LOTS. Topography and lack of access to public utilities has limited substantial DEVELOPMENT in the western portions of this ZONING DISTRICT. New DEVELOPMENT opportunities are expected to occur in the district due to expansion of public sewer planned for this area. It is the desire of the TOWNSHIP, based upon its adopted 2006 Comprehensive Plan, that:

- future DEVELOPMENT in this area is compatible with the existing natural landscape and lower-density DEVELOPMENT patterns located within the district;
- conservation SUBDIVISIONS are the preferred DEVELOPMENT choice within this district in order to mutually accommodate the DEVELOPMENT of property and the protection of sensitive environmental AREAS; and
- DEVELOPMENT of single-FAMILY HOMES on larger LOTS is consistent with past DEVELOPMENT patterns of the district and compatible with conservation SUBDIVISIONS, when developed according to the standards included within this section.

§ 208-402. Permitted Principal USES, CONDITIONAL USES and ACCESSORY USES.

- A. Principal USES permitted-by-right for the Conservation Residential District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the Conservation Residential District are listed in the table of USES located in Article 300, §208-301.
- C. ACCESSORY USES permitted-by-right or as a CONDITIONAL USE in the Conservation Residential District are listed in the table of ACCESSORY USES located in Article 300, §208-302. Requirements applicable to ACCESSORY USES in the district are located in §208-304.

§ 208-403. Area and BULK Standards.

- A. Area and BULK Standards for the Conservation Residential District are listed in the table in Article 300, §208-303.

§ 208-404. Supplementary Regulations.

- A. Parking Requirements in Article 1900.
- B. SIGN Requirements in Article 2100.

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ARTICLE 500  
Suburban Residential (SR) District

§ 208-501. Purpose.

The TOWNSHIP recognizes the benefits that traditional suburban DEVELOPMENT patterns have had in providing single-FAMILY detached housing opportunities in the TOWNSHIP. It is the intent and purpose of this district to: provide for moderate density residential DEVELOPMENT in areas that are environmentally suited to such DEVELOPMENT and which currently have or are planned for sewer or sewer and water service; provide for traditional suburban housing DEVELOPMENT opportunities characterized by smaller LOT sizes than those required in the Conservation Residential (CR) District; and encourage the utilization of the CONSERVATION SUBDIVISION DESIGN approach as detailed in Article 1600 of this chapter, to protect natural resources and provide for a variety of housing types that meets the needs of current and future residents of the TOWNSHIP.

§ 208-502. Permitted Principal USES, CONDITIONAL USES and Accessory USES.

- A. Principal USES permitted-by-right for the Suburban Residential District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the Suburban Residential District are listed in the table of USES located in Article 300, §208-301.
- C. Accessory USES permitted-by-right or as a CONDITIONAL USE in the Suburban Residential District are listed in the table of accessory USES located in Article 300, §208-302. Requirements applicable to accessory USES in the district are located in Article 300, §208-304.

§ 208-503. Area and BULK Standards.

- A. Area and BULK Standards for the Suburban Residential District are listed in the table in Article 300, §208-303.

§ 208-504. Supplementary Regulations.

- A. Parking Requirements in Article 1900.
- B. SIGN Requirements in Article 2100.

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ARTICLE 600  
Medium Density Residential (MDR) District

§ 208-601. Purpose.

The TOWNSHIP recognizes the need to provide for a variety of housing opportunities for its current and future residents. It is the intent and purpose of this district to provide opportunities for higher density residential DEVELOPMENT in the form of ATTACHED DWELLING UNITS in selected locations: which have access to the regional highway network, where public water and sewer service is available, where natural features create buffers between adjoining USES, and where topographic or other characteristics create limitations for single-FAMILY DEVELOPMENT.

§ 208-602. Permitted Principal USES, CONDITIONAL USES and ACCESSORY USES.

- A. Principal USES permitted-by-right for the Medium Density Residential District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the Medium Density Residential District are listed in the table of USES located in Article 300, §208-301.
- C. Accessory USES permitted-by-right or as a CONDITIONAL USE in the Medium Density Residential District are listed in the table of accessory USES located in Article 300 §208-302. Requirements applicable to accessory USES in the district are located in Article 300, 208-304.

§ 208-603. Area and BULK Standards.

- A. Area and BULK Standards for the Medium Density Residential District are listed in the table in Article 300, §208-303.

§ 208-604. Supplementary Regulations.

- A. Parking Requirements in Article 1900.
- B. SIGN Requirements in Article 2100.

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ARTICLE 700  
Highway Commercial (HC) DISTRICT

§ 208-701. Purpose.

It is the intent and purpose of this district to provide for commercial and associated USES which generate or depend on large volumes of traffic. The district is developed to accommodate DEVELOPMENT on Route 19, north of the Pennsylvania Turnpike. Businesses located within this district primarily provide through traffic and regional oriented goods and services due to their proximity to principal arterial STREETS. DEVELOPMENT within this district is governed by regulations that seek to reduce the negative effects of unsightly, dangerous intersections and to provide regulations for highway-associated USES through adequately sized parcels of land. A critical objective of this district is to create, through specific design standards contained within this chapter, commercial areas that contribute positively to the image, appearance and character of Marshall TOWNSHIP.

§ 208-702. Permitted Principal USES, CONDITIONAL USES and ACCESSORY USES.

- A. Principal USES permitted-by-right for the Highway Commercial District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the Highway Commercial District are listed in the table of USES located in Article 300, §208-301.
- C. Accessory USES permitted-by-right or as a CONDITIONAL USE in the Highway Commercial District are listed in the table of accessory USES located in Article 300, §208-302. Requirements applicable to accessory USES in the district are located in Article 300, 208-304.

§ 208-703. Area and BULK Standards.

- A. Area and BULK Standards for the Highway Commercial (HC) District are listed in the table in Article 300, §208-303.

§208-704. Supplementary Regulations.

- A. Parking Requirements in Article 1900.
- B. PARKING LOT Landscaping Requirements in Article 2000.
- C. SIGN Requirements in Article 2100.
- D. Screening, Buffering and TREES in Article 2200.
- E. Corridor Enhancement District Requirements in Article 1500.

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ARTICLE 800  
Planned OFFICE, Research and Business Park (PORBP) DISTRICT

§ 208-801. Purpose.

It is the intent and purpose of this district to provide for a well designed park-like DEVELOPMENT for the permitted and CONDITIONAL USES in this Planned OFFICE, Research and Business Park (PORBP) District to promote and encourage high-quality employment opportunities for residents of Marshall TOWNSHIP and economic development for the region as a whole. Design standards and requirements for this district are intended to make it compatible with the surrounding residential areas. These USES should not generate large amounts of traffic, should comply with strict performance standards and should be substantially buffered from the adjacent areas. USES in this district should not require outside storage. These regulations have been established so as to provide a healthful operating environment and for the protection of the accepted USE from encroachment of USES adverse to their operation and at the same time to reduce to a minimum their impact on surrounding USES. This district should be restricted to large TRACTS that have close proximity to PRINCIPAL ARTERIAL STREETS, are fairly level and act as a buffer between adjacent residential areas and nearby downgrading influences such as heavily traveled highways.

§ 208-802. Permitted Principal USES, CONDITIONAL USES and ACCESSORY USES.

- A. Principal USES permitted-by-right for the Planned Office, Research and Business District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the Planned Office, Research and Business District are listed in the table of USES located in Article 300, §208-301.
- C. Accessory USES permitted-by-right or as a CONDITIONAL USE in the Planned Office, Research and Business are listed in the table of accessory USES located in Article 300, §208-302. Requirements applicable to accessory USES in the district are located in Article 300, 208-304.

§ 208-803. Area and BULK Standards.

- A. Area and BULK Standards for the Planned Office, Research and Business District are listed in the table in Article 300, §208-303.

§208-804. Supplementary Regulations.

- A. Parking Requirements in Article 1900.
- B. PARKING LOT Landscaping Requirements in Article 2000.
- C. SIGN Requirements in Article 2100.
- D. Screening, Buffering and TREES in Article 2200.
- E. Corridor Enhancement District Requirements in Article 1500.

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ARTICLE 900  
Town Center (TC) District

§ 208-901. Purpose.

Purpose. To promote the enhancement of the Town Center district as a viable and thriving center of activity; a focal point and central destination area in Marshall TOWNSHIP. The intent of this district is also to build upon the history of Warrendale and reestablish the character as an inviting place that is accessible to pedestrians, exciting to visitors, and safely facilitates the joint movement of vehicles and people. Mixed USE DEVELOPMENT will be unified through common Streetscape amenities.

§ 208-902. Applicability.

- A. Where provisions in this Article conflict with provisions set forth in Chapter 208 and Chapter 174, the provisions of this Article take precedence.
- B. Only the following sections of the Corridor Enhancement Overlay District shall apply within the boundaries of the District [**Amended 9-29-2008 by Ord. No. 393**]:
  - 1. §208-1501. Purpose.
  - 2. §208-1502. Applicability.
  - 3. §208-1503. Affected DEVELOPMENT.
  - 4. §208-1504. DEVELOPMENT Activity Permitted Within the District.
  - 5. §208-1505. DEVELOPMENT Activity Prohibited Within the District.
  - 6. §208-1506. Tree Protection.

§ 208-903. Permitted Principal USES, CONDITIONAL USES and ACCESSORY USES.

- A. Principal USES permitted-by-right for the Town Center District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the Town Center District are listed in the table of USES located in Article 300, §208-301.
- C. ACCESSORY USES permitted-by-right or as a CONDITIONAL USE in the Town Center District are listed in the table of ACCESSORY USES located in Article 300, 208-302.

§ 208-904. Area and BULK regulations for all permitted USES.

A. Area and BULK Standards for the Town Center District are listed in the table in §208-303.

§ 208-905. Design Standards.

All LAND DEVELOPMENTS and/or changes in USE within the Town Center District shall be subject to the Design provisions contained herein.

A. Conservation Provisions.

Any DEVELOPMENT within the District shall be subject to the following standards:

1. Conservation AREAS

- (a) WETLANDS shall be preserved at one-hundred (100) percent and remain undisturbed and set-aside outside of the buildable LOT AREA for protection
  - (b) FLOODPLAINS shall be preserved in accordance with Article 1400 "FLOODPLAIN District" of this Chapter [**Amended 9-29-2008 by Ord. No. 393**]
  - (c) not more than twenty (20) percent of the total area of all STEEP SLOPES 25% or greater shall be disturbed
  - (d) not more than sixty (60) percent of the total area of all STEEP SLOPES 15% to 24% shall be disturbed
2. An Existing Resource Plan, submitted with the preliminary application, shall be completed at a scale no less than (1) inch equals one hundred (100) feet and identify the following features listed in A (1) above, as well as:
- (a) existing STRUCTURES on the SITE.
  - (b) DRAINAGEWAYS.
  - (c) existing TREES over 18 inches DBH.

B. BUILDING Orientation

- 1. All main entrances of BUILDINGS shall front onto the public STREET. If Design dictates, the main entrance may face PARKING AREAS or defined public corridors. In no instance shall blank walls face the public STREET.
- 2. Sixty (60) percent of the horizontal length of the STRUCTURE facing the STREET shall incorporate windows between three (3) feet and eight (8) feet in height above the sidewalk grade. In addition, sidewalks shall extend from the main entry point and link to the public sidewalk.
- 3. Surface treatments to create visual interest such as cornices, brackets, window and door moldings and details, recesses, projections, AWNINGS, porches, steps, decorative finish materials and other architectural articulation shall be required along facade facing a public STREET.

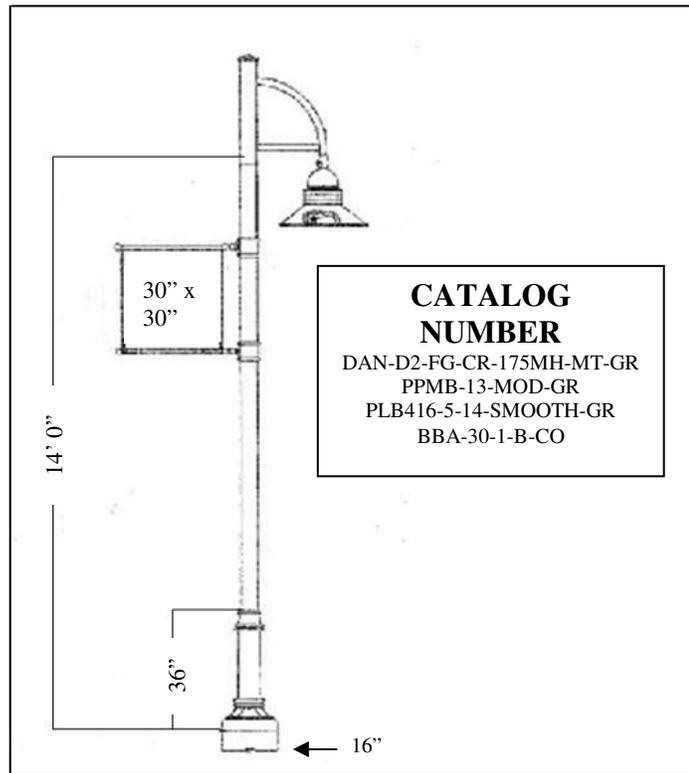
### C. DRIVEWAY and Off-STREET PARKING AREA Requirements

1. Off-STREET PARKING AREAS shall not be permitted to be located between the public STREET and any PRINCIPAL BUILDING.
2. Where practical, off-STREET PARKING AREAS shall be connected to adjacent parcels through a rear or SIDE YARD access drive constructed parallel to the public STREET to which the USE fronts or is located along. If the adjacent parcel is undeveloped or vacant, the access drive shall be extended to the LOT LINE for future connection to the adjacent parcel.
3. Where practical, adjacent parcels should utilize shared DRIVEWAYS and off-STREET PARKING AREAS to minimize the number of curb cuts within the district.
4. The number of required PARKING SPACES as well as other general Design standards shall be provided as outlined in Article 1900.
5. Perimeter/Internal PARKING AREA Landscape Requirements. The following standards are in-lieu of the BUFFERYARD standards contained in Article 2000.
  - (a) PARKING AREAS shall include a minimum perimeter landscaping planting area eight (8) feet in width to include a continuous planting of flowering shrubs or hedges (a minimum of 3 ½ feet in height) and shade TREES planted forty (40) feet on center for the length of the PARKING LOT boundary. The intent is to buffer vehicles, their headlights from the adjacent property and the STREET as well as to create a continuous canopy of shade TREES.
  - (b) Perimeter hedgerow or shrub plantings may be used in combination with fencing, to include an architectural masonry wall or other alternative fencing (not to exceed four feet in height), e.g. aluminum ornamental FENCE with brick piers. No wire fabric or similar material fencing shall be permitted.
  - (c) One (1) shade tree shall be provided for every ten (10) PARKING SPACES. Shade TREES shall be planted in a terminal island located at both ends of each unbroken row of parking containing twenty (20) PARKING SPACES. Terminal islands shall be a minimum of fifteen (15) feet in length and a minimum of ten (10) feet in width. A landscaped island (landscape divider strip) shall be located every third row of adjoining parking to prevent traffic movement across parking isles. The planting island shall be eight (8) feet in width and include shade TREES planted every 40 feet on center.

### D. On-STREET Parking and STREET Lights.

Recognizing the need for additional parking given the numerous smaller parcels in the district, Marshall TOWNSHIP shall require on-STREET parking within the required RIGHT-OF-WAY (for the length the parcel frontage) on Northgate Drive in the Town Center District. On-STREET parking is optional on other TOWNSHIP roads and private STREETS within the district and may be permitted on a case-by-case basis in front of a BUILDING and within the RIGHT-OF-WAY provided the parking is Designed in the form of “protected parallel on-STREET parking”. On-STREET PARKING SPACES will be counted toward the required number of on-SITE PARKING SPACES.

1. On STREET parking shall be Designed and constructed within the RIGHT-OF-WAY extending toward the centerline of the STREET and in accordance with Marshall TOWNSHIP specifications.
2. SPACES shall not be located within twenty-five (25) feet of an intersection or a distance determined necessary to maintain a clear sight triangle.
3. STREET lights shall be located in accordance with TOWNSHIP specifications.
  - (a) STREET lights shall be a maximum of fifteen (15) feet in height on TOWNSHIP STREETS and be spaced one-hundred (100) feet on center and staggered, unless a lighting plan shows an acceptable alternative.
  - (b) STREET light fixtures shall be Designed in accordance with TOWNSHIP specifications. **[Amended 9-29-2008 by Ord. No. 393]**



E. Sidewalks and STREET TREES.

1. Sidewalks and STREET TREES are required and shall be located as per the following: **[Amended 5/12/2008 by Ord. No. 389]**
  - (a) Within the district, STREET TREES shall be planted forty (40) feet on center for the length of parcel frontage within a Designated planting strip. The planting strip shall begin at the edge of the curb and measure a minimum of five (5) feet in width toward the BUILDING SETBACK line. Sidewalks shall be located within the RIGHT-OF-WAY and begin generally at the back edge of the planting strip and extend toward the BUILDING SETBACK line. Sidewalks shall measure a minimum of six (6) feet in width and connect to the LOT LINE of adjacent parcels.
  - (b) If, due to other conflicts, the sidewalks and STREET TREES cannot be placed in accordance with subsection (a) above, they may be located within a dedicated pedestrian EASEMENT measuring a minimum of fifteen (15) feet in width. The sidewalks shall begin two (2) feet back from the edge of the curb or RIGHT-OF-WAY and measure a minimum of six (6) feet in width toward the BUILDING SETBACK line. Sidewalks shall connect to the LOT LINE of adjacent parcels. STREET TREES shall be planted forty (40) feet on center with a continuous row of flowering or evergreen shrubs for the length of frontage within a Designated planting strip. The planting shall begin at the back edge of the sidewalk and measure a minimum of five (5) feet in width toward the BUILDING SETBACK line.

F. Signage.

1. Signage shall be regulated as set forth in Article 2100 with the following exceptions and ADDITIONS. Where conflict may exist with the provisions of Article 2100 the more restrictive provision shall take precedence. Note: the following SIGN standards assume all new Signage for a LOT. Should a LOT contain non-conforming Signage, such Signage shall be removed prior to application of this section.
2. Each LOT within the district shall be permitted one FREESTANDING SIGN. Each ESTABLISHMENT shall be permitted one FLAT WALL SIGN and/or one PROJECTING SIGN as outlined below. Note, in lieu of providing a FREESTANDING SIGN, the applicant shall be permitted to add ten (10) square feet to the maximum permitted area of FLAT WALL SIGN (not to exceed forty (40) square feet in area).
  - (a) FREESTANDING SIGNS shall be Designed as follows
    - (i) One FREESTANDING SIGN permitted per parcel.
    - (ii) The height of the SIGN shall be a maximum of seven (7) feet from ground level to top of SIGN and nine (9) feet to the top of the SIGN support. Note, a minimum of seven feet of clearance between SIGN and ground level shall be maintained if SIGN is located perpendicular to the STREET and within the sight triangle of a DRIVEWAY or access point.
    - (iii) Maximum SIGN area shall be twenty (20) square feet.

- (iv) Illumination shall be from a concealed ground source only (no internal illumination).
  - (v) FREESTANDING SIGNS shall be SETBACK three (3) feet from the edge of the RIGHT-OF-WAY.
- (b) Two WALL SIGNS shall be permitted as follows
- (i) FLAT WALL SIGN. One FLAT WALL SIGN of thirty (30) square feet in area shall be permitted. The FLAT WALL SIGN shall not project more than six (6") inches from the face of the BUILDING. The SIGN shall not be internally illuminated.
  - (ii) Projecting WALL SIGN. Projecting walls SIGNS are permitted within the District provided that the lower edge of the SIGN is a minimum of ten (10) feet above grade, but does not extend more than six (6) feet from the BUILDING wall and does not extend higher than the first floor or fifteen (15) feet, whichever is less. In no instance shall a PROJECTING SIGN be higher than the lowest edge of the roof-line. The maximum SIGN area shall not exceed ten (10) square feet.



2. No TEMPORARY SIGNS Signaling an event, a sale or any other advertisement or statement shall be permitted with the exception of sandwich board SIGNS as detailed in Section (3) below.
3. Sandwich Board SIGNS displaying a menu option for the particular USE and which are displayed only during normal business hours may be placed on the sidewalk immediately in front of the USE, provided a five (5) foot clear pedestrian passageway is maintained. Note, only one sandwich board SIGN is permitted per BUILDING and shall not exceed ten (10) square feet, unless there are several USES in a single PRINCIPAL BUILDING with a main access point onto the sidewalk, then this number may be increased by the number of entry points.

G. BUILDING Materials/Colors/BUILDING Roof Treatment.

1. BUILDING Exterior wall materials not permitted include:
  - (a) Large split face BLOCKS (e.g. 8" x16" or greater).
  - (b) Tilt-up concrete panels.
  - (c) prefabricated steel panels.
  - (d) Standard Concrete Masonry UNITS (CMU).
  - (e) Comparable materials may be approved by CONDITIONAL USE by the BOARD OF SUPERVISORS.
2. Permitted exterior wall materials shall consist of:
  - (a) Colors which are low reflectance, subtle, neutral or earth tone. The USE of high intensity colors or black may be permitted upon review of Design features. The USE of fluorescent color is prohibited.
3. Roofs must have at least one (1) of the following features:
  - (a) parapets concealing flat roofs and rooftop equipment
  - (b) overhanging eaves.
  - (c) sloped roofs.

H. BUILDING Mechanicals.

1. All BUILDING mechanical systems such as air conditioning UNITS, exhaust systems, satellite dishes, fire escapes, elevator housing, and other similar elements (including dumpsters) shall be integrated into the overall Design and character of the BUILDING and screened from view.
2. Landscaping and other screening devices, including decorative opaque fencing shall be Used to soften the view of these features from the adjoining properties and the public STREET.
3. Architectural lighting shall be recessed under roof overhangs or generated from a concealed source, low-level light fixtures. This includes lighting Used under canopies, e.g. canopies Designed over gas pumps.

I. Loading and Storage AREAS. Loading docks, trash collection and similar facilities shall be incorporated in the overall Design of the BUILDINGS and the landscaping plan so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public STREETS.

1. Loading dock facilities shall be screened by a solid masonry wall at least six (6) feet in height. Trash collection and similar facilities shall be completely enclosed within masonry

wall or solid FENCE, at least six (6) feet in height on three sides and a self-closing gate on the fourth side. Dumpster AREAS shall have hardened, stabilized SURFACES constructed to prevent accumulation of stormwater runoff.

J. Concrete Curbs.

1. Non-mountable, vertical concrete curbs shall be the only acceptable curbing material and shall be Used for all access drives, new STREET CONSTRUCTION and PARKING AREAS along Northgate Drive and AREAS Designated for on- STREET parking.

§208-906. Supplementary Regulations.

- A. Parking Requirements in Article 1900.
- B. Screening, Buffering and TREES in Article 2200.

ARTICLE 1000  
Route 19 Boulevard (RB) District

§ 208-1001.Purpose.

Purpose. The purpose and intent of this district is to bring unity and Design to the Streetscape, and facilitate safe and efficient pedestrian and vehicular traffic within the corridor. The purpose of this district is also to provide for commercial and associated USES which generate or depend on large volumes of traffic and businesses requiring access to Principal Arterial STREETS. This district will provide for the conversion of single FAMILY DWELLINGS into OFFICES, various DWELLING types and the CONSTRUCTION of new office BUILDINGS.

All CONSTRUCTION within this district shall be sensitive to the existing topography and include the preservation of STEEP SLOPES and WETLAND AREAS. Further, because this district is an important connection between the adjacent communities to the north and south where sidewalks, STREET TREES and uniform Streetscape standards are actively being provided, the Design standards provided in Section 208-1005 require this type of amenities. **[Amended 9-29-2008 by Ord. No. 393]**

§ 208-1002.Applicability.

- A. Where provisions in this Article conflict with provisions set forth in Chapter 208 and Chapter 174, the provisions of this Article take precedence.
- B. Only the following sections of the Corridor Enhancement District Overlay District shall apply within the boundaries of the District:
  - 1. §208-1501. Purpose.
  - 2. §208-1502. Applicability.
  - 3. §208-1503. Affected DEVELOPMENT.
  - 4. §208-1504. DEVELOPMENT Activity Permitted Within the District.
  - 5. §208-1505. DEVELOPMENT Activity Prohibited Within the District.
  - 6. §208-1506. Tree Protection.

§ 208-1003.Permitted Principal USES, CONDITIONAL USES and ACCESSORY USES.

- A. Principal USES permitted-by-right for the Route 19 Boulevard District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the Route 19 Boulevard District are listed in the table of USES located in Article 300, §208-301.
- C. ACCESSORY USES permitted-by-right or as a CONDITIONAL USE in the Route 19 Boulevard District are listed in the table of ACCESSORY USES located in Article 300, §208-302. Requirements applicable to ACCESSORY USES in the district are located in Article 300, §208-304.

§ 208-1004. Area and BULK regulations for all permitted USES.

- A. Area and BULK Standards for the Route 19 Boulevard District are listed in the table in Article 300, §208-303.

§ 208-1005. Design Standards.

All LAND DEVELOPMENTS and/or changes in USE within the district shall be subject to the Design provisions contained herein.

A. Conservation Provisions.

Any DEVELOPMENT within the District shall be subject to the following standards:

1. Conservation AREAS

- (a) WETLANDS shall be preserved at one-hundred (100) percent and remain undisturbed and set-aside outside of the buildable LOT AREA for protection
  - (b) FLOODPLAINS shall be preserved in accordance with Article 100 “FLOODPLAIN District” of this Chapter [**Amended 9-29-2008 by Ord. No. 393**]
  - (c) not more than twenty (20) percent of the total area of all STEEP SLOPES 25% or greater shall be disturbed
  - (d) not more than sixty (60) percent of the total area of all STEEP SLOPES 15% to 24% shall be disturbed
2. An Existing Resource Plan, submitted with the preliminary application, shall be completed at a scale no less than (1) inch equals one hundred (100) feet and identify the following features listed in A (1) above, as well as:
- (a) existing STRUCTURES on the SITE.
  - (b) DRAINAGEWAYS.
  - (c) existing TREES over 18 inches DBH.

B. BUILDING Orientation

- 1. All main entrances of BUILDINGS shall front onto the public STREET. If Design dictates, the main entrance may face PARKING AREAS or defined public corridors as defined in Table B (3) (b). In no instance shall blank walls face the public STREET.
- 2. Sixty (60) percent of the horizontal length of the STRUCTURE facing the STREET shall incorporate windows between three (3) feet and eight (8) feet in height above the sidewalk grade. In addition, sidewalks shall extend from the main entry point and link to the public sidewalk.
- 3. Surface treatments to create visual interest such as cornices, brackets, window and door moldings and details, recesses, projections, AWNINGS, porches, steps, decorative finish materials and other architectural articulation shall be required along facade facing a public STREET.

### C. DRIVEWAY and Off-STREET PARKING AREA Requirements

1. Off-STREET PARKING AREAS shall not be permitted to be located between the public STREET and any PRINCIPAL BUILDING.
2. Where practical, off-STREET PARKING AREAS shall be connected to adjacent parcels through a rear or SIDE YARD access drive constructed parallel to the public STREET to which the USE fronts or is located along. If the adjacent parcel is undeveloped or vacant, the access drive shall be extended to the LOT LINE for future connection to the adjacent parcel.
3. Where practical, adjacent parcels should utilize shared DRIVEWAYS and off-STREET PARKING AREAS to minimize the number of curb cuts within the district.
4. The number of required PARKING SPACES as well as other general Design standards shall be provided as outlined in Article 1900.
5. Perimeter/Internal PARKING AREA Landscape Requirements. The following standards are in-lieu of the BUFFERYARD standards contained in Article 2000. [**Amended 9-29-2008 by Ord. No. 393**]
  - (a) PARKING AREAS shall include a minimum perimeter landscaping planting area eight (8) feet in width to include a continuous planting of flowering shrubs or hedges (a minimum of 3 ½ feet in height) and shade TREES planted forty (40) feet on center for the length of the PARKING LOT boundary. The intent is to buffer vehicles, their headlights from the adjacent property and the STREET as well as to create a continuous canopy of shade TREES.
  - (b) Perimeter hedgerow or shrub plantings may be Used in combination with fencing, to include an architectural masonry wall or other alternative fencing (not to exceed four feet in height), e.g. aluminum ornamental FENCE with brick piers. No wire fabric or similar material fencing shall be permitted.
  - (c) One (1) shade tree shall be provided for every ten (10) PARKING SPACES. Shade TREES shall be planted in a terminal island located at both ends of each unbroken row of parking containing twenty (20) PARKING SPACES. Terminal islands shall be a minimum of fifteen (15) feet in length and a minimum of ten (10) feet in width. A landscaped island (landscape divider strip) shall be located every third row of adjoining parking to prevent traffic movement across parking isles. The planting island shall be eight (8) feet in width and include shade TREES planted every 40 feet on center.
  - (d) Within the district, PARKING AREAS shall be broken into modules of no more than one-hundred (100) vehicles bounded by a public STREET, BUILDING, landscaped pedestrian walkway or structurally defined access drive.
  - (e) PARKING AREAS shall include clearly defined and marked sidewalks within PARKING AREAS and for the length of the PARKING AREA to the entrances of ESTABLISHMENTS. The continuous sidewalk shall be distinguished from driving SURFACES through the USE of special pavers (bricks or scored concrete). The

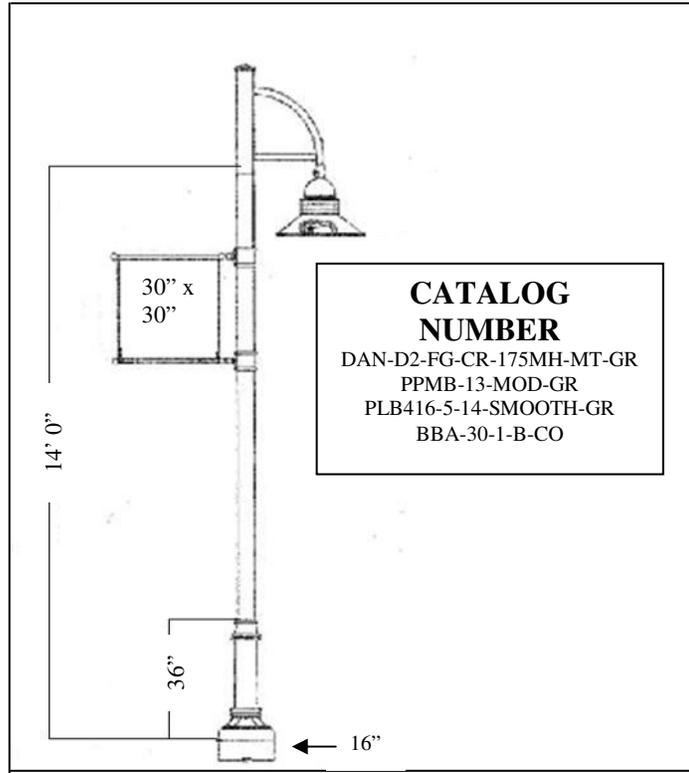
PARKING AREAS walkways shall be a minimum of eleven (11) feet in width to accommodate a five (5) foot wide sidewalk and a six (6) foot planting strip which includes shade TREES planted forty (40) feet on center.

D. On-STREET Parking and STREET Lights.

On-STREET parking is optional on other TOWNSHIP roads and private STREETS within the district and may be permitted on a case-by-case basis in front of a BUILDING and within the RIGHT-OF-WAY provided the parking is Designed in the form of “protected parallel on-STREET parking”. On-STREET PARKING SPACES will be counted toward the required number of on-SITE PARKING SPACES.

1. On STREET parking shall be Designed and constructed within the RIGHT-OF-WAY extending toward the centerline of the STREET and in accordance with Marshall TOWNSHIP specifications.
2. SPACES shall not be located within twenty-five (25) feet of an intersection or a distance determined necessary to maintain a clear sight triangle.
3. STREET lights shall be located in accordance with TOWNSHIP specifications.
  - (a) STREET lights shall be a maximum of fifteen (15) feet in height on TOWNSHIP STREETS and be spaced one-hundred (100) feet on center and staggered, unless a lighting plan shows an acceptable alternative.
  - (b) STREET lights to be located along Route 19 or Warrendale-Bayne Road (Red Belt) shall be a maximum of fifteen (15) feet in height and spaced one-hundred sixty (160) feet on center and staggered, unless a lighting plan shows an acceptable alternative.

- (c) STREET light fixtures shall be Designed in accordance with TOWNSHIP specifications. [Amended 9-29-2008 by Ord. No. 393]



E. Sidewalks and STREET TREES. [Amended 5/12/2008 by Ord. No. 389]

1. Sidewalks and STREET TREES are required and shall be located as per the following:
  - (a) STREET TREES shall be planted forty (40) feet on center for the length of parcel frontage within a Designated planting strip. The planting strip shall begin at the edge of the curb and measure a minimum of five (5) feet in width toward the BUILDING SETBACK line. Sidewalks shall be located within the RIGHT-OF-WAY and begin at the back edge of the planting strip and extend toward the edge of the RIGHT-OF-WAY. Sidewalks shall measure a minimum of five (5) feet in width and connect to the LOT LINE of adjacent parcels.
  - (b) If, due to other conflicts, the sidewalks and STREET TREES cannot be placed within the RIGHT-OF-WAY, they shall be located within a dedicated pedestrian EASEMENT measuring a minimum of fifteen (15) feet in width. The sidewalks shall begin generally +/- two (2) feet back from the edge RIGHT-OF-WAY and measure a minimum of five (5) feet in width toward the BUILDING SETBACK line. Sidewalks shall connect to the LOT LINE of adjacent parcels. STREET TREES shall be planted forty (40) feet on center with a continuous row of flowering or evergreen shrubs for the length of frontage within a Designated planting strip. The planting shall begin at the back edge of the sidewalk and measure a minimum of five (5) feet in width toward the BUILDING SETBACK line.

F. Signage.

1. Signage shall be regulated as set forth in Article 2100 with the following exceptions and ADDITIONS. Where conflict may exist with the provisions of Article 2100 the more restrictive provision shall take precedence. Note: the following SIGN standards assume all new Signage for a LOT. Should a LOT contain non-conforming Signage, such Signage shall be removed prior to application of this section.
2. Each LOT within the District shall be permitted on one FREESTANDING SIGN. Each ESTABLISHMENT shall be permitted one FLAT WALL SIGN.
  - (a) One freestanding MONUMENT SIGN permitted per parcel. Pole SIGNS are not permitted.
    - (i) The height of the SIGN shall be a maximum of twelve (12) feet from ground level to top of SIGN.
    - (ii) Maximum SIGN area shall be thirty-five (35) square feet.
    - (iii) Illumination shall be from a concealed ground source only (no internal illumination).
    - (iv) FREESTANDING SIGNS shall be behind the pedestrian EASEMENT and/or sidewalk and planting strip if proposed on a TOWNSHIP or private STREET.
  - (b) One FLAT WALL SIGN shall be permitted per ESTABLISHMENT and limited to a maximum of five percent (5%) of the BUILDING facade facing the STREET not to exceed forty (40) square feet. The FLAT WALL SIGN shall not project more than six (6") inches from the face of the BUILDING. If the WALL SIGN is for an ESTABLISHMENT within a multi-USE BUILDING, WALL SIGN is limited to the area of the BUILDING facade occupied by such USE. Internal illumination is permitted for WALL SIGNS within the RB District.
3. No TEMPORARY SIGNS Signaling an event, a sale or any other advertisement or statement shall be permitted with the exception of sandwich board SIGNS as detailed in Section 208-1501. (F) (4) below.
4. Sandwich Board SIGNS displaying a menu option for the particular USE and which are displayed only during normal business hours may be placed on the sidewalk immediately in front of the USE, provided a five (5) foot clear pedestrian passageway is maintained. Note, only one sandwich board SIGN is permitted per BUILDING and shall not exceed ten (10) square feet, unless there are several USES in a single PRINCIPAL BUILDING with a main access point onto the sidewalk, then this number may be increased by the number of entry points.

G. BUILDING Materials/Colors/BUILDING Roof Treatment.

1. BUILDING Exterior wall materials not permitted include:
  - (a) Large split face BLOCKS (e.g. 8" x16" or greater).
  - (b) Tilt-up concrete panels.
  - (c) prefabricated steel panels.
  - (d) Standard Concrete Masonry UNITS (CMU).
  - (e) Comparable materials may be approved by CONDITIONAL USE by the BOARD OF SUPERVISORS.
2. Permitted exterior wall materials shall consist of:
  - (a) Colors which are low reflectance, subtle, neutral or earth tone. The USE of high intensity colors or black may be permitted upon review of Design features. The USE of fluorescent color is prohibited.
3. Roofs must have at least one (1) of the following features:
  - (a) parapets concealing flat roofs and rooftop equipment
  - (b) overhanging eaves.
  - (c) sloped roofs.

H. BUILDING Mechanicals.

1. All BUILDING mechanical systems such as air conditioning UNITS, exhaust systems, satellite dishes, fire escapes, elevator housing, and other similar elements (including dumpsters) shall be integrated into the overall Design and character of the BUILDING and screened from view.
2. Landscaping and other screening devices, including decorative opaque fencing shall be Used to soften the view of these features from the adjoining properties and the public STREET.
3. Architectural lighting shall be recessed under roof overhangs or generated from a concealed source, low-level light fixtures. This includes lighting Used under canopies, e.g. canopies Designed over gas pumps.

I. Loading and Storage AREAS. Loading docks, trash collection and similar facilities shall be incorporated in the overall Design of the BUILDINGS and the landscaping plan so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public STREETS.

1. Loading dock facilities shall be screened by a solid masonry wall at least six (6) feet in height. Trash collection and similar facilities shall be completely enclosed within masonry wall or solid FENCE, at least six (6) feet in height on three sides and a self-closing gate on

the fourth side. Dumpster AREAS shall have hardened, stabilized SURFACES constructed to prevent accumulation of stormwater runoff.

J. Concrete Curbs.

- (a) Non-mountable, vertical concrete curbs shall be the only acceptable curbing material and shall be Used for all access drives, new STREET CONSTRUCTION and PARKING AREAS along Northgate Drive and AREAS Designated for on- STREET parking.

K. Supplementary Regulations

1. Parking Requirements in Article 1900.
2. Screening, Buffering and TREES in Article 2200.

ARTICLE 1100  
Planned Industrial Park (PIP) DISTRICT

§ 208-1101.Purpose.

It is the intent and purpose of this DISTRICT to provide suitable locations for industrial, manufacturing and related USES. SITES should be of adequate size to allow for a planned industrial community that will allow flexibility for quality design, reflective of natural features. Areas should be large enough to accommodate adequate buffering from surrounding USES.

§ 208-1102.Permitted Principal USES, CONDITIONAL USES and Accessory USES.

- A. Principal USES permitted-by-right for the Planned Industrial Park District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the Planned Industrial Park District are listed in the table of USES located in Article 300, §208-301.
- C. Accessory USES permitted-by-right or as a CONDITIONAL USE in the Planned Industrial Park District are listed in the table of accessory USES located in Article 300, §208-302. Requirements applicable to accessory USES in the district are located in Article 300, §208-304.

§ 208-1103.Area and BULK Standards.

- A. Area and BULK Standards for the Planned Industrial Park (PIP) District are listed in the table in Article 300, §208-303.

§208-1104. Supplementary Regulations.

- A. Parking Requirements in Article 1900.
- B. Parking Lot Landscaping Requirements in Article 2000.
- C. SIGN Requirements in Article 2100.
- D. Screening, Buffering and Trees in Article 2200.
- E. Corridor Enhancement District Requirements in Article 1500.
- F. Additional Design Requirements for any Property ABUTTING Existing RESIDENTIAL USES or DISTRICTS.
  - 1. Building Materials/Colors/Building Roof Treatment.
    - a). Building Exterior wall materials not permitted include:

- (1) Large split face blocks (e.g. 8" x16" or greater).
  - (2) Tilt-up concrete panels.
  - (3) Prefabricated steel panels.
  - (4) Standard Concrete Masonry Units (CMU).
  - (5) Relief from the above restricted materials may be approved by **CONDITIONAL USE** by the **BOARD OF SUPERVISORS** when the applicant can establish that the design materials would not have an adverse impact on adjacent **RESIDENTIAL USES** or **DISTRICTS**.
- (b). Permitted exterior wall materials shall consist of colors which are low reflectance, subtle, neutral or earth tone. The use of high intensity colors or black may be permitted upon review of design features. The use of fluorescent color is prohibited.
- (c). Roofs must have at least one (1) of the following features:
- (1) Parapets concealing flat roofs and rooftop equipment
  - (2) Overhanging eaves.
  - (3) Sloped roofs.
2. **Building Mechanicals.**
- (a). All **BUILDING** mechanical systems such as air conditioning units, exhaust systems, satellite dishes, fire escapes, elevator housing, and other similar elements (including dumpsters) shall be integrated into the overall design and character of the building and screened from view.
  - (b). Landscaping and other screening devices, including decorative opaque fencing, shall be used to soften the view of these features from the adjoining properties and the public **STREET**.
  - (c). Architectural lighting shall be recessed under roof overhangs or generated from a concealed source, low-level light fixtures. This includes lighting used under canopies, e.g. canopies designed over gas pumps.
3. **Loading and Storage Areas.** Loading docks, trash collection and similar facilities shall be incorporated in the overall design of the buildings and the landscaping plan so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public **STREETS**.
- (a). Loading dock facilities shall be screened by a solid masonry wall at least six (6) feet in height. Trash collection and similar facilities shall be completely enclosed within masonry wall or solid **FENCE**, at least six (6) feet in height on three sides and a self-closing gate on the fourth side. Dumpster areas shall have hardened, stabilized surfaces constructed to prevent accumulation of stormwater runoff.

ARTICLE 1200  
Residential, Research and Technology Park (RRTP) District

§ 208-1201. Purpose.

The purpose of the RESIDENTIAL, Research and Technology Park (RRTP) DISTRICT is to provide a ZONING DISTRICT within which coordinated, master-planned DEVELOPMENT of a specialized campus-style RESIDENTIAL and business park can be achieved within the region. It is intended that this business park promote economic DEVELOPMENT, with particular attention to high-technology business incubation, in an environment that is sensitive to the character of the TOWNSHIP and which is different from customary industrial DEVELOPMENT in that this DISTRICT shall promote the integration of land USES, (RESIDENTIAL, NONRESIDENTIAL, and civic). Innovative design of the SITE and its architecture shall be implemented which considers the natural topography as well as other significant environmental features. Thus, creating well-balanced physical DEVELOPMENT on a human scale that allows for increased employment, recreation, and basic service opportunities all the while retaining a sense of community and preserving the rural character of the TOWNSHIP.

§ 208-1202. Permitted Principal USES, CONDITIONAL USES and Accessory USES.

- A. Principal USES permitted-by-right for the Residential, Research and Technology Park District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the Residential, Research and Technology Park District are listed in the table of USES located in Article 300, §208-301.
- C. Accessory USES permitted-by-right or as a CONDITIONAL USE in the Residential, Research and Technology Park District are listed in the table of ACCESSORY USES located in Article 300, §208-302. Requirements applicable to ACCESSORY USES in the district are located in 208-304.

§ 208-1203. Applicability of Prior Ordinances.

Notwithstanding the repealer contained in Section 208-6, the following sections of the former Chapter 208 are not repealed and shall remain in full force and effect for all existing and proposed DEVELOPMENT: Sections 208-91.7 through 208-91.23.

§ 208-1204. Supplemental Regulations.

- A. Parking Requirements in Article 1900.
- B. PARKING LOT Landscaping Requirements in Article 2000.
- C. SIGN Requirements in Article 2100.
- D. Screening, Buffering and TREES in Article 2200.
- E. Corridor Enhancement District Requirements in Article 1500.

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ARTICLE 1300  
OPEN SPACE, Public and Conservation  
(OSPC) District

§ 208-1301.Purpose.

It is the intent and purpose of this DISTRICT to identify and provide SITES to accommodate existing and future community and regional public and semipublic facility needs in convenient, accessible locations to provide necessity services and to support residential, commercial and INDUSTRIAL USES in other DISTRICTS. The intent and purpose is also to identify and provide for existing and proposed public, recreational and OPEN SPACE areas for both active and passive USES and to promote an adequate amount of OPEN SPACE and recreational areas to meet the future needs in convenient and accessible locations as part of a planned recreational and OPEN SPACE system. These OPEN SPACE and recreational areas include TOWNSHIP, regional, county and state-owned properties.

§ 208-1302. Permitted Principal USES, CONDITIONAL USES and Accessory USES.

- A. Principal USES permitted-by-right for the OPEN SPACE, Public and Conservation District are listed in the table of USES located in Article 300, §208-301.
- B. CONDITIONAL USES allowed within the OPEN SPACE, Public and Conservation District are listed in the table of USES located in Article 300, §208-301.
- C. Accessory USES permitted-by-right or as a CONDITIONAL USE in the OPEN SPACE, Public and Conservation District are listed in the table of accessory USES located in Article 300, §208-302. Requirements applicable to accessory USES in the district are located in Article 300, §208-304.

§ 208-1303.Area and BULK Standards.

- A. Area and BULK Standards for the OPEN SPACE, Public and Conservation (OSPC) District are listed in the table in Article 300, §208-303.

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ARTICLE 1400  
FLOODPLAIN (FP) DISTRICT

§ 208-1401. Purpose.

- A. It is the intent of this DISTRICT to promote the public health, safety and general welfare and to minimize losses in AREAS subject to periodic inundation. These losses include life and property, damage to STRUCTURES, injury to PERSONS, disruption of public and private activities and services, burdensome public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. It is the purpose of the provisions in this Article to:
1. Restrict or prohibit USES which are dangerous to health, safety or property in times of flood or which could cause increased flood heights or velocities and to permit USES of the FLOODPLAIN compatible with the preservation of natural conditions and the maintenance of the STREAM flow throughout the year.
  2. Provide sufficient DRAINAGE courses to carry abnormal flows of stormwater in periods of heavy precipitation.
  3. Permit only those USES that are compatible with DEVELOPMENT of flood-prone AREAS, as herein defined, and which will not impede the flow or storage of floodwaters or otherwise cause danger to life and property at, above or below their locations along the FLOODPLAIN.
  4. Protect the quality and quantity of surface and subsurface water supplies adjacent to and underlying FLOODPLAIN AREAS.
  5. Provide AREAS for the deposition of flood-borne sediment.
  6. Require that USES vulnerable to floods, including public facilities, be constructed so as to be protected against flood damage.
  7. Preserve the integrity of STREAM banks and their immediate vicinity from erosion and degradation of natural vegetation.
  8. Regulate or prevent the erection of BUILDINGS and other STRUCTURES in AREAS unfit for DEVELOPMENT by reason of periodic flooding, unsanitary DRAINAGE conditions and related hazards.
  9. Prevent the increase in flood volume and rate of flow which results from covering the FLOODPLAINS with IMPERVIOUS SURFACES and from constricting natural DRAINAGE channels.
  10. Protect individuals and adjacent landowners and those both upstream and downstream from damages resulting from inappropriate FLOODPLAIN DEVELOPMENT and the resultant obstruction or increase in flow of floodwaters.
  11. Minimize the financial burden imposed by flooding on the community, its governmental bodies and individuals.
  12. Comply with the purpose and requirements of the National Flood Insurance Program (42 U.S.C. § 4001-4128).

§ 208-1402. DISTRICT boundaries.

The FLOODPLAIN (FP) District is defined and established to include the following land AREAS:

- A. AREAS subject to inundation by waters of the ONE-HUNDRED-YEAR FLOOD (one-hundred-year-flood boundary and approximate one-hundred-year-flood boundary) as delineated on the Flood Boundary and Floodway Map, TOWNSHIP of Marshall, Allegheny County, Pennsylvania, Community Panel Number 421080-0010B, prepared by the Federal Emergency Management Agency, Federal Insurance Administration (FIA) and the Flood Insurance Study, on which said map is based. Said map and study are hereby adopted by reference and declared to be part of this chapter.
- B. The FLOODPLAIN (FP) DISTRICT shall be comprised of three (3) subdistricts as follows:
  1. Floodway (FW). That portion of the FLOODPLAIN (FP) DISTRICT including the watercourse itself and any adjacent land area that must be kept open in order to carry the water of a ONE-HUNDRED-YEAR FLOOD without causing an increase of more than one (1) foot in the elevation of that flood at any point. These AREAS are shown on the FIA maps.
  2. Floodway Fringe (FF). The remaining portion of the FLOODPLAIN (FP) DISTRICT lying beyond the Floodway in AREAS where detailed study data and profiles are available. These AREAS are shown on the FIA maps.
  3. General FLOODPLAIN (FA). Those AREAS of land within the FLOODPLAIN (FP) DISTRICT subject to inundation by the ONE-HUNDRED-YEAR FLOOD, where a detailed study has not been performed but where a one-hundred-year-flood boundary has been approximated. These AREAS are shown on the FIA maps. In determining the necessary elevations for the General FLOODPLAIN, other sources of data may be Used, such as:
    - (a) Corps of Engineers: FLOODPLAIN Information Reports.
    - (b) United States Geological Survey: Flood-Prone Quadrangles.
    - (c) United States Department of Agriculture, Soil Conservation Service: County Soil Survey (Alluvial Soils).
    - (d) Known high-water marks from past floods.
    - (e) Other sources.
- C. Where the specific one-hundred-year-flood elevation cannot be determined for this area using other sources of data as listed above, then the applicant for the proposed USE, DEVELOPMENT or activity shall determine this elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications who shall certify that the technical methods Used correctly reflect currently accepted technical concepts. All studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the TOWNSHIP Engineer.
- D. Studies Used to establish boundaries shall be available to the public in the TOWNSHIP Municipal BUILDING for reference.

