

Marshall Township Allegheny County, PA

Marshall Township
Zoning Ordinance

Chapter 208 of the Code of the Township of Marshall

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ARTICLE 100 – GENERAL PROVISIONS

Sec. 208.100 Title

This Chapter shall be known as and may be cited as the "Marshall TOWNSHIP Zoning Ordinance."

Sec. 208.101 Purpose

The purpose of this Chapter is to provide for implementation of the goals and objectives of the Marshall TOWNSHIP Comprehensive Plan, 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. Future DEVELOPMENT throughout the TOWNSHIP that maximizes the preservation of green space and minimizes the disruption of natural assets.
- B. Land use and road facility design that reflects local intentions for the future character and function of the TOWNSHIP and its major corridors.
- C. Land use decisions that incorporate a desire for residents to feel a strong sense of belonging to a distinctive community and appreciate its many assets.
- D. 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.
- E. Encouraging the appropriate and efficient expenditure of public funds by the coordination of public DEVELOPMENT with land use policies.
- F. 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.

Sec. 208.102 Scope

- A. The USE of all land, every BUILDING or portion of a BUILDING hereafter 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 as of 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 relating to lawful NONCONFORMING BUILDINGS and USES.

- C. In a ZONING DISTRICT, allowable uses are either permitted by-right or require a CONDITIONAL USE Permit to be developed.

Sec. 208.103 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.

Sec. 208.104 Abrogation; Greater Restrictions to Prevail

It is not intended by this Chapter to repeal, abrogate, annul, other than as enumerated in Section 208.105 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.

Sec. 208.105 Repealer

The Marshall TOWNSHIP Zoning Ordinance of January 3, 2008, as amended, is hereby repealed in its entirety and replaced with this Chapter.

Sec. 208.106 Severability

- A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, BUILDING, or STRUCTURE, such judgment shall not affect the application of the said provision to any other property, BUILDING, or STRUCTURE.

ARTICLE 200 – DISTRICTS

Sec. 208.200 Zoning Districts and Overlay Districts

- A. 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.
- B. For the purpose of this Chapter, Marshall TOWNSHIP is hereby divided into DISTRICTS which shall be designated as follows:
 1. Residential DISTRICTS:
 - (a) CR Conservation Residential DISTRICT
 - (b) SR Suburban Residential DISTRICT
 - (c) MDR Medium Density Residential DISTRICT
 2. Non-Residential DISTRICTS:
 - (a) TC Town Center DISTRICT
 - (b) RB Route 19 Boulevard DISTRICT
 - (c) HC Highway Commercial DISTRICT
 - (d) PORBP Planned Office, Research and Business Park DISTRICT
 - (e) RRTP Residential, Research, and Technology Park DISTRICT
 - (f) PIP Planned Industrial Park DISTRICT
 - (g) OSPC Open Space, Public and Conservation DISTRICT
 3. Overlay DISTRICTS.
 - (a) CE Corridor Enhancement Overlay DISTRICT
 - (b) FP Floodplain Overlay DISTRICT
 - (c) RTO Route 910 Overlay DISTRICT
 4. Previous ZONING DISTRICTS on Current ZONING MAP
 - (a) PRD Planned Residential Development

Sec. 208.201 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.

Sec. 208.202 Rules for Interpretation of Zoning District Boundaries

- A. 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.
- B. Where uncertainty exists with respect to the boundaries of the DISTRICT as indicated on the ZONING MAP, the following rules shall apply:

1. 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.
2. 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.
3. 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.
4. 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.
5. The exact location of any disputed ZONING DISTRICT boundary line shall be determined by the ZONING HEARING BOARD.

Sec. 208.203 General Provisions

The following general provisions apply to the uses outlined in this Chapter.

- A. All requirements of this Chapter shall apply uniformly to each class or type of land or STRUCTURE and particularly as follows:
 1. Any LOT hereafter created, laid out, or altered, as well as the OPEN SPACE reserved on it, must equal, or exceed the minimum LOT AREAS prescribed by this Chapter for the ZONING DISTRICT in which the LOT is located.
 2. No BUILDING, STRUCTURE or land shall hereafter be used or occupied and no BUILDING or STRUCTURE or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all the requirements of this Chapter applicable to the ZONING DISTRICT in which such use, BUILDING or STRUCTURE is located.
 3. No BUILDING or other STRUCTURE shall hereafter be erected or altered so as to exceed height limitations, accommodate a greater number of families, occupy a greater percentage of LOT AREA or have narrower or smaller REAR YARDS, FRONT YARDS, SIDE YARDS or OPEN SPACES than are required by this Chapter and its provisions for the particular ZONING DISTRICT in which such BUILDING or STRUCTURE is located.
 4. All yard or OPEN SPACE requirements of this Chapter are exclusive, and a use or STRUCTURE cannot share a part of a yard or OPEN SPACE required by this Chapter with any other use or STRUCTURE.
 5. No yard or LOT existing at the time of passage of this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. YARDS or LOTS created after the effective date of this Chapter shall meet at least the minimum requirements established by this Chapter.

6. Omitted land. This Chapter intends to include the entire area of the TOWNSHIP, including all land, STREETS, alleys, railroads, and other ROW, be included in the ZONING DISTRICTS established by this Chapter. Any area not shown on the ZONING MAP as being included in such a ZONING DISTRICT shall be deemed to be, and it is hereby, classified in the CR DISTRICT.
7. Frontage on public or private STREET required. Each single-family and attached single-family dwelling shall have a FRONT LOT LINE on a public or private STREET and improved to TOWNSHIP standards. This regulation also shall apply to single-family dwellings and attached single-family dwellings located in a development consisting of varied housing types unless otherwise specified elsewhere in this Chapter.
8. PRINCIPAL BUILDING. Unless otherwise specified, more than one PRINCIPAL USE BUILDING, or STRUCTURE may be erected on a single LOT provided the requirements of this Article are met for each STRUCTURE as though it were on an individual Lot. However, in any Residential ZONING DISTRICT, no more than one PRINCIPAL USE, BUILDING or STRUCTURE may be erected or maintained on a single LOT unless otherwise specifically permitted by this chapter.

Sec. 208.204 Conservation Residential District

A. Purpose.

1. 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.
2. The 2022 Comprehensive Plan affirmed the need to balance development rights with the preservation of green space and protection of natural resources. It is the desire of the TOWNSHIP, based upon its adopted Comprehensive Plan, that:
 - (a) Future DEVELOPMENT in this area is compatible with the existing natural landscape and lower-density DEVELOPMENT patterns located within the district;
 - (b) 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
 - (c) DEVELOPMENT of SINGLE-FAMILY DETACHED DWELLINGS 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.

B. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.

1. PRINCIPAL USES permitted-by-right for the Conservation Residential DISTRICT are listed in the table of USES located in Section 208.216.
2. CONDITIONAL USES allowed within the Conservation Residential DISTRICT are listed in the table of USES located in Section 208.216.
3. 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 Section 208.218. Requirements applicable to ACCESSORY USES in the district are located in Section 208.217.

- C. Area and BULK Standards. Area and BULK Standards for the Conservation Residential DISTRICT are listed in the table in Section 208.207.
- D. Supplementary Regulations.
 - 1. Parking Requirements in Section 208.501.
 - 2. SIGN Requirements in Article 700.
 - 3. Appendix B and C

Sec. 208.205 Suburban Residential District

- A. Purpose. The TOWNSHIP recognizes the benefits that traditional suburban DEVELOPMENT patterns have had in providing single-family 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 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 400 , 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.
- B. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.
 - 1. PRINCIPAL USES permitted-by-right for the Suburban Residential DISTRICT are listed in the table of USES located in Section 208.216.
 - 2. CONDITIONAL USES allowed within the Suburban Residential DISTRICT are listed in the table of USES located in Section 208.216.
 - 3. 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 Section 208.218. Requirements applicable to ACCESSORY USES in the DISTRICT are located in Section 208.217.
- C. Area and BULK Standards. Area and BULK Standards for the Suburban Residential DISTRICT are listed in the table in Section 208.207.
- D. Supplementary Regulations.
 - 1. Parking Requirements in Section 208.501.
 - 2. SIGN Requirements in Article 700.

Sec. 208.206 Medium Density Residential District

- A. 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.

- B. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.
 - 1. PRINCIPAL USES permitted-by-right for the Medium Density Residential DISTRICT are listed in the table of USES located in Section 208.216
 - 2. CONDITIONAL USES allowed within the Medium Density Residential DISTRICT are listed in the table of USES located in Section 208.216.
 - 3. 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 Section 208.218. Requirements applicable to ACCESSORY USES in the DISTRICT are located in Section 208.217.
- C. Area and BULK Standards. Area and BULK Standards for the Medium Density Residential DISTRICT are listed in the table in Section 208.207.
- D. Supplementary Regulations.
 - 1. Parking Requirements in Section 208.501.
 - 2. SIGN Requirements in Article 700.

Sec. 208.207 Residential Zoning District Area and Bulk Regulations

Table 1 Area and Bulk Standards Table for Residential Districts

ZONING DISTRICT/USE	Minimum LOT AREA (square feet)	Maximum GROSS DENSITY (UNITS/acre)	Minimum LOT FRONTAGE	Minimum LOT WIDTH	Minimum FRONT YARD SETBACK	Minimum SIDE YARD SETBACK	Minimum REAR YARD SETBACK	Max. IMPERVIOUS SURFACE RATIO	Maximum BUILDING HEIGHT
CR									
Conventional SF-D	50,000 60,000 ¹	0.75	75'	150'	40'	20' one side 50' total	P: 40'	18%	40'
Cluster SF-D	15,000	*	35'	40'	30'	10' one side 30' total	P: 30'	45%	40'
COUNTRY LOT SF-D	3 acres ¹	0.25	100'	150'	50'	50'	50'	18% ³	40'
Non-residential uses	50,000	N/A	75'	150'	40'	50'	50'	20%	40'
SR									
Conventional SF-D	40,000 ¹ 20,000	1.0 ¹ 2.0	60'	150' ¹ 80'	40'	15'	P: 35'	18%	40'

ZONING DISTRICT/USE	Minimum LOT AREA (square feet)	Maximum GROSS DENSITY (UNITS/acre)	Minimum LOT FRONTAGE	Minimum LOT WIDTH	Minimum FRONT YARD SETBACK	Minimum SIDE YARD SETBACK	Minimum REAR YARD SETBACK	Max. IMPERVIOUS SURFACE RATIO	Maximum BUILDING HEIGHT
Cluster SF-D	5,500	2.25	35'	40'	30'	8' one side 20' total	P: 25'	35%	40'
Non-residential uses	40,000	N/A	60'	150' ¹ 80'	40'	20'	35'	20%	40'
MDR									
SF-Semi	10,000	4.0	30'	45'	30'	0' one side 10' total ⁴	25' ⁴	40%	40'
Individual Townhouse	5,000	8.0	25'	25'	30'	10' ⁴ at row end	25' ⁴	40%	40'
Apartment	40,000	12.0	75'	75'	30'	10' ⁴	25' ⁴	40%	40'
Non-residential uses	10,000	N/A	30'	45'	30'	20'	25' ⁴	40%	40'
RTO									

ZONING DISTRICT/USE	Minimum LOT AREA (square feet)	Maximum GROSS DENSITY (UNITS/acre)	Minimum LOT FRONTAGE	Minimum LOT WIDTH	Minimum FRONT YARD SETBACK	Minimum SIDE YARD SETBACK	Minimum REAR YARD SETBACK	Max. IMPERVIOUS SURFACE RATIO	Maximum BUILDING HEIGHT
RTO development	5 Acre Minimum Gross TRACT Area, minimum LOT size 5,000 sf	5.0	20'	20'	30'	10' at row end	25'	40%	40'

SF-D — Single-FAMILY Detached; SF-Semi — Single FAMILY Semi-Attached; P — Principal STRUCTURE

* Per 208.402.4.a, in the cluster option within the CR district, the density determination is based on the selected configuration (single-family, mixed cluster or housing variety).