- E. All subsequent changes made in the boundaries shall be indicated on the FLOODPLAIN DISTRICT Map (a part of the ZONING MAP of Marshall TOWNSHIP).

§ 208-1403. Overlay concept.

- A. The FLOODPLAIN (FP) DISTRICT shall be an overlay on any underlying ZONING DISTRICT now or hereafter applicable to any property.
- B. The occurrence of the FLOODPLAIN (FP) DISTRICT on any underlying zone shall mean that only those USES, standards and requirements of the FLOODPLAIN (FP) DISTRICT shall apply to that portion of the underlying zone.
- C. A change in the underlying ZONING DISTRICT shall have no effect on the FLOODPLAIN (FP) DISTRICT.

§ 208-1404. Interpretation of boundaries.

- A. Initial interpretations of the boundaries of the FLOODPLAIN (FP) DISTRICT shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of the FLOODPLAIN (FP) DISTRICT, the ZONING HEARING BOARD shall, on appeal to it, make the necessary determination. The PERSON contesting the location of the DISTRICT shall have the burden of establishing that land does not lie within the FLOODPLAIN (FP) DISTRICT.
- B. Should the FLOODPLAIN (FP) DISTRICT be declared inapplicable to any TRACT, the zoning applicable to such TRACT shall be deemed to be the DISTRICT in which it is located without consideration of this Article.

§ 208-1405. DISTRICT boundary changes.

- A. The delineation of the FLOODPLAIN (FP) DISTRICT may be revised by the TOWNSHIP of Marshall where natural or man-made changes have occurred and/or more detailed studies have been conducted or undertaken by the United States Army Corps of Engineers, the Soil Conservation Service or other qualified agency or individual which document the necessity for such change. However, prior to any such change, approval must be obtained from the Federal Emergency Management Agency (successor to the Federal Insurance Administration).

§ 208-1406. Permitted USES in Floodway (FW).

- A. The Floodway (FW) is delineated for the purposes of this chapter using the criteria that a certain area within the FLOODPLAIN must be capable of carrying the waters of the ONE-HUNDRED-YEAR FLOOD more than one (1) foot at any point. The AREAS included in this area are defined in the Floodway Data Table contained in the Flood Insurance Study (FIS) as prepared by the FEMA and shown on the Flood Insurance Rate Map. Where no floodway has been delineated in the FIS, such information contained in any other available federal, state or other acceptable source should be Used. In the floodway subdistrict, the following USES and activities having a low flood damage potential and not obstructing flood flows shall be permitted, provided that they are in compliance with the provision of the underlying DISTRICT and are not prohibited by any other ordinance and do not require STRUCTURES, fill or storage of materials and equipment:

- B. Agricultural USES such as general FARMING, pasture, grazing, outdoor, plant nurseries, HORTICULTURE, truck FARMING, FORESTRY, sod FARMING and wild crop harvesting.
- C. PUBLIC and private recreational USES and activities such as PARKS, day camps, picnic grounds, golf courses, boat launching and swimming AREAS, hiking and horseback riding trails, wildlife and nature preserves, game FARMS, fish hatcheries, trap and skeet game ranges, hunting and fishing.
- D. Accessory RESIDENTIAL USES such as YARD AREAS, gardens and play AREAS.

§ 208-1407. Permitted USES in Floodway Fringe (FF).

- A. The Floodway Fringe (FF) shall be that area of the ONE-HUNDRED-YEAR FLOODPLAIN not included in the floodway. The basis for the outermost boundary of this area shall be one-hundred-year-flood elevations contained in the flood profiles provided in the FIS. Where elevation information is not provided in the FIS, such information provided in any other available federal, state or other acceptable source should be Used. The same USES as in the Floodway (FW) shall be permitted in the Floodway Fringe (FF).

§ 208-1408. Permitted USES in General FLOODPLAIN (FA).

- A. The General FLOODPLAIN (FA) shall be that FLOODPLAIN area for which no detailed flood elevations or floodway information is provided. Such AREAS are shown as Zone A on the maps accompanying the Flood Insurance Study prepared by the FEMA. For these AREAS, elevation and floodway information from other federal, state or other acceptable information shall be Used when available. When such other acceptable information is not available, the elevation shall be determined by using the area which is nearest the CONSTRUCTION SITE. In the General FLOODPLAIN (FA), the DEVELOPMENT and/or USE of land shall be permitted in accordance with the regulations of the underlying DISTRICT, provided that all such USES, activities and/or DEVELOPMENT shall be undertaken in strict compliance with the FLOODPROOFING and related provisions contained in all other applicable codes and ordinances.

§ 208-1409. Permitted ACCESSORY USES.

ACCESSORY USES authorized in this DISTRICT shall include the following, and USES of the same general character:

- A. Only those ACCESSORY USES customarily incidental to any of the foregoing USES permitted by right.
- B. If contemplated within the floodway, no ACCESSORY USE shall be permitted which will increase the water surface elevation of the ONE-HUNDRED-YEAR FLOOD.

§ 208-1410. CONDITIONAL USES.

- A. The following USES shall be permitted by CONDITIONAL USE when authorized by the BOARD OF SUPERVISORS, subject to the standards set forth below, and if contemplated within the Floodway, do not cause an increase in the water surface of the ONE-HUNDRED-YEAR FLOOD:
1. Water lines and sealed public water supply wells with the approval of the TOWNSHIP Engineer and the Pennsylvania Department of Environmental protection.
  2. Utility transmission lines.
  3. Front, side and REAR YARDS and required LOT AREAS in any DISTRICT, provided that such YARDS and AREAS are not to be Used for on-SITE sewage disposal systems, and provided that no FENCES, retaining walls or other STRUCTURES be installed that could effectively collect floating debris during periods of flooding.
  4. Storm sewer outlet and sanitary sewer treatment plant outlet, with the approval of the TOWNSHIP Engineer, appropriate sewer authorities and other appropriate governmental authorities, provided that the CONSTRUCTION is FLOODPROOFED.
  5. Dams and impoundment basins, where approved by appropriate public agencies.
  6. Water-related USES and activities such as marinas, docks, wharves, piers, etc.
  7. Temporary USES such as circUSES, carnivals and similar activities.
  8. Storage of materials and equipment, provided that they are not buoyant, flammable or explosive and are not subject to major damage by flooding or subject to the provisions in § 208-1412 of this chapter.
  9. Extraction of sand, gravel and other materials.
  10. Expansion of existing BUILDINGS or STRUCTURES. When permitted as a CONDITIONAL USE by the BOARD OF SUPERVISORS, any BUILDING or STRUCTURE within the FLOODPLAIN (FP) DISTRICT at the time of enactment of this chapter may be altered or extended, provided that:
    - (a) Existing STRUCTURES located in a Designated Floodway subdistrict or area shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.
    - (b) Any modification, alteration, RECONSTRUCTION or improvement of any kind to an existing STRUCTURE to an extent or amount of less than fifty percent (50%) of its market value shall be elevated and/or FLOODPROOFED to the greatest extent possible.
    - (c) Any modification, alteration, RECONSTRUCTION or improvement of any kind to an existing STRUCTURE to an extent or amount of less than fifty percent (50%) or more of its market value shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this chapter.
    - (d) Notwithstanding any of the above, any increase in volume or area shall not exceed an aggregate of more than twenty-five percent (25%) of such volume or area during

the life of the STRUCTURE.

- (e) No increase of any on-lot sewer system presently located either wholly or partially in the FLOODPLAIN (FP) DISTRICT shall be permitted.

§ 208-1411. CONDITIONAL USE hearing requirements.

A. In addition to the standards for review of CONDITIONAL USES (§ 208-2603), the BOARD OF SUPERVISORS shall also consider the following factors:

1. The degree of danger to life and property due to increased flood heights or velocities caused by the desired encroachments.
2. The degree of danger that materials may be swept on to other lands or downstream to the injury of others.
3. The susceptibility of the proposed USE to flood damage and the effect of such damage to the OWNER.
4. The importance of the proposed USE to the community.
5. The availability of alternative locations not subject to flooding for the proposed USE.
6. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the SITE.
7. Such other factors which are relevant to the purposes of this chapter.

§ 208-1412. DEVELOPMENT which may endanger human life.

A. In accordance with the Pennsylvania Flood Plain Management Act and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved STRUCTURE which will be Used for the production or storage of any of the following materials or substances or which will be Used for any activity requiring the maintenance of a supply [more than five hundred fifty (550) gallons or other comparable volume or any amount of radioactive substances] of any of the following materials or substances on the premises shall be subject to the provisions of this section, in addition to all other applicable provisions: **[Amended 9-29-2008 by Ord. No. 393]**

1. Acetone.
2. Ammonia.
3. Benzene.
4. Calcium carbide.
5. Carbon disulfide.
6. Celluloid.

7. Chlorine.
  8. Hydrochloric acid.
  9. Hydrocyanic acid.
  10. Magnesium.
  11. Nitric acid and oxides of nitrogen.
  12. Petroleum products (gasoline, fuel oil, etc.).
  13. Phosphorus.
  14. Potassium.
  15. Sodium.
  16. Sulphur and sulphur products.
  17. Pesticides (including insecticides, fungicides and rodenticides).
  18. Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Within the Floodway Fringe (FF) or General FLOODPLAIN (FA), any STRUCTURE of the kind described in Subsection A shall be:
1. Elevated or Designed and constructed to remain completely dry up to at least one and one-half (1 1/2) feet above the ONE-HUNDRED-YEAR FLOOD; and
- C. Designed to prevent pollution from the STRUCTURE of activity during the course of a ONE-HUNDRED-YEAR FLOOD. Any such STRUCTURE or part thereof that will be built below the REGULATORY FLOOD ELEVATION shall be Designed and constructed in accordance with the standards for completely dry FLOODPROOFING contained in the publication FLOOD-PROOFING Regulations (United States Army Corps of Engineers, June 1972), or with some other equivalent watertight standard.

§ 208-1413. Prohibited USES and activities.

- A. The following USES and activities are specifically prohibited in the FLOODPLAIN (FP) DISTRICT:
1. On-SITE sewage disposal systems.
  2. Sanitary landfills, dumps, JUNKYARDS, OUTDOOR STORAGE of vehicles and materials.
  3. Unsealed water supply wells.
  4. The relocation or alteration of any watercourse except with the approval of the BOARD OF SUPERVISORS of Marshall TOWNSHIP and the Department of Environmental Protection

and the notification, by the DEVELOPER, of all adjacent communities, the Pennsylvania Department of Community and Economic Development and the Federal Emergency Management Agency.

5. No storage of any material that can float or that is explosive or that may be hazardous to the health and welfare of the surrounding population or which is in violation of the Clean STREAMS Act or regulations of the Department of Environmental Protection shall be permitted within a FLOODPLAIN (FP) DISTRICT.
6. In accordance with the Department of Community and Economic Development administrative regulations implementing the Pennsylvania Flood Plain Management Act (Act 1978-166) the following OBSTRUCTIONS and activities are prohibited if located entirely or partially within an identified FLOODPLAIN:
  - (a) HOSPITALS (public or private).
  - (b) Nursing HOMES (public or private).
  - (c) Jails or prisons.
  - (d) New MOBILE HOME PARKS and MOBILE HOME SUBDIVISIONS, and substantial improvements to such existing PARKS and SUBDIVISIONS.

§ 208-1414. Special provisions applying in Designated FLOODPLAIN DISTRICTS.

In order to prevent excessive damage to BUILDINGS and STRUCTURES due to flooding conditions, the following provisions shall apply to all proposed CONSTRUCTION or DEVELOPMENT occurring in any of the FLOODPLAIN subdistricts Designated in § 208-1402.

A. General.

1. Residential STRUCTURES. Within any Designated Floodway (FW), Flood-Fringe (FF) or General FLOODPLAIN (FA), the lowest floor (including BASEMENT) of any new or improved residential STRUCTURE shall be at least one and one-half (1 1/2) feet above the one-hundred-year-flood elevation.
2. Nonresidential STRUCTURES.
  - (a) Any nonresidential STRUCTURE or part thereof, having a lowest floor which is not elevated to at least a one-hundred-year-flood elevation, shall be FLOODPROOFED in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "FLOOD-PROOFING Regulations," published by the United States Army Corps of Engineers (June 1972) or with some other equivalent standard. All PLANS and specifications for such FLOODPROOFING shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed Design and methods of CONSTRUCTION are in conformance with the above-referenced standards.
  - (b) Within the identified FLOODPLAIN (FP) DISTRICT, fully enclosed SPACES below the lowest floor of any new or substantially improved STRUCTURE shall be prohibited.

3. MANUFACTURED HOMES. Within the Floodway (FW), MANUFACTURED HOMES shall be prohibited.

B. Design and CONSTRUCTION standards.

1. DRAINAGE facilities. Storm DRAINAGE facilities shall be Designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure DRAINAGE at all points along STREETS and provide positive DRAINAGE away from BUILDINGS. The system shall also be Designed to prevent the discharge of excess runoff onto adjacent properties.
2. Sanitary sewer facilities. All new or replacement sanitary sewer facilities and private package SEWAGE TREATMENT PLANTS (including all pumping stations and collector systems) shall be Designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into the floodwaters. In addition, they should be located and constructed to minimize or eliminate flood damage and impairment.
3. Water facilities. All new or replacement water facilities shall be Designed to minimize or eliminate infiltration or floodwaters into the system and be located and constructed to minimize or eliminate flood damage.
4. STREETS. The finished elevation of proposed new STREETS shall be no more than one (1) foot below the REGULATORY FLOOD ELEVATION.
5. Utilities. All utilities such as gas lines and electrical and telephone systems being placed in flood-prone AREAS should be located, elevated (where possible) constructed to minimize the chance of impairment during a flood.
6. Fill. If fill is used, it shall:
  - (a) Extend laterally at least fifteen (15) feet beyond the BUILDING LINE from all points.
  - (b) Consist of soil or small rock materials only; sanitary landfills shall not be permitted.
  - (c) Be compacted to provide the necessary permeability and resistance to erosion, scouring or settling.
  - (d) Be no steeper than one (1) vertical to two (2) horizontal, unless substantiated data, justifying steeper slopes, are submitted to and approved by the BUILDING official.
  - (e) Be Used to the extent to which it does not adversely affect adjacent properties.
7. Placement of BUILDINGS and STRUCTURES. All BUILDINGS and STRUCTURES shall be constructed and placed on the LOT so as to offer the minimum obstruction to the flow of water. In doing so, consideration shall be given to their effect upon the flow and height of floodwaters.
8. Anchoring.
  - (a) All BUILDINGS and STRUCTURES shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or other movement, thus

reducing the threat to life and property and decreasing the possibility of the blockage of bridge openings and other restricted sections of the watercourse.

- (b) All air ducts, large pipes and storage tanks located at or below the REGULATORY FLOOD ELEVATION shall be firmly anchored in accordance with accepted engineering practices to prevent flotation.

9. Floor, walls and ceilings. Where located at or below the REGULATORY FLOOD ELEVATION:

- (a) Wood flooring shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without incurring structural damage to the BUILDINGS.
- (b) Plywood shall be of any exterior or marine grade and of a water-resistant or waterproof variety.
- (c) Walls and ceilings in nonresidential STRUCTURES shall have sufficient wet strength and be so installed as to survive inundation.
- (d) Window frames, door frames, door jambs and other components shall be made of metal or other water-resistant material.

10. Electrical systems.

- (a) All electric water heaters, electric furnaces, electric air-conditioning and ventilating systems and other electrical equipment or apparatus shall be permitted only at elevations above the REGULATORY FLOOD ELEVATION.
- (b) No electrical distribution panels shall be allowed at an elevation less than three (3) feet above the level of the one-hundred-year-flood elevation.
- (c) Separate electrical circuits shall serve lower levels and shall be dropped from above.

11. Plumbing.

- (a) Water heaters, furnaces and other mechanical equipment or apparatus shall be permitted only at elevations above the regulatory flood.
- (b) No part of any on-SITE sewage disposal system shall be constructed within the Designated FLOODPLAIN (FP) DISTRICT.
- (c) Water supply systems and sanitary sewage systems shall be Designed to preclude infiltration of floodwaters into the systems and discharges from the system into floodwaters.
- (d) All gas and oil supply systems shall be Designed to preclude the infiltration of floodwaters into the systems and discharges from the systems into floodwaters. Additional provisions shall be made for the DRAINAGE of these systems in the event that floodwater infiltration occurs.

12. Paints and adhesives. Where located at or below the REGULATORY FLOOD ELEVATION:

- (a) Adhesives shall have a bonding strength that is unaffected by inundation (i.e., marine or water-resistant quality).
- (b) All wooden components (doors, trim, cabinets, etc.) shall be sealed with a marine or water-resistant quality or similar product.
- (c) Paints or other finishes shall be capable of surviving inundation (i.e., marine or water-resistant quality).

13. Storage. No materials that are buoyant, flammable, explosive or that in time of flooding could be injurious to human, animal or plant life shall be stored below the REGULATORY FLOOD ELEVATION.

C. Special flood damage control provisions for MOBILE HOMES and MOBILE HOME PARKS in the Designated FLOODPLAIN (FP) DISTRICT.

1. All MOBILE HOMES and any ADDITIONS thereto shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors in accordance with American National Standards Institute and National Fire Protection Association Standards as specified in the Standard for the Installation of MOBILE HOMES Including MOBILE HOME PARK Requirements [NFPA No. 501A-1974 (ANSI A119.3-1975)], as amended, for MOBILE HOMES in hurricane ZONES or other appropriate standards such as the following:

- (a) Over-the-top ties shall be provided at each of the four (4) corners of the MOBILE HOME, with two (2) additional ties per side at intermediate locations for UNITS fifty (50) feet or more in length and one (1) additional tie per side for UNITS less than fifty (50) feet in length.
- (b) Frame ties shall be provided at each corner of the MOBILE HOME, with five (5) additional ties per side at intermediate locations for UNITS fifty (50) feet or more in length and four (4) additional ties per side for UNITS less than fifty (50) feet in length.
- (c) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds per square inch.

2. All MOBILE HOMES and any ADDITIONS thereto shall also be elevated in accordance with the following requirements:

- (a) The stands or LOTS shall be elevated on compacted fill or on pilings so that the lowest floor of the MOBILE HOME will be at or above the elevation of the regulatory flood.
- (b) Adequate surface DRAINAGE is provided.
- (c) Adequate access for a hauler is provided.

- (d) Where pilings are Used for elevation, the LOTS shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; reinforcements shall be provided for pilings that will extend for six (6) feet or more above the ground level.
- 3. An evacuation plan indicating alternate vehicular access and escape routes shall be filed with the appropriate TOWNSHIP officials for MOBILE HOME PARKS and MOBILE HOME SUBDIVISIONS where appropriate.
- 4. No MOBILE HOMES shall be placed in any Designated Floodway subdistrict or area.

§ 208-1415. Supplementary administrative provisions for activities.

A. Plan requirements. In addition to the permit application requirements normally required under this chapter, a ZONING PERMIT shall be required prior to any proposed DEVELOPMENT within the FLOODPLAIN (FP) DISTRICT. The following specific information is to be included as part of the application for the ZONING PERMIT:

- 1. A plan which details the:
    - (a) Existing and proposed contours and/or elevation (in relation to mean sea level, i.e., the National Geodetic Vertical Datum of 1929) of the ground and the lowest floor of proposed CONSTRUCTION.
    - (b) One-hundred-year-flood elevation.
    - (c) Other associated factors such as pressures and impact forces.
    - (d) Storage elevations.
    - (e) Size of the STRUCTURES.
    - (f) Location and elevations of STREETS, water supply, sanitary facilities.
    - (g) Soil types.
    - (h) FLOODPROOFING measures including specific reference to the level of the FLOODPROOFING in relation to the ONE-HUNDRED-YEAR FLOOD.
  - 2. A document, certified by a registered professional engineer or architect, which states that the proposed CONSTRUCTION has been adequately Designed to withstand the flood depths, pressures, velocities, impact and uplift forces and other hydrostatic, hydrodynamic and buoyancy factors associated with the ONE-HUNDRED-YEAR FLOOD. Such statement shall include a description of the type and extent of FLOODPROOFING measures which have been incorporated into the Design of the STRUCTURE.
- B. Review by County Conservation DISTRICT. A copy of all applications and PLANS for CONSTRUCTION or DEVELOPMENT in the Designated FLOODPLAIN (FP) DISTRICT to be considered for approval shall be submitted to the County Conservation DISTRICT for review and

comment prior to the issuance of a BUILDING PERMIT. The recommendations of the County Conservation DISTRICT shall be considered for possible incorporation into the proposed plan.

- C. Other permit issuance requirements. Prior to the issuance of any BUILDING PERMIT, the TOWNSHIP Building Official shall review the application for permit to determine if all other necessary governmental PERMITS, such as those required by state and federal laws, have been obtained, including those required by Act 537, the Pennsylvania Sewage Facilities Act, the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.) and the Federal Water Pollution Control Act Amendments of 1972, Section 404, 33 U.S.C. § 1334. No permit shall be issued until this determination has been made.
- D. Start of CONSTRUCTION. For purposes of implementation of these provisions, CONSTRUCTION shall be considered to have started with the first placement of permanent CONSTRUCTION of the SITE, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a STRUCTURE without a BASEMENT or poured footings, the start of CONSTRUCTION includes the first permanent framing or assembly of the STRUCTURE or any part thereof on its pilings or foundation or the affixing of any prefabricated STRUCTURES or MOBILE HOME to its permanent SITE. Permanent CONSTRUCTION does not include land preparation, land clearing, grading, filling, excavation for BASEMENT, footings, piers or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings or the installation of sewer, gas and water pipes or electric or other service lines from the STREET.

§ 208-1416.Appeals.

- A. Appeals to the ZONING HEARING BOARD with respect to provisions of this Article shall be governed by Article 2700 of this chapter.
- B. In addition, upon receiving an application for a hearing, the Board shall, prior to rendering a decision thereon, require the applicant to furnish such of the following material as is deemed necessary by the Board, as well as such other information as the Board may desire:
  - 1. PLANS in Triplicate drawn to a scale showing the nature, location, dimensions and elevation of the LOT and existing and proposed USES; photographs showing existing USES and vegetation; soil types and other pertinent information.
  - 2. A series of cross sections at twenty-five-foot intervals along the STREAM channel or pond bottom, and elevation of adjoining land AREAS of the LOT to be occupied by the proposed USES and high-water information.
  - 3. Profile(s) showing the slope of the bottom of the STREAM channel or pond.
  - 4. Specifications for BUILDING materials and CONSTRUCTION, FLOODPROOFING, filling, dredging, grading, storage, water supply and sanitary facilities.
  - 5. Computation of the increase, if any, in the height of flood stages which would be attributable to any proposed USES.
- B. The PLANS, cross sections, profiles and computations required under this section shall be prepared by a hydrologist, registered engineer or other PERSON deemed qualified by the ZONING HEARING BOARD.

§ 208-1417. Consideration of application.

- A. In considering any application for a hearing, the ZONING HEARING BOARD shall request reports from the TOWNSHIP BOARD OF SUPERVISORS, PLANNING COMMISSION, TOWNSHIP Engineer, County Soil and Water Conservation DISTRICT and other technical experts, prior to the hearing, to determine the extent to which the proposed USE would:
  - 1. Diminish the capacity of the FLOODPLAIN to store and absorb floodwaters, to moderate flood velocities and to accommodate sediment.
  - 2. Be subject to flood damage.
  - 3. Cause erosion and impair the amenity of the flood hazard area.

§ 208-1418. Criteria for decisions.

- A. An affirmative decision shall not be issued by the ZONING HEARING BOARD within the Floodway subdistrict if any increase in the one-hundred-year-flood level would result.
- B. Affirmative decisions shall only be issued by the ZONING HEARING BOARD upon a determination that the granting of an appeal will not result in increased flood heights, additional threats to public safety or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- C. Affirmative decisions shall only be issued upon determination that it is the minimum necessary, considering the flood hazard, to afford relief.

§ 208-1419. Notification to applicant.

The ZONING HEARING BOARD shall notify the applicant in writing over the Signature of the community officials that:

- A. The issuance of a decision to allow CONSTRUCTION of a STRUCTURE below the one-hundred-year-flood elevation will result in increased premium rates for flood insurance.
- B. Such CONSTRUCTION below the one-hundred-year-flood elevation increases risks to life and property. Such notification shall be maintained with a record of all decisions.

§ 208-1420. ZONING HEARING BOARD requirements.

- A. Furthermore, the ZONING HEARING BOARD shall:
  - 1. Maintain a record of all decisions, including justification for their issuance.
  - 2. Report such decisions issued in its annual report submitted to the Federal Insurance Administration.

- B. Except for a possible modification of the freeboard requirements involved, no variance shall be granted for any of the other requirements pertaining specifically to DEVELOPMENT which may endanger human life (§ 208-1412). No variance shall be granted for activity regulated by Act 166, listed in § 208-1413, Prohibited USES and activities.

§ 208-1421. Burden of proof.

- A. In all proceedings before the ZONING HEARING BOARD, including applications for special exception from the provisions of this DISTRICT, the burden of proof shall be on the applicant.

§ 208-1422. Warning and disclaimer of liability.

- A. The degree of flood protection required by this Article is considered reasonable for regulatory purposes. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes. In such instances, AREAS outside the FLOODPLAIN (FP) DISTRICT or land USES permitted within the DISTRICT may be subject to flooding or flood damages. The granting of a ZONING PERMIT or approval of a plan in the FLOODPLAIN (FP) DISTRICT shall not constitute a representation, guaranty or warranty of any kind by Marshall TOWNSHIP or by any official or EMPLOYEE thereof of the practicability or safety of any STRUCTURE, USE or other plan proposed and shall create no liability upon or a cause of action against such public body, official or EMPLOYEE for any damage that may result pursuant thereto. Nor shall this Article create any liability on the part of the TOWNSHIP or any officer or EMPLOYEE thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

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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.
- C. 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.

ARTICLE 1600  
CONSERVATION SUBDIVISION DESIGN

§ 208-1601.Purpose.

- A. It is the intent and purpose of this article to provide a means for the logical and efficient DEVELOPMENT within the Conservation Residential (CR) and Suburban Residential (SR) ZONING DISTRICTS while maintaining the district's natural character. The use of this desired DEVELOPMENT approach in these areas is an important component of the implementation of the land use and conservation objectives of the adopted 2006 Marshall TOWNSHIP Comprehensive Plan. The districts in which this type of DEVELOPMENT is strongly encouraged are characterized by their highly sensitive environmental features. Therefore, the following provisions have been devised and implemented to permit the logical DEVELOPMENT of only those lands within the district that are most suitable for DEVELOPMENT while, at the same time, creating a comprehensive greenway system for passive recreation USES and/or for the preservation of natural resources. A conservation SUBDIVISION shall be designed with the following objectives to satisfy the intent of this article and the required design provisions and procedures included in Article 300 of the SUBDIVISION and Land DEVELOPMENT Ordinance:
1. To conserve open land, including those areas containing unique and sensitive natural features such as WOODLANDS, STEEP SLOPES, STREAMS, FLOODPLAINS and WETLANDS, by setting them aside from DEVELOPMENT;
  2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential DEVELOPMENT;
  3. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of DEVELOPMENT on STEEP SLOPES;
  4. To provide for a diversity of LOT sizes and building densities, to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained;
  5. To implement adopted TOWNSHIP policies to conserve a variety of irreplaceable and environmentally sensitive resource lands including provisions for reasonable incentives to create a greenway system for the benefit of present and future residents;
  6. To permit clustering of hoUSES and structures on less environmentally sensitive soils so as to reduce the amount of infrastructure,
  7. To implement adopted land use, transportation, and community policies, as identified in the Marshall TOWNSHIP Comprehensive Plan;
  8. To protect areas of the TOWNSHIP with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient FARM operations;
  9. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood greenway, and with a strong neighborhood identity.
  10. To provide for the conservation and maintenance of open land within the TOWNSHIP to achieve the above-mentioned goals and for active or passive recreational use by residents;

11. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
  12. To conserve scenic views and elements of the TOWNSHIP's natural resources character, and to minimize perceived density, by minimizing views of new DEVELOPMENT from existing roads.
- B. In order to achieve these purposes, this Article provides for flexibility in designing new residential SUBDIVISIONS by allowing two forms of "by-right" DEVELOPMENT referred to as "options", as summarized below:
1. Option One: Cluster Properties, providing for residential USES at the density permitted as calculated per requirements included in 208-1604.
  2. Option Two: Country Properties, providing for large LOTS at very low densities.

§ 208-1602. Applicability.

- A. CONSERVATION SUBDIVISION DESIGN may be utilized for any major SUBDIVISION within the Conservation-Residential (CR) and Suburban Residential (SR) ZONING DISTRICTS; provided that Option Two, Country Properties, shall only be available to subdivisions within the Conservation Residential District.
- B. CONSERVATION SUBDIVISION DESIGN shall be required when forty (40%) percent or more of a proposed tract for DEVELOPMENT in the Conservation Residential (CR) or Suburban Residential (SR) ZONING DISTRICTS contains slopes of 15% or greater, according to the two (2') contour map required by the Subdivision and Land DEVELOPMENT Ordinance.
- C. Exemptions: minor SUBDIVISIONS in which there are no new required STREETS shall be exempt from the provisions of this article.

§ 208-1603. USES Permitted within Conservation Subdivisions. **[Amended 5/12/2008 by Ord. No. 389]**

A. Principal USES

1. Single FAMILY DWELLINGS
2. GREENWAY LAND
3. AGRICULTURE
4. FORESTRY
5. OUTDOOR RECREATION AREAS
6. ESSENTIAL SERVICES

B. ACCESSORY USES

1. ACCESSORY USES shall be permitted on the same LOT customarily incidental to any permitted use and not conducted as an independent principal use as indicated in 208-302.

§ 208-1604. Density Determination. [Amended 5/12/2008 by Ord. No. 389]

- A. Density Factors: for purposes of calculating density under the Cluster Option, the following density factors shall be applied:

1. Conservation Residential (CR) District: 1.00
2. Suburban Residential (SR) District: 2.25

- B. Adjusted Tract Area Approach: Determination of the maximum number of permitted DWELLING UNITS on any given property under the Cluster Option shall be based upon the Adjusted Tract Area of the site. The Adjusted Tract Area equals the gross tract area minus the constrained land (described below) calculated in accordance with the worksheet included in Appendix C.

1. Constrained land equals the sum of the following:
  - (a) All land within the rights-of-way of existing public STREETS or highways, or within the rights-of-way for existing rights-of-way of utility lines;
  - (b) All land under existing private STREETS;
  - (c) WETLANDS: multiply the acreage of designated WETLANDS by 1.0;
  - (d) Floodway: multiply the acreage within the floodway by 1.0;
  - (e) FLOODPLAINS: multiply the non-WETLAND portion of the 100-year FLOODPLAIN by 0.50;
  - (f) STEEP SLOPES: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.80;
  - (g) Moderately STEEP SLOPES: multiply the acreage of land with natural ground slopes of between 15 and 25 percent by 0.40.
2. If a portion of the tract contains more than one natural feature subject to a density factor, that acreage shall be subject to the most restrictive density factor.
3. Since acreage that is contained within the public or private rights-of-way, access EASEMENTS or access strips is excluded from developable LOT AREA, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract area.
4. Permitted DWELLING UNITS: The maximum number of permitted DWELLING UNITS equals the Adjusted Tract Area multiplied by the density factor, rounded to the lower number.

- C. COUNTRY LOT Option: The maximum density shall be one DWELLING UNIT per four (4) acres, calculated on the gross tract acreage.

§ 208-1605. Design Standards.

- A. When laying out LOTS in accordance with the Four-Step Process set forth in section 174-302(D) of the Subdivision and Land DEVELOPMENT Ordinance, there shall be no disturbance of PRIMARY CONSERVATION AREAS.
- B. All new DWELLINGS shall meet the following SETBACK requirements from off-site features:
  - 1. From all external road rights-of-way - 100 feet
  - 2. From all other tract boundaries - 50 feet
  - 3. From cropland or pasture land - 100 feet
  - 4. From active recreation areas such as courts or playing fields (not including tot-lots) - 150 feet
- C. Views of houselots from exterior roads and ABUTTING properties shall be minimized by the use of changes in topography, existing vegetation, or buffering.
- D. Houselots shall generally be accessed from interior STREETS, rather than from roads bordering the tract.
- E. In SUBDIVISIONS using the Cluster Option, 50% of the LOTS shall abut or be across a street from GREENWAY LAND.

§ 208-1606. GREENWAY LAND requirements for Country Properties.

- A. GREENWAY LANDS in Country Property DEVELOPMENTS may be contained within the LOTS or may be set aside as undivided land with common rights of usage among the subdivision residents.
- B. GREENWAY LANDS contained within the LOTS shall be governed by the following:
  - 1. The BUILDING ENVELOPE (the area designated for CONSTRUCTION activities and lawn area) for each lot shall be delineated on the plot plan at the time of SUBDIVISION or LAND DEVELOPMENT.
    - (a) The BUILDING ENVELOPE shall be a maximum of one (1) acre.
    - (b) All STRUCTURES and accessory USES shall be contained within the BUILDING ENVELOPE
    - (c) Clearing and removal of trees outside the BUILDING ENVELOPE shall be limited to activities needed to provide access to the STRUCTURES and for normal maintenance of the trees located within the area.
    - (d) PRIMARY CONSERVATION AREAS shall not be permitted to be located within the BUILDING ENVELOPE and shall be protected through a conservation EASEMENT.

§ 208-1607. GREENWAY LAND Requirements for the Cluster Option, Permitted USES and Design Standards.

A. GREENWAY LAND Requirements

1. Minimum Land Requirement for Greenways: The minimum amount of land required for greenways within a Cluster Conservation SUBDIVISION shall be 40% of the Adjusted Tract Area determined in Section 208-1604(B) of this Article, plus the total acreage of constrained land calculated in Section 208-1604(B). A worksheet for calculating the minimum amount of GREENWAY LAND is attached as Appendix D. The amount of acreage calculated under this section does not necessarily dictate the location of the GREENWAY LAND to be set aside.

B. USES Permitted within Greenway Areas

The following USES are permitted within GREENWAY LAND areas:

1. Conservation of open land in its natural state (for example, WOODLAND preserve, game preserve, wildlife sanctuary, fallow field, or managed meadow);
2. Agricultural and horticultural USES, including raising crops, and associated buildings, but excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations and any USES involving the raising of animals;
3. Woodlots, arboreta, and other similar silvicultural USES;
4. Pastureland for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than one-quarter of the minimum required GREENWAY LAND.
5. FORESTRY, in keeping with established best management practices for selective harvesting and sustained-yield FORESTRY.
6. Neighborhood greenway USES such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational USES specifically excluding motorized off-road vehicles, rifle ranges, and other USES similar in character and potential impact as determined by the Board.
7. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than 25% of the minimum required GREENWAY LAND or five acres, whichever is less. Playing fields, playgrounds, and courts shall not be located within 100 feet of ABUTTING properties. Parking facilities for the same shall also be permitted, and they shall generally be gravel-surfaced, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten PARKING SPACES.
8. Water supply systems and stormwater detention areas designed, landscaped, and available for use as an integral part of the Greenway.

9. EASEMENTS for DRAINAGE, access, sewer or water lines, or other public purposes;
10. Underground utility rights-of-way. Above-ground utility and STREET rights-of-way may traverse conservation areas but shall not count toward the minimum required GREENWAY LAND.

C. Greenway Design Standards

1. GREENWAY LAND shall be laid out in general accordance with the TOWNSHIP's Natural Resource Composite Map (in the Comprehensive Plan) to ensure that an interconnected network of greenway will be provided. The required GREENWAY LAND shall consist of a mixture of PRIMARY CONSERVATION AREAS (PCAs), all of which must be included, and SECONDARY CONSERVATION AREAS (SCAs). The process for delineating GREENWAY LAND is described in Section 174-302(D)(1) of the SUBDIVISION Ordinance.
2. Fragmentation and narrow corridors of GREENWAY LAND should be avoided. No area of GREENWAY LAND shall be less than 10,000 square feet or less than twenty (20) feet in width.
3. Whenever possible, GREENWAY LAND within the Conservation SUBDIVISION should connect to existing or potential conservation areas on adjoining parcels.
4. GREENWAY LAND shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the TOWNSHIP.
5. Buffers for Adjacent Public Parkland: Where the proposed DEVELOPMENT adjoins public parkland, a natural greenway buffer at least one-hundred-fifty (150) feet deep shall be provided within the DEVELOPMENT along its common boundary with the parkland, within which no new STRUCTURES shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for STREET or trail CONSTRUCTION). Where this buffer is not wooded, the Board may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.

D. Other Requirements

1. No portion of any building LOT may be used for meeting the minimum required GREENWAY LAND in the cluster option.
2. Pedestrian and maintenance access shall be provided to GREENWAY LAND in accordance with the following requirements:
  - (a) Each neighborhood shall provide one centrally located access point per 15 LOTS, a minimum of thirty-five (35) feet in width.
  - (b) Access to GREENWAY LAND used for AGRICULTURE may be appropriately restricted for public safety and to prevent interference with agricultural operations.

§ 208-1608. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

- A. All applications for a conservation SUBDIVISION shall be governed by standards and procedures stated within Article 300, Section 174-302 of the SUBDIVISION and Land DEVELOPMENT Ordinance. In the event that there are conflicting requirements between the provisions of this Article and those stated within the SUBDIVISION and Land DEVELOPMENT Ordinance for major SUBDIVISIONS, the stricter provisions of this Article shall prevail.

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ARTICLE 1700

SITE Capacity Analysis and Density Determination for Non-Conservation SUBDIVISIONS in the CR and SR ZONING DISTRICTS and DEVELOPMENTS in the MDR District

§ 208-1701. Purpose.

- A. The SITE capacity analysis provides the mechanism for subtracting from the BASE SITE AREA all portions of a SITE inappropriate for DEVELOPMENT due to the presence of sensitive environmental resources or land features. Consequently, the purpose of this section is to determine the extent to which a SITE may be utilized given its unique physical characteristics.
- B. The SITE capacity analysis required by this section provides a logical and rational basis for:
  - 1. Establishing the intensity of DEVELOPMENT in relation to the natural capabilities of the land to sustain disturbance without incurring significant disruption of the sensitive natural resources and features of the TOWNSHIP; and
  - 2. Protecting PERSONS and property from hazards resulting from the inappropriate DEVELOPMENT of land containing sensitive, unstable or hazardous natural resources or features.

§ 208-1702. Applicability.

- A. In the Conservation Residential (CR), SUBURBAN RESIDENTIAL (SR), and MEDIUM DENSITY RESIDENTIAL (MDR) ZONING DISTRICTS, those USES listed in Subsection B below shall submit a BASE SITE AREA calculation in accordance with § 208-1704 below, as a condition of approval of any LAND DEVELOPMENT PLAN, plan of SUBDIVISION or BUILDING PERMIT required under this chapter.
- B. The resource protection land calculations and determination of SITE capacity required by this Article shall apply and be submitted in the following instances:
  - 1. Any MAJOR SUBDIVISION, or MOBILE HOME PARK within the Conservation Residential (CR) SUBURBAN RESIDENTIAL (SR) and MEDIUM DENSITY RESIDENTIAL (MDR) ZONING DISTRICTS, that is not developed as a conservation subdivision.
  - 2. LAND DEVELOPMENT consisting of five (5) or more DWELLING UNITS in the Conservation Residential (CR) SUBURBAN RESIDENTIAL (SR) and MEDIUM DENSITY RESIDENTIAL (MDR) ZONING DISTRICTS, THAT IS NOT DEVELOPED AS A CONSERVATION SUBDIVISION.
  - 3. Non-residential CONDITIONAL USES permitted in CR, SR and MDR Zoning Districts.
- C. Resource Protection Land may be either located in OPEN SPACE and outside of LOT AREAS or may be placed in conservation EASEMENTS within the LOT AREA.

D. Standards for location and management shall be as follows;

1. All conservation EASEMENTS shall be identified on the property;
2. The DEVELOPER shall identify on each conservation EASEMENT all resources that are protected in said EASEMENT.
3. The DEVELOPER, on the PLAN, shall provide, in writing on the PLAN, that the resources protected within the conservation EASEMENT shall not be disturbed;
4. The DEVELOPER shall, in writing on the PLAN, grant and convey the conservation EASEMENTS to all LOT OWNERS of the PLAN and/or homeowners' association properly created;
5. The grant of EASEMENT shall be forever;
6. The EASEMENT granted shall be for the conservation of all resources identified within the EASEMENT which shall not be disturbed;
7. The conservation EASEMENT granted to the LOT OWNERS or homeowners' association shall not be saleable, assignable or transferable without the consent of the BOARD OF SUPERVISORS OF MARSHALL TOWNSHIP. Any sale, assignment or transfer of the conservation EASEMENTS shall require the consent of two-thirds (2/3) of all LOT OWNERS in the PLAN;
8. The DEVELOPER shall grant to the LOT OWNERS or the homeowners' association the right to maintain said EASEMENT and to do so the right to traverse by foot or vehicle over any LOT to maintain said EASEMENT. Any damage caused to any LOT in maintaining the EASEMENT shall be repaired at the expense of the LOT OWNERS or homeowners' association;
9. All deeds for LOTS that contain conservation EASEMENTS shall, in a conspicuous location, have language identifying the conservation EASEMENT and advising the purchaser of the LOT that the resources contained in the conservation EASEMENT shall be undisturbed. The deed shall further contain language identifying that the LOT OWNERS or homeowners' association have a right to traverse over the purchaser's LOT to maintain the EASEMENT;
10. In the event that the organization established to maintain the conservation EASEMENT or any successor organization shall, at any time after ESTABLISHMENT of the DEVELOPMENT, fail to maintain the conservation EASEMENT in reasonable order and condition, the BOARD OF SUPERVISORS may proceed to demand that the deficiencies in maintenance be corrected or that the TOWNSHIP will enter upon and maintain the conservation EASEMENT. Notice to the property OWNERS shall set forth the manner in which the organization has failed to maintain the conservation EASEMENT, and said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) DAYS, the notice shall state that the property OWNERS or homeowners' association may, within fourteen (14) DAYS of the notice, request a hearing before the BOARD OF SUPERVISORS. The cost of such maintenance by the TOWNSHIP shall be assessed ratably against the properties within the DEVELOPMENT and shall become a lien on said properties. The TOWNSHIP at the time of entering upon said conservation EASEMENT, for the purpose of maintenance, shall file a notice of lien in the office of the Prothonotary of

Allegheny County upon the properties within the DEVELOPMENT.

11. All of the above requirements shall be included in writing on the PLAN and given to any prospective LOT purchaser.

§ 208-1703. Relationship of ZONING DISTRICT standards to SITE capacity analysis.

- A. All DEVELOPMENTS shall comply with the standards set out in the applicable ZONING DISTRICT governing the maximum density, maximum floor area, maximum IMPERVIOUS SURFACE, minimum LOT AREAS and width requirements and minimum OPEN SPACE requirements specified for each ZONING DISTRICT. In the case of RESIDENTIAL USES, SITE capacity for any proposed DEVELOPMENT is equal to the net buildable area of the SITE multiplied by the DENSITY FACTOR. The SITE capacity calculation provides the mechanism for subtracting from the BASE SITE AREA all portions of a SITE that are inappropriate for DEVELOPMENT.

§ 208-1704. BASE SITE AREA calculations.

A. The first step in the determination of the SITE capacity is to establish the BASE SITE AREA. If SITE capacity analysis is required, the following calculations shall be submitted:

1. Gross SITE area as determined by actual on-SITE survey: \_\_\_Acres
  
2. Subtract land constituting existing or future STREET RIGHT-OF-WAYS, EASEMENT of access, or area set aside for public or private utilities, stormwater facilities and EASEMENTS: \_\_\_Acres
  
3. Subtract land which is not contiguous:
  - (a) A separate parcel which does not abut, adjoin or share common boundaries with the rest of the DEVELOPMENT: \_\_\_Acres
  
  - (b) Land which is cut off from the main parcel by a road, railroad, existing land USES or major STREAM so that common USE is hindered or the land is unavailable for building purposes: \_\_\_Acres
  
4. Subtract land that in a previously approved SUBDIVISION encompassing the same land, which as part or all of the subject parcel, was reserved for resource protection reasons (e.g., flooding): \_\_\_Acres
  
5. Subtract land required for BUFFERYARDS pursuant to § 208-2202 and § 208-1507 of this chapter. Do not subtract BUFFERYARD areas where they contain Resource Protection Land. To determine the amount of Resource Protection Land in the BUFFERYARD, a similar Table as that in § 208-1705 shall be used. Column 3 shall be labeled "Acres of Resource Land in BUFFERYARD" and column 4 shall be labeled "Resource Protection Land in BUFFERYARD". \_\_\_Acres
  
6. Equals BASE SITE AREA: \_\_\_Acres

§ 208-1705. Resource Protection Land calculations.

A. One (1) of the principal factors that will influence the intensity of DEVELOPMENT on a particular parcel of land is the requirement for protecting the designated environmental resources existing on the SITE. Specific natural resources that are sensitive to DEVELOPMENT, such as WOODLANDS, STEEP SLOPES, FLOODPLAINS and STREAMS, are protected under §208-1706 of this chapter. All land area consisting of the natural resources or natural features listed in the following table shall be mapped and quantified by the DEVELOPER as part of the SITE DEVELOPMENT PLAN review process. The Resource Protection Land shall be calculated in the following manner:

1. Calculate the total area (acreage) of each natural resource.
2. Multiply the total area of each resource by the preservation RATIO for that resource to determine the amount of Resource Protection Land required to be kept in OPEN SPACE or conservation EASEMENTS in order to protect the resource or feature.
3. On that portion of the SITE where two (2) or more resources overlap, only that natural resource which has the highest preservation RATIO shall be calculated.
4. All Resource Protection Land must be preserved by either OPEN SPACE or conservation EASEMENTS. All Resource Protection Land for WOODLANDS, WETLANDS and FLOODPLAINS must be located in OPEN SPACE and outside of LOT AREAS.

<b>Resources/ Natural Features (All Districts)</b>	<b>Preservation Ratio</b>	<b>Acres of Land in Resource</b>	<b>Resource Protection Land (Acres in Resource x Preservation Ratio)</b>
DRAINAGEWAYS	.50	_____	_____
FLOODPLAINS	1.00	_____	_____
WETLANDS	1.00	_____	_____
WOODLANDS	.45	_____	_____
STEEP SLOPES (15% to 25%)	.40	_____	_____
STEEP SLOPES (greater than 25%)	.80	_____	_____
TOTAL LAND IN RESOURCE		_____	_____
TOTAL RESOURCE PROTECTION LAND			_____

§ 208-1706. Natural resource or environmental protection standards.

A. On that portion of the SITE where two or more resources overlap, only that natural resource which has the highest preservation ratio shall be calculated by the following standards. The following standards refer to the same mapped portions of each resource as determined by § 208-1705.

1. WOODLANDS. No more than forty five (45%) percent of any WOODLAND may be cleared or developed. The remaining fifty-five percent (55%) shall be maintained as permanent OPEN SPACE. The DEVELOPER may clear or develop more than the area of WOODLANDS otherwise permitted to be disturbed by this section, provided that no more than seventy (70%) of WOODLANDS may be disturbed. Should the DEVELOPER clear or develop more than 45% of a WOODLAND AREA then:

- (a) The DEVELOPER shall designate a new WOODLAND area on an unforested part of the SITE.
- (b) The new WOODLAND area shall consist of one and two-tenths (1.2) times the surface acreage of the WOODLAND area disturbed for that portion of the area of disturbance which exceed the forty-five percent (45%) area of disturbance for WOODLANDS.
- (c) No clearing or timbering of any WOODLAND may occur unless connected with an approved SITE plan.
- (d) As an alternative to the creation of a new woodland area, tree replacement based on a tree survey may be done. All trees six inches (6") DBH or larger must be replaced as follows:
  - 1 Replacement tree is required for each 2 TREES 6" to 9" DBH that are removed.
  - 1 Replacement tree is required for each 1 TREE 9" to 12" DBH that is removed.
  - 2 Replacement trees are required for each TREE 12" to 18" DBH that is removed.
  - 4 Replacement trees are required for each TREE 18" to 24" DBH that is removed.
  - 8 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]**

2. STEEP SLOPES. In areas of STEEP SLOPES, the following standards will apply:

- (a) Fifteen percent (15%) to twenty-five percent (25%) slope: no more than sixty percent (60%) of such AREAS shall be developed and/or regraded or stripped of vegetation.
- (b) More than twenty-five percent (25%) slope: no more than twenty percent (20%) of such AREAS shall be developed and/or regraded or stripped of vegetation.