1. For LOTS that do not have public sewer and public water facilities.
2. The minimum LOT AREA is 3 acres. Within that LOT, a "BUILDING ENVELOPE" of no more than one acre will include all land that is to be disturbed.
3. The maximum IMPERVIOUS SURFACE RATIO is 18% of the one-acre BUILDING ENVELOPE.
4. If adjoining a LOT which contains a single-family dwelling outside the MDR ZONING DISTRICT, the required minimum SETBACK is 50 feet.

Sec. 208.208 Highway Commercial District

- A. 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.
- B. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.
 - 1. PRINCIPAL USES permitted-by-right for the Highway Commercial DISTRICT are listed in the table of USES located in Section 208.216.
 - 2. CONDITIONAL USES allowed within the Highway Commercial DISTRICT are listed in the table of USES located in Section 208.216.
 - 3. 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 Section 208.218. Requirements applicable to ACCESSORY USES in the DISTRICT are located in Section 208.217.
- C. Area and BULK Standards. Area and BULK Standards for the Highway Commercial (HC) DISTRICT are listed in the table in Section 208.215.
- D. Supplementary Regulations.
 - 1. Parking Requirements in Section 208.501.
 - 2. SIGN Requirements in Article 700.
 - 3. Sustainable Landscaping in Section 208.503.

Sec. 208.209 Planned Office, Research and Business Park District

- A. 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.

- B. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.
 - 1. PRINCIPAL USES permitted-by-right for the Planned Office, Research and Business DISTRICT are listed in the table of USES located in Section 208.216.
 - 2. CONDITIONAL USES allowed within the Planned Office, Research and Business DISTRICT are listed in the table of USES located in Section 208.216.
 - 3. 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 Section 208.218.
Requirements applicable to ACCESSORY USES in the DISTRICT are located in Section 208.217.
- C. Area and BULK Standards. Area and BULK Standards for the Planned Office, Research and Business DISTRICT are listed in the table in Section 208.215.
- D. Supplementary Regulations.
 - 1. Parking Requirements in Section 208.501.
 - 2. SIGN Requirements in Article 700.
 - 3. Sustainable Landscaping Requirements in Section 208.503.

Sec. 208.210 Town Center District

- A. 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.
- B. Applicability. Where provisions in this Article conflict with provisions set forth in Chapter 208 and Chapter 174, the provisions of this Article take precedence.
- C. Only the following sections of the Corridor Enhancement Overlay DISTRICT shall apply within the boundaries of the DISTRICT:
 - 1. The following subsections of Section 208.301
 - (a) Purpose.
 - (b) Applicability.
 - (c) DEVELOPMENT Activity Permitted Within the DISTRICT.
 - (d) DEVELOPMENT Activity Prohibited Within the DISTRICT.
 - (e) Design Standards shall be in accordance with Section 208.505.C.
- D. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.
 - 1. PRINCIPAL USES permitted-by-right for the Town Center DISTRICT are listed in the table of USES located in Section 208.216.

2. CONDITIONAL USES allowed within the Town Center DISTRICT are listed in the table of USES located in Section 208.216.
 3. 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 Section 208.218.
- E. Area and BULK regulations for all permitted USES. Area and BULK Standards for the Town Center DISTRICT are listed in the table in Section 208.215.
- F. Design Standards. All LAND DEVELOPMENTS and/or changes in USE within the Town Center DISTRICT shall be subject to the design provisions contained in Section 208.505.
- G. Supplementary Regulations.
1. Parking Requirements in Section 208.501.
 2. Sustainable Landscaping in Section 208.503.
 3. Design Standards in Section 208.505

Sec. 208.211 Route 19 Boulevard District

- A. Purpose.
1. 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.
 2. 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 208.505 require this type of amenities.
- B. Applicability. Where provisions in this Chapter conflict with provisions set forth in Chapter 208 and Chapter 174, the provisions of this Chapter take precedence.
- C. Only the following subsections of the Corridor Enhancement DISTRICT Overlay DISTRICT Section 208.301 shall apply within the boundaries of the DISTRICT:
1. A. Purpose.
 2. B. Applicability.
 3. C. DEVELOPMENT Activity Permitted Within the DISTRICT.
 4. D. DEVELOPMENT Activity Prohibited Within the DISTRICT.
 5. J. Design Standards shall be in accordance with Section 208.505.C.

- D. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.
 - 1. PRINCIPAL USES permitted-by-right for the Route 19 Boulevard DISTRICT are listed in the table of USES located in Section 208.216.
 - 2. CONDITIONAL USES allowed within the Route 19 Boulevard DISTRICT are listed in the table of USES located in Section 208.216.
 - 3. 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 Section 208.218. Requirements applicable to ACCESSORY USES in the DISTRICT are located in Section 208.217.
- E. Area and BULK regulations for all permitted USES. Area and BULK Standards for the Route 19 Boulevard DISTRICT are listed in the table in Section 208.215.
- F. Supplementary Regulations.
 - 1. Parking Requirements in Section 208.501.
 - 2. Sustainable Landscaping in Section 208.503.
 - 3. Design Standards in Section 208.505

Sec. 208.212 Planned Industrial Park District

- A. 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.
- B. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.
 - 1. PRINCIPAL USES permitted-by-right for the Planned Industrial Park DISTRICT are listed in the table of USES located in Section 208.216.
 - 2. CONDITIONAL USES allowed within the Planned Industrial Park DISTRICT are listed in the table of USES located in Section 208.216.
 - 3. 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 Section 208.218. Requirements applicable to ACCESSORY USES in the DISTRICT are located in Section 208.217.
- C. Area and BULK Standards. Area and BULK Standards for the Planned Industrial Park (PIP) DISTRICT are listed in the table in Section 208.215.
- D. Supplementary Regulations.
 - 1. Parking Requirements in Section 208.501.
 - 2. SIGN Requirements in Article 700.
 - 3. Sustainability Landscaping in Section 208.503.
 - 4. Design Standards in Section 208.505

Sec. 208.213 Residential, Research and Technology Park District

- A. 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.
- B. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.
 - 1. PRINCIPAL USES permitted-by-right for the Residential, Research and Technology Park DISTRICT are listed in the table of USES located in Section 208.216.
 - 2. CONDITIONAL USES allowed within the Residential, Research and Technology Park DISTRICT are listed in the table of USES located in Section 208.216.
 - 3. 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 Section 208.218. Requirements applicable to ACCESSORY USES in the DISTRICT are located in Section 208.217.
- C. Applicability of Prior Ordinances. Notwithstanding the repealer contained in Section 208.105, 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, which are attached hereto as Appendix "D".
- D. Notwithstanding the above, the limitation on the height of nonresidential STRUCTURES contained in Section 208.215 shall be increased from one-thousand two-hundred ninety (1,290) feet above sea level to one-thousand three-hundred twenty (1,320) feet above sea level.
- E. Supplemental Regulations.
 - 1. Parking Requirements in Section 208.501.
 - 2. SIGN Requirements in Article 700.
 - 3. Sustainable Landscaping in Section 208.503.

Sec. 208.214 Open Space, Public and Conservation District

- A. 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.

- B. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.
 - 1. PRINCIPAL USES permitted-by-right for the OPEN SPACE, Public and Conservation DISTRICT are listed in the table of USES located in Section 208.216.
 - 2. CONDITIONAL USES allowed within the OPEN SPACE, Public and Conservation DISTRICT are listed in the table of USES located in Section 208.216.
 - 3. 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 Section 208.218. Requirements applicable to ACCESSORY USES in the DISTRICT are located in Section 208.217.
- C. Area and BULK Standards. Area and BULK Standards for the Open Space, Public and Conservation (OSPC) DISTRICT are listed in the table in Section 208.215.