3. DRAINAGEWAYS. No more than fifty percent (50%) of such areas may be developed.

4. Existing vegetation. Existing, healthy plant material may be counted as contributing to the total plant material required by the landscaping and BUFFERYARD requirements of this chapter, except in the case of establishment of new WOODLANDS. Whenever an existing area

meets the definition of WOODLAND, it shall satisfy any planting required by this chapter, regardless of the mix of plant materials, provided that UNDERSTORY TREES and shrubs constitute at least seventy percent (70%) of the individual trees and shrubs present. If UNDERSTORY TREES and shrubs constitute less than seventy percent (70%) of the trees and shrubs present, additional plant material shall be installed in order to meet the requirements otherwise imposed. No tree greater than five-inch caliper shall be counted if more than one-eighth (1/8) of the area under its canopy or dripline is less than fifteen (15) feet from a BUILDING, PARKING AREA or road.

5. Establishment and maintenance of WOODLANDS. The establishment of a WOODLAND shall conform to the following standards:
  - (a) The minimum area shall be one and five-tenths (1.5) acres.
  - (b) No area of WOODLAND shall be less than fifty (50) feet wide.
  - (c) The following plant material shall be provided per acre of WOODLAND when required to be established. Fractional requirements (resulting from fractions of acres to be established) shall be rounded up to the nearest whole number.

#### **WOODLAND Plant Materials**

<b>Required per Acre</b>	<b>Minimum Size</b>
5 slower growing CANOPY TREES	3-inch caliper
10 CANOPY TREES	2-inch caliper
20 faster growing CANOPY TREES	1-inch caliper
30 slower growing CANOPY TREES	5 feet high
10 UNDERSTORY TREES	1-inch caliper
100 shrubs	3 feet high

- (d) All new plant materials shall meet the requirements set forth in the American Standard for Nursery Stock, published by the American Association of Nurserymen, ANSI 260.1, latest edition. All existing healthy trees shall be preserved to the maximum extent possible.
- (e) All AREAS of a newly established WOODLAND shall be mulched and/or seeded as lawn unless ground cover is to be established and maintained.
- (f) In maintaining newly established WOODLAND areas, additional plants established by natural succession shall be retained. Dead trees shall be removed where they adjoin roads or BUILDINGS, but otherwise left alone and felled and left at the SITE. Debris and litter shall be cleaned on an annual or semiannual basis. Damage to fifteen percent (15%) or more of the stand due to disease, wind or fire within a period of two (2) years from their installation shall require the replacement of all such damaged trees.

6. FLOODPLAINS. One hundred percent (100%) of the FLOODPLAINS must be maintained in OPEN SPACE.
7. WETLANDS. One hundred percent (100%) of the WETLANDS must be maintained in OPEN SPACE.
8. A LAND DISTURBANCE map shall be submitted for each natural resource on the SITE that denotes the required preservation area.

§ 208-1707. Determination of SITE capacity (all RESIDENTIAL land USES).

A. Individual SITE capacity is determined by calculating the net buildable SITE area. For residential DEVELOPMENTS, the number of DWELLING UNITS permitted is determined by multiplying the NET DENSITY FACTOR by the net buildable SITE area. NET DENSITY FACTORS and DISTRICT preservation ratios for residential DISTRICTS are provided in § 208-1708. The calculations are as follows:

Begin with	TOTAL RESOURCE PROTECTION LAND (derived from computations required in § 208-1704 and § 208-1705)		_____
EQUALS	REQUIRED OPEN SPACE AND CONSERVATION EASEMENTS	=	_____
Begin with	BASE SITE AREA		_____
Subtract	REQUIRED OPEN SPACE AND CONSERVATION EASEMENTS	-	_____
EQUALS	NET BUILDABLE SITE AREA	=	_____
Multiply by	DISTRICT MAXIMUM NET DENSITY FACTOR	X	_____
EQUALS	NUMBER OF DWELLING UNITS (do not round off; use lowest whole number)	=	_____
<hr/>			
Begin with	BASE SITE AREA		_____
Multiply By	MAXIMUM GROSS DENSITY (see § 208-1708)	X	_____
EQUALS	MAXIMUM DWELLING UNITS (Do not round off; use lowest whole number)	=	_____
SELECT	MAXIMUM DWELLING UNITS or NUMBER OF DWELLING UNITS (whichever is less)	=	_____

§ 208-1708 DENSITY FACTORS and OPEN SPACE RATIOS for RESIDENTIAL DISTRICTS.

A. OPEN SPACE determination.

1. For LAND DEVELOPMENTS involving MULTI-FAMILY or attached DWELLING UNITS -:
  - (a) The Resource Protection Land for WOODLANDS, WETLANDS and FLOODPLAINS (§208-1705)
2. For MOBILE HOME PARKS - the greater of the following:
  - (a) Thirty percent (30%) minimum of the TRACT, or
  - (b) The Resource Protection Land for WOODLANDS, WETLANDS and FLOODPLAINS. (§208-1705)

B. DENSITY FACTORS and OPEN SPACE RATIOS for RESIDENTIAL DISTRICTS shall be as follows:

**TABLE OF RESIDENTIAL PERFORMANCE STANDARDS  
FOR RESIDENTIAL DISTRICTS<sup>1</sup>**

<b>DISTRICT</b>	<b>MAXIMUM GROSS DENSITY</b>
Conservation Residential (CR)	0.75
Suburban Residential (SR)	2
Medium Density Residential (MDR)	
TWO-FAMILY DWELLINGS	4
QUADPLEXES	6
TOWNHOUSES	8
APARTMENTS	12

**NOTES:**

<sup>1</sup> All density figures shown are expressed in units per acre unless otherwise noted.

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ARTICLE 1800  
TRADITIONAL NEIGHBORHOOD DEVELOPMENT

§ 208-1801. Purpose.

The purpose of this ordinance is to allow the optional DEVELOPMENT and REDEVELOPMENT of land in Marshall TOWNSHIP consistent with the design principles of traditional neighborhoods.

The TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) is allowed in the Town Center (TC) District and Route 19 Boulevard (RB) District as a CONDITIONAL USE. TRADITIONAL NEIGHBORHOOD DEVELOPMENT in the RB District encourages a mixture of retail USES, restaurants, services, work places, entertainment and civic facilities, and moderate- to high-density housing in a compact pattern that balances automobile access with strong pedestrian elements to create a walkable environment. TRADITIONAL NEIGHBORHOOD DEVELOPMENTS within the TC District encourages complete traditional neighborhoods with a diverse range of DWELLING types, such as single- and two-FAMILY houses, attached townhouses, and condominium or apartments mixed together for a moderate- to high-density compact pattern of DEVELOPMENT that balances automobile access with strong pedestrian elements to create a walkable environment.

§ 208-1802. DEVELOPMENT Provisions.

- A. Minimum DEVELOPMENT Size: Five (5) acres in the TC District. Ten (10) acres in the RB District.
- B. Maximum permitted residential DENSITY shall be 24 units per gross acre.
- C. All TRADITIONAL NEIGHBORHOOD DEVELOPMENT shall follow the CONDITIONAL USE and land DEVELOPMENT procedures established in this Ordinance.
- D. All TRADITIONAL NEIGHBORHOOD DEVELOPMENT shall be served by public water and sewer systems.
- E. The total number of residential units within the TRADITIONAL NEIGHBORHOOD DEVELOPMENT shall be determined as part of the preliminary approval process for the LAND DEVELOPMENT.

§ 208-1803. General Design Standards and Provisions.

A. Use

- 1. The entire land area of the TND shall be divided into BLOCKS, STREETS and LOTS.
- 2. Similar land categories shall generally front across STREETS. Dissimilar categories shall abut at REAR LOT LINES. CORNER LOTS that front on STREETS of dissimilar USE shall be set back the same as the adjacent USE with the lesser SETBACK.
- 3. Large-scale, single USE (conference spaces, theaters, athletic facilities, etc.) shall occur behind or above habitable STREET front space.

4. Any use listed as a permitted or CONDITIONAL USE within the underlying zoning district (TC or RB) in §208-301 shall be considered a permitted use within a TND. All provisions in Article 2600 CONDITIONAL USES shall be complied with for those USES listed as CONDITIONAL USES within §208-301. Accessory USES within a TND shall be governed by §208-302.
5. A minimum of 10% and a maximum of 50% of the gross land area of the traditional neighborhood DEVELOPMENT shall be designated for business use in the Town Center (TC) District.
6. A minimum of 50% and a maximum of 75% of the gross land area of the traditional neighborhood DEVELOPMENT shall be designated for business use in the Route 19 Boulevard (RB) District
7. For the purposes of determining the permitted percentage land allocated to business USES detailed in 1803 (A) (5) and (6), mixed use buildings shall be prorated based upon the total percentage of floor area allocated to business use and residential use.
8. All USES shall be conducted within complete enclosed BUILDINGS unless otherwise specified.
9. FENCES and Walls shall adhere to the provisions of Section 304 (A) of this ordinance, unless otherwise specified in this Section.

**B. LOTS and BUILDINGS**

1. All LOTS shall share a FRONT LOT LINE with a STREET or SQUARE.
2. BUILDINGS shall include a variety of SETBACKS. No more than three (3) BUILDINGS in a row shall have the same SETBACK from the RIGHT OF WAY line to the BUILDING LINE.
3. All BUILDINGS shall have their main entrance fronting the STREET or SQUARE.

**C. STREETS and ALLEYS**

1. STREETS shall provide access to all TRACTS and LOTS.
2. All STREETS and ALLEYS shall terminate at other STREETS within the neighborhood and connect to existing and projected through STREETS outside the DEVELOPMENT.
3. There shall generally be a continuous network of ALLEYS on the rear of LOTS within the TND.
4. The average perimeter of all blocks within the TND shall not exceed 1,600 feet. No block face shall have a length greater than 500 feet without a dedicated ALLEY or pathway providing through access.
5. All utilities shall be underground and shall run along ALLEYS wherever possible.

#### D. Parking

1. Minimum parking requirements for USES within a TND shall be 90% of the minimum parking requirement for that use as indicated in 208-1902 of this Ordinance. Maximum parking permitted for that use shall be 110% of the minimum parking requirements as indicated in 208-1902.
2. On-street parking along the frontage of the use shall count towards the required minimum PARKING SPACES required for that use.
3. PARKING LOTS shall generally be located at the rear or at the side of BUILDINGS and shall be screened from the sidewalk by per the applicable provisions for perimeter landscaping contained in 208-2003.
4. Primary STREET FRONTAGES shall have no vehicular entries, for properties with another STREET FRONTAGE Properties with a single-frontage on a primary STREET shall be limited to a maximum of two single lane-width vehicular entries separated by a minimum of twenty feet. These requirements do not apply to frontages on Northgate Drive.
5. Adjacent PARKING LOTS shall have vehicular connections via an alley or internally.
6. All PARKING LOTS shall conform to the design standards contained in Article 1900 and Article 2000 of this Ordinance.

#### E. Landscaping and STREET TREES

1. Requirements for landscaping and STREET TREES shall be governed by Section §208-905(C) (5) and (E) for TRADITIONAL NEIGHBORHOOD DEVELOPMENTS located within the TC district, and Section §208-1005(C) (5) and (E) for TRADITIONAL NEIGHBORHOOD DEVELOPMENTS located within the RB district.

### § 208-1804. Single FAMILY DWELLING Design Standards and Provisions.

#### A. Use

1. Land designated for single FAMILY USE shall contain BUILDINGS for residential USES,
2. An accessory BUILDING is permitted on each LOT.

#### B. LOTS and BUILDINGS

1. BUILDINGS on single FAMILY LOTS shall be SETBACK between 0 and 20 feet from the RIGHT-OF-WAY line.
2. BUILDINGS on CORNER LOTS shall be SETBACK between 10 and 20 feet from the RIGHT-OF-WAY LINE from each STREET.

3. BUILDINGS on single FAMILY LOTS shall be SETBACK from the SIDE LOT LINES equivalent to no less than 20% of the width of the LOT. The entire SETBACK may be allocated to one side.
4. BUILDINGS on single FAMILY LOTS shall be SETBACK no less than 10 feet from the rear lot line.
5. BUILDINGS on single FAMILY LOTS shall cover no more than 40% of the LOT AREA.
6. BUILDING HEIGHT shall be between 20 and 40 feet.

C. STREETS and ALLEYS

1. The following public improvements shall be required for all STREETS: Two nine (9') foot wide travel lanes, two five (5') foot wide planting strips for STREET TREES, and two five (5') wide concrete sidewalks.
2. ALLEYS: Twenty (20') RIGHT-OF-WAY with twelve (12') cartway. (if provided)

§ 208-1805. Attached MULTI-FAMILY DWELLING Design Standards and Provisions.

A. USE

1. Land designated for multi-FAMILY USE shall contain BUILDINGS for RESIDENTIAL USE.
2. An ACCESSORY BUILDING is permitted on each LOT.

B. LOTS and BUILDINGS

1. BUILDINGS shall be SETBACK between 0 and 15 feet from the RIGHT OF WAY line.
2. BUILDINGS at STREET intersections shall be SETBACK from 10 to 15 feet from both street RIGHT OF WAY LINES.
3. BUILDINGS shall have no required SETBACKs from side LOT LINES
4. BUILDINGS shall cover no more than 50% of the LOT area.
5. BUILDING HEIGHT shall be between 25 and 50 feet. **[Amended 9-29-2008 by Ord. 393]**
6. Maximum IMPERVIOUS SURFACE RATIO: 70%

C. STREETS and ALLEYS

1. The following public improvements are required for STREETS. Two nine (9') foot wide paved travel lanes, one eight (8') wide paved parking lane, two five (5') wide planting strips for STREET trees and STREET lights and two five (5') wide concrete sidewalks.

2. ALLEYS (if provided): Twenty (20') foot RIGHT OF WAY with twelve (12) foot cartway.

§ 208-1806. Residential Mixed-use Building Design Standards and Provisions.

A. Use

1. Land designated as residential mixed-use BUILDING USE shall contain residential and commercial USES.
2. At least 33% of the GROSS FLOOR AREA shall be designated for residential USE.
3. Residential USES are not permitted on the ground floors of mixed-use BUILDINGS.

B. LOTS and BUILDINGS

1. BUILDINGS on residential mixed-use BUILDING LOTS shall have a SETBACK of 0' to 25' feet from the front RIGHT OF WAY line. The SETBACK for CORNER LOTS shall be between 10' and 25'.
2. The SETBACK for CORNER LOTS shall be between 10' and 25'.
3. BUILDINGS on residential mixed-use BUILDING LOTS shall have no SETBACK from at least one side LOT LINE.
4. BUILDINGS on residential mixed-use BUILDING LOTS shall cover no more than 60% of the LOT AREA.
5. BUILDING HEIGHT shall be between 25 and 50 feet.
6. Maximum IMPERVIOUS SURFACE RATIO: 75%.

C. STREETS and ALLEYS

1. The following public improvements shall be required for STREETS: Two nine (9') foot wide paved travel lanes, two eight (8') wide paved parking lanes, two five (5') foot wide planting strips for STREET trees and lighting, and two six foot (6') wide concrete sidewalks.
2. ALLEYS (if provided): Twenty (20') foot RIGHT OF WAY and twelve (12') foot cartway.

§208-1807. NON-RESIDENTIAL Building Design Standards and Provisions.

A. LOTS and BUILDINGS

1. Land designated for NON-RESIDENTIAL BUILDINGS shall be between 0' and 25' on side and FRONT LOT LINES, except for CORNER LOTS where a minimum front SETBACK of 10 to 25 feet shall be required for both FRONTAGES.
2. NON-RESIDENTIAL BUILDINGS shall not cover more than 65% of the LOT AREA.
3. Maximum IMPERVIOUS SURFACE RATIO 80%.

B. STREETS and ALLEYS

§ 208-1808. Architectural Standards and Signage.

A. BUILDING Materials/Colors/Building Roof Treatment.

1. BUILDING Exterior wall materials not permitted include:

- (a) Large split face BLOCKS (e.g. 8" x16" or greater).
- (b) Tilt-up concrete panels.
- (c) prefabricated steel panels.
- (d) Standard Concrete Masonry Units (CMU).
- (e) Comparable materials may be approved by the BOARD OF SUPERVISORS.

2. Permitted exterior wall materials shall consist of:

Colors which are low reflectance, subtle, neutral or earth tone. The use of high intensity colors or black may be permitted upon review of design features. The use of fluorescent color is prohibited.

3. Roofs must have at least one (1) of the following features:

- (a) parapets concealing flat roofs and rooftop equipment
- (b) overhanging eaves.
- (c) sloped roofs.
- (d) GREEN ROOFS

B. BUILDING Mechanicals.

1. All BUILDING mechanical systems such as air conditioning units, exhaust systems, satellite

dishes, fire escapes, elevator housing, and other similar elements (including dumpsters) shall be integrated into the overall design and character of the BUILDING and screened from view.

2. Landscaping and other screening devices, including decorative opaque fencing shall be used to soften the view of these features from the adjoining properties and the public STREET.
3. Architectural lighting shall be recessed under roof overhangs or generated from a concealed source, low-level light fixtures. This includes lighting used under canopies, e.g. canopies designed over gas pumps.

C. Loading and STORAGE AREAS.

Loading docks, trash collection and similar facilities shall be incorporated in the overall design of the BUILDINGS and the landscaping plan so that the visual and acoustic impacts of these functions are contained and out of view from adjacent properties and public STREETS.

1. Loading dock facilities shall be screened by a solid masonry wall at least six (6) feet in height. Trash collection and similar facilities shall be completely enclosed within masonry wall or solid FENCE, at least six (6) feet in height on three sides and a self-closing gate on the fourth side. Dumpster areas shall have hardened, stabilized SURFACES constructed to prevent accumulation of stormwater runoff.

D. BUILDING Orientation

1. All main entrances of BUILDINGS shall front onto the public STREET. If design dictates, the main entrance may face parking areas or defined public corridors. In no instance shall blank walls face the public STREET.
2. Sixty (60) percent of the horizontal length of the STRUCTURE facing the STREET shall incorporate windows between three (3) feet and eight (8) feet in height above the sidewalk grade. In addition, sidewalks shall extend from the main entry point and link to the public sidewalk.
3. Surface treatments to create visual interest such as cornices, brackets, window and door moldings and details, recesses, projections, awnings, porches, steps, decorative finish materials and other architectural articulation shall be required along facade facing a public STREET.

- E. Signage shall be regulated as set forth in Section 1005 (F) for TND'S located in the RB zoning district, and by Section 905(F) for TND'S located in the TC zoning district.

§ 208-1809. OPEN SPACE Requirements.

- A. A minimum of 10% of the gross land area of the TND shall be designated as common OPEN SPACE. A minimum of fifty percent (50%) of the common OPEN SPACE, shall be developed as a common plaza or park that is centrally located within the neighborhood. Public right-of-way shall not be included as common OPEN SPACE. Common OPEN SPACES shall be linked, wherever possible, to create greenways within the TND. **[Amended 5/12/2008 by Ord. No. 389]**

- B. The balance of the required common OPEN SPACE within the neighborhood may be comprised of preserved natural areas and public gardens. A maximum of fifty (50%) of this common OPEN SPACE area may be comprised of GREEN ROOFS.
- C. Land lying within fifteen (15) feet of any townhouse BUILDING, garden apartment BUILDING, parking area or land within a single-FAMILY detached or semi-detached residential lot shall not be calculated toward the required common OPEN SPACE percentage of the tract.
- D. Common OPEN SPACE areas shall be accessible from all BUILDINGS via an on-site pedestrian system of sidewalks.
- E. Ownership responsibility of all common OPEN SPACE areas, except for GREEN ROOFS, shall be consistent with the provisions of Section §174-302 (F) of the SUBDIVISION and Land DEVELOPMENT Ordinance.
- F. Land within individual LOTS shall not be counted toward meeting required Common OPEN SPACE.

§ 208-1810. STREET Lights.

- A. Streetlights and other lighting requirements shall be governed by Section 208-905(D) (3) for TRADITIONAL NEIGHBORHOOD DEVELOPMENTS located within the TC district.
- B. Streetlights and other lighting requirements shall be governed by Section 208-1005(D) (3) for TRADITIONAL NEIGHBORHOOD DEVELOPMENTS located within the RB district.

§ 208-1811. DEVELOPMENT in Stages.

- A. A DEVELOPER may construct a TND in stages if the following criteria are met:
  1. The application for preliminary approval covers the entire TND and shows the location and approximate time of CONSTRUCTION for each stage, in addition to other information required by this Ordinance.
  2. At least 15 percent of the DWELLING UNITS in the plan given preliminary approval are included in all but the final stage.
  3. The second and subsequent stages are completed consistent with the approved PRELIMINARY PLAN and are of such size and location, including a sufficient degree of completion of the road network and other infrastructure, that they constitute economically sound units of DEVELOPMENT.
  4. Each phase shall include public space in amounts and at locations deemed acceptable by the BOARD OF SUPERVISORS to meet, at minimum, the public space needs generated by that phase and to assure protection of the sensitive features of the tract.

5. Gross residential DENSITY may be varied from stage to stage, provided that final approval shall not be given to any stage if the gross residential DENSITY of the area that includes stages already finally approved and the stage for which final approval is being sought exceeds by more than 20 percent the gross residential DENSITY allowed for the entire TND in the approved PRELIMINARY PLAN.

§ 208-1812. Application Requirements and Procedures.

- A. The TRADITIONAL NEIGHBORHOOD DEVELOPMENT shall be reviewed and approved as provided for in Article 200 of Chapter 174, SUBDIVISION and Land DEVELOPMENT. If there is a conflict between the provisions of this Article and the provisions of Chapter 174, SUBDIVISION and Land DEVELOPMENT Ordinance, the provisions of this article shall apply.
- B. In addition to the application requirements for preliminary approval, stated in the SUBDIVISION and Land DEVELOPMENT Ordinance, the application and application for a TND shall include:
  1. A written statement by landowner setting forth the reasons why, in his opinion, a TRADITIONAL NEIGHBORHOOD DEVELOPMENT would be in the public interest and would be consistent with the comprehensive plan for DEVELOPMENT in Marshall TOWNSHIP.
  2. Architectural renderings and elevations shall be required and include sufficient detail to articulate the design standards listed in 208-1808 above. These renderings, once approved, will be come a part of the PRELIMINARY PLAN. Any substantive architectural deviation (e.g. change in facade design or materials) from that which was presented and approved at PRELIMINARY PLAN, will subject the Applicant to a new public hearing and PRELIMINARY PLAN approval process. **[Amended 5/12/2008 by Ord. No. 389]**
    - (a) Elevations and renderings prepared by an Architect shall be provided for all proposed BUILDINGS, STRUCTURES, and DWELLINGS.
  3. A landscape plan prepared by a Registered Landscape Architect shall clearly identify all required design elements outlined in the design standards, as well as, identify each tree and shrub by size, type and scientific name, ball and burlap or bare root, location together with a planting diagram and such other diagrams or reports necessary to show method of planting, staking and mulching, grass seeding specifications and mixtures and existing trees over eight (8) inches in diameter, among other provisions of that Corridor Enhancement overlay than may apply to the TRADITIONAL NEIGHBORHOOD DEVELOPMENT.

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ARTICLE 1900  
Off-STREET Parking and Loading

§ 208-1901. General regulations.

A. Off-STREET parking, loading and unloading facilities shall be provided to lessen congestion in the STREETS. The facilities required herein shall be available throughout the hours of operation of the particular business or use for which such facilities are provided. As used herein, the term "PARKING SPACE" includes either covered garage space or uncovered parking lot space located off the public right-of-way.

B. PARKING SPACES

PARKING SPACES shall meet the following minimum dimensions:

Type of Parking Space	Width (feet)	Length (feet)
Angle or 90 Degree	9	18
Parallel	8	22
Handicapped	14*	19

\* One (1) of every eight (8) handicapped PARKING SPACES shall be at least seventeen (17) feet wide for van access. A minimum of one van-accessible space is required.

C. A garage or carport may be located wholly or partly inside the walls of the principal BUILDING or attached to the outer walls. If separated from the principal BUILDING, the garage shall conform to all accessory building requirements. The garage may be constructed under a yard or court. The space above an underground garage shall be deemed to be a part of the OPEN SPACE of the lot on which it is located.

D. If the number of off-STREET PARKING SPACES required by this chapter cannot reasonably be provided on the same LOT where the PRINCIPAL USE associated with these PARKING SPACES is located, then PARKING SPACES may be located on a lot other than that containing the principal use as a CONDITIONAL USE pursuant to the provisions below. These off-site spaces are referred to in this section as satellite PARKING SPACES.

1. All such satellite PARKING SPACES (except spaces intended for EMPLOYEE USE) must be located within five hundred (500) feet of the LOT on which the PRINCIPAL USE associated with such parking is located.
2. Walking paths to the use shall not cross STREETS except at designated crosswalks. No walking path to a principal use shall cross Route 19.
3. All such PARKING SPACES must be located in a zoning district that permits the PRINCIPAL USE.

4. An agreement must be executed between the OWNERS of the USES sharing these PARKING SPACES. If the agreement expires, each OWNER shall provide the required PARKING SPACES for their PRINCIPAL USE.

E. Surfacing. Off-STREET parking area requirements shall be as follows:

1. PARKING AREAS that include lanes for DRIVE-THROUGH windows or contain PARKING AREAS that are required to have more than ten (10) PARKING SPACES and that are used regularly at least five (5) DAYS per week shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust.
2. PARKING AREAS that are not provided with the type of surface specified in Subsection A shall be graded and surfaced with crushed stone, gravel or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. The perimeter of such PARKING AREAS shall be defined by bricks, stones, railroad ties or other similar devices. In addition, whenever such a PARKING AREA abuts a paved STREET, the DRIVEWAY leading from such STREET to such area (or, if there is no DRIVEWAY, the portion of the PARKING AREA that opens onto such STREETS) shall be paved as provided in Subsection A for a distance of fifteen (15) feet back from the edge of the paved STREET. This subsection shall not apply to SINGLE-FAMILY or TWO-FAMILY residences that are required to have only one (1) or two (2) PARKING SPACES.
3. PARKING SPACES in areas surfaced in accordance with Subsection A shall be appropriately demarcated with painted lines or other markings. PARKING SPACES in areas surfaced in accordance with Subsection B shall be demarcated whenever practicable.
4. PARKING AREAS shall be properly maintained in all respects. In particular, and without limiting the foregoing, PARKING AREA surfaces shall be kept in good condition (free from potholes, etc.) and PARKING SPACE lines or markings shall be kept clearly visible and distinct.
5. Consideration should be given to providing for heavy vehicular USE areas (i.e., maintenance, garbage collection, deliveries, etc.) whereby reinforced surfaces are used in the travel ways and areas of USE by such vehicles to prevent surface/structural failure.

F. Width.

1. Aisles.

- (a) The minimum width of aisles providing access to spaces, varying with the angle of the parking for parking lots shall be as follows:

Angle of Parking (Degrees)	Minimum Aisle Width * (Feet)
30°	12 (1-way)
45°	12 (1-way)
60°	16 (1-way)
90°	24 (2-way)

NOTES:

\*Minimum aisle width is based on use of one-way aisles for angle parking and two-way circulation with ninety-degree parking.

- (b) Entrance and exit drives:
  - (i) A minimum of 10 feet and a maximum of 15 feet for one-way use only.
  - (ii) A minimum of 20 feet and a maximum of 30 feet for two-way use.
- G. Parking areas shall be designed to permit each motor vehicle to proceed to and from the PARKING SPACE provided for it without requiring the movement of any other motor vehicle. In no case shall parking areas be designed to require or encourage cars to back into a public STREET in order to leave the lot.
- H. Off-STREET parking and loading space as required in this section shall be provided for all new BUILDINGS and STRUCTURES and for additions to existing BUILDINGS or STRUCTURES. The word "addition," as used above, shall include any alteration intended to enlarge or increase capacity by adding or creating DWELLING units, floor area or seats.
- I. Existing off-STREET parking or loading facilities provided at the effective date of this chapter and actually being used at that time in connection with the operation of an existing use shall not be reduced below the minimum required in this chapter.
- J. Except as provided in Sections 208-2501.C. and 208-2502.C of this Chapter, and except for interior ALTERATIONS not affecting the use of a lot, when existing STRUCTURES or USES not in conformity with the off-STREET parking requirements of this Article are expanded in floor area or over new LOT AREA, increased in density or otherwise changed, the entire structure or use shall be brought into compliance with the off-STREET parking requirements of this Article
- K. In the case of mixed USES, the total number of required parking or loading spaces shall be the sum of the required spaces for the various USES computed separately, except when the USES share parking facilities under the provisions of §208-1902 (B).

§ 208-1902. Parking facilities required.

Off-STREET parking facilities shall be provided as listed in the Table below.

- A. For other USES that do not fit into one of the categories listed below, determination of the appropriate PARKING SPACE requirements shall be recommended by the PLANNING COMMISSION based on a parking needs study.

Use	Required Off-Street Parking Spaces per Indicated Area
Single Family Detached Dwelling	Two (2)
Multi-Family Dwelling	One bedroom - 1.25 spaces per dwelling unit
	Two bedrooms - 1.5 spaces per dwelling unit
	Three bedrooms or more - 2 spaces per dwelling unit
Bed and Breakfast	One (1) per employee on peak shift plus one (1) per sleeping unit, and one (1) for the owner
Continuing Care Retirement Community	0.2 per dwelling unit, plus one (1) for each employee on the peak shift
Halfway House	One (1) for each employee on the peak shift, plus two (2) for visitors
Assisted Care and Nursing Facilities	One (1) per three (3) beds and one (1) for each employee on the peak shift
Mobile Home Park	2 per dwelling unit
Commercial Greenhouse, Garden Center or Plant Nursery	One (1) per employee plus one (1) for each 400 sq ft of growing and display area accessible to the public.
Golf Course/Country Club	Two (2) per hole
Gym, Health Salon	One (1) for each 250 sq. ft. GFA
Indoor Recreation Facilities	One (1) for each 250 sq. ft. GFA
Outdoor Recreation Areas	One (1) for each 2,500 sq. ft. of recreation area
Sale of Agricultural Products	One (1) for each 300 sq. ft., minimum of three (3) spaces
Adult-Oriented Establishment	One (1) per occupant based on the occupancy load as determined by the Uniform Construction Code
Amusement Arcade	One (1) for every 200 sq. ft. GFA
Automobile Sales	One (1) for each 400 sq. ft. of indoor and outdoor display area
Bank and Financial Institution	One (1) for each 250 sq. ft. GFA, plus three (3) for each ATM not located in a drive-thru.
Banquet Facilities	One (1) for every employee on the peak shift, plus one space for every 2 seats of the total capacity of the facility
Bowling Alley	Five (5) per lane
Child Day Care	One (1) for each employee plus one (1) per every three (3) children in the center
Components Facility, Clean, Indoor and Noxious Free	One (1) for each 2,000 sq. ft. plus one (1) for each employee on the peak shift
Construction Materials, Storage and Sales	One (1) for each employee and one space for each 500 sq. ft.

GFA = Gross Floor Area  
sq. ft. = Square Feet

<b>Use</b>	<b>Required Off-Street Parking Spaces per Indicated Area</b>
Construction Materials, Storage and Sales	One (1) for each employee and one space for each 500 sq. ft.
Distribution Facilities	One (1) for each two (2) employees on peak shift
Funeral Homes and Mortuaries	One (1) for each fifty (50) sq. ft. GFA in the parlors plus 1 per 300 sq. ft. of remaining GFA
Gasoline Station, without convenience store	One (1) for each employee plus two (2) for each service bay.
Gasoline Station, with convenience store	One (1) for each employee plus two (2) for each service bay plus one (1) per 250 sq. ft. GFA of convenience store area
Hotel, Motel and Hotel Office Complex	One (1) per employee on peak shift plus one (1) per sleeping unit, plus spaces for offices located on site as required
Industrial Uses	One (1) for each 2,000 sq. ft. plus one (1) for each employee on the peak shift
Kennels, Private or Commercial	One (1) per 400 sq. ft., not less than 5.
Laundry and Dry Cleaning Establishments	One (1) for each two hundred fifty (250) sq. ft. GFA
Manufacturing, Light	One (1) for each 2,000 sq. ft. plus one (1) for each employee on the peak shift
Medical Clinic or Laboratory/Medical Office	One (1) for each 250 sq. ft. GFA
Movie or Stage Theater	One (1) for each 3 seats
Personal Service Establishments	One (1) for each two hundred fifty (250) sq. ft. GFA
Personal Storage Facilities	One (1) space plus one (1) for each employee
Professional Occupations	One (1) for each 250 sq. ft. GFA
Professional Offices	One (1) for each 250 sq. ft. GFA
Religious Facilities: Churches, Temples, Synagogues and Mosques	One (1) per four (4) seats or eighty (80) lineal inches of pew, or if there are no pews or seats, one (1) per fifteen (15) sq. ft. GFA used for assembly
Research and Testing Facilities	One (1) for each 2,000 sq. ft. plus one (1) for each employee on the peak shift
Restaurants and Taverns	One (1) for each four (4) seats, plus one (1) per employee on the peak shift
Restaurant with Drive-Thru	One (1) per fifty (50) sq. ft. GFA
Retail Businesses	One (1) for each two hundred fifty (250) sq. ft. GFA
Shopping Center	One (1) for each two hundred fifty (250) sq. ft. GFA

GFA = Gross Floor Area  
sq. ft. = Square Feet

Use	Required Off-Street Parking Spaces per Indicated Area
Supermarket	One (1) for each two hundred fifty (250) sq. ft. GFA
Technological Industries	One (1) for each 2,000 sq. ft. GFA plus one (1) for each employee on the peak shift
Transportation and Truck Terminal	One (1) for each employee on the peak shift plus one (1) for each 1,000 sq. ft. GFA
Vehicular Body Shop	One (1) for each employee on the peak shift plus one (1) for each vehicle repair bay
Vehicular Repair Garage	One (1) for each employee on the peak shift plus one (1) for each vehicle repair bay
Vehicular Wash	One (1) for each 800 sq. ft. GFA
Veterinarian, excluding kennel	One (1) for each 250 sq. ft. GFA
Warehousing	One (1) for each 2,000 sq. ft. GFA plus one (1) per employee on peak shift
Wholesale Business	One (1) for each employee on the peak shift plus one (1) for each 3,500 sq. ft. GFA
Cemetery or Crematory	One (1) per 250 sq. ft. of buildings, plus one (1) per 4 seats for places of assembly
Civic, Social and Fraternal Organizations	One (1) for each 100 sq. ft. GFA
Secondary schools and Colleges and Universities	One (1) for each employee or faculty member plus one (1) for each ten (10) students or one (1) for each three (3) seats in the principal place of assembly, whichever is greater
Elementary and Middle Schools	One (1) for each employee or faculty member plus one (1) per classroom
Hospital	One (1) for every 3 beds, plus one (1) for each 250 sq. ft. devoted to out-patient services
Municipal buildings and facilities	One (1) for every 250 sq. ft.
State and federal buildings and facilities	One (1) for every 250 sq. ft.
Museum	One (1) for every 250 sq. ft.

GFA = Gross Floor Area  
sq. ft. = Square Feet

B. Shared Parking

1. In order to accommodate the usage of the same PARKING SPACES for two (2) or more different land USES, requiring different principal hours of use, a lower number of the required PARKING SPACES may be permitted. Subsequent changes in land USES within the mixed use DEVELOPMENT shall require a new occupancy permit and proof that sufficient parking will be available. The following provisions apply to shared parking:

- (a) The required parking for mixed USES shall be computed as follows:
  - (i) Determine the minimum amount of parking required for each land use as though it were a separate use.
  - (ii) Using the Table below, determine the number of spaces needed by each use for each of the four (4) time periods by multiplying the parking required for each use by the corresponding percentage of use for that time period.
  - (iii) Calculate the total number of spaces needed for all USES for each time period.
  - (iv) The time period with the highest number of PARKING SPACES required for the sum of all USES shall be the number of PARKING SPACES required.

CALCULATING PARKING FOR MIXED-USE DEVELOPMENTS

USE	WEEKDAY		WEEKEND	
	Daytime (8 AM- 6PM)	Evening (6PM – 11 PM)	Daytime(8 AM- 6PM)	Evening(6PM – 11 PM)
Office/Industrial	100%	10%	10%	5%
Retail/Personal Services	60%	90%	100%	70%
Hotel	75%	100%	75%	100%
Residential	50%	75%	100%	80%
Restaurant	75%	100%	100%	100%
Entertainment/ Recreational	40%	100%	80%	100%
All other USES	100%	100%	100%	100%

2. To apply for usage of the shared parking requirement, a table shall be submitted showing the breakdown of the GROSS FLOOR AREA devoted to each of the above five (5) land use categories. The total amount of required parking shall be tabulated by use and time period. The time period requiring the highest number of PARKING SPACES shall be selected as the basis for the shared parking requirement.

### 3. Agreement For Shared Parking Plan

A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the OWNERS of record shall be submitted to the Planning Director who shall forward a copy to the TOWNSHIP Solicitor for review and approval. Proof of recordation of the agreement shall be presented to the Planning Director prior to issuance of a certificate of occupancy. The agreement shall:

- (a.) List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
- (b.) Provide a legal description of the land;
- (c.) Include a site plan showing the area of the parking parcel
- (d.) Describe the area of the parking parcel and designate and reserve it for shared parking unencumbered by any conditions which would interfere with its use;
- (e.) Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
- (f.) Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating USES;
- (g.) Describe the method by which the covenant shall, if necessary, be revised.

#### §208-1903. Marking.

- A. In all paved parking areas which contain five (5) or more spaces, all PARKING SPACES shall be clearly delineated by painted lines marked with durable white or yellow paint in stripes a minimum of four inches (4") wide extending the length of the PARKING SPACE. All vehicular entrances and exits to parking areas shall be clearly marked for all conditions. Short-term visitor PARKING SPACES shall be differentiated from long-term EMPLOYEE spaces by suitable markings.

#### §208-1904. Curbs and Wheelstops.

- A. All outdoor hard surfaced off-STREET parking areas shall be curbed unless sheet DRAINAGE of surface water can be achieved subject to approval by the Municipal Engineer.
- B. Wheelstops shall be provided along boundaries of adjoining properties, public rights-of-way, sidewalks or landscaped areas unless curbs are provided in that portion of the parking lot.

§208-1905. Shopping Cart Return Areas.

- A. One (1) shopping cart return area shall be provided for each ten thousand (10,000) square feet of GROSS FLOOR AREA in retail stores that provide shopping carts. Shopping cart return areas shall measure nine (9) feet by eighteen (18) feet and shall provide containment on three (3) sides and shall be identified by an above-grade SIGN secured to the containment structure. The surface area of the SIGN shall not exceed four (4) square feet.

§208-1906. Lighting.

- A. Any lighting used to illuminate off-STREET parking areas shall be designed to reflect the light away from the adjoining premises of any Residential Zoning District or residential use and away from any STREETS or highways. Light standards shall not exceed fifteen (15) feet in height. The lighting system shall furnish an average minimum of 1.0 footcandle during hours of operation and shall be designed with a full cut-off luminaries with a cutoff angle of ninety (90) degrees.

§208-1907. Stormwater Management.

- A. All paved areas shall be designed so that stormwater runoff shall not adversely affect adjacent properties. The method of stormwater management and the design of the proposed facilities shall be subject to the requirements of the TOWNSHIP Stormwater Management Ordinance and to review and recommendation by the TOWNSHIP Engineer.

§ 208-1908. LOADING AND UNLOADING AREAS.

- A. Whenever the normal operation of any DEVELOPMENT requires that goods, merchandise or equipment be routinely delivered to or shipped from that DEVELOPMENT, a sufficient off-STREET LOADING AND UNLOADING AREA must be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.
- B. The LOADING AND UNLOADING AREA must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area, given the nature of the DEVELOPMENT in question. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. However, the Zoning Officer may require more or less LOADING AND UNLOADING AREA if reasonably necessary to satisfy the foregoing standard.

GROSS FLOOR AREA of BUILDING (square feet)	Number of Spaces*
1,000 to 19,999	1
20,000 to 79,999	2
80,000 to 127,999	3
128,000 to 191,000	4
192,000 to 255,999	5
256,000 to 319,999	6
320,000 to 391,999	7
For each additional 72,000 square feet or fraction thereof	Add 1 space

NOTES:

\*Minimum dimensions of twelve by fifty-five (12 x 55) feet and overhead clearance of fourteen (14) feet from street grade required for each space.

- C. LOADING AND UNLOADING AREAS shall be so located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public RIGHT-OF-WAY and complete the LOADING AND UNLOADING operations without obstructing or interfering with USE of any public RIGHT-OF-WAY or any PARKING SPACE or PARKING LOT AISLE.
- D. No area allocated to LOADING AND UNLOADING facilities may be used to satisfy the area requirements for off-STREET parking, nor shall any portion of any off-street PARKING AREA be used to satisfy the area requirements for LOADING AND UNLOADING facilities.
- E. All required LOADING AREAS shall be located on the same LOT as the USE to be served, and no portion of the vehicle shall project into any traffic lane. No LOADING AREA shall be located less than one hundred (100) feet from any residential DISTRICT. No LOADING facility shall be constructed between the BUILDING SETBACK line and the STREET RIGHT-OF-WAY LINE or between a YARD LINE and a property line.
- F. All open off-STREET LOADING areas shall be improved with an all-weather dustless material.
- G. No storage of any kind nor motor vehicle repair work of any kind, except emergency work, shall be permitted within any required LOADING area.
- H. All off-STREET LOADING areas shall be separated from walkways, sidewalks, STREETS and ALLEYS by curbing or other protective devices as approved by the TOWNSHIP Engineer.

§ 208-1909. Parking facilities for the physically handicapped.

- A. Location. PARKING SPACES for the physically handicapped shall be located as close as possible to ramps, walkways, entrances and elevators. Where feasible, these PARKING SPACES shall be located so that the physically handicapped are not forced to wheel or walk across main traffic lanes or behind parked cars to reach the ramps and other facilities. The spaces shall be situated in those areas of the PARKING LOTS located nearest to each primary BUILDING entrance.
- B. Area. Each handicapped PARKING SPACE shall contain a rectangular area of at least nineteen (19) feet long and fourteen (14) feet wide. One (1) of every eight (8) handicapped PARKING SPACES shall be at least seventeen (17) feet wide for van access. A minimum of one van-accessible space is required.
- C. Required number of spaces. The following number of PARKING SPACES shall be reserved for the physically handicapped:

Required Spaces for Physically Handicapped	
Total PARKING SPACES in LOT	Required Minimum Number
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 % of total
Over 1,000	20, plus 1 for each 100 over 1,000

- D. Identification.

PARKING SPACES for the physically handicapped shall be identified by SIGNS, seventy (70) square inches, located such that the bottom edge of the SIGN must be at least eighty (80") inches above the parking surface. The SIGNS shall state that the space is reserved by law for the physically handicapped. Where these SIGNS are placed flush against BUILDINGS or STRUCTURES or in other locations not accessible to vehicular or pedestrian traffic, the height may be reduced to six (6) feet. Painted pavement markings containing the international handicapped symbol must be provided in addition to required SIGNS.

E. Curbs.

1. Where a curb exists between a PARKING LOT and a sidewalk, a horizontally scored ramp of not more than twelve percent (12%) slope or curb cut shall be provided for wheelchair access.
2. The curb cut shall not be less than four (4) feet wide and shall have a grade of not more than one (1) foot in twelve (12) feet.
3. Curb cuts shall be provided within thirty (30) feet of each accessible entrance to the STRUCTURE, at all pedestrian walk intersections and elsewhere to provide reasonably direct circulation within each DEVELOPMENT. Where a curb cut is provided at an intersection quadrant, curb cuts shall be provided at the opposite quadrants along the involved crosswalks.
4. The curb cuts shall not be more than one hundred fifty (150) feet apart.

F. Sidewalks.

1. Sidewalks shall be scored or textured to indicate the location of doors to blind PERSONS.
2. Exterior sidewalks shall not be obstructed.
3. Exterior sidewalks shall have a side slope not greater than one (1) inch in four (4) feet. They shall be at least four (4) feet wide and have a grade of not more than (1) foot in twenty (20) feet.
4. Wherever sidewalks cross DRIVEWAYS, PARKING LOTS or other sidewalks, they shall blend to a common level.

G. Storm drains.

Storm drain grates and similar devices shall not be located within the required area of access for the physically handicapped.

H. Grade.

The grade of PARKING SPACES for the physically handicapped shall not be more than one (1) foot in twenty (20) feet. The grade for the PARKING FACILITY shall provide positive DRAINAGE with no slope less than two percent (2%).

§ 208-1910. Performance standards applicable to all nonresidential USES.

A. Parking.

All nonresidential and multi-FAMILY USES shall submit a plan for off-STREET parking as part of the application for permit. Upon permit approval, the parking plan shall be binding upon the applicant.

1. Any use submitting a binding parking plan requiring vanpooling or carpooling by EMPLOYEES may be permitted to reduce the parking requirement by one space for each vanpool or carpool space provided. Vanpool or carpool spaces can reduce the parking requirement by no more than 10%.

2. No repair or maintenance of vehicles of any kind, except for emergency repairs, shall be permitted in any accessory nonresidential PARKING FACILITY.
3. In PARKING AREAS containing ten (10) or more PARKING SPACES, up to fifteen percent (15%) of the PARKING SPACES need contain a rectangular area of only eight (8) feet in width by sixteen (16) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
4. Twelve (12) foot wide DRIVEWAYS are permissible for two-way traffic when:
  - (a) The DRIVEWAY is not longer than fifty (50) feet;
  - (b) It provides access to not more than six (6) spaces; and
  - (c) Sufficient turning space is provided so that vehicles need not back into a public STREET.
5. Parking and LOADING requirements based on floor area shall be determined by the total GROSS FLOOR AREA of the USE, excluding incidental storage, mechanical areas and preparation areas.
6. Unless no other practicable alternative is available, PARKING AREAS shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public STREET. This requirement does not apply to PARKING AREAS consisting of DRIVEWAYS along a local STREET that serve SINGLE-FAMILY DETACHED DWELLING UNITS.
7. Limitation on trucks. Except for trucks used in FARMING the property on which they are located or trucks used in conjunction with a permitted USE, trucks and/or trailers exceeding four (4) tons empty weight shall not be stored or parked in any residential ZONING DISTRICT unless engaged in moving household goods or making deliveries.
8. Parking for specialized vehicles.

Specialized vehicles such as recreational vehicles, campers, trailers, MOBILE HOME coaches, boats and boat trailers may be parked or stored in all residential DISTRICTS under the following conditions:

- (a) That such vehicles are not used as living quarters.
- (b) That the location of the PARKING or storage AREA shall be in the buildable area of the LOT and shall not be in front of the principal STRUCTURE in the Suburban Residential or Conservation Residential DISTRICTS.

9. Special access, surface and location requirements for garages, PARKING LOTS, AUTOMOBILE SERVICE STATIONS and vehicle sales LOTS shall be as follows:

- (a) No BUILDING, STRUCTURE or premises shall be used, erected or altered which is intended or designed to be used as a community garage, an AUTOMOBILE REPAIR SHOP, a service station or a PARKING LOT or STRUCTURE as the PRINCIPAL USE on a property, which has an entrance or exit for vehicles either in the same block front or within two hundred (200) feet of the property boundary of any SCHOOL, public playground, church, HOSPITAL, public library, convalescent, nursing or rest home, and no such entrance or exit, except for a community garage, shall be located within twenty (20) feet of any residential zone.
- (b) No gasoline pump, oil draining pit or similar appliance for any purpose shall be located within fifteen (15) feet of any RIGHT-OF-WAY or within fifty (50) feet of a residential zone, except where such a pump, pit or appliance is within a completely enclosed BUILDING and distant at least fifteen (15) feet from any vehicular entrance or exit of such BUILDING. Except for GASOLINE STATIONS, no gasoline pumps shall be permitted as an ACCESSORY USE for another activity.

10. Trailers.

- (a) The Parking of Storage trailers (except for agricultural purposes) is not permitted in Residential DISTRICTS, the Highway Commercial (HC) DISTRICT and in the Planned OFFICE, Business and Research Park (PORBP) DISTRICT. The Parking of Storage trailers is permitted in the Planned Industrial Park (PIP) DISTRICT and in the Warrendale Industrial (WI) DISTRICT subject to being screened from view of adjacent property and from the RIGHT-OF-WAY.
- (b) The Parking of Temporary CONSTRUCTION trailers is permitted in conjunction with CONSTRUCTION activity in a SUBDIVISION or LAND DEVELOPMENT.

11. PARKING AREAS in excess of ten thousand (10,000) square feet for business, industrial or INSTITUTIONAL USES located less than one hundred (100) feet from any residential DISTRICT shall require a minimum BUFFERYARD D (as defined in Appendix A) adjacent to any residential DISTRICT.

ARTICLE 2000  
PARKING LOT LANDSCAPING

§ 208-2001. Purpose

It is intended that the application of the landscape standards set forth below will reduce the visual and environmental impacts of large expanses of PARKING AREAS. Breaking up paved PARKING AREAS with plantings will provide improved aesthetics and micro climatic benefits by reducing heat and GLARE. Guidance for designing PARKING AREAS to achieve this intent is contained in Appendix B.

§ 208-2002. SITES affected.

A. New SITES.

No new PARKING AREAS shall hereafter be constructed or used unless landscaping is provided as required by the provisions of this Article.