Sec. 208.215 Non-Residential Zoning District Area Regulations

Table 2 Area and Bulk Standards Table for Non-Residential Districts

ZONING DISTRICT/USE	Minimum LOT AREA (square feet)	Maximum Gross Floor Area - Principal (square feet)	Minimum LOT FRONTAGE	Minimum LOT DEPTH	Minimum FRONT YARD SETBACK	Maximum FRONT YARD SETBACK	Minimum SIDE YARD SETBACK	Minimum REAR YARD SETBACK	Max. IMPERVIOUS SURFACE RATIO	Maximum BUILDING HEIGHT
HC										
All USES	1 acre	NA	150'	200'	NA	NA	NA	30'	70	35'
USES along Route 19	NA	NA	NA	NA	60'	NA	20'	NA	NA	NA
USES along other STREETS	NA	NA	NA	NA	40'	NA	40'	NA	NA	NA
PROBP										
All USES	1 acre (minimum Gross TRACT Area = 25 acres)	NA	150', 50' on a cul-de-sac	200'	50'	NA	20'	30'	60	45' (no habitation above 35')
USES along State Routes	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
USES along arterials STREETS	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

ZONING DISTRICT/USE	Minimum LOT AREA (square feet)	Maximum Gross Floor Area - Principal (square feet)	Minimum LOT FRONTAGE	Minimum LOT DEPTH	Minimum FRONT YARD SETBACK	Maximum FRONT YARD SETBACK	Minimum SIDE YARD SETBACK	Minimum REAR YARD SETBACK	Max. IMPERVIOUS SURFACE RATIO	Maximum BUILDING HEIGHT
USES along all other STREETS	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
TC^{1,9}										
All USES	15,000 ²	NA	50'	NA	NA	NA	NA	10'	NA	50' (20' minimum) ⁸
One (1) STORY	NA	10,000 ⁴	NA	NA	NA	NA	NA	NA	75	NA
Multi-STORY	NA	20,000 ⁵	NA	NA	NA	NA	NA	NA	85 ⁷	NA
USES along State Routes	NA	NA	NA	NA	10'	25'	0	NA	NA	NA
USES along arterials STREETS	NA	NA	NA	NA	10'	NA	0	NA	NA	NA
USES along all other STREETS	NA	NA	NA	NA	5'	25'	0	NA	NA	NA
Lots ABUTTING existing RESIDENTIAL USES or DISTRICTS	NA	NA	NA	NA	NA	NA	20' ⁶	20' ⁶	NA	NA
RB^{1,9}										

ZONING DISTRICT/USE	Minimum LOT AREA (square feet)	Maximum Gross Floor Area - Principal (square feet)	Minimum LOT FRONTAGE	Minimum LOT DEPTH	Minimum FRONT YARD SETBACK	Maximum FRONT YARD SETBACK	Minimum SIDE YARD SETBACK	Minimum REAR YARD SETBACK	Max. IMPERVIOUS SURFACE RATIO	Maximum BUILDING HEIGHT
All USES	20,000 ²	NA	50'	NA	NA	NA	10'	10'	NA	50' (20' minimum) ⁸
One (1) STORY	NA	15,000 ⁴	NA	NA	NA	NA	NA	NA	65	NA
Multi-STORY	NA	30,000 ⁵	NA	NA	NA	NA	NA	NA	75 ⁷	NA
USES along State Routes	NA	NA	NA	NA	25'	35'	NA	NA	NA	NA
USES along arterials STREETS	NA	NA	NA	NA	25'	NA	NA	NA	NA	NA
USES along all other STREETS	NA	NA	NA	NA	10'	25'	NA	NA	NA	NA
Lots ABUTTING existing RESIDENTIAL USES or DISTRICTS	NA	NA	NA	NA	NA	NA	25' ⁶	25' ⁶	NA	NA
PIP										
All USES	1 acre (minimum Gross TRACT Area = 500 acres) ³	NA	100; 150' for CONDITIONAL USES	200'	NA	NA	20'	20'	60	35'

ZONING DISTRICT/USE	Minimum LOT AREA (square feet)	Maximum Gross Floor Area - Principal (square feet)	Minimum LOT FRONTAGE	Minimum LOT DEPTH	Minimum FRONT YARD SETBACK	Maximum FRONT YARD SETBACK	Minimum SIDE YARD SETBACK	Minimum REAR YARD SETBACK	Max. IMPERVIOUS SURFACE RATIO	Maximum BUILDING HEIGHT
USES along Route 19	NA	NA	NA	NA	60'	NA	NA	NA	NA	NA
USES along all other STREETS	NA	NA	NA	NA	50'	NA	NA	NA	NA	NA
Lots ABUTTING existing RESIDENTIAL USES or DISTRICTS	NA	NA	NA	NA	NA	NA	100'	100'	NA	NA
RRTP										
All USES	NA (minimum Gross TRACT Area = 200 acres)	NA	NA	NA	NA	NA	NA	NA	80 of the buildable area	NA
Residential	NA	NA	NA	NA	NA	NA	NA	NA	NA	35'
Non-Residential	NA	NA	NA	NA	NA	NA	NA	NA	NA	5 STORIES or 65 feet whichever is lower
OSPC										
All USES	1 acre	NA	100'	NA	50'	NA	50'	50'	50	35'

ZONING DISTRICT/USE	Minimum LOT AREA (square feet)	Maximum Gross Floor Area - Principal (square feet)	Minimum LOT FRONTAGE	Minimum LOT DEPTH	Minimum FRONT YARD SETBACK	Maximum FRONT YARD SETBACK	Minimum SIDE YARD SETBACK	Minimum REAR YARD SETBACK	Max. IMPERVIOUS SURFACE RATIO	Maximum BUILDING HEIGHT
Lots ABUTTING existing RESIDENTIAL USES or DISTRICTS	NA	NA	NA	NA	NA	NA	75'	50'	NA	NA

1. (a) Additional BULK and Area Standards are found in Section 208.215 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.
2. Parcel consolidation is encouraged. If public water and sewer are not available, the minimum LOT size is one (1) acre.
3. A portion may be outside the TOWNSHIP
4. No one-STORY (single STORY) BUILDING shall exceed the GROSS FLOOR AREA (GFA) listed by the respective DISTRICT.
5. (a) A LOT may support multiple PRINCIPAL BUILDINGS, with exception for single family residential uses, 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.
6. For attached single family DWELLINGS zero (0) SIDE LOT LINE shall be permitted.
7. 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 Chapter.
8. The intent is to encourage vertical (two-STORY) CONSTRUCTION rather than horizontal one-STORY PRINCIPAL BUILDINGS.

9. DENSITY and BULK and area standards for residential uses shall be permitted consistent with those permitted within the MDR DISTRICT.

Sec. 208.216 Table of Principle Uses

Permitted USES. Table 3 summarizes the uses permitted in each ZONING DISTRICT. All USES are subject to Regulations for Specific and CONDITIONAL USES within Section 208.804.

P = Permitted USE by Right

C = CONDITIONAL USE

N = USE Not Permitted

Table 3: Table of Authorized PRINCIPAL USES

USE	CR	SR	MDR	HC	PORBP	TC	RB	PIP	RRTP	OSPC	RTO
ADULT DAY-CARE CENTER	N	N	N	C	C	C	C	N	N	N	N
ADULT ORIENTED ESTABLISHMENT	N	N	N	N	N	N	N	C	N	N	N
AGRICULTURE OPERATION	P	P	N	N	N	N	N	N	N	N	N
ANIMAL DAYCARE & TRAINING	N	N	N	P	N	P	P	P	N	N	N
ASSEMBLY, GENERAL	N	N	N	C	C	N	C	N	C	N	N
ASSEMBLY, NEIGHBORHOOD	C	C	N	C	C	C	C	N	C	N	N
ASSISTED CARE NURSING FACILITY	N	N	N	C	N	N	C	N	N	N	N
AUTOMOBILE FUELING	N	N	N	C	C	N	C	C	N	N	N
AUTOMOBILE SALES & RENTAL	N	N	N	C	N	N	C	N	N	N	N
AUTOMOBILE SERVICE	N	N	N	C	N	N	C	C	N	N	N
BANK/FINANCIAL INSTITUTION	N	N	N	P	P	P	P	P	N	N	N
BED & BREAKFAST ESTABLISHMENT (B&B)	C	C	N	N	N	P	N	N	N	N	N
BEVERAGE PRODUCTION	N	N	N	N	N	N	N	P	P	N	N
BREW PUB	N	N	N	P	P	P	P	P	P	N	N
CAR WASH	N	N	N	C	C	N	N	P	N	N	N
CEMETERY	C	C	C	N	N	N	N	N	N	C	N
CHILD DAY CARE FACILITY	N	N	N	C	C	C	C	C	C	N	N
CLEAN FILL FACILITY	N	N	N	N	N	N	N	N	N	P	N
COLLEGE OR UNIVERSITY	N	N	N	C	C	N	C	C	N	N	N

USE	CR	SR	MDR	HC	PORBP	TC	RB	PIP	RRTP	OSPC	RTO
COMMERCIAL GREENHOUSE, GARDEN CENTER OR PLANT NURSERY	N	N	N	N	N	N	C	P	N	N	N
COMMERCIAL EQUIPMENT AND SUPPLY	N	N	N	C	N	N	N	P	N	N	N
COMMERCIAL KITCHEN	N	N	N	P	P	P	P	P	N	N	N
COMMUNITY GARDEN	P	P	P	P	P	P	P	P	N	P	P
CONSERVATION SUBDIVISION DESIGN	P	P	N	N	N	N	N	N	N	N	N
CONVENIENCE STORE	N	N	N	P	P	P	P	N	N	N	N
CONVERSION OF SF TO MULTI-FAMILY	N	N	C	N	N	C	C	N	N	N	N
CONVERSION OF COMMERCIAL TO MULTI-FAMILY	N	N	N	N	N	C	C	N	N	N	N
DRIVE THROUGH FACILITY	N	N	N	C	C	N	C	C	N	N	N
DWELLINGS											
SF DETACHED	P	P	N	N	N	N	P1	N	P	N	N
SF SEMI-ATTACHED	N	N	C	N	N	N	P1	N	P	N	N
TOWNHOUSE	N	N	C	N	N	C	P1	N	P	N	P
APARTMENT	N	N	C	N	N	C	C	N	N	N	N
EATING PLACES	N	N	N	P	P	P	P	P	P	N	N
ESSENTIAL SERVICES	P	P	P	P	P	P	P	P	P	P	P
FORESTRY OPERATION	P	P	P	P	P	P	P	P	P	P	P
FUNERAL HOMES AND MORTUARIES	N	N	N	C	N	N	N	N	N	N	N
GAME LANDS	N	N	N	N	N	N	N	N	N	P	N
GOLF COURSE	N	N	N	N	N	N	N	N	N	P	N
GOVERNMENT FACILITY	P	P	P	P	P	P	P	P	P	P	N
HOTEL	N	N	N	C	C	N	C	C	C	N	N
HOSPITAL	N	N	N	C	N	N	N	C	N	N	N
INDOOR SHOOTING RANGE	N	N	N	C	N	N	N	N	N	N	N
INDUSTRIAL USES	N	N	N	N	N	N	N	P	N	N	N