B. Existing SITES.

No PARKING AREAS shall be expanded, moved or removed and/or reconstructed unless the minimum landscaping required by the provisions of this Article is provided for the property to the extent of its alteration or expansion, but not for the entire property unless required in § 208-2004.B. **[Amended 5/12/2008 by Ord. No. 389]**

C. Change of USE.

No USE shall be changed to another USE for which this chapter requires additional parking over and above that required for the previous USE, unless vehicular USE area perimeter landscaping as required by this Article is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new CONSTRUCTION is necessary to meet the parking requirements for the new USES. Where the previous USE had no required parking, perimeter landscaping shall be provided for the entire vehicular USE area serving the new USE. Interior landscaping shall not be required where only the USE of the property is changed and no new addition, expansion, or exterior CONSTRUCTION or RECONSTRUCTION is proposed.

§ 208-2003. Perimeter landscaping.

A. Property line landscape buffers between adjacent land USES shall be provided in accordance to the requirements spelled out in the landscape and land USE buffer Article 2200 of this chapter.

B. Any group PARKING LOT that is adjacent to a road or public RIGHT-OF-WAY shall provide a landscaping area width based upon the following RIGHT-OF-WAY width:

1. Sixty (60) feet wide or less: fifteen (15) feet minimum landscape area width (BUFFERYARD B).
2. More than sixty (60) feet wide: twenty (20) feet minimum landscape area width (BUFFERYARD C).

- C. Grass or ground cover shall be planted on all portions of the landscape area not occupied by other landscape material.
- D. Landscape plantings that are planted within the sight triangle near intersections shall conform to the following standards:
  - 1. No TREES shall be planted that have a main/stem/trunk greater than eight (8) inches in diameter or have a dripline that falls below six (6) feet six (6) inches in height.
  - 2. No shrubs or ground covers that exceed a height of twenty-four (24) inches.
- E. Special notes on existing natural vegetation.
  - 1. In all cases where significant natural vegetation exists, there will be limits of clearing/grading areas established to protect and preserve these natural areas. These natural areas will not be disturbed by the installation of any STRUCTURES, utilities, storm and sanitary sewers, waterlines, sediment and erosion control traps, stormwater management systems or signage. Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown in the required plan, and measures taken to protect these areas from disturbance during CONSTRUCTION shall be identified.
  - 2. Where pedestrian and bike paths are proposed in the landscape area, such paths shall be meandering in order to preserve the existing TREES.
- F. TREES required as a part of the perimeter landscaping adjacent to a public RIGHT-OF-WAY landscaping may be placed on the RIGHT-OF-WAY adjoining such vehicular USE area when approved by the BOARD OF SUPERVISORS. Such TREES shall be in addition to any STREET TREES which may be required by the SUBDIVISION regulations.
- G. In any PARKING LOT perimeter landscaping area there shall be four (4) feet minimum distance to all TREES from the edge of paving where vehicles overhang.
- H. PARKING LOTS shall include side and REAR YARD perimeter landscaping that include a continuous row of shrubs, no less than three and one-half (3 ½) feet at planting and one canopy shade tree, planted forty every (40) feet on center.

§ 208-2004. Interior landscaping.

- A. For any new PARKING LOT containing more than six thousand (6,000) square feet of area or fifteen (15) or more spaces, interior landscaping shall be provided in addition to the previously required perimeter landscaping. Interior landscaping shall be contained in peninsulas or islands containing a minimum area of one hundred sixty (160) square feet having a minimum width of eight and five-tenths (8.5) feet and a minimum length of eighteen (18) feet. There shall be a minimum distance of four (4) feet from the edge of paving to the base of all TREES which may overhang parked vehicles. The minimum landscape area permitted shall be ten percent (10%) of the PARKING AREA. Each island or peninsula shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface (wedge curbing is acceptable), unless this is in conflict with an approved Best Management Practices Management, in which case the design of the approved stormwater plan shall apply.

B. Where a PARKING AREA is altered or expanded to increase the size to six thousand (6,000) or more square feet of area or fifteen (15) or more PARKING SPACES, interior landscaping for the entire PARKING AREA shall be provided and not merely to the extent of its alteration or expansion.

C. Landscape islands or peninsulas; number required:

1. Each ten (10) PARKING SPACES shall require an interior planting island.
2. All interior PARKING AISLES shall end in a landscape island.
3. In no case shall there be more than twenty (20) PARKING SPACES in an unbroken row.

D. Maximum contiguous areas for interior PARKING LOT landscaping. In order to encourage the required landscape areas to be reasonably distributed, no single required landscape island shall be larger than the following:

1. Three hundred fifty (350) square feet in PARKING AREAS under thirty thousand (30,000) square feet.
2. Fifteen hundred (1,500) square feet in PARKING AREAS over thirty thousand (30,000) square feet.

E. Minimum plant materials.

A minimum of one (1) shade tree for each five (5) spaces of provided parking shall be required. The remaining area of the required landscaped area shall be landscaped with shrubs or ground cover not to exceed two (2) feet in height. (See also § 208-2004.F.) Shade TREES in PARKING AREAS.) **[Amended 9-29-2008 by Ord. No. 393]**

F. Shade TREES in parking areas.

1. PARKING AREAS that are required to be paved must be shaded by deciduous TREES (either retained or planted by the DEVELOPER) that have or will have when fully mature a trunk at least twelve (12) inches in diameter. When TREES are planted by the DEVELOPER to satisfy the requirements of this subsection, the DEVELOPER shall choose TREES that meet the standards set forth in Appendix B.
2. Each tree of the type described in Subsection A shall be presumed to shade a circular area having a radius of fifteen (15) feet with the trunk of the tree as the center, and there must be sufficient TREES so that, using this standard, twenty percent (20%) of the vehicle accommodation area will be shaded.
3. No paving may be placed within eight (8) feet (measured from the center of the trunk) of any tree retained to comply with Subsection A, and new TREES planted to comply with Subsection A shall be located so that they are surrounded by at least two hundred (200) square feet of unpaved area in a manner that will not encroach upon the projected dripline
4. PARKING AREAS shall be laid out and detailed to prevent vehicles from striking TREES. Vehicles will be presumed to have a body overhang of three (3) feet six (6) inches.

G. Landscaping for service STRUCTURES.

All service STRUCTURES shall be fully screened, except when located in an industrial zone. Service STRUCTURES in an industrial zone shall be fully screened when located within one hundred (100) feet of any zone other than industrial. For the purposes of this Article, service STRUCTURES shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a BUILDING or a site.

1. Location of screening.

A continuous planting, hedge, FENCE, wall or earth mound shall enclose any service STRUCTURE on all sides unless such STRUCTURE must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed STRUCTURE, but shall not be required to exceed eight (8) feet in height. Whenever a service STRUCTURE is located next to a building wall, perimeter landscaping material or vehicular USE area, landscaping material of such walls or screening material may fulfill the screening requirement for that side of the service STRUCTURE if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Whenever service STRUCTURES are screened by plant material, such material may count towards the fulfillment of required interior or perimeter landscaping. No interior landscaping shall be required within an area screened for service STRUCTURES.

2. Protection of screening material.

Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved or emptied. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

H. Interior landscaping for PARKING AREAS shall be installed and continuously maintained by the OWNER according to the requirements contained in the landscape and land USE buffer Article of this chapter.

I. Landscape material type and quality shall be described in detail in the landscape and land USE buffer Article of this chapter,

J. Whenever any property is affected by these PARKING AREA landscape requirements, the property OWNER or DEVELOPER shall prepare a landscape plan for approval by the BOARD OF SUPERVISORS.

ARTICLE 2100  
SIGNS

§ 208-2101. Purpose.

Marshall TOWNSHIP has determined that the control of signage associated with various land USES in the TOWNSHIP is an essential part of protecting the health, safety and welfare of TOWNSHIP residents. This determination has been made based on the desire to minimize traffic hazards from SIGNS which distract a driver's attention from the road. It cannot be disputed that a SIGN's whole purpose is to call attention to themselves and to the extent they are successful, a motorists powers of observation are diverted from those things which he may injure or which may bring injury to him. Additionally, the TOWNSHIP recognizes that appearance of the TOWNSHIP helps drive its economy, and so it is important to protect that appearance. These regulations are specifically intended to achieve this objective.

It is also important to note that the provisions contained herein are not intended to regulate any type of speech and shall be applied to all advertising displays regardless.

Furthermore, it should also be noted that both the PLANNING COMMISSION and BOARD OF SUPERVISORS have taken great time and effort to design the provisions contained in this Article of the Zoning Ordinance to ensure that competing interests have been balanced without eliminating the opportunity for outdoor advertising in Marshall TOWNSHIP. To that end, the purpose of the following sections is to establish minimum regulations for the display of SIGNS.

§ 208-2102. Scope and applicability.

- A. In all ZONING DISTRICTS within Marshall TOWNSHIP, SIGNS may be erected, altered, maintained, used, removed or moved only when in compliance with the provisions of this Article and any and all other ordinances and regulations of the TOWNSHIP relating to the erection, alteration, maintenance, use, removal or moving of SIGNS or similar devices.

§ 208-2103. Permit required.

- A. Except as otherwise provided in §§208-2105 and 208-2106, no SIGN may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this chapter and in accordance with a SIGN permit issued by the TOWNSHIP Zoning Officer. Repainting or changing the message of a SIGN shall not, in and of itself, be considered a substantial alteration.
- B. Sign permit applications and SIGN permits shall be governed by the same provisions of this chapter applicable to ZONING PERMITS.
- C. Unless specifically exempted in this Article, a separate permit shall be required for the erection, structural repair or alteration of any SIGN regulated in this chapter. Each application for a SIGN permit shall be accompanied by a drawing to scale showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination, the exact location of the SIGN in relation to the BUILDING and property and details and specifications for CONSTRUCTION. A fee in accordance with the TOWNSHIP Fee Schedule, as amended, shall accompany each application.

3. In the case of a LOT occupied or intended to be occupied by multiple business enterprises (e.g., a SHOPPING CENTER), SIGN permits shall be issued in the name of the LOT OWNER or his agent rather than in the name of the individual business enterprise requesting a particular SIGN. The TOWNSHIP may assist the OWNER by suggesting a formula whereby the maximum square footage of SIGN area allowed on the LOT may be allocated equitably among all tenants, but the TOWNSHIP shall be responsible for enforcing only the provisions of this chapter and not the provision of any allocation formula, lease or other private restriction.

§ 208-2104. Prohibited SIGNS.

- A. The following SIGNS are not permitted under this article. Such SIGNS include, but are not limited to:
  1. AWNING SIGN
  2. ROOF SIGN
  3. PORTABLE SIGN
  4. PENNANTS AND STREAMERS
  5. CANOPY SIGN
  6. ADVERTISING VEHICLE
  7. PROJECTION SIGN (except as permitted in §208-905 for TC District)
- B. No SIGN shall be erected in the TOWNSHIP that:
  1. Obstructs the sight triangle distance at an intersection along a public right-of-way.
  2. Tends by its location, color, shape, message or nature to be confused with or obstruct the view of traffic SIGNS or traffic signals by motorists or pedestrians.
  3. USES admonitions such as stop, go, slow, danger, etc., which might be confused with traffic signals.
- C. Novelty SIGNS, including but not limited to object (i.e., tires, automobiles, food products, etc.), PENNANTS, BANNERS and balloons shall not be permitted.

§ 208-2105. Exempt SIGNS.

- A. The following SIGNS are exempt from regulation under this chapter unless more specific provisions contained in this Article indicate otherwise:
  1. One (1) RESIDENTIAL SIGN not exceeding two (2) square feet in area that is customarily associated with RESIDENTIAL USE.
  2. SIGNS erected by or on behalf of or pursuant to the authorization of a governmental body,

- including legal notices, identification and informational SIGNS and traffic, DIRECTIONAL or regulatory SIGNS.
3. Official SIGNS of a noncommercial nature erected by public utilities.
  4. FLAGS or insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
  5. SIGNS directing and guiding traffic on a public property that do not exceed four (4) square feet each and that bear no COMMERCIAL MESSAGE.
  6. Displays, including lighting, erected in connection with the observance of holidays. Such SIGNS shall be removed within fifteen (15) DAYS following the holidays.
  7. No trespassing or no hunting SIGNS, without limitation on number or placement, limited in area to two (2) square feet.

§ 208-2106. Certain TEMPORARY SIGNS: permit exemptions subject to additional regulations.

- A. The following TEMPORARY SIGNS are permitted without a permit. However, such SIGNS shall conform to the requirements set forth below as well as all other applicable requirements of this chapter:
  1. In residential zones, SIGNS containing the message that the real estate on which the SIGN is located (including BUILDINGS) is for sale, lease or rent, together with information identifying the OWNER or agent. Such SIGNS shall be removed immediately after sale, lease or rental.
    - (a) In residential zones, such SIGNS may not exceed four (4) square feet in area. For LOTS of less than five (5) acres, a single SIGN on each STREET FRONTAGE may be erected. For LOTS or parcels five (5) acres or more in area and having a STREET FRONTAGE in excess of four hundred (400) feet, one (1) additional sign not exceeding twelve (12) square feet in area may be erected.
    - (b) In non-residential zones, such SIGNS may not exceed thirty-two (32) square feet in area and eight (8) feet in height. There shall not be more than one (1) temporary commercial real estate SIGN for each lot or site except that where a lot abuts two (2) or more STREETS, an additional SIGN oriented to each ABUTTING STREET shall be permitted. Such SIGNS shall only be located upon the premises for sale, lease or rent or for which they are advertising. Such SIGNS shall be located a minimum of ten (10) feet from any STREET right of way and adjacent property lines.
  2. CONSTRUCTION SITE identification SIGNS not exceeding thirty-two (32) square feet in area erected on the SITE during the period of CONSTRUCTION which announce the name of the OWNER or DEVELOPER, contractor, architect, landscape architect, planner or engineer. Such SIGNS shall not be illuminated and shall be removed upon completion of CONSTRUCTION.
  3. SIGNS attached temporarily to the interior of a building window or glass door. Such SIGNS, individually or collectively, may not cover more than thirty-five percent (35%) of the surface area of the transparent portion of the window or door to which they are attached.

4. Any INCIDENTAL SIGN advertising the sale of the FARM products grown or produced on the premises in any ZONING DISTRICT wherein an agricultural USE is permitted, provided that such SIGN shall not exceed twelve (12) square feet in area and shall be at least fifty (50) feet from the nearest intersection of a STREET, road or highway and at least twenty (20) feet from the nearest property line. Such SIGN shall not be illuminated.
5. One (1) bulletin board and SIGN for a church, SCHOOL, community or other public or semipublic institution BUILDING on the property on which located, provided that the area of such bulletin board or SIGN shall not exceed fifteen (15) square feet in area, nor be located closer than twenty-five (25) feet to any property line.
6. TEMPORARY SIGN of mechanics, painters and other artisans, provided that such SIGN shall be erected only on the property where such work is being performed, shall not exceed four (4) square feet and shall be removed promptly upon completion of the work.

§ 208-2107. Determining number of SIGNS.

- A. For the purpose of determining the number of SIGNS, a SIGN shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit.
- B. A two-sided or multisided SIGN shall be regarded as one (1) SIGN so long as:
  1. With respect to a V-type SIGN, the angle of the V shall not exceed thirty degrees (30°); and
  3. With respect to double-faced (back-to-back) SIGNS, the distance between the backs of each face of the SIGN shall not exceed two (2) feet.

§ 208-2108. Computation of SIGN area.

- A. The surface area of a SIGN shall be computed by including the entire area within a single, continuous, rectilinear perimeter of not more than eight (8) straight lines or a circle or an ellipse enclosing the extreme limits of the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the SIGN from the backdrop or STRUCTURE against which it is placed, but not including any supporting framework or bracing that is clearly incidental to the display itself.
- B. If the SIGN consists of more than one (1) section or module, all of the area, including that between sections or modules, except air space, shall be included in the computation of the SIGN area.
- C. With respect to two-sided, multisided or three-dimensional SIGNS, the SIGN surface area shall be computed as described in Subsections A and B by including the total of all sides designed to attract attention or to communicate information that can be seen at any one (1) time by a PERSON from one (1) vantage point. Without otherwise limiting the generality of the foregoing:
  1. The SIGN surface of a double-faced, back-to-back SIGN shall be calculated by using the area of only one (1) side of such SIGN, so long as the distance between the backs of such SIGN does not exceed two (2) feet.

2. The SIGN surface area of a double-faced SIGN constructed in the form of a V shall be calculated by using the area of only one (1) side of such SIGN (the larger side if there is a size difference), so long as the angle of the V does not exceed thirty degrees (30°) and at no point does the distance between the backs of such sides exceed five (5) feet.
4. Signage on gas canopies will be computed as part of the allowable FREESTANDING SIGN surface area.

§ 208-2109. General requirements applicable in all DISTRICTS.

- A. At the intersection of any state or federal highway with a major or secondary STREET, the SETBACK of any FREESTANDING SIGN shall not be less than one hundred (100) feet from the established RIGHT-OF-WAY of the intersection.
- B. No SIGN may extend above any parapet or be placed upon any roof surface, except that for purposes of this section, roof-surfaces constructed at an angle of seventy-five degrees (75°) or more from horizontal shall be regarded as wall space. This subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential STRUCTURES.
- C. No SIGN attached to a BUILDING may project outward more than twelve (12) inches from the building wall.
- D. No SIGN or supporting STRUCTURE may be located in or over any public RIGHT-OF-WAY, except for the following:
  1. Public SIGNS erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic.
  2. Bus stop SIGNS erected by a public transit company.
  3. Informational SIGNS of a public utility regarding its poles, lines, pipes or facilities.
  4. Emergency warning SIGNS erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way.
  5. Projecting SIGNS permitted under §208-905.
  6. Any SIGNS erected in violation of this provision shall be deemed a hazard and shall be removed without notice at cost to the owner.
- E. No SIGN which emits smoke, visible vapors or particles, sound or odor shall be permitted.
- F. No SIGN shall be erected containing information on it which states or implies that a property may be used for any purpose not permitted under the provisions of this chapter in the ZONING DISTRICT in which the property to which the SIGN relates is located.

- G. Any SIGN located along the right-of-way of a state or federal highway shall comply with any more restrictive requirements of the state or federal government relating thereto.
- H. All distances provided for this Article shall be measured along straight lines between SIGNS and from the near edge to near edge of the SIGN OR SIGN STRUCTURE.
- I. SIGNS, whether permanent or temporary, other than municipal, county or state SIGNS or official traffic control devices, shall not be erected within or overhang any approved site EASEMENTS, nor shall any sign be located so as to constitute a traffic hazard.
- J. Advertising SIGNS, except temporary real estate SIGNS and nonconforming business SIGNS as permitted under § 208-2106, shall not be permitted in any residential district in the TOWNSHIP.
- K. SIGNS where permitted shall be erected or placed in conformity with the side and REAR YARD requirements of the district in which it is located.

§ 208-2110. Permitted SIGNS; SIGN area, height, and SETBACK requirements.

- A. The following provisions identify the types of SIGNS, number of SIGNS, SIGN surface area, and SIGN setbacks permitted by general specific ZONING DISTRICT classifications.

- 1. Commercial and industrial district SIGNS.

- (a) WALL SIGNS.

Each individual commercial or industrial ESTABLISHMENT shall be permitted multiple WALL SIGNS. The projection of the WALL SIGNS shall not exceed one (1) foot measured from the face of the BUILDING. The area of all permanent WALL SIGNS or BUILDING SIGNS for any single business enterprise shall be limited according to the area of the BUILDING facade or part of BUILDING occupied by such enterprise. For the purposes of this section, area shall be measured along the building face nearest parallel to the STREET LINE.

- (i) For LOTS located along one (1) public STREET:  
The total area of all WALL SIGNS shall be limited to fifteen percent (15%) of the facade fronting the STREET not to exceed seventy (70) square feet. No individual WALL SIGN shall exceed fifty (50) square feet.
- (ii) In the case of a CORNER LOT that has at least one hundred fifty (150) feet of frontage on two (2) intersecting public STREETS:  
WALL SIGNS can be placed on either façade fronting on a STREET. The total area of all WALL SIGNS (on both facades) shall be limited to fifteen percent (15%) of the area of one (1) of the building's facades fronting the STREET but shall not exceed seventy (70) square feet. No individual WALL SIGN shall exceed fifty (50) square feet.

- (iii) In the case of a double FRONT LOT that has at least one hundred fifty (150) feet of frontage on two (2) public STREETS that do not intersect at the LOT'S boundaries:  
WALL SIGNS can be placed on either façade fronting on a STREET. The total area of all WALL SIGNS (on both facades) shall be limited to fifteen percent (15%) of the area of one (1) of the building's facades fronting the STREET but shall not exceed seventy (70) square feet. No individual WALL SIGN shall exceed fifty (50) square feet.

(b) FREESTANDING SIGNS.

In a commercial or industrial DISTRICT, each parcel upon which a commercial or industrial USE is located shall be permitted one (1) permanent FREESTANDING SIGN.

- (i) If the parcel's frontage is less than two-hundred (200) feet, the parcel shall be permitted one (1) GROUND/MONUMENT SIGN.
- (ii) If the parcel's frontage is two-hundred (200) feet or greater, the parcel shall be allowed either one (1) ground/monument sign or one (1) pole/pylon sign.
- (iii) FREESTANDING SIGNS shall be limited to thirty-five (35) square feet except as provided for in § 208-2112 for corner lots or for sites with multiple USES. The height of FREESTANDING SIGNS shall not exceed twenty-five (25) feet or the main cornice line of the building, whichever is more restrictive. To encourage the reduction in height of FREESTANDING SIGNS, an increase of twenty percent (20%) of the sign area will be allowed if a freestanding sign is not more than seven (7) feet in height. Such SIGNS shall be located a minimum distance from the RIGHT-OF-WAY line or adjoining lot line according to the chart for allowable increases. Such SIGNS shall be located a minimum distance of fifty (50) feet from any residential or conservation district. FREESTANDING SIGNS shall be supported by one (1) or more columns or uprights which are firmly embedded in the ground. Exposed guy wires, chains or other connections shall not be made a permanent support of the freestanding sign.

Chart for allowable increases: **[Amended 5/12/2008 by Ord. No. 389]**

SIGN Height (feet)	Minimum SETBACK (feet)	Maximum Area (sq. ft.) excluding bonUSES in §208-2111
7 OR LESS	10	42 (includes 20% bonus)
7.01-10	15	35
10.01-15	20	35
15.01-25	25	35

(c) DIRECTIONAL SIGNS.

Two (2) DIRECTIONAL SIGNS may be erected at each DRIVEWAY serving a LOT, regardless of the number of PRINCIPAL USES upon the LOT. The surface area of any one (1) DIRECTIONAL SIGN shall not exceed four (4) square feet and in no event shall be higher than six (6) feet. Any DIRECTIONAL SIGN must be landscaped in conformity with the grounds of adjacent property and may not obstruct ingress or egress to premises or vision at intersections or curves. Such SIGNS may be located up to but not within the STREET RIGHT-OF-WAY, must be set back ten (10) feet from any adjoining LOT LINE and, further, may not be located within fifty (50) feet of a RESIDENTIAL DISTRICT.

(d) TEMPORARY SIGNS.

Signs indicating that a special event such as a grand opening, fair, carnival, circus, festival or similar event is to take place on the LOT where the SIGN is located. Such SIGNS shall require a permit and may be erected a maximum of two (2) times during a twelve (12) month period for up to two (2) weeks at a time. No SIGN shall be greater than twenty-four (24) square feet.

2. Residential district SIGNS.

(a) HOME OCCUPATION SIGNS.

HOME OCCUPATIONS for which a SIGN is required by county, state or federal regulations, one (1) SIGN, a maximum of four (4) square feet in SIGN area, is permitted.

- (i) SIGNS for HOME OCCUPATIONS shall be set back a minimum of ten (10) feet from any STREET RIGHT-OF-WAY LINE or adjoining LOT LINE.
- (ii) SIGNS for HOME OCCUPATIONS shall not be illuminated.

(b) WALL SIGNS.

For NONRESIDENTIAL USES other than HOME OCCUPATIONS in RESIDENTIAL DISTRICTS, one (1) BUILDING or WALL SIGN is permitted for a single LOT.

- (i) The area of all permanent BUILDING or WALL SIGNS for any single business enterprise shall be limited to ten percent (10%) of the area of the building facade of the BUILDING occupied by such enterprise. In no instance shall the SIGN area exceed forty (40) square feet.
  - a. For the purposes of this section, the area of the BUILDING facade shall be measured along the BUILDING face nearest parallel to the STREET LINE. In the case of a CORNER LOT, either frontage may be used in determining area, but the frontage selected shall be considered the front wall of the BUILDING for the purposes of determining the maximum area of the SIGN.

- b. Projections of BUILDING or WALL SIGNS shall not exceed one (1) foot measured from the face of the main wall of the BUILDING.

(c) FREESTANDING SIGNS.

For NONRESIDENTIAL USES other than HOME OCCUPATIONS in residential DISTRICTS, one (1) permanent FREESTANDING SIGN is permitted for a single LOT.

- (i) FREESTANDING SIGNS are limited to fifteen (15) square feet in SIGN area. The height of FREESTANDING SIGNS shall not exceed six (6) feet or the main cornice line of the BUILDING, whichever is more restrictive. Such SIGNS shall be located a minimum distance of twenty (20) feet from the STREET RIGHT-OF-WAY LINE or adjoining LOT LINE.

(d) DIRECTIONAL SIGNS.

One (1) DIRECTIONAL SIGN may be erected at each DRIVEWAY serving a LOT, regardless of the number of PRINCIPAL USES upon the LOT.

- (i) The surface area of any one (1) DIRECTIONAL SIGN shall not exceed four (4) square feet and in no event shall be higher than six (6) feet. Any DIRECTIONAL SIGN must be landscaped in conformity with the grounds of adjacent property and may not obstruct ingress or egress to premises or vision at intersections or curves. Such SIGNS may be located up to but not within the STREET RIGHT-OF-WAY and must be set back ten (10) feet from any adjoining LOT LINE.

§ 208-2111. Bonus SIGN area.

- A. To encourage design excellence, the maximum SIGN area for commercial businesses, (not including HOME OCCUPATIONS) and industries may be increased by the percentages herein. A separate bonus is granted for compliance with each of the criteria and the bonuses are cumulative, but the bonus percentage is based on the original SIGN area. In no instance shall the bonus increase in SIGN area exceed thirty percent (30%) of the area permitted absent the bonus.

1. FREESTANDING SIGNS.

The area of FREESTANDING SIGNS may be increased as follows:

- (a) Ten percent (10%) when the SIGN is constructed of solid wood.
- (b) Twenty percent (20%) when the SIGN is installed in a landscaped planter having an area twice the area of the resultant SIGN.
- (c) Ten percent (10%) when the SIGN is not designed or used with illumination.

2. WALL SIGNS.

The area of WALL SIGNS may be increased as follows, but only if the projection does not exceed twelve (12) inches:

- (a) Twenty percent (20%) when all lettering and background is uniform in style and color for SIGNS in a SHOPPING CENTER or for any three (3) consecutive separate ESTABLISHMENTS.
- (b) Ten percent (10%) if the SIGN is not designed or used with any illumination.
- (c) Ten percent (10%) if the SIGN design compliments and utilizes the architectural details of the facade.

§ 208-2112. Number of FREESTANDING SIGNS.

- A. Except as authorized by this section, no LOT or parcel may have more than one (1) FREESTANDING SIGN.
- B. If a commercial or industrial USE is located on a CORNER LOT that has at least one hundred fifty (150) feet of frontage on each of the two (2) intersecting public STREETS, then the DEVELOPMENT may have not more than one (1) FREESTANDING SIGN along each side of the DEVELOPMENT bordered by such STREETS. However, in such cases the total FREESTANDING SIGN area shall be limited to fifty (50) square feet for both SIGNS and no one (1) SIGN shall exceed thirty-five (35) square feet.
- C. If a DEVELOPMENT is located on a LOT that is bordered by two (2) public STREETS that do not intersect at the LOT'S boundaries (double FRONT LOT), then the DEVELOPMENT may have not more than one (1) FREESTANDING SIGN on each side of the DEVELOPMENT bordered by such STREETS. However, in such cases the total FREESTANDING SIGN area shall be limited to fifty (50) square feet for both SIGNS and no one (1) SIGN shall exceed thirty-five (35) square feet.
- D. A FREESTANDING SIGN to be used on a parcel of commercial or industrial property with multiple USES and a name distinct from that of any occupant, such as a SHOPPING CENTER, shall be permitted a FREESTANDING SIGN area of one hundred (100) square feet which shall be used only to identify the center and/or as a register to identify the multiple USES. Where such USE has over one thousand (1,000) feet of total STREET FRONTAGE, the allowable signage may be divided between two (2) freestanding STRUCTURES.

§ 208-2113. Entrance identification SIGNS.

- A. Identification SIGNS for SUBDIVISIONS containing more than twenty (20) homes and MOBILE HOME PARKS shall be permitted, provided that:
  - 1. The size of any such SIGN shall not exceed twenty (20) square feet nor exceed eight (8) feet in height above finished grade;
  - 2. Not more than one (1) such SIGN is placed on any premises held in single and separate ownership or developed as a unit, unless such property fronts upon more than one (1) STREET, in which event one (1) such SIGN may be erected on each frontage;
  - 3. Said SIGNS may only be located on the premises that they identify; and

4. Such SIGN shall not obstruct vision at road intersections and shall be landscaped in keeping with adjacent property.

§ 208-2114. Highway SIGNS.

- A. A LOT which has a minimum of five hundred (500) feet of frontage on an interstate, as defined and designated by this chapter, shall be permitted one (1) HIGHWAY SIGN, in addition to any other SIGN or SIGNS permitted by Article 2100.
- B. A HIGHWAY SIGN shall be a FREESTANDING SIGN and shall be no more than fifty (50) square feet in area for each two hundred and fifty (250) feet of interstate frontage of the LOT on which it is to be located. A HIGHWAY SIGN shall be no higher than six (6) feet in height from adjacent ground level, except when the total area of the HIGHWAY SIGN is more than one hundred (100) square feet, it may be no more than twelve (12) feet in height. HIGHWAY SIGNS may be generally illuminated or spotlighted.
- C. When more than one (1) LOT is to be subdivided or developed as part of a larger DEVELOPMENT, there shall be permitted to that DEVELOPMENT either:
  1. No more than one (1) HIGHWAY SIGN for each interstate upon which the DEVELOPMENT fronts; or
  2. One (1) sign for each two hundred and fifty (250) feet of frontage on an interstate, provided that the combined sign area thereof shall not exceed the total sign face area which would otherwise be permitted by this section.

§ 208-2115. OFF-PREMISES DIRECTIONAL SIGNS for commercial or INDUSTRIAL USES.

- A. DIRECTIONAL OFF-PREMISES SIGNS. Not more than one (1) in number for each LOT occupied by a business which is located in the TOWNSHIP shall be permitted in commercial or industrial DISTRICTS, subject to the following provisions:
  1. Such SIGNS shall not exceed twenty (20) square feet in area nor twenty-five (25) feet in height and shall contain no more than the names, address, nature of the business, the distance to the business and a directional arrow.
  2. Such SIGNS shall be located a minimum distance of ten (10) feet from the RIGHT-OF-WAY of any road or STREET and twenty-five (25) feet from any adjoining property.
  3. The minimum distance between an OFF-PREMISES SIGN and any existing SIGN shall be two hundred (200) feet.
  4. No OFF-PREMISES SIGN may be located within three hundred (300) feet of any existing DWELLING, SCHOOL or church.
  5. Application for an OFF-PREMISES SIGN permit shall be accompanied by a notarized statement of permission granted by the OWNER of the property on which the SIGN is to be located.

6. No OFF-PREMISES SIGN shall be erected at an "intersection" here defined as within the first one hundred (100) feet of any intersecting road RIGHTS-OF-WAYS. **[Amended 5/12/2008 by Ord. No. 389]**
- B. An off-premises sign to be used to serve multiple USES (a group of commercial or INDUSTRIAL USES) which are located on one (1) lot shall be subject to all the provisions of § 208-2110.A.1 except that such signs shall be permitted a maximum sign area of fifty (50) square feet. **[Amended 9-29-2008 by Ord. No. 393]**
  - C. Inasmuch as off-premises signs for multiple USES rely on a group of commercial or industrial businesses, it shall be the responsibility of the business to:
    1. Provide to the TOWNSHIP a signed lease of the property on which the sign is to be located; and
    2. Provide to the TOWNSHIP a signed agreement of all the qualifying business desirous of participation in the proposed sign.
      - (a) A qualifying business shall be one (1) which is located within one-half (1/2) mile of the intersection, have no direct access to Route 19 and be located on the same side of Route 19 as the proposed SIGN.
      - (b) The agreement shall be reviewed by the TOWNSHIP Solicitor and contain as a minimum the following:
        - (i) The signatures of all qualifying businesses who desire to participate and attachments, in writing, from all other qualifying businesses who do not desire to participate.
        - (ii) Provisions for CONSTRUCTION, maintenance and removal.
        - (iii) A breakdown as to the cost of participation to the various businesses.
        - (iv) Provision for inclusion of additional qualifying businesses in the future and a formula for determining cost of inclusion.

§ 208-2116. SIGN illumination; SIGNS containing lights.

- A. Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.
- B. No SIGN within one hundred fifty (150) feet of a residential zone may be illuminated between the hours of 12:00 midnight and 6:00 a.m.
- C. Lighting directed toward a SIGN shall be shielded so that it illuminates only the face of the SIGN and does not shine directly into a public RIGHT-OF-WAY or residential premises.
- D. Except as herein provided, internally illuminated signs are not permissible in any residential districts, and where permissible, internally illuminated FREESTANDING SIGNS may not be illuminated during hours that the business or enterprise advertised by such SIGN is not open for business or in operation. This subsection shall not apply to the following types of signs:
  1. Signs that constitute an integral part of a vending machine, telephone booth, device that only

indicates the time, date or weather conditions or similar device whose principal function is not to convey an advertising message.

2. Signs that do not exceed two (2) square feet in area and that convey the message that a business enterprise is open or closed or that a place of lodging does or does not have a vacancy.
- E. Subject to Subsection G, illuminated tubing or strings of lights that outline property lines, sales areas, rooflines, building walls or corners, doors, windows or similar areas are prohibited.
- F. Subject to Subsection G, no SIGN may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except those portions of a SIGN indicating the time, date or weather conditions.
- G. Subsections E and F do not apply to temporary signs erected in connection with the observance of holidays.

§ 208-2117. Miscellaneous restrictions and prohibitions.

- A. No SIGN may be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public STREETS or private roads.
- B. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. The restriction of this subsection shall not apply to signs indicating the time, date or weather conditions.
- C. No SIGN may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- D. FREESTANDING SIGNS shall be securely fastened to the ground or to some other supportive structure.
- E. ELECTRONIC CHANGEABLE COPY SIGNS are permitted, with the following restrictions:
  1. Electronic Changeable Copy Signs are limited to 50% of the total area of the SIGN, or 25 square feet in area, whichever is more restrictive;
  2. Messages shall not change at a frequency of more than once every 15 minutes (time, temperature, and date signs may change more frequently, but must do so on a separate portion of the changeable copy area of the SIGN). The time interval used to change from one complete message to another complete message or display shall be maximum of one (1) second. There shall not be any appearance of a visual dissolve or fading, in which any part of one electronic message or display appears simultaneously with any part of a second message or display.

§ 208-2118. Maintenance of SIGNS; permits.

- A. All SIGNS and all components thereof, including, without limitation, supports, braces and anchors, shall be kept in a state of good repair.
- B. If a SIGN other than a billboard advertises a business, service, commodity, accommodation,

attraction or other enterprise or activity that is no longer operating or being offered or conducted, that SIGN shall be considered abandoned and shall, within one hundred eighty (180) DAYS after such ABANDONMENT, be removed.

- C. If the message portion of a SIGN is removed, leaving only the supporting shell of a SIGN or the supporting braces, anchors or similar components, the OWNER of the SIGN or the OWNER of the property where the SIGN is located or other PERSON having control over such SIGN shall, within one hundred eighty (180) DAYS of the removal of the message portion of the SIGN, either replace the entire message portion of the SIGN or remove the remaining components of the SIGN. This subsection shall not be construed to alter the effect of § 208-2502, which prohibits the replacement of a NONCONFORMING SIGN, nor shall this subsection be construed to prevent the changing of the message of a SIGN. **[Amended 9-29-2008 by Ord. No. 393]**
- D. A continuing SIGN permit shall lapse automatically if not renewed or if the business license for the premises lapses, is revoked or is not renewed. A SIGN permit shall also lapse if the business activity on the premises is discontinued for a period of one hundred eighty (180) DAYS or more and is not renewed within thirty (30) DAYS of a notice from the TOWNSHIP to the last permittee, sent to the premises, that the SIGN permit will lapse if such activity is not renewed.

§ 208-2119. Removal or ABANDONMENT of SIGNS.

A. Removal of SIGN.

The Zoning Officer may order the removal of any SIGN erected or maintained in violation of this Article. He shall give thirty (30) DAYS' notice, in writing, to the OWNER of such SIGNS or of the BUILDING, STRUCTURE or premises on which such SIGN is located to remove the SIGN or to bring it into compliance. Upon failure to comply with this notice, the Zoning Officer or duly authorized representative may remove the SIGN at cost to the OWNER. The Zoning Officer may remove a SIGN immediately and without notice, at cost to the OWNER, if, in his opinion, the condition or location of the SIGN is such as to present an immediate threat to the safety of the public.

B. Abandoned SIGNS.

1. A SIGN shall be removed by the OWNER or lessee of the premises upon which the SIGN is located when the business which it advertises is no longer conducted on the premises. If the OWNER or lessee fails to remove it, the Zoning Officer shall give the OWNER thirty (30) DAYS' written notice to remove it. Upon failure to comply with this notice, the Zoning Officer or his duly authorized representative may remove the SIGN at cost to the OWNER.<sup>59</sup>
2. Where a successor to a defunct business agrees to maintain the SIGNS as provided in this Article, this removal requirement shall not apply.

§ 208-2120. Unlawful cutting of TREES or shrubs.

- A. No PERSON may, for the purpose of increasing or enhancing the visibility of any SIGN, damage, trim, destroy or remove any trees, shrubs or other vegetation located:

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<sup>59</sup> **Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art I.**

1. Within the RIGHT-OF-WAY of any public STREET, road or BUFFERYARD unless the work is done pursuant to the express written authorization of the TOWNSHIP or other agency having jurisdiction over the STREETS.
2. On property that is not under the ownership or control of the PERSON doing or responsible for such work, unless the work is done pursuant to the express authorization of the PERSON owning the property where such trees or shrubs are located.
3. In any area where such trees or shrubs are required to remain under a permit issued under this chapter.

§ 208-2121. Political SIGNS.

- A. POLITICAL SIGNS shall not exceed fifteen (15) square feet in area nor shall these SIGNS exceed six (6) feet in height and shall be setback from the STREET RIGHT-OF-WAY a minimum of ten (10) feet.

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ARTICLE 2200  
Screening, BUFFERYARDS and Trees

§ 208-2201. Purpose.

- A. One of zoning's most important functions is the division of land USES into DISTRICTS which have similar character and contain compatible USES. All USES permitted in any DISTRICT have generally similar nuisance characteristics. BUFFERYARDS act to minimize the negative impact of any future USE on neighboring USES.
- B. BUFFERYARDS shall be required to separate different ZONING DISTRICTS from each other and to separate USES within the same ZONING DISTRICT that may have different impact characteristics in order to eliminate or minimize potential nuisances such as dirt, litter, NOISE, GLARE of lights, SIGNS and unsightly BUILDINGS or PARKING AREAS or to provide spacing to reduce adverse impacts of NOISE, odor or danger from fires or explosions. MATURE WOODLANDS are considered the best buffers and should be used whenever possible.

§ 208-2202. General regulations.

- A. Location of BUFFERYARDS. BUFFERYARDS shall be located on the outer perimeter of a LOT or parcel, extending to the LOT or parcel boundary line. BUFFERYARDS shall not be located on any portion of an existing or dedicated public or private STREET.
- B. Determination of required BUFFERYARDS. To determine the type of BUFFERYARD required on a parcel or between two (2) parcels or between a parcel and a STREET, the following procedure shall be used:
  - 1. Identify whether any portion or property line of the SITE constitutes a ZONING DISTRICT boundary. If it does, determine the zoning on both sides of the property and apply the required BUFFERYARD from §209-2202, Table 1.

Table 1: BUFFERYARDS Between Adjacent Zoning Districts

		Adjacent Parcel Zoning District								
		CR	SR	MDR	HC	PIP	PORBP	TC	RB	RRTP
Development Parcel Zoning District	CR	-	C	D	E	E	E	E	E	E
	SR	C	-	C	E	E	E	E	E	E
	MDR	D	C	-	E	E	E	E	E	E
	HC	E	E	E	-	B	B	D	C	C
	PIP	E	E	E	B	-	B	D	C	C
	PORBP	E	E	E	B	B	-	D	C	B
	TC	C	B	B	D	D	D	-	C	D
	RB	D	C	C	B	B	B	C	-	B
	RRTP	E	E	E	C	C	B	D	C	-

NOTES:

- 1. "-" indicates that either BUFFERYARDS are not required or not applicable.
- 2. "A" through "E" designate the type of buffer required as illustrated in Appendix A, included at the end of this chapter.

2. Where a proposed nonresidential use abuts an existing residential use, BUFFERYARD E (see Appendix A) shall be installed, except where the nonresidential use is being proposed in the TC or RB districts, where the buffers specified under Table 1 shall be applied. In the event that the required BUFFERYARD is determined by the BOARD OF SUPERVISORS to be impracticable, then an alternative BUFFERYARD from Appendix A shall be selected by the BOARD OF SUPERVISORS.
3. Determine whether the proposed DEVELOPMENT is a use which has BUFFERYARDS required to separate that use from certain USES or falls within a district that applies specialized BUFFERYARD requirements. These include:
  - (a) CHILD DAY CARE in the Highway Commercial DISTRICT (ARTICLE 2600)
  - (b) COMMUNICATION FACILITIES (ARTICLE 2600)
  - (c) MOBILE HOME PARKS (ARTICLE 2600)
  - (d) PERSONAL STORAGE FACILITIES in the PORBP DISTRICT (Article 2600)
  - (e) PARKING AREAS and CONDITIONAL USES in the Town Center (TC) and Route 19 Boulevard (RB) Districts (ARTICLE 900, 1000 & ARTICLE 2600)
  - (f) SOLID WASTE DISPOSAL SITES (§ 208-2604(DD))
  - (g) DEVELOPMENTS within the RRTP DISTRICT (ARTICLE 1200)
  - (h) DEVELOPMENTS with the Corridor Enhancement Overlay DISTRICT (ARTICLE 1500)
4. If parking areas will be developed, determine whether additional BUFFERYARD requirements are needed as required by §208-2004.

In the event more than one BUFFERYARD requirement applies to a parcel boundary or portion thereof, the most stringent requirement shall be applied.

C. Responsibility for BUFFERYARDS.

The party developing the SITE shall bear responsibility for installing the required BUFFERYARD at the time of DEVELOPMENT.

D. BUFFERYARD requirements.

1. Buffer materials include FENCES, landscaping, berms and mounds used to minimize any adverse impacts or nuisances on the site or from adjacent areas. Where existing vegetation exists in the area forming the required BUFFERYARD, it may be used to meet the BUFFERYARD requirement. Illustrations graphically indicating the specification of each BUFFERYARD are contained in Appendix A.
2. Buffer materials shall be of such a type and designed in such a manner as to obscure from view at ground level such nonresidential property from the contiguous, ABUTTING or neighboring residential properties unless determined to be impracticable by the BOARD OF SUPERVISORS under Subsection B(5).

3. Unless specified to the contrary in the individual zoning district regulations, buffers shall be not less than six (6) feet in height nor more than eight (8) feet high at the time of installation unless indicated otherwise in the BUFFERYARD requirements in Appendix A.
4. Required buffering shall be maintained or replaced as necessary and in a manner that will restore or enhance its appearance as it relates to adjacent use. Required buffer plantings shall be replaced within one (1) year after they die.
5. No certificate of occupancy will be issued for premises upon which buffering and site landscaping is required as a component of DEVELOPMENT PLAN approval until it has been installed. In the event that the season is not appropriate for such installation, a performance guarantee shall be posted with the TOWNSHIP in an amount equal to one hundred ten percent (110%) of the estimated cost of installation. Buffering and site landscaping shall be installed within nine (9) months of the TOWNSHIP's receipt of the performance guaranty.

E. BUFFERYARD USE.

A BUFFERYARD may be used for passive recreation or stormwater management. It may contain pedestrian, bike or equestrian trails, provided that no plant material is eliminated, the total width of the BUFFERYARD is maintained and all other regulations of this chapter are met. In no event, however, shall SWIMMING POOLS, tennis courts or other such IMPERVIOUS SURFACES be permitted in BUFFERYARDS. In no case shall this relieve the OWNER from the responsibility of providing the required plantings.

F. Ownership of BUFFERYARDS.

BUFFERYARDS may remain in the ownership of the original DEVELOPER (and assigns) of a land USE or they may be subjected to deed restrictions and subsequently be freely conveyed or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve DISTRICT, Marshall TOWNSHIP or an OPEN SPACE or conservation group, provided that any such conveyance adequately guarantees the protection of the BUFFERYARDS for the purposes of this chapter.

§ 208-2203. Legislative findings and declaration of policy; shade trees.

A. The TOWNSHIP finds that:

1. Trees are proven producers of oxygen, a necessary element for human survival.
2. Trees appreciably reduce the ever-increasing environmentally dangerous carbon dioxide content of the air and play a vital role in purifying the air we breathe.
3. Trees transpire considerable amounts of water each day and thereby purify the air much like the air-washer devices used on commercial air-conditioning systems.
4. Trees have an important role in neutralizing wastewater passing through the ground from the surface to ground water tables and lower aquifers.
5. Trees, through their root systems, stabilize the groundwater tables and play an important and

- effective part in soil conservation, erosion control and flood control.
6. Trees are an invaluable physical, aesthetic and psychological counterpoint to the urban setting, making urban life more comfortable by providing shade and cooling the air and land, reducing NOISE levels and GLARE and breaking the monotony of human developments on the land, particularly parking areas.
  7. For the reasons indicated, trees have an important impact on the desirability of land and therefore on property values.
- B. Based upon the findings set forth in Subsection A, the TOWNSHIP declares that it is not only desirable but essential to the health, safety and welfare of all PERSONS living or working within the TOWNSHIP's planning jurisdiction to protect certain existing trees and, under the circumstances set forth in this Article, to require the planting of new trees in certain types of DEVELOPMENTS.

§ 208-2204. Retention and protection of large trees.

- A. No excavation or other subsurface disturbance may be undertaken within the dripline of any tree eighteen (18) inches in diameter or more, and no IMPERVIOUS SURFACE (including but not limited to paving or BUILDINGS) may be located within twelve and one-half (12 1/2) feet (measured from the center of the trunk) of any tree eighteen (18) inches in diameter or more unless compliance with this subsection would unreasonably burden the DEVELOPMENT. For purposes of this subsection, a "dripline" is defined as a perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

If space that would otherwise be devoted to parking cannot be so used because of the requirements of Subsections A and, as a result, the parking requirements set forth in this chapter cannot be satisfied, the number of required spaces may be reduced by the number of spaces lost because of the provisions of Subsections A, up to a maximum of fifteen percent (15%) of the required spaces.

ARTICLE 2400  
Timber Harvesting and Forest Management

§ 208-2401. Purpose.

In order to conserve forests and the environmental and economic benefits they provide, it is the policy of Marshall TOWNSHIP to encourage the OWNERS of forest land to continue to use their land for FORESTRY purposes, including timber production, wildlife habitat management, watershed protection, recreational opportunities and amenity values. The following provisions are intended to further this policy by promoting good forest stewardship, protecting the rights of adjoining property OWNERS, minimizing the potential for adverse environmental impacts and avoiding unreasonable and unnecessary restrictions on the right to practice FORESTRY.

§ 208-2402. Permit required.

- A. TIMBER HARVESTING OPERATIONS within the TOWNSHIP of Marshall on any parcel of property over one (1) acre in size shall require a timber harvesting permit, which shall be valid for a period of one (1) year. The timber harvesting permit shall be issued by the TOWNSHIP for the entire site, but subject to review for each CUTTING BLOCK. Harvesting will be controlled by establishing CUTTING BLOCKS on the permitted site. A timber harvesting permit shall be valid for a maximum of one (1) CUTTING BLOCK at a time. The harvester shall complete and restore a CUTTING BLOCK to the satisfaction of the TOWNSHIP before commencing timber harvesting in the next CUTTING BLOCK. A TIMBER HARVESTING OPERATION that moves from one CUTTING BLOCK to another without first receiving the approval of the TOWNSHIP shall be considered a violation of this Chapter and shall be subject to the penalties referenced in this Chapter and any other appropriate legal processes. If the TIMBER HARVESTING OPERATION is conducted without or in violation of a TOWNSHIP permit, then the landOWNER and the timber harvesting operator shall each be in violation of this Chapter and each shall be subject to the penalties under this Chapter.

§ 208-2403. Application procedures.

- A. Application for a timber harvesting permit shall be made in writing to the Zoning Officer on forms provided by the TOWNSHIP. Such application shall be accompanied by two (2) copies of the following:
1. A site plan as described in § 208-2405 (B)
  2. A Forest Management Plan as described in §208-2405 (A)
  3. An Erosion and Sedimentation Control Plan as approved by the Allegheny County Conservation District. A copy of the agency's review/approval comments should be attached.
  4. Financial Security as described in §208-2408
  5. Application fee as set from time to time by resolution of the TOWNSHIP BOARD OF SUPERVISORS.