USE	CR	SR	MDR	HC	PORBP	TC	RB	PIP	RRTP	OSPC	RTO
INSTITUTIONAL, PUBLIC OR PRIVATE	C	C	N	N	N	N	N	C	N	N	N
KENNEL	N	N	N	C	N	N	N	C	N	N	N
LIBRARY/MUSEUM	N	N	N	P	P	P	P	N	N	C	N
MANUFACTURE HOME COMMUNITY	N	C	N	N	N	N	N	N	N	N	N
MANUFACTURING, LIGHT	N	N	N	N	N	N	N	P	N	N	N
MEDICAL MARIJUANA DISPENSARY	N	N	N	P	P	P	P	N	N	N	N
MEDICAL MARIJUANA GROWER/PROCESSOR	N	N	N	N	N	N	N	P	N	N	N
MEDICAL CLINIC	N	N	N	C	N	N	C	C	N	N	N
MICROBREWERY, MICRODISTILLERY, MICROWINERY	N	N	N	C	C	C	C	C	C	N	N
MINERAL REMOVAL	P	P	P	P	P	P	P	P	P	P	P
MOTORCYCLE SALES	N	N	N	C	N	C	C	N	N	N	N
NATURE PRESERVE	P	P	P	N	N	N	N	N	N	P	N
NATURAL GAS PROCESSING PLANTS & NATURAL GAS COMPRESSOR STATIONS	N	N	N	N	N	N	N	N	N	C	N
OFFICE	N	N	N	P	P	P	P	P	P	N	N
OFFSITE ADVERTISING SIGN	N	N	N	P	N	N	P	N	N	N	N
OIL AND GAS EXTRACTION	N	N	N	N	N	N	N	N	N	C	N
OUTDOOR SPORTING CLUB	N	N	N	N	N	N	N	N	N	P	N
OUTDOOR STORAGE YARD	N	N	N	N	N	N	N	P	N	N	N
PARK	P	P	P	N	N	P	N	N	P	P	P
PARKING AS A PRINCIPAL USE	N	N	N	P	P	P	P	P	P	N	N
PERSONAL SERVICES	N	N	N	P	P	P	P	N	P	N	N
PUBLIC MARKET	N	N	N	P	P	P	P	P	P	N	N
PUBLIC UTILITIES STRUCTURES	P	P	P	P	P	P	P	P	P	P	P
POLICE/FIRE/EMS	P	P	P	P	P	P	P	P	P	P	P
RECREATION FACILITY	N	N	N	P	N	P	P	N	P	N	N
RESEARCH TESTING FACILITY	N	N	N	N	N	N	N	P	P	N	N

USE	CR	SR	MDR	HC	PORBP	TC	RB	PIP	RRTP	OSPC	RTO
RETAIL BUSINESS, GENERAL	N	N	N	P	P	P	P	N	P	N	N
RETAIL BUSINESS, NEIGHBORHOOD	N	N	N	P	P	P	P	N	P	N	N
SCHOOL	C	C	C	N	N	N	C	N	N	N	N
SCHOOL, SMALL	C	C	C	C	N	C	C	N	N	N	N
SELF-STORAGE FACILITY	N	N	N	N	C	N	N	C	N	N	N
TRADITIONAL NEIGHBORHOOD DEVELOPMENT	N	N	N	N	N	C	C	N	N	N	N
TRANSPORTATION FACILITY	N	N	N	N	N	N	N	P	N	N	N
TRUCK TERMINAL	N	N	N	N	N	N	N	P	N	N	N
WAREHOUSE/DISTRIBUTION	N	N	N	N	N	N	N	P	N	N	N
WHOLESALE BUSINESS	N	N	N	P	N	N	N	P	N	N	N
WIRELESS COMMUNICATION FACILITY											
NON-TOWER WCF (OUTSIDE OF ROW)	C	C	C	C	C	C	C	C	C	C	C
TOWER BASED WCF (OUTSIDE OF ROW)	N	N	N	N	C	N	N	C	N	C	N
SMALL WCF (IN ROW)	P	P	P	P	P	P	P	P	P	P	P
SMALL WCF (COLLOCATED OUTSIDE ROW)	P	P	P	P	P	P	P	P	P	P	P
SMALL WCF (NEW OR REPLACEMENT SUPPORT STRUCTURE OUTSIDE ROW)	N	N	N	N	C	N	N	C	N	C	N
USES NOT LISTED	N	N	N	N	N	N	N	C	N	N	N

P₁. Permitted only through Conservation SUBDIVISION or TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND)

Sec. 208.217 Accessory Uses and Structures

- A. Applicability. This Section applies to any subordinate use of a BUILDING or other STRUCTURE, or use of land that is:
 - 1. Conducted on the same LOT as the principal use to which it is related; and
 - 2. Clearly incidental to, and customarily found in connection with, the principal use or principal STRUCTURE.
- B. Establishment of ACCESSORY USES.
 - 1. Accessory STRUCTURES, BUILDINGS, or uses shall not be constructed or established on a LOT until CONSTRUCTION of the principal STRUCTURE is completed or the principal use is established.
 - 2. In no instance shall an ACCESSORY BUILDING or use be established on a vacant LOT.

Sec. 208.218 Table of Authorized Accessory Uses And Structures

- A. ACCESSORY USES shall be permitted in accordance with Table 4:
- B. Standards related to the specific accessory STRUCTURES and uses are subject to the general standards listed in Section 208.217 of this Chapter.
 - 1. A = Permitted Accessory USE by Right
 - 2. C = CONDITIONAL USE
 - 3. N = USE Not Permitted
- C. Permitted ACCESSORY USES by right and conditional ACCESSORY USES by right shall only be permitted on properties on which there exists a principal use for which the proposed accessory use is customarily incident and subordinate to said principal use.

Table 4: Table of Authorized ACCESSORY USES and STRUCTURES

USE	CR	SR	MDR	HC	PORBP	TC	RB	PIP	RRTP	OSPC	RTO
ACCESSORY DWELLING UNIT	A	A	N	N	N	N	N	N	N	N	N
AGRICULTURE OR HORTICULTURE ACCESSORY USES	A	A	A	N	N	N	N	N	N	A	N
KEEPING/STABLING OF HORSES (PRIVATE)	A	A	N	N	N	N	N	N	N	N	N
DAY CARE, HOME-BASED	C	C	C	N	N	N	N	N	N	N	N
DRIVE-THROUGH FACILITY	N	N	N	C	C	C	C	C	N	N	N
EV CHARGING STATION	N	N	N	A	A	A	A	A	A	A	N
FARMSTAND	A	A	A	A	A	A	A	A	N	A	N
FENCES	A	A	A	A	A	A	A	A	A	A	A
GARAGES	A	A	A	N	N	A	A	N	N	N	N
GREENHOUSES, PRIVATE	A	A	A	N	N	N	N	N	N	N	N
HOME BASED BUSINESS, GENERAL	C	C	C	N	N	C	C	N	C	N	C
HOME BASED BUSINESS, NO IMPACT	A	A	A	N	N	A	A	N	A	N	N
OUTDOOR CAFE	N	N	N	A	A	A	A	N	A	N	A
OUTDOOR DISPLAY AND SALES	N	N	N	A	A	A	A	A	A	N	C
OUTDOOR SHOOTING RANGE	N	N	N	N	N	N	N	N	N	A	N
OUTDOOR	N	N	N	C	N	N	N	A	N	N	N

USE	CR	SR	MDR	HC	PORBP	TC	RB	PIP	RRTP	OSPC	RTO
STORAGE											
PARKING STRUCTURE	N	N	N	A	A	A	A	A	A	N	N
PETS	A	A	A	N	N	A	A	N	A	N	A
SHED	A	A	A	A	N	A	A	A	A	A	A
SIGNS	A	A	A	A	A	A	A	A	A	A	A
SOLAR ENERGY SYSTEM, ACCESSORY	A	A	A	A	A	A	A	A	A	A	A
SPORTS COURTS	A	A	A	N	A	N	A	A	A	A	N
SWIMMING POOL	A	A	A	N	N	A	A	N	A	N	A
WAREHOUSE	N	N	N	N	N	N	N	A	A	N	N

ARTICLE 300 – SPECIAL OVERLAY DISTRICTS

Sec. 208.300 General

- A. OVERLAY DISTRICT standards provided herein are intended to supplement those permitted in the underlying ZONING DISTRICT classification(s) and in some cases may be more restrictive than those of the underlying ZONING DISTRICTS. Unless specified, when the requirements of the underlying ZONING DISTRICT and the OVERLAY DISTRICT appear to be in conflict, the more restrictive requirements shall apply.
- B. Principle USES permitted are regulated in Section 208.216 and ACCESSORY USES and STRUCTURES in Section 208.218.

Sec. 208.301 Corridor Enhancement Overlay District

- A. Purpose.
 - 1. The purpose of establishing this overlay ZONING DISTRICT is to protect the aesthetic and visual character of lands in Marshall TOWNSHIP adjacent to all roadways within the TOWNSHIP, as defined herein, and to provide for and promote their orderly DEVELOPMENT.
 - 2. In particular, the purpose of the Corridor Enhancement Overlay DISTRICT is as follows:
 - (a) To provide for the continued safe and efficient use of the TOWNSHIP'S existing and proposed roadways.
 - (b) To maintain the natural beauty and scenic, cultural and historic character of the corridors, particularly distinctive views and visual continuity.
 - (c) To protect existing greenbelts, natural vegetation and wildlife habitats along the corridors.
 - (d) To limit clearing, grading and clear cutting along the corridors.
 - (e) To minimize cut and fill OPERATIONS by placing emphasis on the retention of natural topography of the corridors.
 - (f) 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.
 - (g) To create general consistency with the Marshall TOWNSHIP Comprehensive Plan, including its goal within the Green Space Focus Area “Match regulations to policy: Ensure that TOWNSHIP ordinances consistently and effectively implement the vision.”
 - 3. These purposes will be accomplished through evaluation of proposed LAND DEVELOPMENTS within this Overlay 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.
- B. Applicability.
 - 1. 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:
 - (a) Woodland Road
 - (b) Markman Park Road

- (c) Spang Road
- (d) Locust Road
- (e) Sunset Road
- (f) Freeport Road
- (g) Neely School Road
- (h) Mt. Pleasant Road
- (i) Wexford Run Road
- (j) Shenot Road
- (i) Route 1-79
- (ii) The Pennsylvania Turnpike (Route 76)
- (iii) Pennsylvania State Route 19 (Perry Highway)
- (iv) Pennsylvania State Route 910 (Orange Belt)
- (v) Warrendale-Bayne/Warrendale-Bakerstown Road (Red Belt)
- (vi) Pleasant Hill Road
- (vii) Mingo Road
- (viii) Northgate Drive
- (ix) Knob Road
- (x) Brush Creek Road (south of the Commonwealth Drive intersection)

2. 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.
3. The Corridor Enhancement overlay district provisions shall apply to MAJOR SUBDIVISIONS and LAND DEVELOPMENT PLANS.

- C. DEVELOPMENT activity permitted within the DISTRICT. 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.
- D. DEVELOPMENT activity prohibited within the DISTRICT. USES prohibited in the underlying ZONING DISTRICT are also prohibited in the Overlay DISTRICT.
- E. WOODLAND protection shall meet the requirements of Sec. 174.319.
- F. Retention of and/or creation of a minimum visual buffer along the corridor RIGHT-OF-WAY
 1. Each approved application for LAND DEVELOPMENT shall provide a minimum visual buffer between the RIGHT-OF-WAY 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 or to the new RIGHT-OF-WAY should the application under

consideration be required to or voluntarily provide a DEDICATION of land or EASEMENT for proposed roadway improvement or widening purposes.