6. Certificate of insurance as described in §208-2408.

- B. The Zoning Officer and the TOWNSHIP FORESTER shall examine the application and the TOWNSHIP FORESTER will provide a recommendation to the Zoning Officer who will either approve or reject said application within thirty (30) DAYS after all necessary filing and required information have been submitted. If the application is rejected, the Zoning Officer shall inform the applicant in writing, stating the reasons for such rejection.
- C. A copy of all plans and applications for proposed TIMBER HARVESTING OPERATIONS to be considered for approval may be submitted by the TOWNSHIP Zoning Officer for review by any other appropriate TOWNSHIP consultant or governmental agency, including but not limited to the TOWNSHIP FORESTER; the TOWNSHIP Engineer; the Pennsylvania Department of Conservation and Natural Resources, Bureau of FORESTRY, Fish and Boat Commission, Bureau of Dams and Waterways Management; the Pennsylvania Department of Environmental Protection; and the Allegheny County Conservation District.

§ 208-2404. Notification and preparation of Forest Management Plan.

- A. Notification of Commencement or Completion. The holder of a timber harvesting permit shall notify the TOWNSHIP at least two (2) business DAYS before the operation commences and within two (2) business DAYS before the operation is complete. No timber harvesting shall occur until the notice has been provided. Notification shall be in writing and shall specify the land on which harvesting shall occur, the expected size of the harvest area, and, as applicable, the anticipated starting or completion date of the operation.
- B. Forest Management Plan. Every landowner on whose land timber harvesting is to occur shall prepare a written Forest Management Plan in the form specified by this Article. No timber harvesting shall occur until the required plans have been prepared and the permit approved by the TOWNSHIP. The provisions of the Forest Management Plan shall be followed through out the TIMBER HARVESTING OPERATION. This plan shall be available at the harvest site at all times during the operation and shall be provided to the TOWNSHIP Staff upon request.
- C. Responsibility for Compliance. The landowner and the operator shall be jointly and severally responsible for complying with the terms of the Forest Management Plan.

§208-2405. Contents of the Forest Management Plan.

- A. Minimum Requirements. At a minimum, the Forest Management Plan shall include the following:
  - 1. Design, CONSTRUCTION, maintenance, and retirement of the access system, including haul roads, skid roads, skid trails, and landings;
  - 2. Design, CONSTRUCTION, and maintenance of water control measures and structures such as culverts, broad-based dips, filter strips, and water bars;
  - 3. Design, CONSTRUCTION, and maintenance of STREAM and WETLAND crossings;

4. The general location of the proposed operation in relation to State, County, and municipal roads, including any access to those roads;
  5. The type and rate of seeding/mulching to be used and where it will be placed, to stabilize soil after LOGGING;
  6. Any other requirement deemed necessary by the TOWNSHIP to protect the public health, safety, and welfare.
- B. Site Plan. Each Forest Management Plan shall include a site plan containing the following information:
1. Site location and boundaries, including both the boundaries of the property in which the timber harvest will take place and the number and location of the (10) acre CUTTING BLOCKS within that property;
  2. A site location map which shall be taken from the ZONING MAP, drawn at a minimum scale of one (1) inch equals twelve hundred (1,200) feet, to include the location of the proposed TIMBER HARVESTING OPERATION in relation to the TOWNSHIP boundaries, public STREETS, and all properties adjoining the property being developed;
  3. Total acreage of site and total acreage of timber harvesting area;
  4. Contours as shown on the current version of the U.S.G.S. topographical map;
  5. Significant topographic features related to potential environmental problems, including slopes 25% and greater, landslide prone areas, unstable soils and flood prone areas;
  6. Location of all earth disturbance activities such as roads, landings, and water control measures and structures;
  7. Location of all crossings of waters of the Commonwealth; and
  8. The general location of the proposed operation in relation to State, County, and municipal roads, including any access to those roads.
- C. Compliance with State Law. The timber harvesting plan shall address and comply with the requirements of all applicable State laws and regulations including, but not limited to the following:
1. Erosion and sedimentation control regulations contained in 25 Pennsylvania Code, Chapter 102, promulgated pursuant to the Clean Streams Law (35 P.S. §§ 691,1 et seq.), as amended;
  2. STREAM crossing and WETLANDS protection regulations contained in 25 Pennsylvania Code, Chapter 105, promulgated pursuant to the Dam Safety and Encroachments Act (32 P.S. §§ 69.3.1 et seq.), as amended; and

3. Stormwater Management Plans and regulations issued pursuant to the Stormwater Management Act (32 P.S. §§ 680.1 et seq.), as amended.
  - a. Relationship of state laws, regulations, and permits to the Forest Management Plan. Any permits required by State laws and regulations shall be attached to and become part of the Forest Management Plan. An Erosion and Sedimentation Pollution Control Plan that satisfies the requirements of 25 Pennsylvania Code, Chapter 102, shall also satisfy the minimum requirements for the Forest Management Plan and associated map specified in paragraphs A and B of this section provided that air information required by these paragraphs is included or attached.
  - b. Best Management Practices. Best management practices as provided for in "Best Management Practices for Pennsylvania Forests", Penn State College of Agricultural Sciences 1996, as amended; "Best Management Practices for Silvicultural Activities in Pennsylvania's Forest Wetlands", Penn State University School of Forest Resources, College of Agricultural Sciences, and the Pennsylvania Hardwoods Development Council, 1993, as amended; and "Controlling Erosion and Sediment from TIMBER HARVESTING OPERATIONS", The Commonwealth of Pennsylvania Department of Environmental Protection Bureau of Water Quality Protection, 1999, as amended, shall be utilized, for all forest management and TIMBER HARVESTING OPERATIONS. Any conflict in what is the best management practice shall be decided by the TOWNSHIP FORESTER who shall determine the best management practice consistent with the above guidelines.

§208-2406. General requirements.

- A. The following requirements shall apply to all TIMBER HARVESTING OPERATIONS in the TOWNSHIP.
  1. All timber harvesting slash shall either remain on the ground as it fell (no slash shall be taller than (6) feet in height), be accumulated into bush piles of height not exceeding six (6) feet above ground, be mulched on the site, or be removed from the site.
  2. All slash piles shall be located a minimum of fifty (50) feet from any public road, private road, DRIVEWAY, and/or property line.
  3. Diameter-limit: cutting shall not be permitted.
  4. CLEARCUTTING shall not be permitted on a property unless approved by the TOWNSHIP FORESTER based upon a determination that: CLEARCUTTING will significantly assist in forest regeneration; CLEARCUTTING will not cause excessive erosion and sedimentation; CLEARCUTTING will not be done within 50 feet of any public road RIGHT-OF-WAY or any ABUTTING property; clearcutting is consistent all applicable federal, state and local.
  5. Timber harvesting shall not be undertaken on any ground with a slope exceeding fifty percent(50%).
  6. Timber Harvesting on slopes exceeding twenty-five percent (25 %) will be permitted as long as the harvesting is not taking place on soils prone to slipping and landslides as per the Soil Survey of Allegheny County, Pennsylvania.

7. Proper erosion and sedimentation control measures shall be taken on disturbed property to prevent accelerated water runoff.
8. No on-site retail sale of harvested wood or logs shall be permitted on the property unless the property is located in a commercial zoning district.
9. TIMBER BUFFER ZONES of twenty-five (25) feet along all public roads, private roads, and property lines shall be maintained on the property on which the timber harvesting is being conducted.
10. TIMBER BUFFER ZONES of twenty-five (25) feet along all STREAMS or springs shall be maintained on the property on which the timber harvesting is being conducted.
11. All cutting, removing, skidding and transporting of trees as part of the timber harvesting shall be planned and performed in such a manner as to minimize the disturbance of or damage to other trees, vegetation and the land itself.
12. Roads and trails shall be constructed, maintained and abandoned in such manner as to prevent soil erosion and permanent damage to soil and waterways.
13. Where possible, STREAM crossings shall be avoided, however where deemed necessary by the TOWNSHIP FORESTER and/or TOWNSHIP Engineer crossings shall be made at right angles across suitable culverts or bridges.
14. Hauling or skidding or placing fills or other OBSTRUCTIONS in perennial or intermittent streams is prohibited except over culverts or bridges and as approved by the TOWNSHIP FORESTER and/or TOWNSHIP Engineer.
15. FELLING or skidding on or across property of others is prohibited without the express written consent of the OWNERS of such property. FELLING or skidding on or across any public STREET is prohibited without the express written consent of the TOWNSHIP (in the case of TOWNSHIP roads), the Pennsylvania Department of Transportation (in the case of State Roads), or Allegheny County (in the case of County Roads).
16. Upon the completion of timber harvesting, all skid and haul roads shall be seeded with annual grasses and access to such roads from public or private STREETS by motor vehicles of any kind shall be effectively blocked.
17. Before timber harvesting begins, all trees which are to be felled in connection therewith shall be clearly marked on the trunk and the stump so that the same may be easily identified both before and after a tree has been felled. No trees shall be felled which have not been designated for removal on the Forest Management Plan as finally approved by the TOWNSHIP.
18. Any more restrictive provisions, in this Chapter or any other TOWNSHIP ordinances that protects bicentennial trees shall apply.
19. TIMBER HARVESTING OPERATIONS shall be conducted at a time of the year when the TOWNSHIP FORESTER determines that the least amount of environmental damage will occur and are subject to being shut down if they occur at other times.

20. Upon completion of a timber harvesting operation, all disturbed areas such as the landings, roads and critical areas must be reseeded with annual grasses as determined by the TOWNSHIP FORESTER.
21. Applicants, permittees, landowners and TIMBER HARVESTING OPERATIONS shall comply with all applicable federal, state, county and TOWNSHIP ordinances and regulations.

§208-2407. Use of TOWNSHIP Roads.

- A. For all TIMBER HARVESTING OPERATIONS, prior to hauling on any TOWNSHIP road, financial security shall be posted in accordance with §208-2048. hereof. The TOWNSHIP Engineer and/or his designee shall prepare a report prior to hauling to establish the existing road condition and for the purpose of establishing reasonable times and conditions for hauling logs and related material so that damage to the road will be minimized. Such conditions may include, without limitation, limiting hauling to dry periods. The TOWNSHIP shall be notified during normal working hours as to when hauling will begin from a CUTTING BLOCK so that the first truck can be followed to determine if the roadway is being damaged. **[Amended 9-29-2008 by Ord. No. 393]**
- B. A LOGGING operation shall keep any roadway over which it hauls logs or other material clean and free of mud and debris to the extent that such roadway mud, debris or similar material is the result of vehicles traveling to and from the timber harvesting operation. At the point of access, the permittee shall construct an aggregate entrance area to support the roadway edge. No parking of timber harvesting related vehicles or storage of logs or materials shall be permitted in the road RIGHT-OF-WAY. Water from the timber harvesting area shall not be discharged onto the roadway surface.
- C. No cutting or loading shall take place between the hours of 7 pm and 7 am, Monday through Saturday and all day Sunday and federally designated legal holidays. **[Amended 5/12/2008 by Ord. No. 389]**

§208-2408. Financial security.

- A. Performance Security.
  1. Prior to the commencement of a timber harvesting operation, financial security in the amount of seven hundred dollars (\$700) per acre (to a maximum of \$7,000 per CUTTING BLOCK) shall be posted with the TOWNSHIP by the applicant/permittee in order to guarantee restoration of the property. Such financial security shall be in accordance with TOWNSHIP ordinances and in form acceptable to the TOWNSHIP Solicitor.
  2. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
  3. This financial security will not be released by the TOWNSHIP until a post harvest report indicates that land restoration has been completed to the satisfaction of the TOWNSHIP.

B. Road Maintenance Security.

1. Prior to hauling on any TOWNSHIP road, the applicant for the timber harvesting permit shall post separate financial security to guarantee restoration of any roads damaged by the hauling. This financial security, including the amount, type and form shall also comply with the requirements of Chapter 168 of the Marshall TOWNSHIP Code of Ordinances.

§208-2409. Insurance.

- A. Prior to commencing timber harvesting, the applicant/permittee shall procure and maintain adequate insurance in an amount of at least \$1,000,000 to protect it from claims for damages because of bodily injury, including death, and from claims of damages to property which may arise both out of and during the TIMBER HARVESTING OPERATIONS, whether such operations be by itself or by any contractor, agent subcontractor, or anyone directly or indirectly employed by it or them. A certificate of insurance in this amount shall be filed with the TOWNSHIP prior to commencing TIMBER HARVESTING OPERATIONS, which certificate shall state that the TOWNSHIP shall be given written notice at least 60 DAYS prior to cancellation of such insurance. The TOWNSHIP shall be named as an additional insured on all policies of insurance described in this section.

§208-2410. Inspection; Stop Work Orders.

From time to time as he may deem advisable, the TOWNSHIP Zoning Officer and/or TOWNSHIP FORESTER shall inspect fine work done under the approved plans, specifications, timing schedule and timber harvesting permit. Whenever the TOWNSHIP Zoning Officer finds that work under any timber harvesting permit fails to conform to the approved plans, specifications and timing schedule, he may as he deems reasonably necessary in reliance upon the criteria set forth in this Article, by written order, direct suspension of other work until conformance has been achieved or direct such other measures that he deems reasonably necessary under the circumstances for control of erosion and sedimentation on the site and for compliance with this Article.

§208-2411. Liability.

- A. Neither the issuance of timber harvesting permits under the provisions of this Article nor the compliance with the provisions hereto or with any conditions imposed by the TOWNSHIP hereunder shall relieve any PERSON from the responsibility for the damage to any persons or property otherwise imposed by law, nor impose any liability upon the TOWNSHIP for damages to persons or property. Nothing in this Article is to be interpreted as eliminating or reducing the Immunities (statutory or common law) enjoyed by the TOWNSHIP or its elected or appointed officials.
  1. No caustic materials or HAZARDOUS WASTE in any form shall be deposited upon a LOT in such a manner that they may be transferred below the surface of the LOT by natural caUSES or forces.

2. There shall be no OUTDOOR STORAGE or accumulation for a period in excess of seven (7) DAYS of any waste materials, materials which produce fumes detectable at the LOT LINE, inflammable material, edible material, material which would be a harborage or breeding place for rodents or insects or abandoned, wrecked or junked vehicles.
3. All storage shall be in a completely enclosed BUILDING or at a minimum where permitted shall be enclosed by a FENCE adequate to conceal the facilities from any adjacent property or screened from view by an effective screen. Portable storage or CONSTRUCTION trailers shall not be used to meet these screening requirements.

ARTICLE 2500  
NONCONFORMING USES, STRUCTURES and LOTS

§208-2501. NONCONFORMING USES.

A. The following provisions shall apply to all NONCONFORMING USES.

1. Continuation and change. A NONCONFORMING USE may be sold or otherwise transferred to other OWNERS and may be continued, but shall not be changed in use unless to a conforming use.
2. Enlargement or expansion.
  - (a) A NONCONFORMING USE may be expanded or enlarged upon approval as a CONDITIONAL USE by the BOARD OF SUPERVISORS and subject to the general criteria set forth in §208-2603 and compliance with the following criteria: **[Amended 9-29-2008 by Ord. No. 393]**
    - (i) The extension becomes an attached part of the main STRUCTURE and does not utilize additional or adjoining land area other than the original parcel.
    - (ii) The extension does not encroach upon the LOT AREA requirements and the maximum BUILDING HEIGHT and other dimensional requirements of the zoning district in which the NONCONFORMING USE is presently located.
    - (iii) The extension is for the purpose of expanding the NONCONFORMING USE in existence at the time of the adoption of this Chapter or amendment thereto which caused the use to become nonconforming.
    - (iv) Such extension does not result in an increase in total floor area or lot use area of more than twenty-five (25%) of the floor area or LOT AREA as the same existed at the time of adoption of this Chapter or amendment thereto which caused the use to become non-conforming.
    - (v) Adequate parking can be provided in conformance with this Chapter to serve both the original plus expanded use.
    - (vi) Such expansion does not present a threat to the health or safety of the community or its residents.
  - (b) This subsection shall not apply to SIGNS.
3. Damage and RECONSTRUCTION. Any STRUCTURE which hoUSES a NONCONFORMING USE which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such RECONSTRUCTION is initiated and completed within one (1) year of such casualty and if the restored STRUCTURE has no greater lot coverage and contains no greater cubic content that before such casualty.
4. ABANDONMENT. In the event that any NONCONFORMING USE conducted in a structure or on a lot is abandoned for a period of twelve (12) consecutive months or longer, such NONCONFORMING USE shall be deemed to be abandoned and shall not be resumed. Once the NONCONFORMING USE is abandoned, the BUILDING or structure and/or lot shall not

be used except in conformance with the regulations of the zoning district in which it is located.

§208-2502 Nonconforming STRUCTURES.

A. The following provisions shall apply to all nonconforming STRUCTURES, as defined by this Chapter, in all ZONING DISTRICTS:

1. Continuation. A nonconforming structure may be sold or otherwise transferred to other OWNERS or may be continued.
2. Structural alteration. No such structure may be enlarged or structurally altered in a way that increases its nonconformity.
3. Damage or destruction. Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other accident or act of God may be rebuilt or repaired on its existing foundation even though such foundation may violate the SETBACK requirements for the zoning district in which the structure is located, provided that the repair or RECONSTRUCTION and re-occupancy of the structure is initiated and completed within one (1) year of the date of such casualty.
4. Moving. Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.
5. SIGNS.
  - (a) NONCONFORMING SIGNS may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, NONCONFORMING SIGNS which are damaged or destroyed to an extent of more than 75% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Article.
  - (b) NONCONFORMING SIGNS may not be enlarged, added to or replaced by another NONCONFORMING SIGN, use or structure, except that the interchange of sign face shall be permitted.

§208-2503 NONCONFORMING LOTS.

A. The following regulations shall apply to all NONCONFORMING LOTS, as defined by this Chapter, in any zoning district:

1. Where two or more adjacent LOTS or record with continuous frontage have less than the required area and width and are held by one OWNER, the LOTS shall be considered to be an undivided lot for the purpose of complying with this Article. No division of any lot shall be made which does not comply with the requirements of this Article. Any change in LOT LINES necessary to meet the minimum requirements of this Article shall constitute a revision to the recorded plan and shall meet all applicable requirements of Chapter 174, SUBDIVISION and Land DEVELOPMENT.
2. Any lot of record existing at the effective date of this Chapter and held in separate ownership different from the ownership of adjoining LOTS may be developed in accordance with the requirements of the zoning district of the lot of record.

3. Where STRUCTURES exist on adjacent NONCONFORMING LOTS of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped NONCONFORMING LOT of record shall be the average depth of the nonconforming front yards of the adjacent developed NONCONFORMING LOTS which are in the same block on the same side of the STREET and in the same recorded plan as the undeveloped lot. Private garages, storage sheds, swimming pools and similar STRUCTURES shall be located to the rear of the permitted principal structure and may be permitted in the REAR YARD, provided that they are no closer than 10 feet from the rear property line and are not located on any EASEMENTS or rights-of-way.

§208-2504 Continuation.

- A. Subject to the provisions of this Article, a NONCONFORMING LOT, nonconforming structure or NONCONFORMING USE may be continued even though such does not conform with the provisions of these regulations for the district in which it is located. The Zoning Officer may keep and maintain a list of all NONCONFORMING LOTS, STRUCTURES or USES existing at the time of the passage of this Chapter, its predecessors or amendments thereto, and which may come to exist in the future.

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ARTICLE 2600  
CONDITIONAL USES

§ 208-2601 Applicability.

The BOARD OF SUPERVISORS shall have the power to approve CONDITIONAL USES when this chapter specifically requires the obtaining of such approval and for no other USE or purpose.

§208-2602 Application and Approval Procedure.

A. Application Procedure.

1. An application for CONDITIONAL USE approval shall be filed with the Zoning Officer, on forms prescribed by the TOWNSHIP, at least twenty (21) DAYS prior to the date of the regular meeting of the PLANNING COMMISSION, at noon. A CONDITIONAL USE application shall not be considered to be administratively complete until all items required by this Chapter, including the application fee and/or deposit, have been received by the TOWNSHIP.
2. The Zoning Officer shall review the application to determine whether all materials required by this Chapter have been submitted by the applicant. If all such materials have not been submitted by the applicant, then the Zoning Officer shall reject the application as administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.
3. Within 5 DAYS of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to: the TOWNSHIP Solicitor; the TOWNSHIP Engineer; any TOWNSHIP professional consultant deemed necessary by the TOWNSHIP Manager; and the County Planning Agency or its designee.
4. The Zoning Officer shall submit one copy of an administratively complete application and any materials submitted therewith to each member of the TOWNSHIP PLANNING COMMISSION by no later than the Friday prior to the date of the regular meeting of the PLANNING COMMISSION.
5. The PLANNING COMMISSION shall review the application and forward its recommendation to the TOWNSHIP BOARD OF SUPERVISORS.
6. The BOARD OF SUPERVISORS shall hold a public hearing, pursuant to PUBLIC NOTICE, within the time periods and procedures required by the MPC. The public hearing shall commence within 60 DAYS of the date of the filing of an administratively complete application. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC.
7. The BOARD OF SUPERVISORS shall render a written decision on the CONDITIONAL USE application within 45 DAYS of the last hearing. Where the application is contested or denied, the BOARD OF SUPERVISORS decision shall be accompanied by findings of fact

and conclusions based thereon, together with any reasons therefor. Conclusions based on any provisions of this Chapter or any other rule, regulation, ordinance or statute shall contain a reference to the provision relied upon and the reasons why the conclusion is deemed appropriate in light of the facts found.

8. In granting a CONDITIONAL USE pursuant to this Chapter, the TOWNSHIP BOARD OF SUPERVISORS may impose any reasonable conditions it believes are necessary to ensure compliance with this Chapter, Chapter 174, SUBDIVISION and LAND DEVELOPMENT, the Marshall TOWNSHIP Code of Ordinances, as amended, and all other ordinances of the TOWNSHIP, and as it otherwise deems necessary to implement the purposes of this Chapter and the MPC.
9. A copy of the final decision or, where no decision is called for, of the findings, shall be delivered to the applicant personally or mailed to him not later than the day following its date.
10. All DEVELOPMENT, CONSTRUCTION and use shall be in accordance with the approved CONDITIONAL USE decision and plan, unless a revised CONDITIONAL USE application is submitted, approved and filed. The approved CONDITIONAL USE plan shall consist of the application, as submitted, together with all of its attachments and exhibits, as finally approved by the BOARD OF SUPERVISORS, and the conditions attached by the BOARD OF SUPERVISORS. Any DEVELOPMENT contrary to the approved CONDITIONAL USE decision and plan shall constitute a violation of this Chapter.

B. Application Content.

1. All applications for CONDITIONAL USE approval shall demonstrate compliance with the: general standards and criteria of this Article; the applicable express standards and criteria of this Article; and the applicable lot and yard requirements of the zoning district in which the use is proposed.
2. All applications for CONDITIONAL USE approval shall be submitted to the Zoning Officer, in the form prescribed. The number of copies of each of the following items shall be prescribed by the Planning Director.
  - (a) Full scale copies and half-scale copies of all required plans, maps and drawings;
  - (b) Copies of all other application materials.
3. An application for CONDITIONAL USE approval shall not be considered administratively complete until all items required by this Chapter, including the application fee and and/or deposit, have been received by the Zoning Officer.
4. All applications for CONDITIONAL USE approval shall contain the following:
  - (a) A DEVELOPMENT PLAN, as defined by this Chapter;
  - (b) A legal document verifying applicant's legal interest in the subject property (i.e. deed, sales agreement, lease);
  - (c) A traffic impact study, as described in Chapter 174, SUBDIVISION and LAND DEVELOPMENT, unless otherwise waived by the BOARD OF SUPERVISORS;

- (d) The application fee and/or deposit in an amount set from time to time by resolution of the BOARD OF SUPERVISORS; and
  - (e) CONSTRUCTION plans, where renovations or modifications of an existing BUILDING is immediately contemplated, showing the scope, nature and extent of said renovation or modification.
- C. Expiration of Approval. The grant of a CONDITIONAL USE shall expire 2 years after the date of the BOARD OF SUPERVISORS written decision unless: (1) the applicant has applied for and obtained a BUILDING PERMIT and commenced CONSTRUCTION; or (2) in a case where the CONDITIONAL USE does not require the issuance of a BUILDING PERMIT, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the CONDITIONAL USE approval. Expiration of the CONDITIONAL USE approval under this Article shall require the applicant to re-apply for CONDITIONAL USE approval.

§208-2603. General Standards and Criteria.

- A. Before approving a CONDITIONAL USE application, the BOARD OF SUPERVISORS shall determine that the proposed use complies with the following general standards and criteria, which are in addition to any other requirements in this Chapter for a specific type of use or DEVELOPMENT:
1. The proposed use will not alter the established character and use of the neighborhood or district in which it is located, and will not substantially impair the use or DEVELOPMENT of adjacent properties.
  2. The establishment, maintenance, location and operation of the proposed use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  3. The proposed use complies with all applicable provisions and requirements for that type of use contained in this Chapter (unless a variance to any provision has been granted by the ZONING HEARING BOARD) and all other applicable Federal, State, County, and TOWNSHIP laws, statutes, ordinances and regulations, including but not limited to: Chapter 174, SUBDIVISION and LAND DEVELOPMENT; Chapter 165 Stormwater Management of the Marshall TOWNSHIP Code of Ordinances, as amended. [**Amended 9-29-2008 by Ord. No. 393**]
  4. The proposed use is compatible with surrounding land USES. It does not have a negative impact on the existing neighborhood or DEVELOPMENT in terms of air and water quality, NOISE, illumination and GLARE, restrictions to natural light and air circulation or other hazardous conditions that could endanger surrounding residents or impair the use of surrounding properties.
  5. The proposed site of the CONDITIONAL USE is suitable in terms of topography, soil conditions and size, based on number of projected users and the frequency of use of the proposed use.
  6. The proposed use and site provides for safe, adequate vehicular and pedestrian access. It has access from a STREET capable of handling the traffic generated by the proposed use, and it

will not result in undue traffic congestion and hazardous conditions on adjacent STREETS. The use provides for safe and efficient internal circulation and sufficient off-street parking and loading.

7. The proposed use complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, storm water management, solid and toxic waste storage and disposal.
  8. The proposed use provides landscaping, screening and buffer areas sufficient to protect the use, enjoyment and DEVELOPMENT of adjacent properties.
  9. The proposed use is in general conformity with the TOWNSHIP Comprehensive Plan.
- B. The BOARD OF SUPERVISORS shall grant a CONDITIONAL USE only if it finds adequate evidence presented by the applicant that the proposed CONDITIONAL USE is duly authorized under provisions of this chapter, that the application falls within the terms of the specific provisions allowing for CONDITIONAL USES and that the proposed USE complies with all other requirements of this chapter. The BOARD OF SUPERVISORS shall refuse an application for CONDITIONAL USE where opponents to the application establish by a preponderance of evidence that the application is contrary to the health, safety and morals or general welfare of the community at large. The BOARD OF SUPERVISORS, in granting a CONDITIONAL USE, may attach such reasonable conditions and safeguards other than those related to offsite transportation or road improvement, in addition to those expressed in the ordinance, as it may deem necessary to implement the purposes of this act and the zoning ordinance, except that conditions of approval shall not include those related to off-site transportation or road improvements pursuant to Section 603(c) (2) of the MPC.
- C. The BOARD OF SUPERVISORS shall, among other things, require that any proposed USE and location be:
1. In accordance with the Marshall TOWNSHIP Comprehensive Plan and consistent with the spirit, purposes and the intent of this chapter.
  2. In the best interests of the TOWNSHIP, the convenience of the community and the public welfare and be a substantial improvement to the property in the immediate vicinity.
  3. Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
  4. In conformance with all applicable requirements of this chapter.
  5. Traffic Impact:
    - (a) A traffic impact study (TIS) shall be required (unless otherwise waived by BOARD OF SUPERVISORS) as described in Section 174-205(D) (14) of the Marshall TOWNSHIP SUBDIVISION and LAND DEVELOPMENT Ordinance.

§ 208-2604 Standards for Review for Specified Land USES.

A. ADULT-ORIENTED ESTABLISHMENTS.

In addition to the applicable requirements found in Article 2600 regulating CONDITIONAL USES, the following standards for review shall be applied when considering an application for an ADULT-ORIENTED ESTABLISHMENT in the district.

1. All ADULT-ORIENTED ESTABLISHMENTS shall be a stand-alone use situated on a lot having a minimum area of one (1) acre.
2. All ADULT-ORIENTED ESTABLISHMENTS shall not be permitted to be located within three thousand (3,000) feet of any other ADULT-ORIENTED ESTABLISHMENT whether such use is situated in Marshall TOWNSHIP or otherwise.
3. No permit will be issued for any ADULT-ORIENTED ESTABLISHMENT which intends to be located within the below listed distances of such institutional or residential property lines:
  - (a) church - eight hundred (800) feet
  - (b) public or private pre-elementary, elementary, or secondary SCHOOL property - eight hundred (800) feet
  - (c) public library - six hundred (600) feet
  - (d) CHILD DAY CARE or nursery SCHOOL - eight hundred (800) feet
  - (e) public playground or park - eight hundred (800) feet
  - (f) child-oriented business - eight hundred (800) feet
  - (g) commercial recreation USES - six hundred (600) feet
  - (h) residential USES or zones - six hundred (600) feet
4. The distance between any two ADULT-ORIENTED ESTABLISHMENTS shall be measured in a straight line, without regard to intervening STRUCTURES, from the closest point on the exterior parcel line of each such ESTABLISHMENT. The distance between any ADULT-ORIENTED ESTABLISHMENT and a land use specified in Section 208-2604 (A)(3)(c) above, shall be measured in a straight line, without regard to intervening STRUCTURES from the closest point on the exterior parcel line of the ADULT-ORIENTED ESTABLISHMENT to the closest point on the exterior parcel line of said specified land use.
5. No materials or merchandise of any kind offered for sale, rent, lease, or loan or for view upon the premises of an ADULT-ORIENTED ESTABLISHMENT shall be exhibited or displayed outside of a BUILDING or structure.
6. SIGNS identifying an ADULT-ORIENTED ESTABLISHMENT shall conform to the provisions of Article 2100 of the Zoning Ordinance except as provided herein:
7. SIGNS for ADULT-ORIENTED ESTABLISHMENTS shall contain no photographs, silhouettes, drawings, or pictorial representations of any manner and may contain only:

- (a) the name of the ESTABLISHMENT, and/or
  - (b) one or more of the following phrases;
    - (i) ADULT BOOKSTORE;
    - (ii) ADULT MOTION PICTURE THEATER;
    - (iii) ADULT ENTERTAINMENT studio;
    - (iv) rap studio;
    - (v) exotic dance studio;
    - (vi) sensitivity studio;
    - (vii) massage parlor;
    - (viii) adult modeling studio; or
    - (ix) other term of like import.
  - (c) A wall sign for adult movie theaters may contain the additional phrase, “movie titles posted inside premises.”
8. An ADULT-ORIENTED ESTABLISHMENT may be open for business only Monday through Saturday from 10:00 AM to 12:00 Midnight prevailing time. No ADULT-ORIENTED ESTABLISHMENT shall be open at any time on Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188 § 1, as amended, 44 P.S. §11.
  9. It shall be a violation of the Zoning Ordinance if a PERSON caUSES or permits the operation, establishment, or maintenance of more than one ADULT-ORIENTED ESTABLISHMENT in the same BUILDING, structure, or portion thereof, or the increase of floor areas of any ADULT-ORIENTED ESTABLISHMENT in any BUILDING, structure, or portion thereof containing another ADULT-ORIENTED ESTABLISHMENT.

## B. AGRICULTURE

1. To qualify as agricultural use or for the production and keeping of FARM animals, the minimum lot size shall be five (5) acres.
2. No barn lot, mushroom house or manure storage shall be established any closer than one hundred (100) feet to any property line.
3. The number of DWELLINGS permitted on a FARM shall not be limited, provided that density does not exceed one (1) single-FAMILY DWELLING per ten (10) acres and that DWELLINGS shall be separated by a minimum of two hundred (200) feet for use by resident FARM workers or FAMILY members.
4. Silos and BULK bins shall be exempted from area and BULK regulations when attached to an existing BUILDING.
5. FARM BUILDINGS and other STRUCTURES shall not be constructed closer than one

- hundred (100) feet to any property line.
6. No DWELLING shall be constructed closer than seventy-five (75) feet to such lines.
  7. All other new CONSTRUCTION, including STRUCTURES for temporary storage of feeds, shall conform to SETBACK requirements.
  8. Display and sale of FARM products shall be permitted, provided that:
    - (a) At least fifty percent (50%) of such products shall have been produced on the property on which they are offered for sale.
    - (b) PARKING SPACE for at least three (3) cars shall be provided no closer than twenty (20) feet from the highway RIGHT-OF-WAY LINE.
    - (c) Sale of FARM products shall be conducted from a portable stand, dismantled at the end of the growing season, or from a permanent BUILDING, under the following conditions:
      - (i) Such permanent BUILDING shall be located at least one hundred (100) feet from the RIGHT-OF-WAY LINE of the road or fifty (50) feet if such permanent BUILDING, in the opinion of the Zoning Officer, resembles a FARM outbuilding. Such portable stand shall be located at least twenty-five (25) feet from the edge of the cartway; and
      - (ii) PARKING SPACE shall be provided behind the highway RIGHT-OF-WAY LINE at the ratio of one (1) space for each three hundred (300) square feet of BUILDING floor area, but in no case fewer than three (3) spaces.

#### C. Automobile Sales

1. Automobile Sales shall be subject to the following standards in the RB Zoning District:
  - (a) No inventory parking shall be permitted between the principal BUILDING and a public STREET. All off-STREET parking areas (including all outdoor areas devoted to displaying vehicles for sale), shall be located to the side or rear of the principal BUILDING. Customer and perimeter parking shall comply with “off-STREET parking area standards” contained in Article 1100.
  - (b) The total Automobile display and sales area encompass both indoor and outdoor areas. A minimum of ten (10%) percent of the automobile display and sales must be contained within the indoor showroom
  - (c) Automobile sales USES shall provide a BUILDING having a minimum GROSS FLOOR AREA of 2,000 square feet for display, sales and service activities.
  - (d) Automobile sales USES shall not employ outdoor loudspeaker paging systems.
  - (e) All repairs and service shall be conducted in an enclosed BUILDING.
  - (f) Verification of compliance with all PA Department of Environmental Protection (DEP) requirements relative to the handling and disposal of oil, battery acid, tires, etc., shall be provided.

- (g) External lighting shall be reduced in intensity by 50% at the close of each business day.
2. Automobile Sales shall be subject to the following standards in the HC Zoning District:
- (a) Minimum required lot size: 5 acres
  - (b) Automobile sales USES shall provide a BUILDING having a minimum GROSS FLOOR AREA of 2,000 square feet for display, sales and service activities.
  - (c) All exterior sales areas shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion and dust.
  - (d) All displayed vehicles shall be located at least ten (10) feet from any property line.
  - (e) No automobile sales use shall employ flashing lights, streamers, banners, or similar devices in any of its displays, signage or building materials.
  - (f) Display vehicles shall not be parked in spaces required for customers, EMPLOYEES or service parking.
  - (g) Automobile sales USES shall not employ outdoor loudspeaker paging systems.
  - (h) All repairs and service shall be conducted in an enclosed BUILDING.
  - (i) Verification of compliance with all PA Department of Environmental Protection (DEP) requirements relative to the handling and disposal of oil, battery acid, tires, etc., shall be provided.
  - (j) External lighting shall be reduced in intensity by 50% at the close of each business day.

#### D. BED AND BREAKFAST

1. A BED AND BREAKFAST Inn shall be allowed only in a single-FAMILY, detached residential DWELLING. No modification to the external appearances of the BUILDING (except fire and safety requirements), which would alter its residential character shall be permitted.
2. Accommodations for overnight lodging at a BED AND BREAKFAST Inn shall be limited to no more than five (5) guest rooms. The guest rooms shall be rented to overnight guests on a daily basis
3. Accommodations at a BED AND BREAKFAST may include breakfast or brunch prepared on the premises for guests and included in the charge for the room.
4. Special occasion functions may be conducted on the grounds surrounding the home and in BUILDINGS accessory to a residential home.
5. Catered food service from a licensed facility is permitted without additional licensing requirements.
6. No cooking facilities shall be provided or permitted in individual guests rooms.

7. BED AND BREAKFAST'S must conform to the BULK and area regulations of the zoning district in which it is located.
8. BED AND BREAKFAST'S shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall retain proof of certification of occupancy from the Department and all other applicable building, safety, and fire codes of the federal, state, or local government.

#### E. CEMETERY

1. A minimum site of ten (10) acres is required.
2. A DRAINAGE plan shall be submitted with the application for the use showing existing and proposed runoff characteristics.
3. A ground water study prepared by a hydrologist or registered engineer qualified to perform such studies shall be submitted with the application
4. All maintenance equipment shall be properly stored in an enclosed BUILDING when not in use.
5. Burial sites shall comply with the setbacks required for principal STRUCTURES in the Zoning District and burial STRUCTURES shall not be located within one hundred (100) feet of any property line adjoining residential use or Residential Zoning District.

#### F. CHILD DAY CARE

1. Proof of a valid license to operate CHILD DAY CARE facilities issued by the Pennsylvania Department of Public Welfare shall be provided to the TOWNSHIP prior to the issuance of an occupancy permit by the TOWNSHIP for the use.
2. All CHILD DAY CARE facilities shall provide a minimum area for indoor play at a ratio of forty (40) square feet per child.
3. All CHILD DAY CARE facilities shall provide outdoor play space at a minimum ratio of sixty-five (65) square feet per child using the outdoor play facility. Long, linear configurations shall be avoided to assure the functionality of the space as a play area. At no point shall the play area be less than twenty (20) feet in width.
  - (a) The outdoor play area shall adjoin the BUILDING where the CHILD DAY CARE facility is located.
  - (b) The outdoor play area shall be no closer than thirty (30) feet to a private/public STREET RIGHT-OF-WAY, or ten (10) feet to any other property lines.
  - (c) The outdoor play space shall be completely enclosed by a safe and adequate FENCE or wall a minimum of four (4) feet in height, unless a greater height is required by the BOARD OF SUPERVISORS. Any outdoor play area potentially susceptible to

encountering vehicles leaving the roadway, travel lanes, or access ways shall be protected by a barrier capable of preventing the vehicle from entering the play area.

- (d) Non-yielding surfaces, such as concrete, asphalt, gravel, etc., are prohibited beneath any piece of permanently installed play equipment. Certain rubber padding may be permissible over hard surfaces when approved by the BOARD OF SUPERVISORS. Non-yielding surfaces shall not exceed on-quarter (1/4) of the required outdoor play space.
4. Within the Highway Commercial (HC) District, a minimum visual buffer Bufferyard B shall be installed between the CHILD DAY CARE facility and other nonresidential USES not on the subject property within the district.
  5. Safe vehicular access and off-STREET areas for the discharge and pick-up of children shall be provided in the following manner:
    - (a) Minimum dimensions of discharge and pick-up areas shall measure eight by fifty-five (8 x 55) feet.
    - (b) Discharge and pick-up areas shall be so located and designed so that the vehicles intended to use them can maneuver safely and conveniently to and from a public RIGHT-OF-WAY and complete the discharge and pick-up without obstructing or interfering with the use of any public RIGHT-OF-WAY, any PARKING SPACE, or parking lot aisle.
    - (c) No area allocated as a discharge and pick-up area may be used to satisfy the area requirements for off-STREET parking, nor shall any portion of any off-STREET parking area be used to satisfy the area requirements for discharge and pick-up areas. All off-STREET discharge and pick-up areas shall be separated from walkways, sidewalks, parking lot aisles, STREETS, and ALLEYS by curbing or other protective devices as approved by the TOWNSHIP Engineer.

#### G. USES Not Specifically Listed as Permitted or CONDITIONAL USES

1. USES which are not specifically listed as permitted or CONDITIONAL USES in any zoning district may be authorized in the PIP District by the Marshall TOWNSHIP BOARD OF SUPERVISORS as CONDITIONAL USES.
2. In order to obtain a CONDITIONAL USE under this Section, the applicant bears the burden of establishing the following to the satisfaction of the Board:
  - (a) The proposed use must be fully consistent and in harmony with the purpose of the district in which it will be located.
  - (b) The impact of the use on the environment and adjacent STREETS is equal to or less than any use specifically permitted as a permitted or CONDITIONAL USE in the subject district.
  - (c) In determining the impact on the environment and adjacent properties, the Board shall consider such DEVELOPMENT characteristics as the number of EMPLOYEES, the floor area of the proposed BUILDING devoted to the proposed use, the type of products involved, the materials, equipment or services involved, the

magnitude of walk-in trade, traffic generation, parking demand, environmental impacts, and any other information that Board determines will aid in determining the impact of the use.

- (d) The proposed use shall comply with the expressed standards and criteria of the zoning district in which the use is to be located and all other requirements of this Chapter and the TOWNSHIP SUBDIVISION and LAND DEVELOPMENT regulations.
  - (e) The proposed use shall be in accordance with the community development objectives of this Chapter and the Comprehensive Plan, as adopted and amended.
3. Prior to the public hearing before the TOWNSHIP BOARD OF SUPERVISORS, the applicant shall submit all studies, documents and testimony which the applicant wishes to be considered in connection with the CONDITIONAL USE application, for review and recommendation by the TOWNSHIP PLANNING COMMISSION.
  4. When granting a CONDITIONAL USE pursuant to this Section, the Board may impose any reasonable conditions it believes are necessary to ensure compliance with this Chapter and the TOWNSHIP SUBDIVISION and LAND DEVELOPMENT regulations.

#### H. CONCENTRATED ANIMAL OPERATIONS

1. CONCENTRATED ANIMAL OPERATIONS, subject to:
  - (a) Approval for such operations from the Pennsylvania Department of Environmental Protection, The Nutrient Management Act Regulations, Title 25, Chapter 83.
  - (b) Such use shall not be located within 500 feet of any property line, nor within 1,000 feet of any occupied DWELLING, public BUILDING, SCHOOL, park, community or institutional BUILDING. These SETBACK requirements shall not apply to STRUCTURES located on the same lot as the proposed use.
  - (c) The CONSTRUCTION of solid or liquid waste facilities shall not be permitted until such time as compliance with the Title 25, Chapter 83, regulations is demonstrated in writing.

#### I. CONTINUING CARE RETIREMENT COMMUNITY

1. The CONTINUING CARE RETIREMENT COMMUNITY is designed primarily for persons aged fifty-five (55) and over.
2. The following USES shall be permitted as principal USES within the CONTINUING CARE RETIREMENT COMMUNITY.
3. Residential USES:
  - (a) Long-term care nursing centers.
  - (b) Assisted living care.
  - (c) Single FAMILY detached DWELLINGS.

- (d) Single FAMILY attached DWELLINGS.
  - (e) Multi-FAMILY DWELLINGS.
4. Public USES:
- (a) Public park, recreational areas and greenways.
  - (b) Public libraries.
5. INSTITUTIONAL USES
- (a) CHURCHES AND SIMILAR PLACES OF WORSHIP.
6. The following USES shall be permitted as accessory USES in the CONTINUING CARE RETIREMENT COMMUNITY for the exclusive use of residents and their guests. It shall be the burden of the applicant to demonstrate how these USES will be restricted to residents and their guests.
- (a) Medical facilities.
  - (b) Common dining facilities.
  - (c) Group recreation facilities.
  - (d) Adult day care.
  - (e) Gift stores.
  - (f) Food and beverage stores.
  - (g) Personal care services.
7. Each accessory use shall be located in a BUILDING occupied by residential USES or in a community activities BUILDING.
8. Each accessory commercial use shall not exceed two thousand five hundred (2,500) square feet of net floor area (for accessory commercial USES net floor area as defined herein shall also exclude food preparation areas and lavatories).
9. The total area reserved of commercial accessory USES shall not exceed four (4%) percent of the total land area including BUILDINGS, sidewalks, OPEN SPACE, access drives and parking, and no more than twenty five thousand (25,000) square feet, whichever is less.
10. Applications for a CONTINUING CARE RETIREMENT COMMUNITY within the CR and SR ZONING DISTRICTS shall follow provisions for Conservation SUBDIVISIONS, in 208-1607 of this Ordinance for the determination of required greenway preservation area required.

11. The CONTINUING CARE RETIREMENT COMMUNITY shall meet the following area, density, coverage and yard requirements.
  - (a) Minimum DEVELOPMENT area shall be ten (10) acres.
  - (b) Maximum density for residential units shall be six (6) units per acre.
  - (c) Maximum IMPERVIOUS SURFACE RATIO shall be fifty (50%) percent.
  - (d) Yards shall meet the following minimum SETBACK requirements:
  - (e) Front yard: Fifty (50') feet.
  - (f) SIDE YARDS: Forty (40') feet.
  - (g) REAR YARD: Fifty (50') feet.
  - (h) More than one BUILDING on a single lot shall meet the following minimum interior yard spacing requirements:
    - (i) Front to front: Seventy (70') feet.
    - (ii) Front to side: Fifty (50') feet.
    - (iii) Front to rear: Seventy (70') feet.
    - (iv) Side to rear: Thirty (30') feet.
    - (v) Side to side: Fifteen (15') feet.
    - (vi) Rear to rear: Fifty (50') feet.
    - (vii) Corner to corner: Twenty (20') feet.
12. Staging of DEVELOPMENT. When the CONTINUING CARE RETIREMENT COMMUNITY is to be developed in stages, the following criteria must be met:
  - (a) The LAND DEVELOPMENT PLAN presented to the TOWNSHIP must show the approximate location and type of use for each stage of the DEVELOPMENT.
  - (b) The percentage of nonresidential DEVELOPMENT of each stage shall not exceed the percentage of residential DEVELOPMENT represented on the staging plan.
13. Public/community water and public/community sewer shall be required.
14. The CONTINUING CARE RETIREMENT COMMUNITY shall provide proof that all applicable State, County and TOWNSHIP licenses have been obtained.

J. Conversion - residential to NONRESIDENTIAL USE.

No RESIDENTIAL USE shall be converted to a NONRESIDENTIAL USE, except in accordance with the provisions of this section. The BOARD OF SUPERVISORS may authorize as a CONDITIONAL USE the conversion of any DWELLING existing at the effective date of this chapter to any NONRESIDENTIAL USE permitted in the DISTRICT, provided that:

1. The proposed use shall comply with the yard, area, off-STREET parking and other requirements that apply to commercial use in the district insofar as practicable.
2. No existing yards or required OPEN SPACES shall be reduced to less than the requirements of this district governing a permitted use.
3. No living accommodation or sleeping quarters shall be authorized, except such accessory use as is permitted in the district.
4. The proposed RECONSTRUCTION and conversion shall be in keeping with the predominant character of the district and shall not detract from the use of an adjoining property for any permitted use.

K. Conversion - SINGLE-FAMILY to MULTI-FAMILY.

1. No single-FAMILY DWELLING shall be converted to a multi-family DWELLING, except in accordance with the provisions of this section. The BOARD OF SUPERVISORS may authorize as a CONDITIONAL USE the conversion of any DWELLING existing at the effective date of this chapter to multiple-family use permitted in the district, provided that:
2. The proposed use shall comply with the yard, area, off-STREET parking and other requirements that apply to the use in the district insofar as practicable.
3. No existing yards or required OPEN SPACES shall be reduced to less than the requirements of this district governing a permitted use.
4. The proposed RECONSTRUCTION and conversion shall be in keeping with the predominant character of the district and shall not detract from the use of an adjoining property for any permitted use.

L. Drive-Through Facility

1. Minimum Stacking Space Requirements.
  - (a) All USES which include a drive-up window or which are characterized by patrons remaining in their vehicles to receive service shall provide on-site stacking spaces in order to alleviate traffic congestion.
  - (b) Stacking spaces shall be a minimum of twelve (12) feet in width and twenty (20) feet in length.
  - (c) All stacking areas shall be separate from other vehicular and pedestrian circulation aisles and PARKING SPACES. It is recommended that stacking lanes be separated through the use of landscaped islands bounded by concrete curbing.

- (d) The number of stacking spaces required shall be determined by the following schedule:
  - (i) Restaurant, Fast Food: a minimum of five (5) spaces as measured from the drive-thru window.
  - (ii) VEHICULAR WASHES: a minimum of four (4) spaces per car wash bay as measured from the bay.
  - (iii) Financial Institutions: a minimum of four (4) spaces for one (1) drive-thru window, plus three (3) spaces for each additional drive-thru window or automated teller machines (ATM).
  - (iv) Other USES With Drive-Thru Windows or Similar Characteristics: for USES not provided herein, the PLANNING COMMISSION shall determine the appropriate number of stacking spaces based on a use listed above that most closely approximates the proposed use, or through information provided by the DEVELOPER or OWNER of the proposed use, or through consultation with other communities containing USES similar to the one proposed, or through a combination of these methods.
- 2. Drive-in facilities adjacent to or integrated in a SHOPPING CENTER or cluster of commercial facilities shall use the common access with other business ESTABLISHMENTS in that center.
- 3. Exterior microphone/speaker system shall be arranged or screened to prevent objectionable NOISE impact on adjoining properties.
- 4. All automated teller machines shall be located so that the on-site movement of vehicles will not be hampered by those cars belonging to persons using the automated teller machines.

M. ELEMENTARY AND SECONDARY SCHOOLS, Colleges, and Universities

- 1. The public and non-public SCHOOLS shall adhere to the following dimensional characteristics,
  - (a) Minimum LOT AREA – two (2) acres.
  - (b) Minimum set back requirements:
    - (i) Front yard – fifty feet (50’).
    - (ii) SIDE YARD – fifty feet (50’).
    - (iii) REAR YARD – fifty feet (50’).
    - (iv) Minimum LOT WIDTH – one hundred feet (100’).
    - (v) Maximum IMPERVIOUS SURFACE RATIO– seventy percent (70%).

2. All off-STREET parking shall be set back at least twenty-five feet (25') and screened from adjoining property lines.
3. Outdoor play areas shall be located in the rear or SIDE YARDS at a minimum of fifty feet (50') from side and rear property lines. When within the CS or SR District outdoor play areas shall be buffered in accordance with BUFFERYARD B; Article 2200, to protect the neighborhood from inappropriate NOISE and other disturbances generally associated with educational facilities.
4. Off-STREET parking LOTS shall not be used as outdoor play areas.
5. All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
6. Passenger "drop-off" and "pick-up" areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.

#### N. FUNERAL HOMES AND MORTUARIES

1. The minimum LOT AREA shall be 40,000 square feet.
2. The site shall have frontage on and direct vehicular access to an arterial or collector STREET.

#### O. Gasoline Station with or without convenience store, VEHICULAR REPAIR GARAGE, or VEHICULAR BODY SHOP

1. All minor repair work, vehicle washing, waxing, detailing, lubrication and installation of parts and accessories shall be performed within an enclosed BUILDING.
2. All accessory car washing areas shall discharge into public sanitary sewers.
3. All vehicle parts, dismantled vehicles and similar materials shall be stored within an enclosed BUILDING or totally screened from view by a solid or privacy FENCE inside of a row of shrubs or evergreens with a minimum height of four (4) feet.
4. All vehicles awaiting repair shall be stored on the lot in an approved storage area and, in no case, shall said vehicles be stored on or obstruct access to a public RIGHT-OF-WAY.
5. All fuel, oil and similar substances shall be stored at least twenty-five (25) feet from any property line.
6. The handling and disposal of motor oil, battery acid and any other substance regulated by Federal Statute and the Pennsylvania Department of Environmental Protection (PA DEP) shall be in accordance with all permits and requirements of that agency or its successor agency. Any suspension, revocation or violation of the PA DEP permits shall be a violation

of this Ordinance and shall be subject to the enforcement provisions of Article 2800 of this Ordinance. **[Amended 9-29-2008 by Ord. No. 393]**

P. Commercial Greenhouse, Garden Center, or Plant Nursery

1. Commercial greenhouse heating plants shall be at least one hundred (100) feet from any property line.
2. For commercial greenhouses and garden centers, the retail sales area for a greenhouse shall not exceed twelve hundred (1,200) square feet. The growing area shall not be considered sales area.

Q. HALFWAY HOUSE

1. HALFWAY HOUSE must be licensed where required by an appropriate government agency(ies), and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to the TOWNSHIP prior to beginning the use.
2. A half-way house shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the house.
3. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
4. The residents of the HALFWAY HOUSE shall reside on-premises to benefit from the services provided.
5. Necessary PERMITS for water supply and sanitary waste disposal must be obtained.
6. The HALFWAY HOUSE shall not be located within one thousand (1,000') feet of any the following USES:
  - (a) Amusement park;
  - (b) Camp (for MINORS' activity);
  - (c) Child care facility;
  - (d) CHURCHES AND SIMILAR PLACES OF WORSHIP;
  - (e) Community center;
  - (f) Library;
  - (g) MUSEUM;
  - (h) Park;
  - (i) Playground;
  - (j) SCHOOL;

- (k) Other lands where MINORS congregate;
- 7. The HALFWAY HOUSE shall not be located with one thousand (1,000) feet of another HALFWAY HOUSE.
- 8. Each application shall be accompanied by a statement describing the following:
  - (a) The character of the HALFWAY HOUSE;
  - (b) The policies and goals of the HALFWAY HOUSE and the means proposed to accomplish those goals;
  - (c) The characteristics of the residents and number of residents to be served;
  - (d) The operating methods and procedures to be used; and
  - (e) Any other facts relevant to the proposed operation of the half-way house.
- 9. Any use permit granted for the half-way house shall be bound to the type and number of offenders listed on the application.

R. Hotel, Motel, and Hotel-Office Complex

- 1. DEVELOPMENTS related to a hotel/motel or hotel-office complex shall not exceed sixty (60) feet in height and a hotel-office complex must be integrated into one (1) contiguous structure. In those cases where the lot or parcel of ground to be developed is irregular in shape and bordered on at least two (2) sides by non-accessible highways, the Board may deviate from otherwise applicable LOT AREA coverage provisions and SETBACK requirements of this chapter.
- 2. Parking shall be as required by the Board and shall be based on the single or combined use or USES of the property. Requirements for parking shall take into consideration the established number of PARKING SPACES set forth in Article 1900 but such section shall not be binding on the Board.
- 3. Fire safety precautions shall be as finally determined by the Board upon recommendation of the Fire Marshal's office.
- 4. All entrances to motel or hotel rooms shall be through an interior hallway. No exterior door access shall be permitted from hotel or motel rooms.

S. JUNKYARD

- 1. Maximum LOT AREA shall be five (5) acres.
- 2. The outdoor area devoted to the storage of junk shall be completely enclosed by an eight (8') foot high opaque FENCE which shall be set back at least fifty (50') feet from all property lines and one hundred (100') feet from residentially-zoned or existing residential properties.

3. The SETBACK area between the FENCE and the LOT LINES shall be kept free of weeds and all scrub growth.
4. All completely-enclosed BUILDINGS used to store junk shall be set back at least fifty (50') feet from all property lines.
5. No material may be stored or stacked so that it is visible from adjoining properties and roads.
6. All additional Federal and State laws shall be satisfied. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable State or Federal agency.
7. All junk shall be stored or arranged so as to permit access to firefighting equipment and to prevent the accumulation of water, and with no junk piled to a height greater than eight (8') feet.
8. No oil, grease, tires, gasoline, or other similar material shall be burned at any time. No hazardous materials as defined by State and Federal regulations shall be stored or burned at any time.
9. Any JUNKYARD shall be maintained in such a manner as to cause no public or private nuisance, not to cause any offensive or noxious sounds or odors, and not to cause the breeding or harboring of rats, flies, mosquitoes, or other vectors of disease.
10. No JUNKYARD shall be located on land with a slope in excess of eight (8%) percent, prime agricultural soils, sinkhole prone soils, WETLANDS, WOODLANDS, or FLOODPLAINS.

T. KENNEL, PRIVATE OR COMMERCIAL:

1. Demonstrate that all animals are confined to the property.
2. Demonstrate adequate methods for sanitation and sewage disposal.
3. Outdoor runs shall be located a minimum of 200 feet from any DWELLING not located on the same lot.
4. Outdoor runs shall be screened with a solid FENCE to reduce the potential for inciting dogs to bark due to external influences.
5. A site plan, drawn to scale, shall accompany the application indicating the location of existing and/or proposed parking facilities, BUILDINGS, runs and other physical features.

U. Assisted Care Nursing Facility

1. LOT AREA: A minimum lot size of 2 acres shall be required.
2. Building area: The maximum percentage of the lot covered by BUILDINGS shall not exceed 20%.
3. IMPERVIOUS SURFACE RATIO: The maximum IMPERVIOUS SURFACE RATIO shall be 50%.

4. YARDS:

- (a) FRONT YARD 50 feet minimum.
- (b) SIDE YARD; 50 feet minimum.
- (c) REAR YARD: 50 feet minimum.

5. STREET FRONTAGE: 100 feet

6. The assisted care nursing facility shall meet all licensing requirements of the Commonwealth of Pennsylvania.

V. MANUFACTURING, LIGHT

- 1. All manufacturing USES shall be conducted in an enclosed BUILDING except for parking, LOADING or storage. All BUILDINGS shall be of fireproof CONSTRUCTION to meet the requirements of state and/or national fire codes and any building, plumbing or other codes for Marshall TOWNSHIP and the state then in effect or thereafter enacted or amended.
- 2. No truck/bus yard shall be closer than 300 feet to a residential DWELLING, public or private SCHOOL, day care center, HOSPITAL, or public park, as measured from the subject site's property line to the nearest property line of the residence(s), SCHOOL, day care center, HOSPITAL or park site.
- 3. The property on which the use is conducted shall not exceed 3 acres in size.
- 4. All vehicles on-site need to be in operable condition.
- 5. The site shall be developed with permanent related buildings. No trailers or temporary modular units are permitted.
- 6. Service bays shall be designed or oriented so as to not to be readily visible from the public RIGHT-OF-WAY.

W. MEDICAL OFFICE [**Amended 5/12/2008 by Ord. No. 389**]

- 1. Such use shall be licensed by the appropriate departments and/or agencies of the Commonwealth of Pennsylvania. Said license and all appropriate documentation shall be submitted with the application for such use.
- 2. Such USES shall be conducted in a manner that does not violate any provisions of this chapter or any other federal, state, county or municipal statute or regulation.
- 3. Such USES shall be staffed during all hours of operation by personnel licensed by the Pennsylvania Department of Health.
- 4. Such USES shall submit a community impact analysis consisting of the following information:

- (a) Information concerning hours of operation.
  - (b) Information concerning patient treatment capacity.
  - (c) Information concerning average daily patient visits.
  - (d) Information concerning the average number of daily vehicle TRIPS estimated to be generated by such USE, with peak-hour vehicle TRIP ends identified.
  - (e) Information concerning any and all public transportation connections that might serve the facility.
  - (f) Information concerning the estimated level of emergency (police, fire, ambulance, etc.) calls on a monthly basis generated by such USE.
  - (g) Information concerning all personnel licensed by the Pennsylvania Department of Health. Any change in this information to any such permitted use shall be reported to the TOWNSHIP within 30 DAYS.
  - (h) Information concerning all security measures to be instituted within the facility.
  - (i) Information concerning any security measures to be instituted on the lot or parcel.
5. The BOARD OF SUPERVISORS may impose additional conditions for approval based upon staff review and recommendation of the community impact analysis.
  6. The Zoning Officer shall have the right to inspect such USES periodically to assure compliance with all conditions of approval.

#### X. MOBILE HOME PARK

1. Mobile/MANUFACTURED HOME PARKS shall meet the requirements of the TOWNSHIP SUBDIVISION and LAND DEVELOPMENT Ordinance, as amended; however, the zoning standards shall apply if they are more stringent than the SUBDIVISION and LAND DEVELOPMENT Ordinance.
2. MOBILE HOME PARKS shall adhere to requirements of Section 208-1607, Conservation SUBDIVISION to determine the minimum area of greenway required for the DEVELOPMENT.
3. A MOBILE HOME PARK shall only include MOBILE HOMES of single width or multiple widths, but shall not include travel trailers or motor homes.
4. The TRACT of land to be developed for a MOBILE HOME PARK shall be in single and separate ownership.
5. Any parcel to be used as a MOBILE HOME PARK shall have a minimum size of twenty-five (25) acres.

6. Any site proposed for a MOBILE HOME PARK shall not be subject to any nuisance, such as excessive NOISE, vibration, smoke, toxic matter, radiation, heat, odors or GLARE.
7. Every area to be used as a MOBILE HOME PARK must be served exclusively by an approved public or community water supply system and waste disposal system. In the case of community systems a maintenance and ownership agreement shall be required.
8. Density - The total number of LOTS in a MOBILE HOME PARK shall not exceed a maximum density of eight (8) LOTS per acre
9. Yard and Area Regulations - The following yard SETBACK and LOT AREA regulations shall apply to all MOBILE HOME PARKS developed pursuant to this Section.
  - (a) SETBACK from Tract Boundary - No MOBILE HOME, auxiliary park BUILDINGS and other park STRUCTURES may be located closer than seventy-five feet (75') to any boundary of a mobile park regardless of whether that boundary abuts a lot, water body, road or other RIGHT-OF-WAY.
  - (b) LOT AREA - All MOBILE HOME LOTS in a MOBILE HOME park, regardless of tenure, shall have a minimum lot size of five thousand (5,000) square feet.
  - (c) LOT WIDTH - No individual MOBILE HOME LOT shall be less than fifty (50') feet in width at the building SETBACK line.
  - (d) No individual MOBILE HOME LOT shall be less than twenty-five feet (25') in width at the RIGHT-OF-WAY line or the edge of the pavement of a private STREET, measured fifty feet (50') from the center line of a public or private STREET or RIGHT-OF-WAY, as applicable.
  - (e) Building Area - The maximum coverage of any individual MOBILE HOME LOT by all primary and accessory BUILDINGS and STRUCTURES, including covered patios or decks, shall not exceed forty percent (40%).
  - (f) Minimum Structure SETBACKS -
    - (i) Front Yard - In no case shall the long side of a MOBILE HOME be located closer than thirty feet (30') from the edge of the STREET RIGHT-OF-WAY; provided, however, that the short side (ends of unit) of a MOBILE HOME may be located no closer to the STREET RIGHT-OF-WAY than twenty-five feet (25').
    - (ii) No more than six (6) MOBILE HOMES in a row shall have the same setback distance; where varied setbacks are implemented, the difference shall be at least four feet (4').
    - (iii) SIDE and REAR YARDS - No MOBILE HOME or accessory BUILDING may be located closer than ten feet (10') to any side or rear lot line of an individual MOBILE HOME LOT.
  - (g) Distance Between STRUCTURES - MOBILE HOMES and roofed STRUCTURES of areas attached thereto shall be separated from each other, and from other buildings, other than accessory STRUCTURES, at their closest points by a minimum of twenty feet (20'); provided, however, that whenever two MOBILE HOMES have their

longer sides parallel or essentially parallel to each other for more than twenty-five percent (25%) of the length of either the minimum distance between the two MOBILE HOMES shall be thirty feet (30').

Y. Multi-FAMILY DWELLINGS, (including Two-FAMILY DWELLINGS, Triplexes, Quadplexes, Townhouse DWELLINGS, and Apartment DWELLINGS)

The provisions contained herein apply to the DEVELOPMENT of multi-FAMILY residential DEVELOPMENTS, whether allowed as a permitted or CONDITIONAL USE.

1. General Requirements

- (a) Area and BULK regulations for Multi-FAMILY DWELLINGS per 208-303.
- (b) Habitable space shall not be less than six-hundred forty (640) square feet
- (c) Townhouse BUILDINGS shall be limited to a maximum of five (5) units attached.
- (d) Apartment BUILDINGS shall be limited to a maximum of 32 units per BUILDING
- (e) All BUILDINGS shall be oriented to face the STREET and meet the minimum and maximum front yard SETBACKS for the district.
- (f) The use of ALLEYS or rear access drives is required for apartment DWELLINGS. In no instance shall off-STREET parking areas be the focal point for design. Off-street parking areas shall be located to the side or rear of buildings.

2. OPEN SPACE and Recreation Area Requirements for Apartments and other Multi-FAMILY DEVELOPMENTS over 5 acres in size

- (a) Intent: Creating areas of common OPEN SPACE that are easily accessed by residents provides focal points for community recreation and interaction, as well as preservation of identified environmental features, and adds to the quality of life for residents. Given the environmental and recreational benefits of common OPEN SPACE it should be purposefully integrated into the overall design of a multi-FAMILY DEVELOPMENT and not merely be residual areas left over after BUILDINGS and parking lots are located. OPEN SPACE requirements are not applicable for multi-FAMILY DEVELOPMENTS containing townhouses, duplexes, triplexes or Quadplexes, unless the DEVELOPMENT site is five (5) acres or greater.
- (b) A minimum of twenty-five percent (25%) of the total tract areas shall be required to be preserved as OPEN SPACE on the site. The required OPEN SPACE shall include, at a minimum, any primary conservation areas identified on site, including WETLANDS, 100-Year FLOODPLAINS, and STEEP SLOPES twenty-five percent (25%) or greater. Standards contained in Section 174-302.D.1 of the TOWNSHIP SUBDIVISION and LAND DEVELOPMENT Ordinance shall be utilized to determine PRIMARY CONSERVATION AREAS. **[Amended 9-29-2008 by Ord. No. 393]**

- (c) A minimum of 10% of the tract or four-hundred (400) square feet per DWELLING UNIT, whichever is greater shall be set-aside as common usable OPEN SPACE in the form of an urban park for the enjoyment of the residents of the DEVELOPMENT. The usable OPEN SPACE (urban park) shall be centrally located and accessible to all residents and be constructed on generally flat land and located on otherwise easily buildable land (net buildable land). The common usable OPEN SPACE shall be counted toward meeting the total common OPEN SPACE requirements indicated in (a) above.
- (d) Acceptable forms of “usable OPEN SPACE” include improvements for a courtyard or plaza, an urban park area design with benches, shade trees, pedestrian connections, an open grass area, and may also incorporate a play area for children depending on the anticipated resident group.
- (e) The usable OPEN SPACE area may be calculated as part of the minimum twenty-five percent (25%) required OPEN SPACE to be preserved on the site.
- (f) The following areas shall not be allowed as part of the calculation of common OPEN SPACE:
  - (i) private yards, LOTS, decks, patios dedicated for use by a specific unit
  - (ii) public RIGHT-OF-WAY or private STREETS or drives
  - (iii) land covered by structure, except those allowed as part of the usable OPEN SPACE, such as gazebos, picnic shelters, tennis courts or swimming pools
  - (iv) Required perimeter SETBACKS
  - (v) Retention and detention ponds
- (g) Pedestrian access to common OPEN SPACE shall occur within five hundred (500’) of every building unit within the DEVELOPMENT.

### 3. Building Design Standards:

- (a) The establishment of building design standards for multi-FAMILY DWELLINGS located within the Marshall TOWNSHIP is intended to benefit the community as a whole by striving for the following goals:
  - (i) To preserve, protect and promote the public health, safety and welfare
  - (ii) To protect the TOWNSHIP from unregulated CONSTRUCTION of inferior and unsuitable buildings that are more prone to damage caused by fire and high winds from tornados or hurricanes that can result in physical injury to residents of those buildings.
  - (iii) To minimize the spreading of a hazard within multi-FAMILY STRUCTURES by utilizing superior materials and design.

- (iv) To preserve, enhance, and balance the environmental, social, cultural and aesthetic values desirable in a rural-suburban community while promoting the DEVELOPMENT of a variety of high-quality housing choices consistent with the objectives of the adopted Comprehensive Plan.
  - (v) To provide protections from negative impacts of highly concentrated DEVELOPMENTS in order to protect property values of adjoining and predominant lower density residential properties.
  - (vi) To promote DEVELOPMENT that is compatible with surrounding sites and preserves the sense of community.
  - (vii) To plan for harmonious neighborhoods through higher standards of design that results in increasing property values within these neighborhoods and requires buildings that are less prone to deterioration
  - (viii) To increase the overall economic tax base of the TOWNSHIP by attracting quality DEVELOPMENT
- (b) In addition to the above stated purposes, these building design standards are intended to create and add to the visual interest of Marshall TOWNSHIP's STREETS; to ensure quality and consistency in building architectural character and style; to ensure compatibility with adjacent DEVELOPMENT, as applicable; to avoid featureless building massing; to provide building design details to reduce the visual scale of large multi-FAMILY buildings; to achieve unity of design through the use of similar materials; to ensure use of building materials that are durable and attractive; and to ensure accessory STRUCTURES are compatible in design with the primary buildings they serve.
- (c) All building plans for multi-FAMILY DEVELOPMENT in all ZONING DISTRICTS shall be prepared and sealed by an architect and shall meet all provisions of this section.

#### 4. BUILDING HEIGHT/Massing/Form

(a) Intent

These standards are intended to achieve the following purposes:

- (i) Provide a distinctive, quality, consistent, architectural character and style in new multi-FAMILY DEVELOPMENT that avoids monotonous and featureless building massing and design.
- (ii) Ensure building design and architectural compatibility within a multi-FAMILY DEVELOPMENT.
- (iii) As applicable, new building design should respect the context of adjacent residential neighborhoods, including the height, scale, mass, form, and character of surrounding DEVELOPMENT.

(b) Building Length

(i) The maximum length of a multi-FAMILY residential building shall be 200 feet.

(c) Building Mass and Form

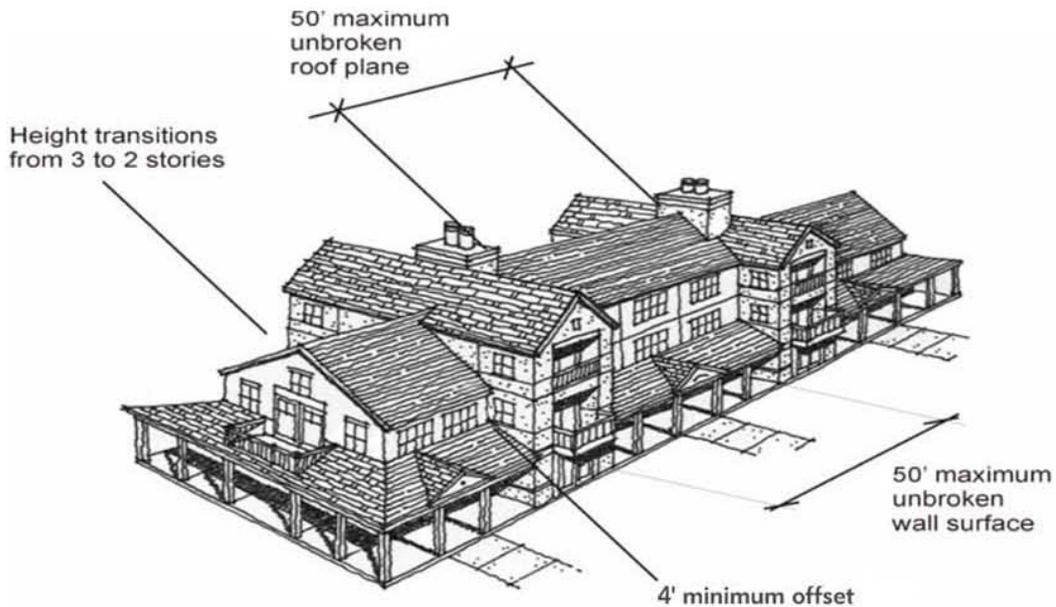
(i) Multi-FAMILY building design should incorporate visually heavier and more massive elements at the building base, and lighter elements above the base. A second story, for example, should not appear heavier or demonstrate greater mass than that portion of the building supporting it.

a. The following common building materials are listed in order from heaviest to lightest: stone, brick, wood, and stucco.

b. In instances where the same building material is used in differing colors, darker hues will be considered heavier than lighter hues.

(ii) All buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic STRUCTURES with long, monotonous, unbroken wall and roof surfaces of fifty (50') feet or more are prohibited. At least every fifty linear feet (50'), wall and roof planes shall contain offsets or setbacks with a differential in horizontal plane of at least four feet (4'). (see figure 1)

Figure 1 – Examples of Varied Roof Planes and Wall Surfaces



(iii) The façades of single-FAMILY attached townhomes should be articulated to differentiate individual units.

(d) Small Multi-FAMILY Buildings

- (i) To the maximum extent practicable, the massing and use of exterior materials on small multi-FAMILY buildings of four (4) units or less, including duplexes but not including townhomes, should be arranged so as to give the building the appearance of a large single-FAMILY detached home. (See figure 2)



Figure 2 - Examples of Multi-FAMILY Buildings Resembling Single FAMILY Homes

5. Architectural Detail: Style, Roof Form, Building Façades, Entries, and Windows

(a) Intent

The following guidelines and standards governing architectural detail are intended to

provide a distinctive, quality, architectural character in new multi-FAMILY DEVELOPMENTS. In particular, architectural details help to reduce the visual scale of large multi-FAMILY buildings and DEVELOPMENT.

(b) Consistency in Architectural Style

Each building in a multi-FAMILY DEVELOPMENT should have a definitive, consistent style. Mixing of various architectural styles on the same building dilutes the character of a building and is inappropriate. (see figure 3). These figures are intended to provide guidelines for design of multi-FAMILY buildings.

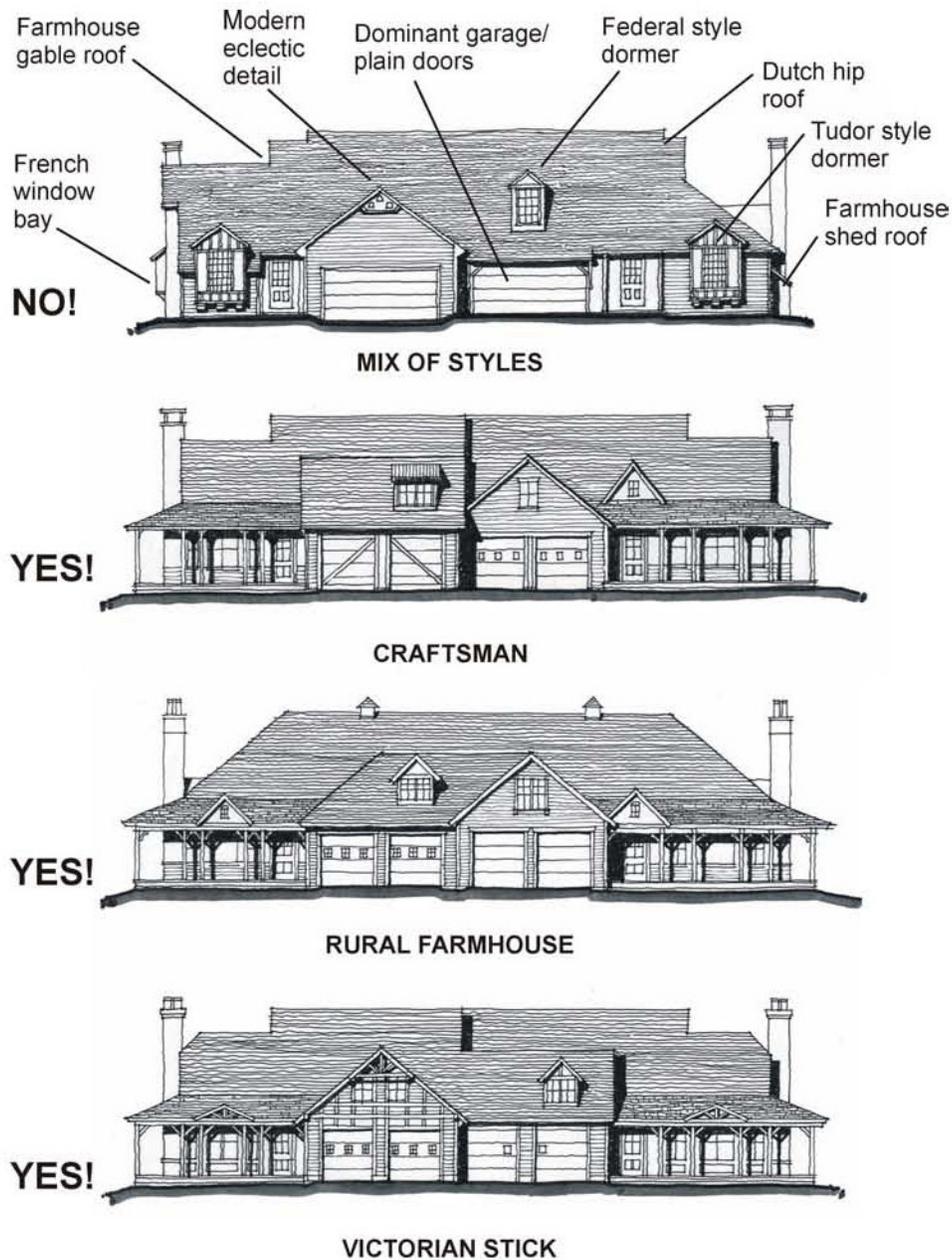


Figure 3– Example of Consistent Styles

(c) Four-Sided Design Required

All sides of a multi-FAMILY building shall display a similar level of quality and architectural interest. The majority of a building's architectural features and treatments shall not be restricted to a single façade.

(d) Pedestrian-Scale Entrance Required

All building entries adjacent to a collector or residential (local) public STREET or to a public STREET or private drive with on-STREET parking shall be pedestrian-scaled. Pedestrian-scaled entries are those that provide an expression of human activity or use in relation to building size. Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale.

(e) Articulated Building Fronts

Fronts of buildings should be articulated through the use of bay windows, insets, balconies, porches, or stoops related to entrances and windows. (see figure 4)

Figure 4 – Example of articulation of building fronts with windows, balconies and insets



(f) Windows

- (i) All multi-FAMILY building elevations shall contain windows, except when necessary to assure privacy for adjacent property OWNERS.
- (ii) At least fifteen (15%) of each STREET facing façade shall be comprised of windows.
- (iii) Windows should be located to maximize the possibility of occupant surveillance of entryways, recreation areas, and common areas.

(g) Roofs

- (i) All multi-FAMILY buildings with pitched roofs shall have a pitched roof with a minimum slope ratio of 6:12.

- (ii) On buildings where sloping roofs are the predominant roof type, each building shall have a variety of roof forms. For instance, a gable or hip configuration should be used with complimentary sheds, dormers, and other minor elements. Other roof forms will be considered on a case-by-case basis.
- (iii) On buildings where flat roofs are the predominant roof type, parapet walls shall vary in height and/or shape at least one every fifty feet (50') of building wall length.
- (iv) Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.

## 6. Building Materials

### (a) Intent

The following guidelines and standards are intended to:

- (i) Unify design through the use of similar materials throughout multi-FAMILY DEVELOPMENTS.
- (ii) Select high-quality building materials that are durable, attractive, and have low maintenance requirements.

### (b) Submittal Requirements

Applicants shall submit a sample building material board at the time of PRELIMINARY PLAN approval.

### (c) Design Guidelines and Standards

#### (i) Exterior Materials:

- a. For all multi-FAMILY buildings and single-FAMILY townhomes, an amount equal to fifty(50%) percent of the total net exterior wall area of each building elevation, excluding gables, windows, doors, and related trim, shall be brick, stone, or natural wood .
- b. Brick or stone to grade foundations shall be required for all multi-FAMILY BUILDINGS.

#### (ii) Roof Materials.

- a. Predominant roof materials shall be high quality, durable material such as, but not limited to: wood shake shingles, clay or concrete tiles, composition shingles, and asphalt shingles.

- (iii) Design Compatibility Required.
  - a. Detached garages and carports and other accessory STRUCTURES, including but not limited to grouped mailboxes, storage and maintenance facilities, recreational facilities, picnic shelters, and gazebos, shall incorporate compatible materials, scale, colors, architectural details, and roof slopes as the primary multi-FAMILY BUILDINGS, except that flat and shed roofs are prohibited.
- (iv) Articulation of Rear Walls.
  - a. Rear walls of detached garages and carports that back onto the perimeter STREET shall be articulated through the use of one or more of the following elements:
    - Windows;
    - A trellis; or
    - A variety of roof planes.

#### Z. PERSONAL STORAGE FACILITY

1. Storage. No storage may take place outside of a personal enclosed storage unit.
2. Water or sanitary sewer service. No personal enclosed storage unit shall have water or sanitary sewer service.
3. Caretaker. A caretaker may reside on a portion of the personal storage site. The caretaker's residence shall have public water and public sewer service.
4. Access. Ingress or egress shall be from an arterial or collector STREET only.
5. Distance from face of BUILDING to face of BUILDING: thirty (30) feet minimum.
6. Distance from end of BUILDING to end of BUILDING: twenty (20) feet minimum.
7. Maximum facility unit size shall be as defined in Chapter 52, Building CONSTRUCTION. If units are placed back to back, the maximum width of the BUILDING shall not exceed sixty (60) feet.
8. DRIVEWAY width: twenty-two (22) feet minimum.
9. All DRIVEWAYs shall be paved with an IMPERVIOUS SURFACE.
10. A landscaping plan shall be submitted with the site plan showing the site's buffer area in accordance with Article 2200 and the following standards:
11. FENCES shall be permitted.
12. Lighting shall not interfere with surrounding area or distract traffic.
13. A fire hydrant must be provided on site with the location to be determined by the Fire Marshall.

14. On a PERSONAL STORAGE FACILITY site only, there shall be allowed more than one (1) BUILDING for housing of the storage units. These buildings other than for use of one (1) management office, one (1) caretaker's residence and individual storage shall be used for no other purpose.
15. The PERSONAL STORAGE FACILITY shall provide a security system to prevent or discourage criminal activity.

AA. MUNICIPAL BUILDINGS AND FACILITIES AND STATE AND FEDERAL BUILDINGS AND FACILITIES

1. The storage of maintenance vehicles and related apparent USES shall be within wholly enclosed BUILDINGS in the CR and SR ZONING DISTRICTS.
2. All off-STREET parking shall be provided in accordance with Article 1900 and the following requirements:
  - (a) Portions of the required front yard SETBACK may be used for off-STREET parking when authorized as a CONDITIONAL USE; however, off-STREET parking shall be set back a minimum twenty-five feet (25') from the STREET RIGHT-OF-WAY.

BB. PUBLIC UTILITY STRUCTURES, OTHER THAN TELECOMMUNICATIONS TOWERS

1. A solid wooden FENCE shall be required to completely screen the structure. A six foot high row of shrubs or evergreens shall be planted around the exterior of the FENCE.
2. Access roads to the structure shall be paved with a bituminous surface.

CC. SHOPPING CENTERS

1. The parcel or parcels shall be in single and full ownership or proof of option shall be furnished at the time of application or joint application shall be filed by separate OWNERS and shall be capable of an integrated design of a complete SHOPPING CENTER within their boundary.
2. The property shall front on U.S. Highway 19 as shown on the ZONING MAP the TOWNSHIP.
3. In the RB Zoning District, SHOPPING CENTERS shall meet the following requirements:
  - (a) A minimum LOT FRONTAGE of two hundred (200) feet on Route 19 and access to Route 19 via a through STREET to Route 19.
  - (b) Maximum GFA for an individual BUILDING for occupancy by a single tenant is 45,000 SF.

- (c) Each SHOPPING CENTER is allowed a maximum of two (2), individual 45,000 SF BUILDINGS for occupancy by a single tenant. Additional BUILDINGS are permitted, if the site allows, but must comply with the BULK and area standards found in Section 208-303
- (d) IMPERVIOUS SURFACE RATIO (includes BUILDINGS, paving and accessory BUILDINGS) is seventy-hundredths (.70) maximum.
- (e) The parcel or parcels shall be in single and full ownership or proof of option shall be furnished at the time of application or joint application and shall be filed by separate OWNERS and shall be capable of an integrated design of a complete SHOPPING CENTER within their boundary.
- (f) The DEVELOPER shall submit proof to the effect that any and all NONCONFORMING USES located on the property to be reviewed shall cease their operations and remove their STRUCTURES prior to the commencement of site preparation and CONSTRUCTION. The BOARD OF SUPERVISORS may waive such requirements, however, whenever the structure is of historical significance.
- (g) All parking and site design standards found in Section 208.1005 shall apply to all SHOPPING CENTERS.
- (h) Any use listed as a permitted or CONDITIONAL USE in the zoning district is allowed as a permitted or CONDITIONAL USE, respectively, in a SHOPPING CENTER. All CONDITIONAL USES shall be subject to the CONDITIONAL USE standards of Article 2600 of this Chapter. **[Added 5/12/2008 by Ord. No. 389]**

#### DD. SOLID WASTE DISPOSAL FACILITY

No site shall be developed as a solid waste disposal site and no existing solid waste disposal site shall be enlarged, altered or changed in USE except in conformance with the provisions of this chapter. In addition to the provisions contained in other parts of this chapter, the following shall apply to such sites:

1. Disposal sites shall be located only on sites with a minimum one hundred (100) acres in land area. Actively used disposal areas on every such site shall be set back from the RIGHT-OF-WAY of every public road at least one hundred (100) feet.
2. Such disposal areas shall not be located nor expanded within three hundred (300) feet of any existing DWELLING, SCHOOL or church or within one hundred (100) feet of any boundaries of the site. If a DWELLING, SCHOOL or church is located within three hundred (300) feet of a disposal area after the disposal area has been established, the disposal area shall be moved within twelve (12) months to a minimum of three hundred (300) feet from such DWELLING, SCHOOL or church.
3. The solid waste disposal site shall be effectively screened from public view by dense foliage, topography or fencing. In addition, a surrounding security FENCE at least six (6) feet in height shall be constructed prior to operation of the site. Such FENCE shall be of sturdy CONSTRUCTION, shall be unobtrusively painted or finished, shall be maintained in good condition and shall be located a minimum distance of one hundred (100) feet from the site's perimeter.

4. The operation of the landfill shall comply with all applicable federal, state, county and TOWNSHIP licensing, permits and conditions authorizing the facility. Hours of operation shall not commence prior to 7:00 a.m. and shall cease by 6:00 p.m.
5. BUFFERYARD E, one hundred (100) feet in width and located outside of the FENCE, shall be provided around the entire perimeter of the site.
6. A traffic and road condition study shall be submitted to determine the adequacy of the road network and the structural elements serving the site for truck traffic to be generated by the operation.
7. Access shall not be derived through any residential SUBDIVISION or DEVELOPMENT and shall be from a collector or arterial road.
8. The establishment or annual operation of such disposal sites shall require a special permit from the TOWNSHIP BOARD OF SUPERVISORS, which special permit may be revoked by the BOARD OF SUPERVISORS for cause after a public hearing thereon has been held in accordance with the procedures required for the original issuance of such special permit. Before issuing the special permit, the BOARD OF SUPERVISORS shall submit the application to the appropriate state approval authorities and the TOWNSHIP PLANNING COMMISSION, either of whom may require the applicant to submit additional information as they may consider necessary for review. After the application has been reviewed by the state authorities and PLANNING COMMISSION, it shall be returned to the BOARD OF SUPERVISORS with their recommendations of whatever regulations, restrictions, etc., they consider essential to the satisfactory operation of the site.

#### EE. SUPERMARKET

SUPERMARKET shall be subject to the following standards in the RB Zoning District:

1. A minimum LOT FRONTAGE of two hundred (200) feet on Route 19 and access to Route 19 via a through STREET to Route 19.
2. Maximum GFA for an individual BUILDING is 45,000SF in the Route 19 Boulevard (RB) district.
3. IMPERVIOUS SURFACE RATIO (includes buildings, paving and accessory buildings) is seventy-hundredths (.70) maximum.

#### FF. TELECOMMUNICATIONS TOWERS [Amended 5-12-2008 by Ord. No. 389]

1. General Provisions applicable in all permitted ZONING DISTRICTS:
  - (a) All LOTS must conform to the area requirements of the ZONING DISTRICT.
  - (b) For all TOWERS, the SITE shall be of sufficient size to provide the SETBACK required in the underlying ZONING DISTRICT between the base of the TOWER, accessory STRUCTURES and USES, and guy anchors, if any, to all ABUTTING property lines, except that the widths of certain yards shall be as follows:
    - (i) The minimum SETBACK between TELECOMMUNICATIONS TOWERS and all

property lines shall be a distance equal to fifty (50) percent of the height of the TOWER, or the requires SETBACK of the underlying ZONING DISTRICT, whichever is greater.

- (ii) TELECOMMUNICATIONS TOWERS shall be set back a minimum of fifty (50) feet from any existing or planned RIGHT-OF-WAY; and
- (iii) TELECOMMUNICATIONS TOWERS shall be set back a minimum of one hundred (100) feet, or fifty (fifty) percent of the TOWER height, whichever is greater, from the LOT LINE of any adjacent RESIDENTIAL USE or ZONING DISTRICT.
- (c) The Telecommunications facility shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance.
- (d) Access to the Telecommunications facility shall be provided on DRIVEWAYs that meet the standards established in Chapter 174 "SUBDIVISION and LAND DEVELOPMENT " from the Code of the TOWNSHIP of Marshall.
- (e) Maximum tower height shall be two hundred (200) feet. TELECOMMUNICATIONS Equipment BUILDING HEIGHT shall be regulated by the BUILDING HEIGHT requirements of the underlying zoning district.
- (f) Roof-mounted Telecommunications facility ANTENNA shall not exceed thirty-five (35) feet above the maximum BUILDING HEIGHT upon which it is mounted.
- (g) Where technically feasible, all new towers shall be designed to accommodate shared-use of the tower.
- (h) The following BUFFERYARDS shall be required of Telecommunications Facilities:

Table 1  
Required BUFFERYARDS for TELECOMMUNICATIONS FACILITIES

	CR		SR	MDR		OSPC	PORBP	PIP	HC
Required BUFFERYARD	E		E	E		E	B	B	B

- (i) All equipment associated with roof-mounted Co-location/Shared Use Facilities, except for ANTENNA(e), must be located so as to not be visible from adjoining properties, or screened from view.
- (j) Guy anchors, if used, may be located within the required landscape areas as long as the minimum setback is maintained.
- (k) A six (6) foot high security FENCE shall completely surround the tower (and guy wires if used) and TELECOMMUNICATIONS EQUIPMENT BUILDING.

- (l) The tower shall be designed and constructed to all applicable standards of the American National Standards Institute, ANSI/EIA-222-E manual, as amended. All applications for DEVELOPMENT of a telecommunications facility shall verify compliance with these standards.
  - (m) A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA-222-E, as amended, shall be submitted to the TOWNSHIP, sealed by a registered soils engineer, to document and verify the design specifications of the foundation for the tower, and anchors for the guy wires if used.
  - (n) Towers and ANTENNAE shall be designed to withstand wind gusts of at least one-hundred (100) miles per hour.
  - (o) Upon the order of the BOARD OF SUPERVISORS, all tower structures shall be dismantled and removed from the premises within one (1) year of their ABANDONMENT, obsolescence or cessation of use.
  - (p) Power Mount facilities, (ANTENNAE mounted on electrical transmission towers) shall be permitted as a CONDITIONAL USE in the PIP and HC Districts where permitted by the utility or property OWNER.
  - (q) No tower or ANTENNA may be lighted with strobe lights unless the applicant has been mandated by the Federal Aviation Administration (FAA) to do so. The applicant must present the BOARD OF SUPERVISORS with any FAA requirements in regard to lighting of the tower.
2. Required Sharing of New Towers. All new towers shall be designed to structurally accommodate the maximum number of additional users technically practicable, but in no case less than the following:
- (a) At least one two-way radio ANTENNA for every ten (10) feet of the tower, or at least one two-way radio ANTENNA for every twenty (20) feet of the tower and at least one microwave facility.
  - (b) Such other combination as found by the BOARD OF SUPERVISORS to provide the maximum possible number of foreseeable users.
    - (1) Such requirements may be reduced if the Federal Communications Commission (FCC) provides a written statement that no more licenses for those broadcast frequencies that could use the TOWER will be available in the foreseeable future.
    - (2) Such requirements may be reduced if the size of the TOWER required significantly exceeds the size of the existing TOWERS in the area and would therefore create an unusually onerous, visual impact that would dominate and alter the visual character of the area when compared to the impact of other existing TOWERS. This provision is only to be applied in unusual circumstances not resulting from the applicant's action or SITE selection unless no other SITE is possible.

#### GG. VEHICULAR WASH

- 1. All automated washing facilities shall be in a completely enclosed BUILDING, as defined by this Ordinance. All other car washing facilities shall be under a roofed structure which has at least two (2) walls.

2. DRAINAGE water from the washing operation shall be controlled so that it does not flow or drain onto berms, STREETS or other property.
3. A stacking area shall be required on the lot for automobiles accessible to the end of the washing equipment. Such stacking area shall be able to accommodate the number of vehicles equal to the maximum hourly processing capability of the aforesaid vehicular wash. Such information shall be provided to the TOWNSHIP as part of the application for the CONDITIONAL USE.
4. An area beyond the exit end of the washing equipment sufficiently large enough to accommodate one fourth (1/4) of the maximum hourly processing capability provided in above for the aforesaid vehicular car wash.
5. The facility shall be connected to public sanitary sewer.
6. Any car wash which also dispenses gasoline shall meet all applicable requirements of §208-2604 (P) governing gasoline stations.

#### HH. ASSISTED CARE AND NURSING FACILITIES

1. In addition to residential units (living and sleeping quarters with or without kitchen facilities), the following accessory USES may be provided for the exclusive use of residents and their guests. These special services may include, but are not limited to the following services:
  - (a) Dispensaries.
  - (b) Medical facilities.
  - (c) Common dining facilities.
  - (d) Group recreation facilities.
2. In addition to residential units, the following accessory commercial USES shall be permitted. (1.) Adult and CHILD DAY CARE. (2.) Banks and financial institutions. (3.) Florists, stationery and gift stores. (4.) Food and beverage stores. (5.) Personal care services. (6.) Restaurants. (7.) Sporting good, hobby, book, and music stores
3. Each accessory use shall be located in a BUILDING occupied by residential units.
4. Each accessory commercial use shall not occupy more the two thousand (2,500) square feet of net floor area (excluding food preparation areas and lavatories).
5. The total space allotted for accessory commercial USES within a single BUILDING shall not exceed ten (10) percent of the total gross building area.
6. The maximum density for residential units shall be twenty (20) units per acre.
7. The center shall meet the following BULK and area requirements. (1.) Minimum tract area shall be eight (8) acres. (2.) Yards shall meet the following minimum SETBACK

requirements:

- (a) Front yard: Thirty (30') feet.
  - (b) SIDE YARD: Fifteen (15') feet.
  - (c) REAR YARD: Thirty (30') feet.
8. BUILDINGS on a single tract shall meet the following minimum interior yard spacing requirements:
- (a) Front to front: Seventy (70') feet.
  - (b) Front to side: Fifty (50') feet.
  - (c) Front to rear: Seventy (70') feet.
  - (d) Side to rear: Thirty (30') feet.
  - (e) Side to side: Fifteen (15') feet.
  - (f) Rear to rear: Fifty (50') feet.
  - (g) Corner to corner: Twenty (20') feet.
9. Maximum IMPERVIOUS SURFACE RATIO shall be fifty (50%) percent.
10. Public/community water and public/community sewer shall be required.
11. The layout and design of pedestrian level street lighting shall be provided throughout the DEVELOPMENT and parking areas.

## II. HOSPITALS

1. The facility operator shall meet all State and Federal rules and regulations for HOSPITAL facilities.
2. Minimum LOT AREA - five (5) acres.
3. Minimum STREET FRONTAGE - three hundred (300') feet.
4. Public/community sewer and public/community water shall be used.
5. The subject property shall have frontage along an arterial roadway as defined in the Marshall TOWNSHIP Comprehensive Plan, as amended.
6. All height, area, SETBACK and coverage standards within the underlying district shall apply.
7. Separation distances between buildings - where more than one BUILDING occupies a lot, the following minimum interior yard spacing shall be required:

- (a) Front to front: Seventy (70') feet.
  - (b) Front to side: Fifty (50') feet.
  - (c) Front to rear: Seventy (70') feet.
  - (d) Side to rear: Thirty (30') feet.
  - (e) Side to side: Fifteen (15') feet.
  - (f) Rear to rear: Fifty (50') feet.
  - (g) Corner to corner: Twenty (20') feet.
8. Emergency entrances shall be located on a building wall facing away from adjoining residentially zoned properties.
  9. The institution shall submit a copy of its emergency operations plan (EOP) to the TOWNSHIP Emergency Management Agency Coordinator. The EOP shall include detailed information regarding solid, medical and hazardous materials and waste handling including a listing of all medical and hazardous materials and wastes used and generated on site and evidence indicating the disposal of all materials and wastes will be accomplished in a manner that complies with State and Federal regulations. The applicant shall provide documentation of compliance to the Zoning Officer from the applicable State or Federal agency.

#### JJ. GOLF COURSES/COUNTRY CLUB

1. The minimum LOT AREA shall be not less than: forty-five (45) acres for a par 3, 18 hole course; sixty (60) acres for a nine hole or executive golf course; and one hundred (100) acres for a regulation 18 hole course.
2. The course shall be designed so that golf balls will not be driven over or across any BUILDING, building lot, road, access drive, DRIVEWAY or parking lot. In addition, the golf course design shall minimize the cart path crossing of STREETS.
3. A minimum separation distance shall be maintained between the golf course and adjoining properties. The following minimum distances shall be measured from the centerline of the golf course to the adjacent property line.
  - (a) Seventy five (75') feet minimum distance from the centerline of the tee box to the adjacent property line.
  - (b) One hundred-fifty (150') feet minimum distance from the centerline of the landing area to the adjacent property line.
  - (c) One hundred (100') feet minimum distance from the centerline of the green to the adjacent property line.
4. The area between the edge of the course and the property line shall be utilized for planting, as appropriate, to preserve and protect adjoining properties and views from and of the golf course. Planting areas shall be delineated on the preliminary SUBDIVISION and LAND DEVELOPMENT PLAN. The planting scheme (size, type and location of landscaping) shall

be shown on the landscape plan submitted with the final SUBDIVISION and LAND DEVELOPMENT PLAN.

5. All golf course BUILDINGS and STRUCTURES shall be set back two hundred fifty (250') feet from any exterior lot line.
6. Any points where the golf course crosses a road shall be signed warning motorists and pedestrians.
7. No OUTDOOR STORAGE of golf carts or maintenance equipment shall be permitted.
8. A golf course may include the following accessory USES:
  - (a) A clubhouse with a pro shop, offices, restaurant/snack bar, game room, and childcare room.
  - (b) Golf cart maintenance and equipment storage and service facilities.
  - (c) Practice putting greens and driving range, without outdoor lighting.