2. BUFFER PLANTING STRIP C is required along exterior roadways (See Section 174.319). The minimum depth for the BUFFER PLANTING STRIP 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.

G. Permitted activity in minimum visual buffer before and after LAND DEVELOPMENT.

1. Within the minimum visual buffer there shall be no DEVELOPMENT, clearing, grading or CONSTRUCTION activity with the following exceptions:
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) SIGNS in accordance with the SIGN regulations of this Chapter.
 - (e) 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.
 - (f) 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.
 - (g) 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 Section 208.301.A than would otherwise be the case.

H. Access. 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 Section 208.301.I).

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 Section 208.301.B). 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.
 5. 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.
- I. Design Standards shall be in accordance with Section 208.503.D.
 - J. All SIGNS shall meet the requirements for SIGNS contained in Article 700.

Sec. 208.302 Floodplain (FP) District

Floodplain Management.

- A. All properties in the TOWNSHIP must comply with the uses, standards and requirements of Chapter 83 of the Marshall TOWNSHIP Code of Ordinances, Floodplain Management.
- B. The Identified Floodplain Areas are defined in and regulated by Chapter 83 of the Marshall TOWNSHIP Code of Ordinances, Floodplain Management.
- C. The Floodplain DISTRICT Map included as part of the ZONING MAP of Marshall TOWNSHIP is provided only for informational purposes. Any conflict between the Floodplain DISTRICT Map included as part of the ZONING MAP of Marshall TOWNSHIP and the Identified Floodplain Areas defined in Chapter 83 of the Marshall TOWNSHIP Code of Ordinances, Floodplain Management, shall be resolved in favor of the Identified Floodplain Areas.

Sec. 208.303 Route 910 Overlay (RTO) District

- A. Purpose. The purpose of the Route 910 Transitional Overlay District is to provide flexibility for lot consolidation and redevelopment according to standards intended to:
 1. Foster improved traffic circulation and safety for all users through access control.
 2. Enable transition to TOWNHOUSE DWELLINGS.
 3. Limit the impact of TOWNHOUSE DWELLING development on existing residences through controlling the scale and orientation of buildings and PARKING LOTS and requiring buffer landscaping.
 4. Maintain a high level of scenic and aesthetic quality along the Route 910 corridor.

B. Applicability.

1. Development in conformance with the RTO District regulations is optional at the election of the applicant. If an RTO District development is not elected, all provisions of the underlying base zoning district remain applicable.
2. The RTO District may be applied to all TRACTS that:
 - (a) Are contained within the boundaries of the RTO District as specified on the ZONING MAP; and
 - (b) Are equal to or larger than five (5) contiguous acres or directly abut an existing RTO development already approved by the BOARD located within the RTO Overlay District
3. All applicable provisions for land development plans in CHAPTER 174 – SALDO shall apply.
4. Applicants are encouraged to submit sketch plans for informal review of all RTO District concepts.

C. Application Requirements.

1. At the time of application for RTO Development CONDITIONAL USE approval, the applicant shall submit a Master Plan that includes the following items:
 - (a) Site plan indicating the overall layout of proposed development, and parking, areas of common amenities and areas reserved for stormwater management.
 - (b) Building elevations depicting proposed building materials, building height, windows and doors, roofs, dormers and other architectural features to the extent known at the time of conditional use application.
 - (c) A street and streetscape plan indicating the proposed interconnected street network, indicating widths for all streets and rights-of-way. This plan shall indicate all materials, depths of pavement courses and gradients, as well as the locations of all proposed street furniture, any bike paths, traffic calming measures and street connections to adjoining tracts.
 - (d) Pedestrian access plan to indicate the proposed interconnected network for pedestrian access, including materials and gradients for sidewalks, crosswalks, trails and/or other pathways.
 - (e) Landscape plan per Section 208.503 -Sustainable Landscaping.
 - (f) Parking plan indicating the proposed location and materials for all parking, including the requirements and number of spaces per proposed use and shared parking arrangements.
 - (g) Utilities plan depicting all proposed utilities, including types, sizes and materials.
 - (h) Phasing plan to indicate the proposed phasing of the total land development if the development will be phased.
2. When an application for final LAND DEVELOPMENT approval is submitted, all applicable information listed in this subsection shall be submitted in final form.

D. Permitted PRINCIPAL USES, CONDITIONAL USES and ACCESSORY USES.

1. RTO development shall be a conditional use. Any tract to be developed as an RTO shall be governed by the conditional use review process.
2. PRINCIPAL USES authorized within an RTO are specified in Sec. 208.216.
3. ACCESSORY USES authorized within an RTO are specified in Sec. 208.218

- E. Area and BULK Standards. Area and BULK Standards for the RTO District are listed in the table in Section 208.207.
- F. Supplemental Regulations.
1. Access. In order to reduce conflicting movements and increase road safety, access to Route 910 from a proposed LAND DEVELOPMENT within the RTO Overlay District shall be provided exclusively by the following means:
 - (a) Proposed exterior access driveways or roads for properties located on the northside of Route 910 must be designed with a single access point from the intersection of Marshall Heights Drive and Mingo Road and for properties located on the southside of Route 910, access must originate from the intersection of Mingo Road and Route 910;
 - (b) Access shall only be provided by creation of a new roadway or service drive which must be extended to the property line(s) to anticipate future connections.
 - (c) The preferred means of access control provided shall be that which most effectively consolidates and/or reduces individual SITE access locations directly along Route 910.
 2. Compatibility. The Board may impose conditions upon the approval of RTO developments to ensure compatibility with existing residential and other uses, including but not limited to the following:
 - (a) Site layout to mitigate potential adverse impacts, such as NOISE and glare; and
 - (b) Enhanced buffer screening in specified locations.
 3. Pedestrian access.
 - (a) Roadside sidewalks shall be provided per CHAPTER 174.306.
 - (b) A system of pedestrian walkways shall provide direct access to and between:
 - (i) Any sidewalks, walkways or trails connecting to the tract from adjacent properties;
 - (ii) Adjacent uses and developments, to the maximum extent practicable and appropriate; and
 - (iii) All PARKING AREAS.
 - (c) At each point where the pedestrian walkway system crosses a PARKING LOT, internal street or driveway, the crossing shall be made clear through a change in paving materials differentiated by color, texture and/or height.
 4. OPEN SPACE and Recreation Area Requirements for RTO developments.
 - (a) Intent: Creating AREAS of cohesive, accessible COMMON OPEN SPACE provides focal points for community recreation and interaction, as well as environmental and recreational benefits. COMMON OPEN SPACE should be purposefully integrated into the overall design of an RTO development and not consist merely of residual AREAS left over after BUILDINGS and PARKING LOTS are located.
 - (b) A minimum of five hundred (500) square feet per DWELLING UNIT shall be set-aside as COMMON OPEN SPACE in the form of an urban PARK or preserved as a natural area for the enjoyment of the residents of the DEVELOPMENT. The COMMON OPEN SPACE shall be accessible to all.
 - (c) Acceptable forms of COMMON OPEN SPACE include improvements for a courtyard or plaza, an urban PARK area design with benches, shade TREES, pedestrian connections, an open grass area or integrated as part of natural features within the site.

- (d) 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 a 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;
 - (e) Pedestrian access to COMMON OPEN SPACE shall occur within five hundred (500) feet of every building unit within the DEVELOPMENT.
5. Parking requirements.
 - (a) To the maximum extent feasible, parking shall be oriented to minimize visual and NOISE impacts on adjacent residential properties.
 - (b) Off-street parking and loading.
 - (i) Spaces shall be provided and laid out according to Sec. 208.501.
 - (ii) Off-street surface PARKING LOTS shall be landscaped according to Sec. 174.320.
 - (iii) Off-street surface PARKING LOTS shall not be located at a street corner.
 - (iv) Off-street parking shall be located to the rear or side of buildings.
 - (c) On-street parking may be placed along curbs and streets according to the standards contained in CHAPTER 174 – SALDO. Six-inch vertical concrete curbing shall be constructed wherever on-street parking is provided.
 6. Landscaping requirements in Sec. 174.320.
 - (a) RTO developments abutting residential parcels shall incorporate Buffer Planting Strip D, including a fence or masonry wall at least six (6) feet high and a dense planting of trees and shrubs within a strip at least 20 feet wide, to ensure adequate screening of light, NOISE and views from adjacent residential properties.
 - (b) The Board may impose a condition of enhanced buffer screening, including increased fence or wall height and/or additional planting, in specified locations as necessary.
 7. Design Standards shall meet the requirements for 910 Developments in Sec. 208.503
 8. Lighting and GLARE requirements in Sec. 208.504.
 - (a) Light fixtures shall be set back a minimum of twenty (20) feet from residential property lines, and light sources shall not be visible from abutting residential properties.
 9. Sign requirements in Article 700 subject to applicable requirements of Section 208.301 Corridor Enhancement Overlay.
 10. Utilities.
 - (a) All RTO development shall be served by public water and sewer systems.
 - (b) All new utilities shall be underground.
 - (c) All utility equipment, to the maximum extent practicable, shall be located to the rear of properties and/or screened.

Article 400 – USE SPECIFIC REGULATIONS

Sec. 208.400 Unlisted Uses

- A. If a USE is clearly not provided for in this chapter, then the proposed USE shall be considered a CONDITIONAL USE in the PIP DISTRICT only subject to the requirements of Section 208.804.
- B. 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:
 - 1. 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 on properties adjacent to the proposed use
 - 2. In determining the impact on the environment and adjacent properties, the Board shall consider such development characteristics such 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 the Board determines will aid in determining the impact of the proposed USE.
 - 3. The proposed USE complies with all express standards and criteria applicable to the USE most similar to the proposed USE. The proposed USE complies with all performance standards contained in this Chapter.
- C. Prior to the public hearing before the Board, 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 PLANNING COMMISSION.
- D. 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 Chapter 174 Subdivision and Land Development Ordinance.