#### KK. CHURCHES AND SIMILAR PLACES OF WORSHIP.

1. No minimum lot size. The lot must be of adequate size to include required off-STREET parking facilities, access DRIVEWAYS, landscaping and stormwater management facilities.
2. A DWELLING (such as a manse or parsonage) may be located on the same lot with a church provided all requirements of this Ordinance for single FAMILY DWELLINGS in the Zoning District can be met in addition to the minimum LOT AREA, LOT WIDTH and yard requirements applicable to the church.
3. The proposed use shall have direct access to a public STREET with sufficient capacity to accommodate the traffic generated by the proposed use.

#### LL. OIL AND GAS EXTRACTION[Amended 6/06/2011 by Ord. No.407]

In addition to the applicable requirements found in Article 2600 regulating CONDITIONAL USES, the following standards for review shall be applied when considering an application for OIL AND GAS EXTRACTION

1. WELL OPERATOR shall comply with any generally applicable bonding and permitting requirements for STREETS that are to be used by overweight vehicles and equipment for EXTRACTION activities, including but not limited to 67 Pa. Code § 189.4.
2. WELL OPERATOR shall take the necessary safeguards to ensure that all public STREETS utilized remain free of dirt, mud and debris resulting from EXTRACTION activities and/or shall ensure such STREETS are promptly swept or cleaned if dirt, mud and debris occur.
3. WELL OPERATOR shall take all necessary precautions to ensure the safety of persons in areas established for STREET crossing and/or adjacent to STREETS (for example, persons waiting for public or SCHOOL transportation). During periods of anticipated heavy or frequent truck traffic associated with EXTRACTION, WELL OPERATOR shall provide flagmen to

ensure the safety of children at or near SCHOOLS or SCHOOL bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.

4. WELL OPERATOR shall provide an appropriate and adequate off-street area within the DEVELOPMENT site for vehicles to stand while gaining access to the WELL SITE so that the normal flow of vehicular traffic on nearby PUBLIC STREETS is undisturbed and public safety is maintained.

5. WELL OPERATOR shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for EXTRACTION purposes.

6. Prior to EXTRACTION, WELL OPERATOR shall provide to the Northern Regional Police Department and all TOWNSHIP Fire Companies ("First Responders") and to the TOWNSHIP Zoning Officer, a copy of its Preparedness, Prevention and Contingency ("PPC") Plan.

7. Prior to drilling, the TOWNSHIP shall ascertain whether the TOWNSHIP's First Responders have secured adequate information to deal with any potential dangerous conditions that may result due to EXTRACTION activities. First Responders shall have on-site orientation and be provided adequate awareness information. At least thirty (30) DAYS prior to drilling and at the TOWNSHIP's request, the WELL OPERATOR shall provide an appropriate site orientation for First Responders at its sole cost and expense. Such site orientation shall be made available at least annually during the period when the WELL OPERATOR anticipates drilling activities in the TOWNSHIP.

8. WELL OPERATOR shall take the necessary safeguards to ensure that effective dust control measures are in place.

9. WELL OPERATOR shall locate its temporary and permanent operations so as to minimize interference with TOWNSHIP residents' enjoyment of their property and future TOWNSHIP DEVELOPMENT activities.

10. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the EXTRACTION of OIL AND GAS, the WELL OPERATOR shall direct site lighting downward and inward toward the drillsite, wellhead, or other area being developed so as to minimize GLARE on public STREETS and adjacent property within three hundred (300) feet of the WELL SITE, drill site, wellhead, or other area being used for EXTRACTION.

11. At least thirty (30) DAYS prior to drilling an OIL AND GAS well or multiple OIL AND GAS wells at a location, the WELL OPERATOR shall provide the following information to each resident, by certified mail, within one thousand (1,000) feet of the planned surface location of the well(s):

- (a) A copy of the well survey plat submitted to the Department of Environmental Protection by OPERATOR with OPERATOR'S permit application.
- (b) A general description of the planned operations at the planned well(s) and associated equipment used in the EXTRACTION of the well(s).
- (c) The contact information for the WELL OPERATOR.
- (d) The availability of the WELL OPERATOR to hold a meeting with such residents to present WELL OPERATOR'S plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to WELL SITE CONSTRUCTION.

12. Upon the filing of an Application for CONDITIONAL USE in accordance with this Article, the Well Operator shall provide:

- (a) A site plan showing the proposed location of all STRUCTURES on the site and in relation to one another, including existing and proposed elevations; traffic circulation features within the site; the location of vehicular access into the site; the height and BULK of STRUCTURES; the provision of automobile PARKING SPACE; the provision of other OPEN SPACE on the site; the landscaping; all proposed DRAINAGE, paving, FENCES and walls on the site; the display of SIGNS; and the location of all PROTECTED STRUCTURES. The site plan shall also provide a detailed description of plans for the transportation of materials and equipment to construct, maintain, and operate the WELL SITE and all facilities which are to be located thereon. Such description shall include a map showing the planned vehicular access routes to the WELL SITE on PUBLIC STREETS and indicate all state, county, and local STREETS, roads, and other transportation infrastructure that may be used. The proposed vehicular access routes shall be designed to minimize the use of and impact upon roads and STREETS within the TOWNSHIP.
- (b) A proposal and information on the status of bonding of STREETS.
- (c) The Well Operator's Erosion & Sedimentation Plan, including Allegheny County Conservation District approval, if applicable.
- (d) The well survey plat showing the planned surface location(s) of the well(s).
- (e) The contact information for the Well Operator.

13. Prior to the commencement of any activity on the WELL SITE, the WELL OPERATOR shall enter into a TOWNSHIP Roadway Maintenance and Repair agreement with the TOWNSHIP, in a form acceptable to the TOWNSHIP, regarding maintenance and repair of TOWNSHIP roads that are to be used by vehicles for DEVELOPMENT activities. The WELL OPERATOR shall conduct an inventory, analysis, and evaluation of existing road conditions on TOWNSHIP roads along the proposed transportation route identified in its site plan, including photography, video recording, and core boring as determined to be necessary by the TOWNSHIP Engineer. The TOWNSHIP Roadway Maintenance and Repair agreement will identify the responsibilities of the WELL OPERATOR to prepare, maintain, and repair TOWNSHIP roads before, during and immediately after CONSTRUCTION and drilling operations associated with the OIL AND GAS EXTRACTION. The WELL OPERATOR shall take all necessary corrective action and measures as directed by the TOWNSHIP pursuant to the agreement to ensure the TOWNSHIP's roadways are repaired and maintained during and immediately after CONSTRUCTION and drilling operations associated with the OIL AND GAS EXTRACTION.

14. At least ten (10) DAYS prior to commencement of drilling the WELL OPERATOR shall provide to the TOWNSHIP Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP").

15. When any OIL AND GAS well is located within one thousand (1,000) feet of a Protected Structure, the Well Operator shall:

- (a) Install temporary safety fencing, at least eight (8) feet in height, around drilling and hydraulic fracturing equipment and install permanent fall protection fencing meeting

OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet.

(b) Install warning signs providing notice of the potential dangers at the Well Site.

(c) Provide at least one security guard at all times when a drilling rig or hydraulic fracturing equipment is on the Well Site.

16. During drilling and hydraulic fracturing:

(a) Clearly visible warning signs shall be posted at the WELL SITE;

(b) All equipment shall be locked and/or fenced, as appropriate, to prevent entry or access by unauthorized persons.

(c) A guard station with 24-hour staffing shall be established and maintained at a secured entrance gate of the WELL SITE.

17. No CONSTRUCTION activities involving excavation of, alteration to, or repair work on any access STREET or Well Site shall be performed during the hours of 7:00 p.m. to 7:00 a.m.

18. All EXTRACTION shall be conducted in such a manner to minimize NOISE, vibration and noxious odors as prescribed in Article 2300 of the Zoning Ordinance (“Performance Standards”) and shall be in accordance with the best accepted practices incident to drilling for oil or gas in urban/suburban areas. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury to or annoyance of persons living in the vicinity.

19. To the extent reasonably possible, natural screening shall be maintained around WELL SITES and WELL OPERATOR shall not disturb existing trees or root systems.

20. WELL OPERATOR shall maintain a copy of the approved CONDITIONAL USE application on site at all times and shall make such application available to the TOWNSHIP or its agents upon request.

21. Revocation of any federal, state, municipal or other permit or approval shall constitute an immediate automatic revocation of the TOWNSHIP’s Zoning/DEVELOPMENT Permit.

**MM. NATURAL GAS PROCESSING PLANTS AND NATURAL GAS COMPRESSOR STATIONS [Amended 6-06-2011 by Ord. No. 407]**

In addition to the applicable requirements found in Article 2600 regulating CONDITIONAL USES, the following standards for review shall be applied when considering an application for NATURAL GAS PROCESSING PLANTS and/or NATURAL GAS COMPRESSOR STATIONS.

1. NATURAL GAS PROCESSING PLANTS and NATURAL GAS COMPRESSOR STATIONS may be authorized by CONDITIONAL USE in the OSPC District in the TOWNSHIP where the conditions contained in this Section are met by the applicant.

2. Upon application for CONDITIONAL USE under this Section, applicant shall submit a site

plan showing the proposed location of all STRUCTURES on the site and in relation to one another, including existing and proposed elevations; traffic circulation features within the site; the location of vehicular access into the site; the height and BULK of STRUCTURES; the provision of automobile PARKING SPACE; the provision of other OPEN SPACE on the site; the landscaping; all proposed DRAINAGE, paving, FENCES and walls on the site; and the display of SIGNS. The site plan shall also show the location of all PROTECTED STRUCTURES.

3. Applicant shall meet all other conditions and criteria set forth in the Zoning Ordinance for the OSPC District.

ARTICLE 2700  
ZONING HEARING BOARD

§208-2701. Membership.

The membership of the ZONING HEARING BOARD shall consist of three (3) members appointed by the BOARD OF SUPERVISORS by resolution. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one (1) member shall expire each year. The Board Chairman shall promptly notify BOARD OF SUPERVISORS when vacancies occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the ZONING HEARING BOARD shall hold no other elected or appointed office in the TOWNSHIP, nor shall any member be an EMPLOYEE of the TOWNSHIP.

§208-2702. Alternate Members.

A. Appointment of Alternate Members

The BOARD OF SUPERVISORS may appoint at least one (1) but no more than three (3) residents of the TOWNSHIP to serve as alternate members of the ZONING HEARING BOARD. The term of office of an alternate member shall be three (3) years. When seated pursuant to the provisions of §208-2704 (B), an alternate shall be entitled to participate in all proceedings and discussions of the ZONING HEARING BOARD to the same and full extent as provided by law for ZONING HEARING BOARD members, including specifically the right to cast a vote as a voting member during the proceedings, and shall have all the power and duties set forth in this Chapter and as otherwise provided by law. Alternates shall hold no other elected or appointed office in the TOWNSHIP, nor shall any alternate be an EMPLOYEE of the TOWNSHIP. Any alternate may participate in any proceedings or discussion of the Board, but shall not be entitled to vote as a member of the Board unless designated as a voting alternate member pursuant to §208-2704(B) of this Chapter. Designation of an alternate pursuant to this subsection shall be made by the Chairman of the ZONING HEARING BOARD on a case-by-case basis in rotation according to declining seniority among all alternates.

B. Participation by Alternate Members

If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the ZONING HEARING BOARD shall designate as many alternate members of the Board to sit on the ZONING HEARING BOARD as may be needed to provide a quorum. Any alternate member of the Board shall continue to serve on the ZONING HEARING BOARD in all proceedings involving the matter or case for which the alternate was initially appointed until the ZONING HEARING BOARD has made a final determination of the matter or case.

§208-2703. Removal of Members.

Any ZONING HEARING BOARD member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by majority vote of the BOARD OF SUPERVISORS, taken after the member has received 15 DAYS advance notice of the intent to take such a vote. A public hearing shall be held in connection with the vote if the member shall request it in writing.

§208-2704. Organization of the ZONING HEARING BOARD.

The ZONING HEARING BOARD shall elect its officers from its own membership, who shall serve annual terms as such and may succeed themselves. For the conduct of any hearing and the taking of any action, a quorum shall be not less than two members, but the ZONING HEARING BOARD may appoint a hearing officer from its own membership to conduct any hearings on its behalf. In such a case, the parties may, prior to the decision, waive a decision by the ZONING HEARING BOARD and accept the decision of the hearing officer as provided in the MPC, as amended. The ZONING HEARING BOARD may make, alter and rescind rules and forms for its procedure, consistent with the ordinances of the TOWNSHIP and the laws of the Commonwealth. The ZONING HEARING BOARD shall keep full public records of its business, which records shall be the property of the TOWNSHIP, and shall submit a report of its activities to the BOARD OF SUPERVISORS as requested by the BOARD OF SUPERVISORS.

§208-2705. Expenditures for Services.

Within the limits of funds appropriated by the BOARD OF SUPERVISORS, the ZONING HEARING BOARD may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the ZONING HEARING BOARD and alternates to the ZONING HEARING BOARD, when designated pursuant to §208-2702 (A), may receive compensation for the performance of their duties, as may be fixed by the BOARD OF SUPERVISORS, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the BOARD OF SUPERVISORS.

§208-2706. Conduct of Public Hearings.

A public hearing shall commence within 60 DAYS of the filing of an administratively complete application. PUBLIC NOTICE, as defined herein, of the public hearing, shall be advertised and posted as required by the MPC, and in addition thereto the ZONING HEARING BOARD shall post at least one copy of the notice on the affected property. Public hearings shall be conducted in accordance with the applicable provisions of the MPC.

§208-2707. ZONING HEARING BOARD Decisions.

- A. The ZONING HEARING BOARD or the hearing officer, as the case may be, shall render a decision or, when no decision is called for, make written findings on the application in accordance with the requirements of the MPC and within 45 DAYS after the last hearing before the ZONING HEARING BOARD. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons therefore. Conclusions based on any provisions of this Chapter, or any other land use ordinance, rule or regulation or any provision of the MPC shall contain a reference to the provisions relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer and there has been no stipulation that the hearing officer's decision or findings are final, the ZONING HEARING BOARD shall make the hearing officer's report and recommendations available to the parties within 45 DAYS, the parties shall be entitled to make written representations thereon to the ZONING HEARING BOARD prior to final decision or entry of findings, and the ZONING HEARING BOARD's decision shall be entered no later than 30 DAYS after the report of the hearing officer.

- B. A copy of the final decision or, when no decision is called for, of the findings, shall be delivered personally or mailed to the applicant no later than the day following its date.

§208-2708. Jurisdiction of the ZONING HEARING BOARD.

The ZONING HEARING BOARD shall have exclusive jurisdiction to hear and render final adjudications on the following matters:

- A. Substantive challenges to the validity of this Chapter or Chapter 174, SUBDIVISION and LAND DEVELOPMENT, except those challenges brought before the BOARD OF SUPERVISORS pursuant to §§609.1 and 916.1(a)(2) of the MPC.
- B. Challenges to the validity of this Chapter or Chapter 174, SUBDIVISION and LAND DEVELOPMENT, raising procedural questions or alleged defects in the process of enactment or adoption, which challenges shall be raised by an appeal taken in the time and manner provided under applicable law.
- C. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefor, the issuance of any enforcement notice or the registration or refusal to register any NONCONFORMING USE, structure or lot.
- D. Appeals from the Zoning Officer's preliminary determination under §916.2 of the MPC.
- E. Applications for variances from the terms of this Chapter.
- F. Appeals from the determination of the Zoning Officer or TOWNSHIP Engineer in the administration of this Chapter or any provision thereof with reference to sedimentation and erosion control and stormwater management insofar as the same relate to DEVELOPMENT not involving applications under Chapter 174, SUBDIVISION and LAND DEVELOPMENT.
- G. Appeals from the determination of the Zoning Officer with reference to the administration of FLOODPLAIN provisions of Article 1400 of this Chapter.

§208-2709. Variances.

- A. Application. The Board shall hear requests for variances where it is alleged that the strict application of the provisions of this Chapter inflict unnecessary hardship upon the applicant. Application for a variance shall be made in writing on the prescribed form obtained from the Zoning Officer. The Zoning Officer shall forward the application to the Board, which shall determine the time and place of the hearing.
- B. Standards for Variances. The Board may grant a variance, provided that all the following findings are made where relevant in a given case:
  - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Chapter in

the neighborhood or district which the property is located.

2. That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Chapter; and that authorization of a variance is therefore necessary to enable the reasonable use of property.
3. That such unnecessary hardship had not been created by the applicant.
4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or DEVELOPMENT of adjacent property nor be detrimental to the public welfare.
5. That the variance, if authorized, will represent the minimum variance which will afford relief and represent the least modification possible of the regulation in issue.

C. Review by PLANNING COMMISSION. The ZONING HEARING BOARD may request the review and comments of the PLANNING COMMISSION on any variance application, which shall be made part of the public record.

D. Conditions.

In granting any variance, the ZONING HEARING BOARD may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Chapter and the MPC.

E. Expiration.

The grant of a variance shall expire one (1) year after the date of the ZONING HEARING BOARD's written decision unless (a) the applicant has applied for and obtained a BUILDING PERMIT and commenced CONSTRUCTION, or (b) in the case where the variance does not require the issuance of a BUILDING PERMIT, the applicant has applied for and obtained an occupancy permit and has commenced the use which is the subject of the variance.

#### §208-2710. Parties Appellant Before the Board.

Appeals under §§208-2711 (A), (B), (C), (D), (F) and (G) may be filed with the Board in writing by the landowner affected, by any officer or agent of the TOWNSHIP or any PERSON aggrieved. Requests for a variance under §208-2711(E) may be filed with the ZONING HEARING BOARD only by a landowner or any tenant with the permission of such landowner.

#### §208-2711. Time Limitation.

- A. No PERSON shall be allowed to file any proceeding with the ZONING HEARING BOARD later than 30 DAYS after an application for DEVELOPMENT, preliminary or final, has been approved by an appropriate TOWNSHIP officer, agency or body, if such proceeding is designed to secure reversal or to limit the approval in any manner, unless such PERSON alleges and proves that he had no notice, knowledge, or reason to believe that such approval had been given. If such PERSON has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor interest.

- B. Any appeals from determinations adverse to the landowner shall be filed by the landowner within 30 DAYS after notice of the determination is issued, except appeals of the Zoning Officer's issuance of an enforcement notice, which shall be filed within ten (10) DAYS after receipt of the enforcement notice.

§208-2712. Stay of Proceedings.

- A. Upon filing of any proceeding referred to in §208-2711 and during its pendency before the Board, all LAND DEVELOPMENT pursuant to any challenged ordinance, order or approval of the Zoning Officer or any agency or body and all official action thereunder shall be stayed, unless the Zoning Officer or any other appropriate agency or body certifies to the ZONING HEARING BOARD facts indicating that such stay would cause imminent peril to life or property, in which case, the DEVELOPMENT or official action shall not be stayed otherwise than by a restraining order which may be granted by the ZONING HEARING BOARD or the Allegheny County Court of Common Pleas, on petition, after notice to the Zoning Officer or other appropriate agency or body.
- B. When an application for DEVELOPMENT, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the ZONING HEARING BOARD by persons other than the applicant, the applicant may petition the Allegheny County Court of Common Pleas to order such persons to post a bond as a condition to continuing the proceedings before the ZONING HEARING BOARD, pursuant to provisions of the MPC.

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ARTICLE 2800  
Administration and Enforcement

§208-2801 Zoning Officer.

- A. Appointment. The Zoning Officer shall be appointed by the BOARD OF SUPERVISORS and shall administer and enforce this Chapter.
- B. Duties of the Zoning Officer. In order to administer and enforce properly this Chapter, the Zoning Officer shall:
  - 1. Administer and enforce provisions of this Chapter in accordance with its literal terms and shall not have the power to permit any CONSTRUCTION or any use or change of use which does not conform to this Chapter.
  - 2. Receive all applications for zoning use and zoning occupancy permits and maintain records thereof.
  - 3. Receive, file and forward to the BOARD OF SUPERVISORS all applications for CONDITIONAL USES and maintain records thereof.
  - 4. Issue zoning use and zoning occupancy permits for all applications that have been reviewed and approved according to the provisions of this Chapter and other applicable ordinances.
  - 5. Receive, review and issue permits for: (a) applications for zoning use and zoning occupancy permits that do not require CONDITIONAL USE approval; and, (b) applications for FENCES, accessory USES, SIGNS and temporary USES.
  - 6. Receive, file and forward to the ZONING HEARING BOARD the records in all appeals and all applications for variances and maintain records thereof.
  - 7. Inspect buildings, STRUCTURES, and USES of land to determine compliance with the provisions of this Chapter.
  - 8. Issue enforcement notices for violation of any provision of this Chapter to the OWNER of record of the parcel on which the violation has occurred, to any PERSON who has filed a written request to receive enforcement notices regarding that parcel, and to any other PERSON requested in writing by the OWNER of record of the parcel. The enforcement notice shall be delivered personally or by certified mail. The enforcement notice shall state at least the following:
    - (a) The name of the OWNER of record and any other PERSON against whom the municipality intends to take action.
    - (b) The location of the property in violation.
    - (c) The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

- (d) The date before which steps for compliance must be commenced and the date before which the steps must be completed.
  - (e) That the recipient of the notice has the right to appeal to the ZONING HEARING BOARD within ten (10) DAYS of receipt of the enforcement notice pursuant to the procedures set forth in this Chapter.
  - (f) That failure to comply with the enforcement notice within the time specified, unless extended by appeal to the ZONING HEARING BOARD, constitutes a violation with possible sanctions clearly described.
9. Initiate civil enforcement proceedings for failure to comply with enforcement notices unless the BOARD OF SUPERVISORS, after receipt of the enforcement notice, directs to the contrary by motion or resolution.
  10. Initiate, with approval or at direction of the BOARD OF SUPERVISORS, appropriate equitable enforcement action to prevent, restrain, abate or correct any violation of this Chapter.
  11. Revoke any order or zoning use or zoning occupancy permit issued under a mistake of fact or contrary to the provisions of this Chapter.
  12. The Zoning Officer may make and maintain accurate and current records of all legal nonconformities under this Chapter.

§208-2802. Permits.

A. General.

1. No use of land shall be made or any BUILDING or structure constructed, altered, remodeled, sold, leased, occupied or used, nor any existing use of a BUILDING, structure of land be changed until a zoning use permit and a zoning occupancy permit have been issued by the Zoning Officer.
2. The improvements of land preliminary to any use of such land shall not be commenced prior to the issuance of the zoning use permit.
3. Any permit issued in conflict with the provisions of this Chapter shall be null and void.

B. Permit Application and Issuance Procedure

1. Whenever the proposed activity, whether new CONSTRUCTION or alternation of an existing use, requires a BUILDING PERMIT under Chapter 52, Building CONSTRUCTION, the applications for the zoning use permit and zoning occupancy permit shall be made prior to or simultaneously with the application for the BUILDING PERMIT. However, the BUILDING PERMIT shall not be issued until the zoning use permit has been granted.
2. When no BUILDING PERMIT is required, the application for the zoning use permit and zoning occupancy permit may be made at any time prior to the use or occupancy of the structure or land.

3. Permit applications shall be submitted in writing on such forms as established by the TOWNSHIP. The Zoning Officer may request any information necessary to determine the application's compliance with this Chapter. The applicant shall include four (4) copies of the following information:
  - (a) A statement as to the proposed use of the BUILDING or land.
  - (b) A site layout drawn to scale showing the location, dimensions and height of proposed BUILDING, STRUCTURES, or USES and any existing buildings in relation to property and STREET LINES. If the application relates to property scheduled to be developed in successive stages, such plans shall show the relationship of the portion scheduled for initial DEVELOPMENT to the proposed layout of the entire property.
  - (c) The location, dimensions and arrangements of all OPEN SPACES, yards and bufferyard, including methods to be employed for screening.
  - (d) The location, size, arrangement and capacity of all areas to be used for motor vehicle access, off-STREET parking, off-STREET loading and unloading, and provisions to be made for lighting such areas.
  - (e) The dimensions, location and methods of illumination for SIGNS, if applicable.
  - (f) The location and dimensions of sidewalks and all other areas to be devoted pedestrian use.
  - (g) Provisions to be made for treatment and disposal of sewage and industrial wastes, water supply and storm DRAINAGE.
  - (h) The capacity and arrangement of all BUILDINGS used or intended to be used for DWELLING purposes, including the proposed density in terms of number of DWELLING UNITS per acre of land.
  - (i) A description of any proposed industrial or commercial operations in sufficient detail to indicate effects of those operations in producing NOISE, GLARE, air pollution, water pollution, fire hazards, traffic congestion or other safety hazards.
  - (j) Description of methods to be employed in controlling any excess NOISE, air pollution, smoke, fumes, water pollution, fire hazards or other safety hazards.
  - (k) Any other data deemed necessary by the Zoning Officer, PLANNING COMMISSION or BOARD OF SUPERVISORS to enable them to determine the compliance of the proposed DEVELOPMENT with the terms of this chapter.
  - (l) The permit application requirements of this subsection may be waived where the same are deemed unnecessary for evaluation of the application by the Zoning Officer.
4. The Zoning Officer shall not issue the zoning use permit or zoning occupancy permit unless the property complies with this Chapter 52, Building CONSTRUCTION, Chapter 152, Property Maintenance Code, Chapter 174, SUBDIVISION and LAND DEVELOPMENT, and all other applicable TOWNSHIP, County, State and Federal laws, ordinances and regulations, and until all other required approvals and permits have been obtained from

- applicable TOWNSHIP, County, State and Federal agencies, including, but not limited to a PennDOT highway occupancy permit. The applicant shall submit copies of all such required approvals and permits to the Zoning Officer.
5. Where approvals are not required by other TOWNSHIP agencies or governmental entities, the Zoning Officer shall review and approve or disapprove the application. However, the Zoning Officer may seek the advice and recommendations of the PLANNING COMMISSION on any application.
  6. An application for a zoning use permit does not permit occupancy. A zoning occupancy permit is also required. Under certain circumstances, application for any approval of a zoning use permit and zoning occupancy permit may be combined.
  7. Upon completion of the work, the applicant shall notify the Zoning Officer who shall examine the BUILDING, structure or use of land involved. If the Zoning Officer shall find that such CONSTRUCTION, erection, structural alteration or use of BUILDING and land has been completed in accordance with the provision of this Chapter and other applicable ordinances, the zoning occupancy permit shall be issued.
  8. As a condition to the issuance of any zoning use permit or zoning occupancy permit, a landowner shall permit the Zoning Officer to inspect both the exterior and interior of the property, as deemed necessary by the Zoning Officer. Any failure or refusal to permit such inspection shall result in denial of any application for zoning use permit or zoning occupancy permit.
  9. The TOWNSHIP shall not issue a no-lien letter in connection with the sale of any property in the TOWNSHIP unless and until either the proposed buyer or proposed seller has applied for and obtained a zoning occupancy permit in connection with the sale of the property.
  10. No permit for any use or CONSTRUCTION which will involve the on-site disposal of sewage or waste and no permit for a change in use or an alteration which will result in an increased volume of sewage or waste to be disposed of on the site shall be issued until a certificate of approval has been issued by the Allegheny County Department of Health and conforms to all applicable TOWNSHIP regulations.
  11. A decision either approving or disapproving an application for a ZONING PERMIT shall be rendered within thirty (30) DAYS after the application is filed. Any disapproval of the application shall contain a brief explanation setting forth the reasons for the disapproval and the manner in which the application can be corrected and/or modified to obtain the required approval.

C. Period of Validity.

1. A zoning use permit shall become null and void within six (6) months of the date of issuance unless the CONSTRUCTION, alteration or remodeling of a BUILDING or structure is commenced or a use of land or BUILDING is commenced.
2. A nonresidential zoning occupancy permit shall be valid for a period of one (1) year. The landowner shall be responsible for applying for a renewed permit prior to the expiration of an existing permit. The Zoning Officer shall be responsible for scheduling inspections related thereto.

- D. Temporary Zoning Use and Zoning Occupancy Permits. The Zoning Officer may issue a temporary ZONING PERMIT which may allow the use or occupancy of a BUILDING or structure during structural alteration thereof or may permit the partial use or occupancy of a BUILDING or structure during its CONSTRUCTION or erection; provided, however, that such a temporary permit shall be valid only for a period not exceeding six (6) months from its issuance and shall be subject to such restrictions and provisions as may be deemed necessary by the Zoning Officer to ensure the safety of persons using or occupying the BUILDING, structure or land involved.
- E. Inspection.

It shall be the duty of the Zoning Officer, or his fully appointed representative, to make the following minimum number of inspections on property for which a permit has been issued:

1. At the Beginning of CONSTRUCTION.
  - (a) A record shall be made indicating the time and date of the inspection and the finding of the Zoning Officer in regard to conformance of the CONSTRUCTION with plans approved with the application for the BUILDING.
  - (b) If the actual CONSTRUCTION does not conform to the application, a written notice of a violation may be issued by the Zoning Officer, and such violation shall be discontinued. Upon proper correction of the violation and receipt of written notice from the Zoning Officer, CONSTRUCTION may proceed.
1. At the Completion of CONSTRUCTION. A record shall be made indicating the time and date of the inspection; the findings of the Zoning Officer in regard to conformance to this Chapter; and the opinion of the Zoning officer in regard to the issuance of an occupancy permit.

#### §208-2803. Schedule of Fees.

The BOARD OF SUPERVISORS shall establish, from time to time, by resolution, fees and charges for all permits and applications required by this Chapter.

#### §208-2804. Amendments.

- A. Amendments of this Chapter may be initiated by BOARD OF SUPERVISORS, by the PLANNING COMMISSION, or by a petition of a landowner within the TOWNSHIP in accordance with the following provisions:
1. Petitions for amendment by landowners, other than curative amendments under §208-2805 of this Chapter, shall be filed in writing with the Zoning Officer, and the petitioner, upon such filing, shall pay a filing fee and/or review deposit in accordance with the schedule fixed by resolution of BOARD OF SUPERVISORS.
  2. Any proposed amendment other than one proposed by the PLANNING COMMISSION shall be referred to the PLANNING COMMISSION for review. The PLANNING COMMISSION shall review the proposed amendment and report its findings and recommendations, in writing, to the BOARD OF SUPERVISORS and to the petitioner.

3. In the event the PLANNING COMMISSION recommends approval of the proposed amendment, in whole or in part, or if a public hearing is requested by at least one (1) member of the BOARD OF SUPERVISORS, a public hearing will be scheduled on the proposed amendment and a copy of the same submitted to the County Planning Agency at least thirty (30) DAYS prior to the public hearing in accordance with the requirement of the MPC.
4. If the proposed amendment involves a ZONING MAP change, notice of the public hearing shall be conspicuously posted by the TOWNSHIP at points deemed sufficient by it along the tract to notify potentially interested citizens. The affected tract shall be posted at least one (1) week prior to the date of the hearing.
5. Notice of any proposed ZONING MAP change shall also be mailed by the TOWNSHIP at least thirty (30) DAYS prior to the public hearing by first class mail to the addresses to which real estate tax bills are sent for all real property located within the area being rezoned, as evidenced by tax records within the possession of the TOWNSHIP. A good faith effort and substantial compliance shall satisfy the requirements of this subsection. This subsection shall not apply to a comprehensive rezoning.
6. If, after any public hearing held upon an amendment, the proposed amendment is substantially revised or further revised to include land previously not affected by it, then the BOARD OF SUPERVISORS shall hold another public hearing pursuant to PUBLIC NOTICE before proceeding to vote on the amendment.
7. The BOARD OF SUPERVISORS shall act on a proposed amendment to this Chapter within ninety (90) DAYS of the date of the meeting at which the public hearing on the amendment is closed. If the BOARD OF SUPERVISORS fails to so act within the said ninety (90) day period, then the proposed amendment shall be deemed denied.
8. Within thirty (30) DAYS after enactment, a certified copy of the amendment to this Chapter shall be forwarded to the County Planning Agency.
9. The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the MPC.

§208-2805. Landowner Curative Amendments.

A. Any landowner who wishes to challenge, on substantive grounds, the validity of this Chapter or the ZONING MAP or any provision thereof which prohibits or restricts the use or DEVELOPMENT of land in which he/she has an interest may prepare and submit a curative amendment to the BOARD OF SUPERVISORS, in the form he/she proposes it be adopted, together with a written request that the challenge and proposed amendment be heard and decided in accordance with the requirements of the MPC. The BOARD OF SUPERVISORS shall hold a public hearing, pursuant to PUBLIC NOTICE, on the matter within 60 DAYS of receiving an administratively complete curative amendment request. PUBLIC NOTICE of the public hearing shall be given by the TOWNSHIP in accordance with the requirements of the MPC. Public hearings shall be conducted and held in accordance with the applicable provisions of the MPC. The BOARD OF SUPERVISORS shall comply with all applicable requirements of the MPC regarding the conduct of hearings and decisions related thereto.

1. Referral to PLANNING COMMISSION and County Planning Agency. The curative amendment and challenge shall be referred to the PLANNING COMMISSION and the

County Planning Agency or its designee at least 30 DAYS prior to the public hearing for review and comment.

2. Declaration of Invalidity by the Court. If the TOWNSHIP does not accept a landowner's curative amendment brought in accordance with this section and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for this entire Chapter, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
3. Evaluation of Merits of Curative Amendment. If the BOARD OF SUPERVISORS determines that a validity challenge has merit, then the BOARD OF SUPERVISORS may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The BOARD OF SUPERVISORS shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - (a) The impact of the proposal upon roads, sewer facilities, water supplies, SCHOOLS and other public service facilities.
  - (b) If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Chapter or the ZONING MAP.
  - (c) The suitability of the lot's soils, slopes, WOODLANDS, WETLANDS, FLOODPLAINS, aquifers, natural resources and natural features for the intensity of the proposed USES.
  - (d) The impact of the proposed use on the lot's soils, slopes, WOODLANDS, WETLANDS, FLOODPLAINS, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to DEVELOPMENT and any adverse environmental impacts.
  - (e) The impact of the proposal on the preservation of AGRICULTURE and other land USES which are essential to the public health, safety and welfare.

#### §208-2806. Municipal Curative Amendments.

If the BOARD OF SUPERVISORS determines that this Chapter or a portion thereof is substantively invalid, it may implement the procedure for municipal curative amendments provided in §609.2 of the MPC.

#### §208-2807. Enforcement Remedies.

##### A. Civil Enforcement Proceedings.

1. Except where a different penalty is provided, any persons, partnership or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the

TOWNSHIP, pay a judgment of not more than \$500.00, plus all court costs, including reasonable attorney fees incurred by the TOWNSHIP as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of determination of a violation by the district justice. If the defendant neither pays nor appeals the judgment in a timely manner, the TOWNSHIP may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the district justice, determining that there has been a violation, further determines that there was a good faith basis for the PERSON, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the TOWNSHIP.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

B. Equitable Enforcement Proceedings.

In case any BUILDING, structure, landscaping or land is, or is proposed to be erected constructed, reconstructed, altered, converted, maintained or used in violation of this Chapter, the Zoning Officer and/or the TOWNSHIP Solicitor, with the approval of the BOARD OF SUPERVISORS, may institute in the name of the TOWNSHIP any appropriate equitable action or proceeding to prevent, restrain, correct or abate such buildings, structure or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. These remedies shall be in addition to any other remedies provided by law.

C. Private Enforcement.

Nothing contained in this Article shall be construed or interpreted to grant to any PERSON or entity other than the TOWNSHIP or its agents the right to commence any action for enforcement of this Chapter, except where otherwise authorized by law.

ARTICLE 2900  
Definitions and Word Usage

§ 208-2901. Word usage.

- A. Unless a contrary intention clearly appears, the following words and phrases shall have, for the purposes of this chapter, the meanings given in the following clauses.
- B. For the purpose of this chapter, words and terms used herein shall be interpreted as follows:
  - (1) Words used in the present tense include the future.
  - (2) The singular includes the plural.
  - (3) The word "LOT" includes the word "plot" or "parcel."
  - (4) The term "shall" is mandatory.
  - (5) The word "used" or "occupied," as applied to any land or BUILDING, shall be construed to include the words "intended, arranged or designed to be occupied."

§ 208-2902. DEFINITIONS.

As used in this chapter, the following terms shall have the meanings indicated and are capitalized throughout this chapter:

ABANDONMENT - To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

ABUTTING - Having a common border with, or being separated from such a common border by a RIGHT-OF-WAY, alley, or EASEMENT.

ACCESSORY DWELLING UNIT – A residential DWELLING UNIT, located on the same lot as a single-FAMILY DWELLING UNIT, either within the same BUILDING as the single-FAMILY DWELLING UNIT or in a detached BUILDING. Any ACCESSORY DWELLING UNITS shall be clearly incidental to the principal DWELLING UNIT in terms of size. **[Added 9-29-2008 by Ord. No. 393]**

ADDITION – Any alteration intended to enlarge or increase capacity by adding or creating DWELLING UNITS, floor area or seats.

ADULT BOOKSTORE - An ESTABLISHMENT which has a substantial or significant portion of its stock and trade in, or an ESTABLISHMENT which, as one of its principal business purposes, offers for sale, books, films, video cassettes, digital video disks, magazines, other periodicals or similar visual media distinguished or characterized by their emphasis on matter depicting, describing or relating to SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS, and in conjunction therewith has facilities for the presentation or viewing of ADULT ENTERTAINMENT by patrons. **[Amended 5-12-2008 by Ord. No. 389]**

**ADULT ENTERTAINMENT [Amended 5-12-2008 by Ord. No. 389]**

- (1) An exhibition of any adult-oriented motion pictures, videotapes, digital video disks, internet streaming or other similar visual media distinguished or characterized by an emphasis on matter depicting or relating to specified SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS.
- (2) A live performance, display or dance of any type which has a significant or substantial portion of the performance any actual or simulated performance of SPECIFIED SEXUAL ACTIVITIES or exhibition and viewing of SPECIFIED ANATOMICAL AREAS, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personnel services offered customers.

**ADULT MINI-MOTION PICTURE THEATER** - An enclosed BUILDING with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS for observation by patrons

**ADULT MOTION PICTURE THEATER** - An enclosed BUILDING with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to SPECIFIED SEXUAL ACTIVITIES or SPECIFIED ANATOMICAL AREAS for observation by patrons.

**ADULT ORIENTED ESTABLISHMENT – [Amended 5/12/2008 by Ord. No. 389]** The term includes, without limitation, the following ESTABLISHMENTS when operated for profit, whether direct or indirect:

- (1) ADULT BOOKSTORES
- (2) ADULT MOTION PICTURE THEATERS
- (3) ADULT MINI-MOTION PICTURE THEATERS
- (4) Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide BOOTHS, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing ADULT ENTERTAINMENT, or where an ENTERTAINER provides ADULT ENTERTAINMENT to a member of the public, a patron or a member.
- (5) An ADULT ENTERTAINMENT studio or any premises that are physically arranged and used as such, whether advertised or represented as an ADULT ENTERTAINMENT studio, rap studio, exotic dance studio, sensitivity studio, modeling studio, massage parlor, health spa, or any other term of like import.
- (6) The filming of live performances of ADULT ENTERTAINMENT, excluding editing, digitizing and other post-production activity.
- (7) A nightclub, bar, cabaret, theater or other ESTABLISHMENT which features or presents ADULT ENTERTAINMENT.

- (8) The retail sale of ADULT ENTERTAINMENT to a member of the public, patron or member on the premises.

AGRICULTURE - An enterprise that is actively and continuously engaged in the commercial production and preparation for market of crops, livestock and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, apiculture, silvicultural and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by FARMERS or are consistent with technological development within the agricultural industry.

ALTERATIONS - As applied to a BUILDING or structure, a change or rearrangement in the structural parts or in the existing facilities or an enlargement, whether by extension of a side or by increasing in height or by moves from one location or position to another.

AMERICANS WITH DISABILITIES ACT (ADA) - Americans with Disabilities Act of 1990, Public Law 101-336.

ANTENNA - An apparatus, external to or attached to the exterior of a BUILDING, together with any supporting structure for sending or receiving radio or electromagnetic waves, including, but not limited to panels, microwave dishes and single-pole "whips."

ASSISTED CARE AND NURSING FACILITY - a BUILDING larger than a single-FAMILY residential unit to accommodate the number of residents served and special and accessory commercial services provided, often called an assisted-living center. The personal care center may be a stand-alone facility or may be part of a CONTINUING CARE RETIREMENT COMMUNITY.

AUTOMOBILE AND TRANSPORTATION SALES - Sales, leasing, rental and related servicing of new and used automobiles, light trucks, vans and sports utility vehicles, boats, off-road vehicles and recreational vehicles limited to a capacity of not more than one-and-one-half (1 ½) tons, motorcycles, motor scooters, mopeds, all-terrain vehicles, snowmobiles, go-carts, utility trailers and similar items; excluding, however, commercial wrecking, dismantling or JUNKYARD.

BANK AND FINANCIAL INSTITUTION - An ESTABLISHMENT or structure for the custody, loan, or exchange of money; for the extension of credit; for facilitating the transmission of funds or the sale of investments, with or without drive-through facilities or automatic teller machines

BANQUET FACILTIES - A location serving food to persons attending private parties or events that may or may not be part of a restaurant.

BASE SITE AREA: That portion of a parcel as calculated pursuant to § 208-1704 of this chapter.

BASEMENT - That portion of a BUILDING which is partly or completely below grade.

BED AND BREAKFAST - An OWNER-occupied DWELLING UNIT that contains no more than five (5) guest rooms where lodging, with or without meals, is provided for compensation.

BOARD OF SUPERVISORS - The BOARD OF SUPERVISORS of Marshall TOWNSHIP.

**BOOTH** - The term **BOOTH**, cubicles, stalls, compartments, studios, and rooms for purposes of definition in connection with **ADULT-ORIENTED ESTABLISHMENTS** does not mean enclosures which are private offices used by the **OWNER**, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other **ADULT ENTERTAINMENT** for a fee, and which are not open to any persons other than **EMPLOYEES**.

**BUFFERYARD** - A combination of setback and a visual buffer or barrier, and is a yard or area together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each **BUFFERYARD** requirement of this chapter are specified and are designed to ameliorate nuisances between adjacent **ZONING DISTRICTS** and to ensure a desired character along public **STREETS** and roads. The planting units required of **BUFFERYARDS** have been calculated to ensure that they do, in fact, function as buffers.

**BUILDING** - Any structure used or intended for supporting or sheltering any use or occupancy.

**BUILDING, ACCESSORY** - A **BUILDING** use subordinate to a principal **BUILDING** on the same **LOT** and serving a purpose customarily incidental to the principal **BUILDING**.

**BUILDING ENVELOPE** – The area within a **COUNTRY LOT** in a Conservation **SUBDIVISION** where it is permitted to erect **STRUCTURES** and disturb land, according to the provisions of Article 1600.

**BUILDING HEIGHT** - The vertical distance in the case of flat roofs to the level of the highest point of the roof or parapet and in the case of pitched roofs to the mean level between the eaves and the highest point of the roof, measured from the lowest grade **ABUTTING** the **BUILDING**.

**BUILDING LINE** - The line, parallel to the **STREET LINE**, that passes through the point of the principal **BUILDING** nearest the front **LOT** line.

**BUILDING PERMIT** - A valid permit issued by the **TOWNSHIP** of Marshall pursuant to the provisions of Chapter 52, Building **CONSTRUCTION**.

**BUILDING, PRINCIPAL** – [Amended 5/12/2008 by Ord. No. 389] A **BUILDING** in which is conducted the main or principal use of the **LOT** on which said **BUILDING** is located. A **LOT** may accommodate no more than one (1) principal **BUILDING**, except for:

- (1) A lot in the **MDR, TC, RB, PORBP, HC** and **PIP** Districts.
- (2) A lot in a **TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)**
- (3) A **SHOPPING CENTER**.

**BULK** - Term used to describe the size of **BUILDINGS** or other **STRUCTURES** and their relationship to each other, to open areas such as yards and to **LOT LINES**, and therefore includes:

- (1) The size, including height and floor area of **BUILDING** or other structure.
- (2) The relation of the number of **DWELLING UNITS** in a residential **BUILDING** to the area of the **LOT**.

(3) All open areas in yard space relating to BUILDINGS and other STRUCTURES.

**BUSINESS OFFICE** - An office used for managerial, supervisory or clerical operations in the conduct of a business enterprise, or public or governmental service, in which there is no fabrication or manufacture of products and in which no machinery, other than ordinary office machines, are kept or used, and in which any retail or wholesale selling carried on does not involve the handling, delivery, or storage on the premises of stocks of merchandise or inventory other than samples. [Added 5/12/2008 by Ord. No. 389]

**CANOPY TREE** - A tree that would occupy the canopy of a forest in a natural ecological situation. These trees are often referred to as "shade trees." Examples include beech, hickory, oak, sassafras, tulip tree, etc.

**CEMETERY** - A parcel of land used as a burial ground for human or animal remains

**CHILD DAY CARE** – A public, private, non-profit or profit facility regulated and licensed by the Pennsylvania Department of Public Welfare (“DPW”), providing care or supervision to children, excluding (a) care provided by the operator to his or her relatives (child, step-child, grandchild or foster-child) and (b) care furnished in places of worship during religious services. The following are the categories of CHILD DAY CARE:

- (1) **CHILD DAY CARE HOME** – A facility, licensed as such by DPW, providing out-of-home care at any one time for part of a 24-hour day, to four, five or six children who are not related to the operator and who are 15 years of age or younger.
- (2) **CHILD DAY CARE CENTER** – A facility, licensed as such by DPW, providing out-of-home care at any one time for part of a 24-hour day, to seven or more children who are not related to the operator and who are 15 years of age or younger.
- (3) **GROUP CHILD DAY CARE HOME** – A facility, licensed as such by DPW, providing out-of-home care at any one time for part of a 24-hour day, to more than six but fewer than 16 older school-age children or more than six but less than 13 children of any other age level, including (a) care provided at the parent’s work site when the parent is not present in the child care space or (b) care provided before or after the hours of instruction in nonpublic schools and in private nursery schools and kindergartens. This definition does not include care provided (a) in a facility where the parent is present at all times when child care is being provided or (b) during the hours of instruction in nonpublic schools and in private nursery schools and kindergartens.

**CHURCHES AND SIMILAR PLACES OF WORSHIP** - A BUILDING or structure, or group of BUILDINGS or STRUCTURES that by design and CONSTRUCTION are primarily intended for conducting organized religious services

**CIRCULATION AREA** - That portion of the PARKING area used for access to PARKING or loading areas or other facilities on the LOT. Essentially, DRIVEWAYS and other maneuvering areas (other than PARKING SPACES) comprise the CIRCULATION AREA.

**CIVIC, SOCIAL AND FRATERNAL ORGANIZATIONS** - bona fide organization, club or society whose facilities are available to dues paying members and their guests

**CLEARCUTTING** – Removing all or a majority of trees from the timber harvesting area.

**COLLEGES AND UNIVERSITIES** - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, **PERSON**, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania for general education and/or research, provided above the level of the secondary **SCHOOL** and may include junior college, college, or university, and is authorized to grant academic degrees.

**CO-LOCATION/SHARED USE FACILITY** - Siting multiple similar or different **ANTENNA**, fixed-point microwave dishes and cellular communications **ANTENNAE** on a single telecommunications tower or mounted on an existing **BUILDING** or structure as is technically and/or structurally feasible. Co-location/shared use facilities shall not be considered public utilities or other utilities.

**COMMERCIAL GREENHOUSE, GARDEN CENTER OR PLANT NURSERY** - A commercial activity devoted to the raising and sale of plants and implements for gardening.

**COMPLETELY DRY SPACE** - A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**CONCENTRATED ANIMAL OPERATIONS** - An agricultural operation where the animal density exceeds two animal equivalent units (AEU) per acre on an annual basis. An AEU is 1,000 pounds of live weight of any animal.

**CONDITIONAL USE** - A use that may be granted only by the **BOARD OF SUPERVISORS** pursuant to express standards and criteria after recommendation by the **PLANNING COMMISSION** and after a public hearing held in accordance with the requirements of this chapter.

**CONSERVATION SUBDIVISION DESIGN** - Residential subdivision **DEVELOPMENTS** in which one-half (1/2) or greater of the area of the total tract of land is designated as greenway area. **DEVELOPMENT** is either concentrated, or "clustered," on that portion of the tract most suitable for **DEVELOPMENT** or land is preserved within **COUNTRY LOTS**.

**CONSTRUCTION** - The **CONSTRUCTION**, **RECONSTRUCTION**, renovation, repair, extension, expansion, alteration or relocation of a **BUILDING** or structure.

**CONSTRUCTION MATERIALS, STORAGE AND SALES** - The administrative offices of a business that provides landscaping, **CONSTRUCTION**, remodeling, home improvement, **LAND DEVELOPMENT** and related services on a contractual basis and which may include the storage of materials, equipment and vehicles, provided all materials, equipment and vehicles are stored within a completely enclosed **BUILDING**.

**CONTINUING CARE RETIREMENT COMMUNITY** - a community licensed by the Commonwealth Department of Insurance and offering a range of housing, support and health care services so older people do not have to move when their needs change. Many offer independent living (single or multi-**FAMILY** units) and personal care units as well as long-term care nursing centers, all at one campus.