Sec. 208.401 Accessory Uses

- A. Criteria for All ACCESSORY USES/STRUCTURES.
 - 1. ACCESSORY USES or STRUCTURES are permitted in any ZONING DISTRICT in connection with any principal use lawfully existing within such ZONING DISTRICT. No accessory use or accessory STRUCTURE shall be established or constructed until the primary use or STRUCTURE is constructed, unless evidence of compliance of such use or STRUCTURE shall have first been determined.
 - 2. ACCESSORY USES are those uses customarily incidental to PRINCIPAL USES.
 - 3. If an accessory STRUCTURE or BUILDING is attached to the principal STRUCTURE, then it shall be considered part of the principal STRUCTURE and shall be subject to all requirements relating to the principal STRUCTURE.
 - 4. Unless otherwise specified, detached accessory STRUCTURES shall maintain a separation of at least ten (10) feet from the principal STRUCTURE, and such detached accessory STRUCTURES shall not exceed 50% of the gross square footage footprint of the principal STRUCTURE or 1,000 square feet, whichever is less.

5. Location of Accessory STRUCTURES and USES.
 - (a) Accessory STRUCTURES and uses, with the exception of authorized SIGNS and fences, shall not be located in the required FRONT YARD of any LOT in any ZONING DISTRICT unless otherwise specified. Accessory STRUCTURES shall not be erected and ACCESSORY USES may not be conducted within accessory STRUCTURES which have been erected, altered, enlarged, or maintained in required FRONT YARDS, unless otherwise permitted.
 - (b) The location of permitted nonresidential accessory STRUCTURES is governed by the same dimensional regulations as set forth for the principal use or principal STRUCTURE or STRUCTURES.
 - (c) ACCESSORY STRUCTURES/USES within residential DISTRICTS shall be set back a minimum of five (5) feet from any side or rear property line except where specifically authorized elsewhere in this Chapter or in the specific area and BULK regulations of the ZONING DISTRICT in which the property is located. However, any BUILDING over 400 square feet shall be setback a minimum of 15 feet from side or rear property lines.
 - (d) ACCESSORY USES within residential DISTRICTS exceeding 15 feet in BUILDING HEIGHT shall be set back an additional 5 feet for every one (1) foot above 15 feet up to the minimum side or rear yard SETBACK requirements for the principal STRUCTURE.
 - (e) ACCESSORY USES shall be conducted on the same LOT as the principal use to which it is related; and clearly incidental to, and customarily found in connection with, the principal use or STRUCTURE.
6. Accessory STRUCTURES shall be counted towards the maximum lot coverage on a LOT and in no case shall exceed the maximum lot coverage for the ZONING DISTRICT in which it is located when considering all STRUCTURES on the LOT.
7. ACCESSORY USES shall not include the conduct of trade or business unless permitted in conjunction with an authorized principal use that permits trade or business.
8. While properties can have multiple accessory STRUCTURES, not more than one (1) accessory STRUCTURE by type shall be permitted on an individual LOT (e.g., shed, play STRUCTURE, pool, etc. are types of accessory STRUCTURES). One (1) additional picnic pavilion or storage, tool, or utility shed may be located on a single LOT for each five (5) acres of land within such single existing LOT. Farms and Agricultural uses are regulated under Section 208.402.C
9. Accessory STRUCTURES shall not exceed the height of the principal STRUCTURE unless the accessory STRUCTURE is directly related to an agricultural use/operation.

B. ACCESSORY DWELLING UNIT.

1. The following USE regulations apply:
 - (a) A property OWNER must file a BUILDING/ZONING PERMIT or Zoning Occupancy Permit for an ACCESSORY DWELLING UNIT prior to its recognition as an ACCESSORY DWELLING UNIT. The property proposed for an ACCESSORY DWELLING UNIT is permitted to contain only one DWELLING UNIT.
 - (b) The property must be occupied by the OWNER, either in the Principal STRUCTURE or principal DWELLING UNIT, or in the accessory Dwelling
 - (c) ACCESSORY DWELLING UNITS are only permitted as accessory to lots with single-family

detached DWELLING

- (d) The ACCESSORY DWELLING UNIT shall be located either:
 - (i) in a newly constructed ACCESSORY DWELLING UNIT STRUCTURE.
 - (ii) in an existing detached Accessory STRUCTURE used, or formerly used, on the first floor by a garage, barn, or similar Accessory USE.
 - (iii) in the Principal STRUCTURE, provided there is a separate entrance to the exterior or to an unconditioned porch type space.
 - (e) The usable floor area of the ACCESSORY DWELLING UNIT shall not exceed 50 percent of the usable floor area of the PRINCIPAL USE or 500 square feet, whichever is less. Exterior patios, decks, porches, and staircases providing interior access from the principal unit to the ACCESSORY DWELLING UNIT will not be counted toward the usable floor area of the ACCESSORY DWELLING UNIT.
 - (f) Parking. Parking for the ACCESSORY DWELLING UNIT must be provided on-site in accordance with the Off-Street Parking requirements specified in Sec. 208.501.
 - (g) Pedestrian Access. An all-weather surface path to the ACCESSORY DWELLING UNIT shall be provided from the STREET FRONTAGE.
 - (h) The orientation of the proposed ACCESSORY DWELLING UNIT shall, to the maximum extent practical, maintain the privacy of residents in adjacent Dwellings as determined by the physical characteristics surrounding the ACCESSORY DWELLING UNIT including landscaped SCREENING, fencing, and window and door placement.
 - (i) A separate numeric address for the ACCESSORY DWELLING UNIT is prohibited.
 - (j) No new, separate utility connection may be installed for the ACCESSORY DWELLING UNIT in a Principal STRUCTURE, unless more than one utility connection already serves the Lot, to the location of the proposed ACCESSORY DWELLING UNIT, at the time of the application for the ACCESSORY DWELLING UNIT.
 - (k) Mechanical Equipment. Mechanical equipment shall be located on the ground or contained within an ACCESSORY DWELLING UNIT and may not be located on the roof.
- C. Agriculture or Horticulture ACCESSORY USES. When the principal USE is an AGRICULTURE OPERATION or horticultural or the production or keeping of FARM animals such as cattle, hogs, goats or sheep, all ACCESSORY BUILDINGS and USES 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 unless the use is considered a NORMAL AGRICULTURAL OPERATION
 - 2. The number of DWELLINGS permitted on a FARM shall not be limited, if 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. DWELLINGS shall meet SETBACK requirements of the ZONING DISTRICT in which they are located.

3. Silos and Bulk bins shall be exempted from height regulations.
 4. FARM BUILDINGS and other STRUCTURES shall not be constructed closer than one hundred (100) feet to any property line.
 5. 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 road 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 road 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.
- D. Keeping/Stabling of Horses or Ponies for private noncommercial 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 must be set back a minimum of one hundred (100) feet from any property line.
- E. DAY CARE, HOME-BASED –A HOME-BASED DAY CARE . In addition to the requirements specified in DHS licensure or approval regulations, the following standards apply:
1. HOME-BASED DAY CARE shall be located in a habitable residential building.
 2. Must meet all DHS licensure or approval regulations which must be submitted to the Township.
 3. Outdoor play areas shall not be located in the FRONT YARD.
 4. Outdoor play areas shall be screened from adjoining residentially zoned properties pursuant to the screening requirements specified in Chapter 174 Subdivision and Land Development

Ordinance.

5. Any vegetative materials located within the outdoor play areas shall be of a non-poisonous and non-invasive type.
6. All outdoor play areas shall provide a means of shade, such as shade trees or pavilions.
7. Refuse shall be collected on a weekly basis by a commercial waste contractor.

F. DRIVE-THROUGH FACILITY. The following USE regulations apply:

1. An accessory DRIVE-THROUGH FACILITY is accessory to Principal Service or Commercial USES, such as a financial institution, RETAIL BUSINESS, eating establishment or gas stations. In these guidelines, a Drive-Through Facility does not include a CAR WASH, parking garage kiosks, or gas pump islands.
2. Placement. Properties with multiple commercial BUILDINGS on the same site, DRIVE-THROUGH FACILITIES shall be located internal to the SITE away from corners, intersections of STREETS or from the STREET FRONTAGES, to reduce the visibility of vehicle drive-through traffic on the SITE from STREET view.
3. SITE Access.
 - (a) Access driveways to Vehicle Drive-through Facilities shall be located as far away as possible from STREET intersections and corners and designed in accordance with the applicable STREET design standards.
 - (b) The number of access driveways into a SITE shall be minimized to reduce conflicts between turning vehicles and other users of the STREET, reduce CURB CUTS and interruptions to the sidewalk.
 - (c) Vehicle queuing lanes must be separated from all aisles, must not result in additional CURB CUTS along the same STREET FRONTAGE and must not have direct ingress and egress from any STREET.
 - (d) Vehicle queuing lanes must not be directly accessible from a STREET.
 - (e) Vehicle queuing lanes must not obstruct or interfere with PARKING SPACES, pedestrian aisles or walkways, and loading or service areas.
4. Parking.
 - (a) PARKING AREAS where possible shall avoid having pedestrians cross driveways or vehicle queuing lanes to enter the BUILDING.

(b) The PARKING AREAS shall not conflict with the ingress and egress of the vehicle queuing lanes. This can be achieved by locating the PARKING AREAS away from the vehicle queuing lanes or clearly delineating the PARKING AREAS with appropriate barriers and signage.

G. ELECTRIC VEHICLE CHARGING STATION. The following USE regulations apply:

1. A Property OWNER may not install any EVCS on a property until a ZONING PERMIT has been issued by the TOWNSHIP to the Property OWNER.
2. Proof of approval by the appropriate utility shall be required at the time a ZONING PERMIT is issued.
3. Spaces used for EV Charging Stations shall be included as part of the overall parking space requirements for the use.

H. FENCES:

1. FENCES, provided that their height shall be limited to four (4) feet in the FRONT YARD and six (6) feet within 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. Chain link fencing is not permitted in any FRONT YARDS. In no area 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.

I. GREENHOUSE, private. GREENHOUSES may not exceed 50% of the square footage of the PRINCIPAL STRUCTURE in a Residential DISTRICT.

J. HOME BASED BUSINESS, GENERAL:

1. HOME BASED BUSINESSES. All proposed HOME BASED BUSINESSES, 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 BUSINESS and its associated STRUCTURES shall conform to all applicable standards for the ZONING DISTRICT.
 - (b) HOME BUSINESS 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 BUSINESS 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 BUSINESS shall not employ more than one (1) nonresident EMPLOYEE.
 - (i) Any need for parking generated by the HOME BASED BUSINESS 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 BASED BUSINESS 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 BUSINESS per residence shall be allowed and it must be conducted by the occupant.
 - (l) HOME BASED BUSINESS 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 BUSINESS and are not permitted:
 - (i) Vehicle or boat repair or painting.
 - (ii) CONSTRUCTION equipment or materials storage.
 - (iii) Equipment or vehicle rental.
 - (iv) Furniture sales.
 - (v) Funeral director, mortuary or undertaker.
 - (vi) Glazier's or painter's shop.
 - (vii) Heating, plumbing or air-conditioning services.

- (viii) Laboratory or taxidermy shop.
- (ix) MEDICAL CLINIC or laboratory, or MEDICAL OFFICE.
- (x) Restaurant.
- (xi) CHILD DAY CARE.
- (xii) KENNELS and boarding of animals

K. HOME BASED BUSINESS, NO-IMPACT. 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:

1. The business activity shall be compatible with the RESIDENTIAL USE of the property and surrounding RESIDENTIAL USES.
2. The business shall employ no EMPLOYEES other than FAMILY members residing in the DWELLING.
3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
4. 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.
5. 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.
6. 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.
7. 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.
8. The business may not involve any illegal activity.

L. OUTDOOR DISPLAY AND SALES. The following USE regulations apply:

1. Outdoor displays may not extend more than 5 feet from the BUILDING Façade.
2. Merchandise or other items displayed shall be restricted to those items or merchandise which are sold at the PRINCIPAL USE.
3. If associated with a Principal USE on a CORNER LOT, only a single road frontage shall be utilized for accessory outdoor display purposes.

4. Merchandise or other items, and all temporary STRUCTURES used for outdoor display, shall be removed and stored indoors from dusk to dawn.
5. Notwithstanding any provision of this Section, the public way, STREET, Sidewalk, Curb, and all means of ingress and egress to the STRUCTURE containing the Principal USE shall be maintained free of OBSTRUCTIONS, merchandise, or other items. A minimum of 5 feet of Sidewalk shall remain available and obstacle-free for passing pedestrians.

M. OUTDOOR STORAGE

1. All merchandise for sale at retail sales and services is to be displayed inside or, if stored outside, screened from public view, including but not limited to bottle cases, BUILDING supplies, hardware, landscape material, fertilizer and similar items.
2. SCREENING shall be of sufficient height and DENSITY to completely hide the storage from public view, major highways, passenger rail-lines, and other public accessways.
3. All SCREENING shall be maintained in such a manner as to present a neat and orderly appearance at all times.
4. Large objects, such as automobiles, trucks, trailers, boats and farm and CONSTRUCTION equipment, need not be screened if permitted in the specific DISTRICT.
5. Items stored outside shall not interfere with required parking or sidewalk areas or any public ROW.
6. Temporary Storage. When temporary exterior storage of material is authorized under the provisions of this Chapter, the temporary storage shall be screened by opaque ornamental fences or walls so as not to be visible from adjoining public STREETS or adjacent LOTS to a PERSON standing at the ground level.

N. PETS. The keeping of pets is permitted according to the following USE regulations:

1. Only those pets that are domesticated and are compatible with residential character are permitted to be kept as pets. Examples of permitted pets include dogs, cats, rabbits, frogs, gerbils, snakes that could not be poisonous to humans, and fish. Bears, goats (other than miniature breeds), cows, wolves, wolf-dog hybrids, snakes that could be poisonous to humans, pigs (other than miniature breeds) or sheep are not permitted as "pets" under this section.
2. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including NOISE or odor), a health hazard or a public safety hazard. The OWNER of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets.
3. Dogs and Cats. The total number of dogs and cats shall be a combined maximum of five.
4. Bees. Any area used for the outdoor keeping of bees shall be setback a minimum of 10 feet from all LOT LINES. The presence of such bees shall be well-marked. The Township may require a FLYAWAY BARRIER. The FLYAWAY BARRIER must be at least six (6) feet in height, placed along the side of the beehive that contains the entrance to the hive. The FLYAWAY BARRIER shall be located within five (5) feet of the hive and shall extend at least two (2) feet

on either side of the hive.

5. Fowl. A maximum total of three pigeons, chickens, ducks, geese, and similar fowl may be kept on LOTS of less than two acres. A maximum of 12 such fowl shall be permitted under this section for LOTS of 2 acres or more. Such animals shall be kept on the property of the applicant. If there is more than two such fowl on a LOT, they shall be kept a minimum of 75 feet from any dwelling other than that of the OWNER of the animals. Keeping of more than the specified number of pigeons or fowl shall be considered Farming - Agriculture under the Principal USE AGRICULTURAL OPERATIONS.
6. Rabbits. Up to 10 rabbits may be kept provided they do not create a public health hazard.
7. Exotic Animals. The keeping of exotic animals not normally considered to be household pets are prohibited.

O. SIGNS. As regulated by Section 208.700 of this Ordinance.

P. SOLAR ENERGY SYSTEM, Accessory

1. SOLAR ENERGY SYSTEM, ACCESSORY are permitted as an accessory use in all ZONING DISTRICTS subject to the following requirements:
 - (a) Rooftop installations require a sealed letter from a structural engineering stating roof has capacity to hold solar STRUCTURE.
 - (b) Such a STRUCTURE may be mounted on the roof provided it does not exceed a height of four feet (4') above the roof line as measured from the highest point of the roof for flat roofs, the deck line of mansard roofs, or the mean height between eaves and ridge for gable, hip, and gambrel roofs. It may not overhang from the existing roofline.
 - (c) Where installed on the roof of a BUILDING, no solar energy system shall be installed such that more than seventy-five percent (75%) of each roof area is covered by the system.
 - (d) No solar energy STRUCTURE may be installed before securing a BUILDING and ZONING PERMIT.
 - (e) CONSTRUCTION of any solar energy system shall comply with all applicable rules, laws, and regulations of the FAA. Documentation of compliance shall be available to the TOWNSHIP.
 - (f) To the extent applicable, all solar energy systems shall comply with the Pennsylvania Uniform Construction Code (UCC) .
 - (g) Solar energy systems shall not display advertising, except for reasonable identification of the facility manufacturer.
 - (h) No SOLAR ENERGY SYSTEM, ACCESSORY shall be attached to a tree or any other natural object or STRUCTURE not intended to support such a facility, except that systems may be appropriately attached to BUILDINGS capable of accommodating them.
 - (i) No solar energy system shall be installed immediately adjacent to a SWIMMING POOL or other open body of water.
 - (j) Ground-mounted solar energy systems shall be screened from adjoining residential uses or zones according to the standards found in Sec. 174.320 of the subdivision and land

development Chapter.

(k) Solar panel installation must meet all applicable BUILDING and fire codes as determined by the TOWNSHIP.

Q. SPORTS COURTS.

1. Must meet the requirements for impervious surface and SETBACKS for principal STRUCTURES within the DISTRICT.
2. Courts may be no more than 3,000 square feet.
3. Indoor Sports Courts may also be permitted subject to the LOT being no less than five (5) acres and meet all applicable SETBACK and height requirements.

R. SWIMMING POOL. A SWIMMING POOL accessory to a Residential and Lodging USE is subject to the following USE regulations:

1. Unless the wall of the pool is at least 4 feet above the ground at all points, it shall be enclosed with a fence at least 4 feet and no greater than 6 feet in height or have a fence on top of the pool deck so that the combined height is at least 4 feet. The fence shall be locked, and any access steps or ladders shall be removed or rendered inoperative when the pool is unattended.
2. A SWIMMING POOL shall not involve any Commercial USE if it is an Accessory USE to a principal residential USE.
3. The design and CONSTRUCTION of all SWIMMING POOLS shall be in accordance with the UCC.
4. A SWIMMING POOL must be placed behind the PRINCIPAL BUILDING. In the case of a CORNER LOT, a SWIMMING POOL must not be placed closer to the secondary STREET than the PRINCIPAL BUILDING. A contiguous pool patio that is concrete, pavers, bricks, or other hard impervious non-combustible material that is flush with the surrounding grade shall not be required to meet PRINCIPAL BUILDING SETBACKS.

S. WAREHOUSE. The following USE regulations apply:

1. No storage of trash, garbage, refuse, highly explosive or flammable materials, hazardous or highly toxic substances, animals, animal carcasses, or similar items shall be permitted.
2. USES that would involve the entrance to the use of an average of more than 100 tractor-trailers per weekday are prohibited.
3. Additional requirements for OUTDOOR STORAGE apply.

Sec. 208.402 Principal Uses

A. ADULT DAY-CARE CENTER.

1. Parking for employees during peak shift shall be provided on SITE.
2. 24 hour operation of center is not permitted.
3. All required licensing must be in place prior to approval by the Township.

B. ADULT ORIENTED ESTABLISHMENT

1. ADULT-ORIENTED ESTABLISHMENTS shall comply with the requirements of Chapter 149 of the Marshall TOWNSHIP Code of Ordinances, Adult-Oriented Establishments, as amended, which are incorporated herein by reference.”.
2. All ADULT-ORIENTED ESTABLISHMENTS shall be a stand-alone USE situated on a LOT having a minimum area of one (1) acre.
3. 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.
4. 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) ASSEMBLY, NEIGHBORHOOD - 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 FACILITY 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.
5. The distance between any two ADULT-ORIENTED ESTABLISHMENTS shall be measured from property line to property line in a straight line, without regard to intervening STRUCTURES.
6. The distance between any adult-oriented ESTABLISHMENT and a land USE specified above, shall be measured in a straight line from property line to property 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.
7. 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.
8. SIGNS identifying an ADULT-ORIENTED ESTABLISHMENT shall conform to the provisions of Article 700 of this Chapter.
9. 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.
10. 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.

C. AGRICULTURE OPERATION

1. Farm BUILDINGS and STRUCTURES (other than dwellings), GREENHOUSES, and accessory STRUCTURES shall meet the requirements of ACCESSORY USES noted in Section 208.401.
2. To qualify as agricultural USE or for the production and keeping of FARM animals, the minimum LOT size shall be five (5) acres.
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 height regulations.
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.

D. ANIMAL DAYCARE & TRAINING. The following USE regulations apply:

1. All ANIMAL DAYCARE & TRAINING facilities shall be licensed by the Pennsylvania Department of Agriculture and shall be constructed and maintained in accordance with the Pennsylvania Code, Title 7, Chapter 21, as amended.
2. Overnight boarding is not permitted.
3. Outdoor play YARDS are permitted provided they are fully enclosed by a fence or wall. All such enclosures shall be set back a minimum of 150 feet from all LOT LINES.
4. The Applicant shall furnish evidence of effective means of animal and veterinary waste collection and disposal which shall be continuously implemented.

E. ASSEMBLY, GENERAL.

1. All exterior lighting shall be shielded from adjacent residentially zoned property with full cut off lighting.
2. All parking shall be screened from view of roadways and residentially zoned property.
3. LOADING AREAS shall be screened from view and located behind the BUILDING.
4. Areas for customer drop off and pick up shall be located outside of PARKING AREAS and wholly within the SITE.