**COUNTRY LOT:** A minimum 4 acre, privately-owned lot comprising part of an area of open land within a Conservation SUBDIVISION. The purpose of the COUNTRY LOT is to provide surrounding residents with visual access to GREENWAY LAND, while keeping the land under private ownership and maintenance. Only one (1) acre located within a BUILDING ENVELOPE may be developed; the remainder must be protected through conservation EASEMENTS and used in conformance with standard for GREENWAY LAND. Public access to COUNTRY LOTS is not required.

**CURB OFFSET** - Distance between the edge of travel lane and face of curb.

**CUTTING BLOCK** – An area of property to be timber harvested, a maximum of 10 acres in size, depicting the phase number, defined by natural boundaries and determined by a PROFESSIONAL FORESTER.

**DAYS** - Calendar DAYS.

**DEDICATION** - An appropriation or giving up of property to public or semipublic USES, which precludes the OWNER or others under him from asserting any right of ownership inconsistent with the use for which the property is dedicated.

**DENSITY, GROSS** - The quotient of the total number of DWELLING UNITS divided by the BASE SITE AREA of a site, expressed in DWELLING UNITS per acre.

**DENSITY, NET** - The number of DWELLING UNITS per acre of residential designated use area for a DWELLING unit type or types, computed by dividing the number of DWELLING UNITS of that type or types proposed to be built within that residential designated use area or portion thereof by the number of acres devoted to that type or types of DWELLING UNITS within that designated use area, exclusive of roads or OPEN SPACE areas.

**DEVELOPER** - Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or caUSES to be made a SUBDIVISION of land or a LAND DEVELOPMENT.

**DEVELOPMENT** - The CONSTRUCTION, RECONSTRUCTION, conversion, structural alteration, relocation or enlargement of any BUILDING or other structure; any mining, excavation, filling, dredging, grading, drilling or LAND DISTURBANCE; any use or change in use of any BUILDING, structure or land; any extension of use of land; and any planned residential DEVELOPMENT or SUBDIVISION of land.

**DEVELOPMENT PLAN** - The provisions for DEVELOPMENT, including a plat of SUBDIVISION, all covenants relating to use, location and BULK of BUILDINGS and other STRUCTURES, intensity of use or density of DEVELOPMENT, STREETS, ways and PARKING facilities, common OPEN SPACE and public facilities. The phrase "provisions of the DEVELOPMENT PLAN," when used in this chapter, shall mean the written and graphic materials referred to in this definition. **[Amended 5/812/2008 by Ord. No. 389]**

**DIAMETER AT BREAST HEIGHT (DBH)** - A measurement of the size of a tree equal to the diameter of its trunk measured four and five-tenths (4.5) feet above natural grade.

**DIAMETER LIMIT CUTTING** – The practice of cutting all trees above a certain diameter within the area logged.

**DISTRIBUTION FACILITY** – A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

**DRAINAGE** - The removal of surface water or groundwater from the land by drains, grading or other means such as retention or detention basins, including control of runoff to minimize erosion and sedimentation during and after CONSTRUCTION or DEVELOPMENT and means necessary for water supply preservation or prevention or alleviation of flooding.

**DRAINAGEWAY** - A watercourse which has a contributory watershed area which is at least 100 acres and including land on 25 feet of either side of the channel of the watercourse.

**DRIVEWAY** - That portion of the PARKING area that consists of a travel lane bounded on either side by an area that is not part of the PARKING area.

**DRIVE THROUGH FACILITY** - Any portion of a BUILDING or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

**DWELLING** - A BUILDING or portion thereof which is designed for and/or occupied in whole or in part as a residence for one (1) or more DWELLING UNITS, not including hotels, boarding or rooming hoUSES, institutional homes or residence clubs. The following are specific structural types of "DWELLINGS":

- (1) **SINGLE FAMILY DETACHED DWELLING** - A residential BUILDING containing one (1) DWELLING unit only, which is located on an individual LOT with yards on all sides.
- (2) **SINGLE-FAMILY ATTACHED DWELLING** - A detached BUILDING, on a LOT, containing two (2) side-by-side DWELLING UNITS. The wall attaching the units is on a side property line.
- (3) **TWO- FAMILY DWELLING (DUPLEX)** - A BUILDING, on a LOT, designed as a residence, containing two (2) DWELLING UNITS.
- (4) **TRIPLEX DWELLING** - A residential BUILDING designed exclusively for occupancy by three (3) families living independently of each other, containing three (3) DWELLING UNITS.
- (5) **QUADPLEX DWELLING** - A residential BUILDING designed exclusively for occupancy by four (4) families living independently of each other, containing four (4) DWELLING UNITS.
- (6) **TOWNHOUSE DWELLING** - A residential BUILDING containing three (3) to five (5) DWELLING UNITS connected by a party wall or walls. Each DWELLING unit has a separate entrance directly to the outside and is at least two (2) stories but no more than three (3) stories high, with the first floor and all stories directly above it part of the same DWELLING unit.

- (7) APARTMENT DWELLING - A residential BUILDING containing three (3) or more DWELLING UNITS, having access to the outside by way of a common entrance or entrances and a common interior hallway. Individual DWELLING UNITS in the same structure may have party walls on two (2) sides.
- (8) ATTACHED DWELLING - Two or more DWELLINGS within the same structure.
- (9) DETACHED DWELLING - No more than one (1) DWELLING within a structure.
- (10) MULTI-FAMILY DWELLING - A BUILDING containing two or more individual DWELLING UNITS.

DWELLING UNIT - One (1) or more rooms in a residential BUILDING or residential portion of a BUILDING which are arranged, designed, used or intended for use by one (1) household, and which includes cooking space and sanitary facilities reserved for the use of the household.

EASEMENT - An interest in land owned by another that entitles its OWNER to specific limited use or enjoyment.

EMPLOYEE - A term referred to in the PARKING standards as a measure of the number of PARKING SPACES required. It shall refer to the maximum number of EMPLOYEES on duty at any time, whether the EMPLOYEES are full- or part-time. If shifts are involved in which two (2) shifts overlap, it refers to the total of both shifts; OR

Any and all persons, including independent contractors, who work in or at or render any service directly related to the operation of an ADULT-ORIENTED ESTABLISHMENT

ELEMENTARY AND SECONDARY SCHOOLS - Any place offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, PERSON, partnership, or corporation meeting the requirements of the Commonwealth of Pennsylvania for Kindergarten through 12<sup>th</sup> grades,

ENTERTAINER - A PERSON who provides entertainment within an ADULT-ORIENTED ESTABLISHMENT, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an EMPLOYEE or an independent contractor

ESCORT - A PERSON who, for consideration, agrees or offers to act as a companion, guide, or date for another PERSON for the purpose of a specified sexual activity, or who agrees or offers to privately model lingerie or to privately perform a striptease for another PERSON.

ESCORT AGENCY - A PERSON or business association, who furnishes, offers to furnish, or advertise to furnish ESCORTS as one of its primary business purposes for a fee, tip, or other consideration.

ESSENTIAL SERVICES - includes overhead or underground gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems; collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including BUILDINGS.

ESTABLISHMENT - One (1) place of business, or one (1) permanent use.

FAMILY:

- (1) One (1) or more persons occupying a DWELLING unit and living as a single, nonprofit housekeeping unit, provided that a group of four (4) or more persons who are not within the second degree of kinship shall not be deemed to constitute a "FAMILY."
- (2) Notwithstanding the definition in the preceding subsection, a "FAMILY" shall be deemed to include four (4) or more persons not within the second degree of kinship occupying a DWELLING unit and living as a single, nonprofit housekeeping unit, if said occupants are handicapped persons as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. Such unrelated individuals shall have the right to occupy a DWELLING unit in the same manner and to the same extent as any FAMILY unit, as defined in Subsection (1) of this definition.

FARM - A tract of land of five (5) acres or greater used for AGRICULTURE, the raising of crops or animal husbandry for consumption other than on the premises.

FARMING - AGRICULTURE, including the raising and harvesting of crops or trees and the feeding, breeding and managing of livestock as a major source of income conducted upon a LOT of not less than five (5) acres in area. The existence of a vegetable garden for home consumption or the presence of not to exceed three (3) FARM animals as pets is not construed as "FARMING".

FARM BUILDING - Any BUILDING used for storing agricultural equipment or FARM produce or products, housing livestock or poultry or processing dairy products. The term "FARM BUILDING" shall not include DWELLINGS, but shall include a barn and silo.

FENCE - A vertical enclosure, solid or partially open, to prevent straying from within or intrusion from without.

FELLING – The act of cutting a standing tree(s) so that it falls to the ground.

FLOODPLAIN - The relatively flat area or low lands adjoining the channel of a river, STREAM, watercourse, canal or any body of standing water, which has been or may be covered by floodwater. Additional definitions as to "FLOODPLAIN" and its component areas are found in Article 1400 of this chapter.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes or adjustments to STRUCTURES which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, STRUCTURES and their contents.

FLOOR AREA RATIO: A measure of BUILDING intensity derived as a ratio by dividing the total floor area of a BUILDING by the BASE SITE AREA.

FORESTRY the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any LAND DEVELOPMENT.

**FUNERAL HOMES AND MORTUARIES** - A place or premises devoted to or used in the care and preparation for the funeral and burial of dead human bodies and maintained for the convenience of the bereaved for viewing or other services in connection with dead human bodies and as an office or place for carrying on the profession of funeral directing but not cremation.

**GAMELANDS** - A Commonwealth of Pennsylvania owned facility dedicated for wildlife management.

**GASOLINE STATION, WITH OR WITHOUT CONVENIENCE STORE** – A structure and surrounding land used predominantly for the storage and sale of petroleum fuel and lubricants primarily to motor vehicles, and can include the allocation of space for the sale of items such as snack food, drinks and tobacco products. No repairs are performed at a "gasoline station."

**GLARE** - A sensation of brightness within the visual field that caUSES annoyance, discomfort or loss in visual performance and visibility.

**GOLF COURSE/COUNTRY CLUB** – a recreational facility operated by a public or private entity which has, as its principal use, facilities for playing golf and which may include one (1) or more of the following accessory USES: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, facilities for racquet sports.

**GREEN ROOF:** a roof of a building that is completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. This does not refer to roofs which are merely colored green, as with green shingles. It may also include additional layers such as a root barrier and DRAINAGE and irrigation systems. Container gardens on roofs, where plants are maintained in pots, are not considered to be GREEN ROOFS.

**GREENWAY LAND** That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. GREENWAY LAND may be accessible to the residents of the DEVELOPMENT and/or the TOWNSHIP.

**GROSS FLOOR AREA (GFA)** - The total area of a BUILDING measured by taking the outside dimensions of the BUILDING at each floor level intended for occupancy or storage.

**HALFWAY HOUSE** - A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The HALFWAY HOUSE (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full time supervision and counseling on employment, vocations, finances, and community living.

**HAZARDOUS MATERIAL, SUBSTANCE OR WASTE** - Any solid waste or combination of solid wastes, as defined in the Solid Waste Management Act, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

These shall include but not be limited to explosives, PCB'S, petroleum products or gases, poisons, etiologic agents, flammables, corrosives, gases under high pressure, acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid and oxides of nitrogen, petroleum products (except in motor vehicles and equipment), phosphorus, potassium, sodium, sulfur products and pesticides (including insecticides, fungicides and rodenticides) and any other products or materials listed in the Hazardous Substances List of the Pennsylvania Department of Labor and Industry.

HOME OCCUPATION - The accessory use of a residence involving the conduct of an art or profession, the offering of a service, the conduct of a business or the production of handicrafts on a residential site. The use is incidental and secondary to the use of the DWELLING for residential purposes and shall not change the character of the residential use or adversely affect the USES permitted in the residential district of which it is a part.

HORTICULTURE - The cultivation of flowers, fruits, vegetables, or ornamental plants.

HOSPITAL - A BUILDING or part thereof used for the medical, psychiatric, obstetrical, or surgical care on a 24-hour basis. The term HOSPITAL shall include facilities used for medical research and training for health care professions, general HOSPITALS, mental HOSPITALS, tuberculosis HOSPITALS, children's HOSPITALS, and any such other facilities, which provide in-patient care. A HOSPITAL shall be licensed as such by the Commonwealth of Pennsylvania.

HOTEL, MOTEL AND HOTEL-OFFICE COMPLEX - A BUILDING or group of BUILDINGS, containing rented rooms for transients and having access either directly to the outside or through a common lobby or corridor

IMPERVIOUS SURFACE - Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to BUILDING roofs, PARKING and DRIVEWAY areas, sidewalks, packed stone and paved recreational facilities including the detention area of a swimming pool

IMPERVIOUS SURFACE RATIO - A measure of the intensity of land use which is determined by dividing the total area of all IMPERVIOUS SURFACES on a site by LOT AREA or tract area.

INCIDENTAL SIGN - A sign, generally informational, that has a purpose secondary to the use of the LOT on which it is located, such as "no PARKING," "loading only," "telephone" and other similar directives. No sign with a commercial message legible from a position off the LOT on which the sign is located shall be considered incidental

INDUSTRIAL USES - The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

INSPECTOR - An EMPLOYEE of the Allegheny County Health Department authorized and designated by the director of such department; the TOWNSHIP of Marshall Manager, Assistant Manager, Solicitor, Director of Code Administration and Land DEVELOPMENT, and/or Code Enforcement Officer; and EMPLOYEE of the Pine Marshall Bradford Woods Joint Police Force authorized by the commanding officer of such police force; and other persons designated by the

BOARD OF SUPERVISORS of the TOWNSHIP of Marshall, to inspect premises regulated under this Ordinance; to cooperate in taking the required actions authorized by this Ordinance where violations are found on a premises, and to request correction of unsatisfactory conditions found on a premises.

INSTITUTIONAL USE - An organization or ESTABLISHMENT instituted for some public, educational or charitable purpose.

JUNKYARD or AUTOMOBILE SALVAGE YARD - A parcel of land on which scrap material or inoperative vehicles and other machinery are collected, stored, salvaged or sold.

KENNEL, PRIVATE OR COMMERCIAL - A facility for the boarding of animals, the breeding of small animals such as dogs and/or cats, or the boarding, grooming, sale or training of small animals such as dogs and/or cats for which a fee is charged.

LAND DEVELOPMENT –

(1) Any of the following activities:

- (a) The improvement of one (1) lot or two (2) or more contiguous LOTS, tracts or parcels of land for any purpose involving:
  - [1] A group of two (2) or more residential or any nonresidential BUILDINGS, whether proposed initially or cumulatively, or a single nonresidential BUILDING on a lot or LOTS regardless of the number of occupants or tenure; or
  - [2] The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of STREETS, common areas, leaseholds, condominiums, BUILDING groups or other features.
- (b) A SUBDIVISION of land.

(2) The following shall not be considered a "LAND DEVELOPMENT":

- (a) The conversion of an existing single-FAMILY detached DWELLING into not more than three (3) residential units, unless such units are intended to be a condominium;
- (b) The addition of an accessory BUILDING to a residential or FARM use, on a lot or LOTS subordinate to an existing principal BUILDING; or
- (c) The addition or conversion of BUILDINGS or rides within the confines of an enterprise which would be considered an amusement park. This exclusion shall not apply to a newly acquired parcel to be used for operating an amusement park until the initial plans for the expanded area have been approved by the TOWNSHIP.

LAND DISTURBANCE - Any activity involving grading, tilling, digging, LOGGING or filling or stripping of vegetation; or another activity which CAUSES land to be exposed to the danger of erosion.

LOADING AND UNLOADING AREA - That portion of the PARKING area used to satisfy the requirements of § 208-1908. [Amended 9-29-2008 by Ord. No. 393]

**LOGGING** - The act of cutting live trees for cord wood, for timber, for pulp or for any commercial or non-commercial purpose, excepting therefrom a homeowner cutting on his own property for his own use, clearing pursuant to a **DEVELOPMENT PLAN** approved by the **BOARD OF SUPERVISORS**, clearing for a single-FAMILY detached **DWELLING** or clearing for **FARMING** operations.

**LOT** - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, having its principal frontage upon a **STREET** or officially approved place and to be used, developed or built upon as a unit.

**LOT AREA** - The area of a **LOT** taken at its perimeter, exclusive of any portion within a public or private **STREET RIGHT-OF-WAY**.

**LOT, CORNER** - A platted parcel of land **ABUTTING** two (2) road rights-of-way at their intersection.

**LOT DEPTH** - The horizontal distance from the midpoint of the front **LOT** line to the midpoint of the rear **LOT** line or to the most distant point on any other **LOT** line where there is no rear **LOT** line.  
**LOT FRONTAGE** - The distance measured between points where side property lines meet street **RIGHT-OF-WAY** lines. In the case of a curve, the arc distance along the curve.

**LOT LINE** - Any line bounding a **LOT** as herein defined.

**LOT LINE, FRONT** - A **LOT** line separating the **LOT** from the **STREET LINE**. For corner **LOTS**, the front **LOT** line applies to all sides of the lot that face a **STREET**. The remaining **LOT LINES** shall be considered **SIDE LOT LINES**.

**LOT LINE, REAR** - The **LOT** line not intersecting a front **LOT** line that is most distant from and most closely parallel to the front **LOT** line. A **LOT** bounded by only three (3) **LOT LINES** will not have a rear **LOT** line.

**LOT LINE, SIDE** - Any **LOT** line which is not a front **LOT** line or a rear lot line.

**LOT, THROUGH** - A **LOT**, other than a corner **LOT**, which extends from one (1) **STREET** to another, having frontage on both **STREETS**.

**LOT WIDTH** - The distance measured between points where the front **BUILDING SETBACK** lines meet side property lines. In the case of a curve, the arc distance along the curve.

**MANUFACTURED HOME** - A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a **DWELLING**, with or without a permanent foundation, when connected to the required utilities and including the plumbing, heating, air-conditioning and electrical systems contained therein. The term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Department of Housing and Urban Development and complies with the standards established under this chapter.

MANUFACTURING, LIGHT - The manufacture, primarily from previously approved materials, of finished products or parts including processing, fabrication, assembly, treatment and packaging of such products and incidental storage. Sales and distribution of such products.

MEDICAL OFFICE - An office operated by, or under the supervision of, doctors, dentists, orthodontists, psychiatrists, psychologist, dermatologists, optometrists, ophthalmologists, chiropractors, podiatrists, or similar medical practitioners, and their supporting staff, where patients receive routine diagnosis and treatment by appointment and are not provided with board or room or kept overnight on the premises. **[Amended 5-12-2008 by Ord. No. 389]**

MINERAL REMOVAL - Removal of any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse and peat. This term shall not include OIL AND GAS as defined by this Article. **[Amended 6-06-2011 by Ord. No. 407]**

MINOR - A PERSON under eighteen (18) years of age.

MOBILE HOME - A transportable, single-FAMILY DWELLING intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

MOBILE HOME PARK – A parcel of land under single ownership which has been planned and improved for the placement of MOBILE HOMES for non-transient use, consisting of two (2) or more MOBILE HOME LOTS

MOBILE HOME LOT - A parcel of land in a MOBILE HOME park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single MOBILE HOME, which is leased by the park OWNER to the occupants of the MOBILE HOME erected on the LOT.

MUNICIPAL BUILDINGS AND FACILITIES - Includes public and semi-public USES such as parks, fire stations, municipal BUILDINGS and municipal garages and public service BUILDINGS for park and recreation facilities

MUNICIPALITIES PLANNING CODE (MPC): The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. 10101 et seq.

MUSEUM - A building having public significance by reason of its architecture or former use or occupancy or a building serving as the repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of good to the public as gifts for their own use.

NATURAL GAS COMPRESSOR STATION - A facility designed and constructed to compress natural gas that originates from an OIL AND GAS well or collection of such wells operating as a midstream facility for delivery of OIL AND GAS to a transmission pipeline, distribution pipeline, NATURAL GAS PROCESSING PLANT or underground storage field, including one or more

natural gas compressors, associated BUILDINGS, pipes, valves, tanks and other equipment. **[Amended 6-06-2011 by Ord. No. 407]**

**NATURAL GAS PROCESSING PLANT** - A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas. **[Amended 6-06-2011 by Ord. No. 407]**

**NO IMPACT HOME BASED BUSINESS** - A business conducted from a house that has no impacts on the neighborhood, through adherence of the standards contained in Section 208-304.B.2 of this ordinance **[Amended 9-29-2008 by Ord. No. 393]s**

**NOISE** - Any sound which:

- (1) Endangers or injures the safety or health of humans or animals.
- (2) Annoys or disturbs a reasonable PERSON of normal sensitivities.
- (3) Endangers or injures personal or real property.

**NONCONFORMING LOT** - A LOT the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

**NONCONFORMING STRUCTURE OR BUILDING** - A structure or part of a structure manifestly not designed to comply with the applicable area and BULK regulations in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reasons of annexation. Such NONCONFORMING STRUCTURES include but are not limited to NONCONFORMING SIGNS. **[Amended 6-14-95 by Ord. No. 272]**

**NONCONFORMING USE** - A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

**OBSTRUCTIONS** - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, BUILDING, FENCE, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or designated FLOODPLAIN District, which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to the damage of life and property.

**OIL AND GAS** - Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through, and below the surface of the earth. **[Amended 6-06-2011 by Ord. No. 407]**

OIL AND GAS EXTRACTION OR EXTRACTION - Preparation activities, CONSTRUCTION, drilling and hydraulic fracturing at the WELL SITE, and/or site restoration associated with an OIL AND GAS well of any depth; water and other fluid storage, impoundment and transportation used for such activities at the WELL SITE; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary at the WELL SITE; and the preparation, CONSTRUCTION, installation, maintenance and repair of OIL AND GAS pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of OIL AND GAS at the WELL SITE; not to include NATURAL GAS COMPRESSOR STATIONS and NATURAL GAS PROCESSING PLANTS or facilities performing the equivalent functions that operate as midstream supply facilities. **[Amended 6-06-2011 by Ord. No. 407]**

ONE-HUNDRED-YEAR FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

OPEN SPACE - Land used for recreation, resource protection, amenity and/or buffers, not including any area of a lot constituting the LOT AREAS, any part of an existing or future STREET RIGHT-OF-WAY, EASEMENT of access, or area set aside for public or private utilities, stormwater facilities and EASEMENTS.

OPEN SPACE, COMMON - A parcel or parcels of land or an area of water, or a combination of land and water within a DEVELOPMENT site and designed and intended for the use or enjoyment of residents of a DEVELOPMENT, not including STREETS, off-STREET parking areas, and areas set aside for public facilities. **[Added 5/12/2008 by Ord. No. 389]**

OPERATOR - A PERSON, partnership or corporation owning, operating, conducting or maintaining an ADULT-ORIENTED ESTABLISHMENT.

OUTDOOR STORAGE - The keeping, in an unroofed area, of any merchandise, samples, or display models, regardless of whether the aforementioned items are or may be for sale, in the same place for more than twenty-four (24) hours. Outdoor storage shall not include: 1. The storage of vehicles on a lot where there is an approved land development for automobiles and transportation sales; 2. The parking of a vehicle with current inspection and registration on a residential lot; 3. For the seasonal display of agricultural products such as flowers, vegetable and fruit; and 4. Display of goods or merchandise, sold on the premises, not exceeding twenty-five (25) SF, provided the same does not occupy an approved parking space, impede pedestrian movement on the sidewalk, or interfere with vehicular movements and sight distance.

OWNER - The legal or beneficial owner or OWNERS of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land shall be deemed to be a landowner for the purpose of this chapter.

PARKING AREA/LOT - That portion of a LOT that is used by vehicles for access, circulation, PARKING and loading and unloading. It comprises the total of CIRCULATION AREAS, LOADING AND UNLOADING AREAS and PARKING SPACES.

**PARKING AISLES** - That portion of the **PARKING** area consisting of lanes providing access to **PARKING SPACES**.

**PARKING FACILITY** - Any **PARKING STRUCTURE** or **PARKING AREA/LOT**, municipally or privately owned for off-**STREET** parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

**PARKING SPACE** - A portion of the **PARKING** area set for the **PARKING** of one (1) vehicle.

**PARKING STRUCTURE** – A **STRUCTURE** used by vehicles for access, circulation, **PARKING** and loading and unloading.

**PERSON** - Includes an individual, corporation, partnership, incorporated association or any other similar entity.

**PERSONAL SERVICE ESTABLISHMENT** - **ESTABLISHMENTS** primarily engaged in providing services involving the care of a **PERSON** or his or her personal goods or apparel including but not limited to barber and beauty shops, dog grooming, tailor, dressmaker, shoe repair, photographer, laundry and the like

**PERSONAL STORAGE FACILITIES** - A building or group of **BUILDINGS** in a controlled access and usually fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares.

**PLAN, FINAL** - A complete and exact **LAND DEVELOPMENT** or **SUBDIVISION** plan prepared by a registered engineer, land surveyor or landscape architect for official recording as required by the Pennsylvania Municipalities Planning Code<sup>8</sup> to define property rights and proposed **STREETS** and other improvements.

**PLAN, PRELIMINARY** - A tentative **LAND DEVELOPMENT** or **SUBDIVISION** plan, in lesser detail than a final plan, showing, among other things, approximate proposed **STREET**, **DRAINAGE** and **LOT** layout as a basis for consideration prior to preparation of a final plan.

**PLAN, PROFILE** - A plan prepared by a registered engineer or surveyor showing the vertical section of the existing grade and proposed grade along the center line of any proposed **STREET** and any **STREET** appurtenances to be constructed or installed, which must include a typical cross section of the **STREET CONSTRUCTION**.

**PLAN, SKETCH** - An informal plan, not necessarily to exact scale, indicating topographic and other salient existing features of a tract and its surroundings and general layout of the proposed **SUBDIVISION** or **LAND DEVELOPMENT**.

**PLANNING COMMISSION** - The Planning Commission of Marshall **TOWNSHIP**.

**PORTABLE STORAGE UNIT** – A container that is not affixed to the land that is designed for temporary, short-term storage. [Added 5/12/2008 by Ord. No. 389]

PRIMARY CONSERVATION AREAS - Those lands identified within conservation SUBDIVISIONS that, due to their environmental sensitivity, are required to be set aside as GREENWAY LANDS. These lands consist of WETLANDS, FLOODPLAINS and STEEP SLOPES 25% or greater.

PROFESSIONAL FORESTER – A PERSON who has earned a four (4) year college degree in forest management, is registered with the Pennsylvania Bureau of FORESTRY and can demonstrate expertise in environmentally sound forest management/timber harvesting practices.

PROFESSIONAL OCCUPATION - A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field; any occupation requiring licensing by the state and maintenance of professional standards applicable to the field.

PROFESSIONAL OFFICE – An office of recognized professions, other than medical, such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions. [Amended 5/12/2008 by Ord. No. 389]

PROTECTED STRUCTURE - Any STRUCTURE capable of occupancy located within 1,000 feet of the surface location of a well that may be impacted by NOISE generated from drilling or hydraulic fracturing activity at a WELL SITE. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the WELL OPERATOR granting surface rights to drill the subject well or whose owner or occupants have signed a waiver relieving the WELL OPERATOR from implementation of the measures established in Section 10 of §208-2604(LL) for the OWNERS' or occupants' benefit. [Amended 6-06-2011 by Ord. No. 407]

PUBLIC NOTICE - Notice published once a week for two (2) successive weeks in a newspaper of general circulation in the Marshall TOWNSHIP. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) DAYS and the second publication shall not be less than seven (7) DAYS from the date of the hearing.

PUBLIC UTILITY STRUCTURES, OTHER THAN TELECOMMUNICATION TOWER - Any structure, which belongs to a public utility for USES such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency

RECREATION FACILITY – [Amended 5/12/2008 by Ord. No. 389] A building, structure or area designed and equipped for the conduct of sports and/or leisure activities that attract a large number of users. Activities and improvements associated with a RECREATION FACILITY include:

1. Amphitheatres/outdoor theaters
2. Indoor/outdoor swimming pools
3. indoor/outdoor skating rinks
4. any other public recreation facilities

Gaming enterprises and/or racetracks shall not be considered recreation facilities.

RECREATION AREA, OUTDOOR - Any passive or active noncommercial or non-fee-generating recreational activity, whether publicly or privately owned and maintained, conducted outside an enclosed structure, including but not limited to tennis courts, playing fields, jogging/exercise trails, playgrounds, nature trails and the like.

REGULATORY FLOOD ELEVATION - The one-hundred-year-flood elevations, plus a freeboard safety factor of one and one-half (1 1/2) feet.

RESEARCH TESTING FACILITY - A structure or complex of STRUCTURES designed or used primarily for research development functions related to industry and similar fields of endeavor, but not including the use of animals for testing.

RESTAURANTS AND TAVERNS - A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on premises consumption.

RETAIL BUSINESS - RETAIL BUSINESS shall include variety stores, apparel stores, florists, drug stores, grocery and convenience stores, eating and drinking ESTABLISHMENTS, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and tobacco shops, and other outlets that sell merchandise on a retail basis, but not ADULT-ORIENTED ESTABLISHMENT.

RIGHT-OF-WAY - Land reserved as a STREET, crosswalk or for other public purposes.

RIGHT-OF-WAY LINES - The boundary lines of land used or intended for use as STREETS, as shown on deeds, plats or the Comprehensive Plan, and from which yard and other requirements shall begin.

SCHOOL - Any public or private institution offering instruction for students up to and through the secondary level.

SEASONAL HIGH WATER TABLE AT ONE (1) FOOT TO THREE (3) FEET DEPTH - Soils in which the distance from the surface to the highest level of the water table is one (1) foot to three (3) feet deep in most years as defined by the U.S. Department of Agriculture Soil Conservation Service Soil Survey of Allegheny County.

SEASONAL HIGH WATER TABLE AT SURFACE - Soils in which the water table reaches the surface in most years as defined by the U.S. Department of Agriculture Soil Conservation Service Soil Survey of Allegheny County

SECONDARY CONSERVATION AREAS - Those lands identified within conservation SUBDIVISIONS of important environmental value that are added to PRIMARY CONSERVATION AREAS to make up the required amount of GREENWAY LAND. These lands consist of WOODLANDS; slopes 15% to 25%; significant wildlife habitats; historic, archaeological or cultural features; groundwater recharge areas; important viewsheds and other significant natural areas as identified by the TOWNSHIP.

SETBACK - The minimum horizontal distance between the LOT or property line and the nearest front, side or rear line of the BUILDING (as the case may be), including terraces, patios, decks, or any covered projection thereof, excluding steps.

**SEWAGE TREATMENT PLANT** - A facility that collects and treats and disposes sanitary sewage from a system of pipes.

**SEXUAL ACTIVITIES** - The term does not include any of the following:

- (1) Medical publications or films or bona fide educational publications or films
- (2) Any art or photography publications which devote at least twenty-five (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.
- (3) Any news periodical which reports or describes current events and which from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news.
- (4) Any publications or films which describe and report difference cultures and which from time to time publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the populations.

**SHOPPING CENTER** - A tract of land, with **BUILDINGS** or **STRUCTURES** planned as a whole and intended for three (3) or more retail **ESTABLISHMENTS**, with accessory parking and loading on the same site.

**SIGN** - Any device, fixture, placard or structure that **USES** any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a **PERSON** or entity or to communicate information of any kind to the public.

- (1) **ANIMATED SIGN** - Any sign that **USES** movement or change of lighting to depict action or to create a special effect or scene.
- (2) **ADVERTISING VEHICLE** - A vehicle and/or trailer which has affixed to it any sign or advertising device which is parked on public or private property and visible from the public **RIGHT-OF-WAY** where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
- (3) **AWNING** - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable
- (4) **AWNING SIGN** - A sign mounted, painted, or attached to or integral to an awning.
- (5) **BANNER** - Any sign of lightweight fabric or similar material that may or may not be permanently mounted to a pole or **BUILDING** by a permanent frame at one (1) or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered "banners."
- (6) **BEACON** - Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone **LOT** as the light source; also, any light with one (1) or more beams that rotate or move.
- (7) **BUILDING SIGN** - Any sign attached to any part of a **BUILDING**, as contrasted to a freestanding sign.

- (8) CANOPY, ATTACHED - A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.
- (9) CANOPY, DETACHED - A multisided overhead structure supported by columns, but not enclosed by walls.
- (10) COMMERCIAL MESSAGE - Any wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- (11) DIRECTIONAL SIGN - A sign that directs or instructs vehicular or pedestrian traffic on the premises relative to the PARKING area, entrances and exits. Such sign shall contain no advertising other than the business name or logo.
- (12) ELECTRONIC CHANGEABLE COPY SIGN - a sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged electronically without altering the face or the surface of the sign.
- (13) FLAG - Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.
- (14) FLAT WALL SIGN - Any sign attached parallel to but within twelve (12) inches of a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any BUILDING or structure, which is supported by such wall or BUILDING and which displays only one (1) sign surface.
- (15) FREESTANDING SIGN. A self-supporting sign detached from any building and is supported by poles, posts, braces, or other type of base on the ground
- (16) GOVERNMENTAL SIGN. A sign which is owned, installed and maintained by Marshall TOWNSHIP.
- (17) GROUND/MONUMENT SIGN. A freestanding sign which is completely self-supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign.
- (18) HIGHWAY SIGN - A sign that is located on a LOT which has frontage on an interstate.
- (19) INTERNALLY ILLUMINATED SIGN - Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered "internally illuminated signs."
- (20) NONCONFORMING SIGN - Any sign that does not conform to the requirements of this chapter.
- (21) OFF-PREMISES SIGN - A sign that draws attention to or communicates information about a business service, commodity, accommodation or attraction or that draws attention to a cause or advocates or proclaims a political, religious or other noncommercial

message or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises on which the sign is located.

- (22) **ON-PREMISES SIGN** - A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.
- (23) **PENNANT** - Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
- (24) **POLE/PYLON SIGN**. A freestanding sign erected on a pole, poles, pylon, or pylons, where the bottom edge of the sign face is five (5) feet or more above the ground.
- (25) **POLITICAL SIGN**. A sign that advertises a candidate or an issue which is to be voted on in a local, state, or federal election process.
- (26) **PORTABLE SIGN** - Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public **RIGHT-OF-WAY**, unless said vehicle is used in the normal day-to-day operations of the business.
- (27) **PROJECTING SIGN**. A sign which reproduces a remote image, by optical or any other means, on any surface.
- (28) **PROTRUDING SIGN**. A sign supported and attached to a structure so that more than one side or part of a side is visible.
- (29) **RESIDENTIAL SIGN** - Any sign located in a district zoned for residential **USES** that contains no commercial message.
- (30) **ROOF SIGN**. A sign erected on or attached to a roof or a sign attached to a building that projects above the highest point on the roofline.
- (31) **SIGN**. Any fixture, placard, structure, or other device that **USES** any color, form, graphic, illumination, symbol, writing, painting, printing, display, emblem, drawing, electronic display, or computerized display to advertise, announce the purpose of or identify the purpose of a **PERSON** or entity or to communicate information of any kind to the public.
- (32) **SUSPENDED SIGN** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- (33) **TEMPORARY SIGN** - A sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign or is intended to remain on the location where it is erected or placed for a period of not more than fifteen (15) **DAYS**. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as "temporary."

- (34) **WALL SIGN.** A sign attached parallel to but within twelve (12) inches of a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign surface.
- (35) **WINDOW SIGN -** Any sign, pictures, symbol or combination thereof designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**SITE -** A parcel of land for which a permit is issued pursuant to this chapter.

**SKIDDING –** The dragging of tress on the ground from the stump to the landing by any means

**SLASH –** All organic debris resulting from timber harvesting including stems, limbs and parts thereof.

**SOLID WASTE DISPOSAL FACILITY -** A location for disposal of Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities

**SPECIFIED ANATOMICAL AREAS -** Less than completely and opaquely, covered:

- (1) human genitals or pubic region;
- (2) buttocks; or
- (3) female breasts below a point immediately above the top of the areola.
- (4) Human male genitals in a discernible turgid state, even if complete opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES -** The term includes any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

**SPORTSMEN’S CLUB –** A club or facility for which a membership charge may be made and which are only open to bona fide members and their guests, dedicated to sport activities such as hunting, fishing, archery and firearm shooting as well as support activities for the daily operation and maintenance of the club. **[Added 5/12/2008 by Ord. No. 389]**

**SQUARE –** An area of land located within a **TRADITIONAL NEIGHBORHOOD DEVELOPMENT** that serves as a place of congregation, recreation or **OPEN SPACE** within a neighborhood of the plan.

**STATE AND FEDERAL BUILDINGS AND FACILITIES -** Includes public and semi-public **USES** such as parks, and **BUILDINGS** of the Commonwealth of Pennsylvania or the Government of the United States of America.

**STEEP SLOPES** - An area where the inclination (vertical distance over horizontal distance) of the land's surface is twenty-five percent (25%) or greater, and encompassing a vertical grade differential of ten (10) feet within the slope.

**STEEP SLOPES, MODERATELY** - An area where the inclination (vertical distance over horizontal distance) of the land's surface is fifteen percent (15%) and less than twenty-five (25%) percent , and encompassing a vertical grade differential of ten (10) feet within the slope.

**STORY** - That portion of a **BUILDING** included between the upper surface of a floor and the upper surface of the floor or roof next above.

**STORY, ABOVE GRADE** - Any **STORY** having its finished floor surface entirely above grade except that a **BASEMENT** shall be considered as an "above grade **STORY**" when the distance from grade to the finished surface of the floor above the **BASEMENT** is more than six (6) feet for more than fifty percent (50%) of the total perimeter or more than twelve (12) feet.

**STREAM** - A watercourse which has a contributory watershed area which is at least 100 acres.

**STREET** - A public or private thoroughfare used or intended to be used for passage or travel by motor vehicles. Includes road, avenue, boulevard, highway, freeway, parkway, lane, alley, viaduct or other thoroughfare. "**STREETS**" are further classified by the functions they perform:

- (1) **ALLEY** - A public or private way permanently reserved as a secondary means of access to **ABUTTING** property.
- (2) **ARTERIAL MINOR** - **STREETS** that carry a high volume of traffic for intracounty and intercommunity travel. These **STREETS** normally serve the higher classification **STREETS** (interstates and principal arterials) providing access to and from the arterials. The following **STREETS** are classified as "minor arterials" (reference the Marshall **TOWNSHIP** Comprehensive Plan of 1991): Pleasant Hill Road, Mingo Road, Warrendale-Bayne Road (Red Belt), Warrendale-Bakerstown Road (Red Belt), Wexford-Bayne Road (Route 910, Orange Belt).
- (3) **ARTERIAL, PRINCIPAL** - **STREETS** that carry a high volume of traffic for intrastate, intercounty and intercity travel. Traffic on this type of **STREET** normally has the right-of-way except in areas of high hazard, where controls are used. The following **STREET** is classified as a "principal arterial" (reference the Marshall **TOWNSHIP** Comprehensive Plan of 1991): Route 19 (Perry Highway).
- (4) **COLLECTOR, MAJOR** - **STREETS** that serve intracounty and intercommunity travel, but at a lower volume than arterials; they usually connect to an arterial to provide access to the surrounding land. Access is generally not directly from this **STREET** but from a substreet connected to the collector. They may serve community shopping areas, **SCHOOLS**, parks and cluster **DEVELOPMENTS**. The following **STREETS** are classified as "major collectors" (reference the Marshall **TOWNSHIP** Comprehensive Plan of 1991): Wexford Run Road, Brush Creek Road, Knob Road, Freeport Road, Thorn Hill Road and Commonwealth Drive
- (5) **COLLECTOR, MINOR** - **STREETS** that serve intracommunity travel at a volume below the major collector. "Minor collectors" provide access to the land using lower order

STREETS and sometimes direct access from itself. The following STREETS are classified as "minor collectors" (reference the Marshall TOWNSHIP Comprehensive Plan of 1991): Markman Park Road, Neely School Road, Bradford Road, Shenot Road, Spang Road, Woodland Road.

- (6) INTERSTATE - Limited access STREETS intended to carry large volumes of traffic at high speeds over great distances. The following STREETS are classified as "Interstates" (reference the Marshall TOWNSHIP Comprehensive Plan of 1991): Interstate 79, Interstate 76 (Pennsylvania Turnpike).

STREET, CENTER LINE OF - A line which is an equal distance from both STREET LINES.

STREET FRONTAGE - The distance for which a LOT line of a zone LOT adjoins a public STREET, from one (1) LOT line intersecting said STREET to the furthest distant LOT line intersecting the same STREET.

STREET LINE - The dividing line between a LOT or property line and a STREET RIGHT-OF-WAY.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including, but limited to, PORTABLE STORAGE UNITS. [Amended 5/12/2008 by Ord. No. 389]

SUBDIVISION - As defined in the Municipalities Planning Code, 53 P.S. § 10101 et seq.

SUBDIVISIONS, MAJOR - A SUBDIVISION that includes either one or more of the following characteristics:

- A. Multiple phasing of the PLAN.
- B. Containing PUBLIC IMPROVEMENTS, including one or more of the following: STREETS, STORM WATER DETENTION and STORM WATER RETENTION facilities and public utilities.
- C. Containing no more than four (4) LOTS.

MINOR SUBDIVISIONS: A SUBDIVISION not including any of the characteristics included in the MAJOR SUBDIVISION category. In general, a MINOR SUBDIVISION involves the adjustment of LOT LINES for existing LOTS and/or the creation of new LOTS that are already serviced by a PUBLIC ROAD and public utilities,

SUBDIVISION, MAJOR - A subdivision that is not a minor subdivision.

SUBDIVISION, MINOR - A subdivision in which all LOTS have sufficient frontage upon an existing STREET and does not include the opening, widening, extension or improvement of any public STREET. A minor subdivision shall not involve more than four (4) LOTS, including the remaining parent LOT. For the purposes of this Chapter, a plan involving a LOT line alteration which does not create any increase in the number of LOTS shall be considered a minor subdivision. For the purposes of this Chapter, revision of EASEMENT locations shall be considered a minor subdivision.

SUPERMARKET - A self-service RETAIL BUSINESS, normally employing at least ten (10) persons, in which staple foodstuffs, household supplies, meats, produce and dairy products are sold.

SWALE - A linear depression in land running downhill or a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse (see "DRAINAGEWAY").

SWIMMING POOL, PRIVATE - An outdoor water pool which is not operated for gain and which is intended to be used for swimming or bathing by any FAMILY or persons residing on the premises and their guests. An outdoor water pool shall, for the purposes of this chapter, be construed to mean any swimming pool, tank, above or below grade, depression or excavation in any material, dike or berm constructed, erected, excavated or maintained which will cause the retaining of water to a greater depth than eighteen (18) inches and having a plane surface of water greater than one hundred (100) square feet.

TECHNOLOGICAL INDUSTRIES - Businesses that are predominantly associated with the branch of knowledge that deals with the creation and use of technical means and their interrelation with life, society, and the environment, drawing upon such subjects as industrial arts, engineering, applied science, and pure science

TELECOMMUNICATIONS ANTENNA - An apparatus, external to or attached to the exterior of a BUILDING, together with any supporting structure for sending or receiving radio or electromagnetic waves, including, but not limited to panels, microwave dishes and single-pole "whips."

TELECOMMUNICATIONS EQUIPMENT BUILDING - The BUILDING in which electronic receiving and relay equipment and monitoring devices for a telecommunications facility are housed. Telecommunications equipment BUILDINGS shall not be considered public utilities or other utilities.

TELECOMMUNICATIONS FACILITY - A facility consisting of the equipment and STRUCTURES (telecommunications tower, ANTENNA, telecommunications equipment BUILDING) involved in the reception and/or transmission of electromagnetic or radio waves. Telecommunications facilities shall not be considered public utilities or other utilities.

TELECOMMUNICATIONS TOWER - A tower of any size which supports communication (broadcasting and/or receiving) equipment, including, but not limited to ANTENNAE, fixed-point microwave dishes and cellular communication ANTENNA, utilized by commercial, government, or other public or quasi-public users. This excludes private home use satellite dishes and television ANTENNAE, or amateur radio operators licensed by the FCC. Communication towers shall not be considered public utilities or other utilities.

TIMBER BUFFER ZONE – Land surrounding the immediate perimeter of a timber harvesting operation, in which no cutting of trees or other vegetation shall occur, except for the isolated cutting of individual trees which are dead, damaged, infected or constitutes a danger to neighboring properties or the public generally.

TIMBER HARVESTING OPERATION – The act of cutting live trees for timber, for pulp, or for any commercial or non-commercial purpose, except:

- (1) cutting on the property of the landowner for the sole use of the landowner;
- (2) clearing pursuant to a DEVELOPMENT PLAN approved by the TOWNSHIP

BOARD OF SUPERVISORS;

- (3) clearing for CONSTRUCTION of a single-FAMILY detached DWELLING and any accessory USES or STRUCTURES; and/or
- (4) clearing for FARMING operations where FARMING is the principal source of income.

A timber harvesting operation shall include the acts of timber harvesting, site clean-up and site restoration.

TOWNSHIP - Marshall TOWNSHIP, Allegheny County, Commonwealth of Pennsylvania.

TOWNSHIP FORESTER – A PROFESSIONAL FORESTER appointed and/or retained by the TOWNSHIP BOARD OF SUPERVISORS.

TRACT - A parcel, property or area of land comprised of one (1) or more LOTS adjacent to one another established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) - an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace USES, including some STRUCTURES that provide for a mix of USES within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, SQUARE or prominent intersection of two or more major STREETS. Generally, there is a hierarchy of STREETS laid out in a rectilinear or grid pattern of interconnecting STREETS and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRIP - A single or one direction vehicle movement exiting or entering inside the study site.

TRUCK TERMINAL - Land and BUILDINGS used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land USES at other locations. The terminal facility may include storage areas for trucks and BUILDING or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with other line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

UNDERSTORY TREE - A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as "ornamental trees." Examples include redbud, hazel, alder, holly, hornbeam, dogwood, witch-hazel, etc.

USE - Any purpose for which a structure, BUILDING or tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on or intended to be carried on in a structure, BUILDING or on a tract of land.

USE, ACCESSORY - A use incidental to and on the same lot as a principal use.

USE, NONRESIDENTIAL - Any use except a residential use.

USE, PRINCIPAL - The main use of land or STRUCTURES, as distinguished from a secondary or accessory use.

USE, RESIDENTIAL - A use of land which provides space for the permanent occupancy of either individuals or families within DWELLINGS.

VEGETATIVE COVER – Grasses, shrubs, trees, and other vegetation which hold and stabilize soils.

VEHICULAR BODY SHOP - A structure and surrounding land used for the repairing, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam-cleaning vehicles.

VEHICULAR REPAIR GARAGE - A structure and surrounding land used for the sale of automotive lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs such as tire, battery, oil servicing, and detailing.

VEHICULAR WASH - A BUILDING on a lot designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Gasoline Service Stations.

VETERINARY CLINIC, EXCLUDING KENNEL - A qualified professional trained in the care and treatment of animals and in particular domestic animals. The term "veterinary clinic" includes the office, waiting room, examination room, treatment area and overnight quarters for the usual house pets (dogs, cats, birds, hamsters, and the like).

WAREHOUSING - Storage of goods not related to the sale or use of those goods on the same lot where they are stored.

WELL OPERATOR - Any PERSON, partnership, company, corporation and its subcontractors and agents who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting OIL AND GAS. [**Amended 6-06-2011 by Ord. No. 407**]

WELL SITE - A graded pad designed and constructed for the drilling of one or more OIL AND GAS wells. [**Amended 6-06-2011 by Ord. No. 407**]

WETLAND - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This definition shall include and be limited to WETLANDS as defined by:

(1) Section 404 of the United States Clean Water Act, as may be amended from time to time.

The Pennsylvania Department of Environmental Resources, in appropriate legislation, as may be amended from time to time.

WHOLESALE BUSINESS - An ESTABLISHMENT or place of business primarily engaged in selling or distributing merchandise to industrial, commercial, institutional, or professional or to

other business users.

WOODLAND, An area or stand of trees whose total combined canopy covers an area of one-half (1/2) acre or more and at least fifty percent (50%) of which is composed of CANOPY TREES having a DIAMETER AT BREAST HEIGHT (DBH) of at least three (3) inches; provided, however, that no trees kept or grown for commercial purposes shall be considered a "woodland".

YARD - A ground area, unoccupied space open to the sky, except for permitted FENCES, garden walls, plantings and accessways, and small accessory USES as specified in residential districts; and shall be that portion of any lot extending inward from the lot or STREET LINE for the distance required by the district within which the lot is located.

YARD, FRONT - A yard lying between the STREET LINE(s) and a line(s) drawn parallel thereto, extending from lot line to lot line.

YARD LINE - A line drawn parallel to a STREET or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, REAR - A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the BUILDING. REAR YARD depth shall be measured at right angles to the rear line of the lot.

YARD, REQUIRED - Any yard measured between a line drawn parallel to a STREET or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, SIDE - A yard lying between the side line of the lot and the nearest line of the BUILDING and extending from the front yard to the REAR YARD or, in the absence of either of such front or REAR YARDS, to the front or rear LOT LINES. SIDE YARD width shall be measured at right angles to side lines of the lot.

ZONING DISTRICT or DISTRICT - A finite area of land, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of BUILDINGS.

ZONING MAP - The map attached to and made part of this chapter, indicating ZONING DISTRICTS.

ZONING PERMIT - A document signed by the Zoning Officer which is required by ordinance as a condition precedent to the commencement of a use or the erection, CONSTRUCTION, RECONSTRUCTION, alteration, conversion or installation of a structure or BUILDING.

ZONING HEARING BOARD - The ZONING HEARING BOARD of Marshall TOWNSHIP.

- B. Any word or term not defined herein shall be construed with a meaning of standard usage.