F. ASSEMBLY, NEIGHBORHOOD.

1. All exterior lighting shall be shielded from adjacent residentially zoned property with full cut off lighting.
2. All parking shall be screened from view of roadways and residentially zoned property.
3. Facility may be no larger than 10,000 square feet in gross floor area including outdoor gathering areas.

G. AUTOMOBILE FUELING. The following USE regulations apply:

1. Proximity Restriction. No AUTOMOBILE FUELING USE shall be located within a 1,200-foot radius of another AUTOMOBILE FUELING USE.
2. Bathroom Facilities. At least 1 bathroom must be provided and open during regular business hours for customers.
3. A CONVENIENCE STORE may also be included as a secondary USE.

H. AUTOMOBILE SALES AND RENTAL.

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 percent 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: five 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 percent at the close of each business day.

I. AUTOMOBILE SERVICE. The following USE regulations apply:

1. USE Limitation. Repair and wash facilities for Vehicles that are not AUTOMOBILES are not permitted.
2. OUTDOOR STORAGE. Disabled or inoperable Vehicles and those awaiting pick-up may be stored outdoors under all the following conditions:
 - (a) No more than 6 vehicles are stored for no more than 7 DAYS each.
 - (b) The storage area is located in the Rear YARD and screened from view of the FRONT LOT LINE. The SCREENING shall be a minimum of 8 feet high and shall be a galvanized chain link fence with privacy slats.
 - (c) The storage area shall also be screened from adjacent USES through a continuous 4-foot-wide opaque evergreen planting located in the Side and Rear YARD. The planting shall be a minimum of 10 feet high at maturity.
 - (d) The vehicles must be stored in a legitimate PARKING SPACE, and not in the public right of way or in a part of the Lot not specifically designated as a PARKING SPACE.
3. All repairs or washing activities must occur inside a STRUCTURE.
4. Environmental Controls.
 - (a) All areas utilized to wash or clean vehicles shall include a water reclamation system for the purpose of recycling water to the maximum degree possible given the equipment to be used in conducting CAR WASH activities.
 - (b) Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
 - (c) A National Pollutant Discharge Elimination System (NPDES) permit from the Pennsylvania Department of Environmental Protection is required to discharge

wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.

(d) Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.

J. BED AND BREAKFAST ESTABLISHMENT. The following USE regulations apply:

1. The residential nature of the neighborhood or the character of the dwelling as a residence must not be altered.
2. The OWNER or operator of the BED AND BREAKFAST ESTABLISHMENT must reside on the same LOT as the BED AND BREAKFAST ESTABLISHMENT.
3. Kitchen facilities must comply with the requirements of the Allegheny County Health Department.
4. Access to guestrooms must be via a main entrance, lobby, or foyer within the BUILDING. No guestroom must have a separate exterior access, except as may be required by applicable fire or BUILDING codes.
5. No employees who are not otherwise eligible to be a member of the same household with the OWNER of the BED AND BREAKFAST may live On-SITE.
6. A BED AND BREAKFAST may have a SIGN in accordance with Article 700.
7. Off-STREET parking requirements must comply with the Parking and Loading Standards of the TOWNSHIP SUBDIVISION and LAND DEVELOPMENT Ordinance Chapter 174.

K. CAR WASH.

1. All automated washing facilities shall be in a completely enclosed BUILDING. 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 facility. 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 ($\frac{1}{4}$) 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 be considered an AUTOMOBILE SERVICES use and must meet all applicable requirements of AUTOMOBILE SERVICE.
7. Environmental Controls.
 - (a) All areas utilized to wash or clean vehicles shall include a water reclamation system for the purpose of recycling water to the maximum degree possible given the equipment to be used in conducting CAR WASH activities.
 - (b) Filtration of wastewater shall be conducted before discharge to a sanitary sewer system.
 - (c) A National Pollutant Discharge Elimination System (NPDES) permit from the

Pennsylvania Department of Environmental Protection is required to discharge wastewater directly into a surface water body or to a storm sewer that discharges to a surface water body.

- (d) Residual sludge shall be disposed of in accordance with the Pennsylvania Department of Environmental Protection requirements and standards.

L. CEMETERY. The following USE regulations apply:

1. The minimum LOT AREA for a new CEMETERY is 2 acres.
2. All STRUCTURES and graves must be SETBACK a minimum of 30 feet from all residential LOT LINES, 20 feet from any current or proposed STREET Right-of-Way, and 10 feet from the Cartway of an internal driveway.
3. No graves are permitted within the 100-YEAR FLOODPLAIN.
4. The Applicant must provide evidence that the USE will include an appropriate permanent system to ensure perpetual maintenance.

M. CHILD DAY-CARE CENTER.

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 one-quarter ($\frac{1}{4}$) of the required outdoor play space.

4. Within the Highway Commercial (HC) DISTRICT, a minimum visual buffer BUFFERYARD B (Section 174.319) 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 × 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.

N. COMMERCIAL GREENHOUSE, GARDEN CENTER OR PLANT NURSERY.

1. For COMMERCIAL GREENHOUSES and GARDEN CENTERS, the retail sales area for a GREENHOUSE shall not exceed twelve hundred (1,200) square feet. The interior growing area shall not be considered sales area.
2. All STRUCTURES, including those considered temporary like hoop houses, shall be reviewed and approved through the LAND DEVELOPMENT process.
3. OUTDOOR STORAGE of materials shall be located within the side or rear YARDS and located away from residential zoned districts.
4. SCREENING shall be achieved in accordance with Section 208.503.

O. COMMERCIAL EQUIPMENT AND SUPPLY.

1. This USE may include bulk sales and typically involves frequent commercial vehicle and consumer traffic.
2. OUTDOOR STORAGE is permitted as an Accessory USE subject to the provisions of Section 208.402.M
3. This includes such USES as those listed below (this is not an exhaustive list).
 - (a) Typical COMMERCIAL EQUIPMENT AND SUPPLY USES.
 - (b) Bottled Gas (such as propane) Sales and Supply
 - (c) Heating & Air Conditioning Supply, Sales, and Service
 - (d) BUILDING Materials, Hardware, and Lumber Supply Machine Sales and Rental
 - (e) Cabinet Supply (display only)

- (f) Electrical Supply
- (g) Plumbing Sales and Service
- (h) Farm Equipment and Supply Wholesale Trade

P. COMMUNITY GARDEN. The following USE regulations apply:

1. Operating Rules. Applicants must establish operating rules addressing the governance STRUCTURE of the COMMUNITY GARDEN, hours of operation, maintenance, assignment of garden plots when applicable, and security requirements.
2. Garden Coordinator. Applicants must identify a garden coordinator to manage the garden and act as the point of contact with the TOWNSHIP. The coordinator shall be an employee or volunteer of a public entity, non-profit organization, or other community-based organization. Applicants must file the name and telephone number of the garden coordinator and a copy of the operating rules with the Zoning Officer.

Q. CONSERVATION SUBDIVISION DESIGN

1. Purpose. It is the intent and purpose of this Section 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 2022 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 C of the SUBDIVISION and LAND DEVELOPMENT ORDINANCE:
 - (a) To conserve open land, including those AREAS containing unique and sensitive natural features such as WOODLAND, STEEP SLOPES, STREAMS, FLOODPLAINS and WETLANDS, by setting them aside from DEVELOPMENT;
 - (b) 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;
 - (c) To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of DEVELOPMENT on STEEP SLOPES;
 - (d) 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;

- (e) 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;
 - (f) To permit clustering of houses and STRUCTURES on less environmentally sensitive soils so as to reduce the amount of infrastructure,
 - (g) To implement adopted land USE, transportation, and community policies, as identified in the Marshall TOWNSHIP Comprehensive Plan;
 - (h) 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;
 - (i) To create neighborhoods with amenities in the form of neighborhood greenway, and with a strong neighborhood identity.
 - (j) 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;
 - (k) To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties; and
 - (l) 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.
 - (m) 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:
 - (i) Option One: Cluster Properties, providing for RESIDENTIAL USES at the DENSITY permitted as calculated per requirements included in Section 208.402.Q.5.
 - (ii) Option Two: COUNTRY LOT, providing for large LOTS at very low densities.
 - (n) CONSERVATION SUBDIVISION DESIGN shall be utilized for any major SUBDIVISION of at least 10 acres in area within the Conservation-Residential (CR) and Suburban Residential (SR) ZONING DISTRICTS; provided that Option Two, COUNTRY LOT, shall only be available to SUBDIVISIONS within the Conservation Residential DISTRICT.
 - (o) Exemptions: MINOR SUBDIVISIONS in which there are no new required STREETS shall be exempt from the provisions of this Section.
2. SUBDIVISION and LAND DEVELOPMENT Ordinance. All applications for a CONSERVATION SUBDIVISION shall be governed by standards and procedures stated within Article 400 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 provision of this Article shall prevail.

3. USES Permitted Within Conservation SUBDIVISIONS.

(a) Single-Family Configuration. This design configuration allows for single-family residential development on smaller LOTS with at least 40% of the adjusted TRACT area plus the total acreage of constrained land reserved for GREENWAY LAND per Section 208.402.Q.8.

(i) The following uses shall be permitted within this configuration:

(1) Single-FAMILY Detached DWELLING.

(2) GREENWAY LAND.

(3) AGRICULTURE.

(4) FORESTRY.

(5) OUTDOOR RECREATION AREAS.

(6) ESSENTIAL SERVICES.

(ii) 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 Section 208.218.

4. DENSITY Determination.

(a) DENSITY Factors: for purposes of calculating DENSITY under the Cluster Option, the following DENSITY factors shall be applied:

(i) Conservation Residential (CR) DISTRICT:

(1) Single-Family Configuration: 1.00

(ii) 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 B.

(i) Constrained land equals the sum of the following:

(1) 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;

(2) All land under existing private STREETS;

- (3) WETLANDS: multiply the acreage of designated WETLANDS by 0.9;
 - (4) Floodway: multiply the acreage within the floodway by 1.0;
 - (5) FLOODPLAINS: multiply the non-WETLAND portion of the 100-YEAR FLOODPLAIN by 0.25;
 - (6) STEEP SLOPES: multiply the acreage of land with natural ground slopes exceeding 25 percent by 0.70;
- (ii) 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.
 - (iii) 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.
 - (iv) 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 three (3) acres, calculated on the gross TRACT acreage.

5. Design Standards.

- (a) When laying out LOTS in accordance with the Four-Step Process set forth in Chapter 174, 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:
 - (i) From all external road RIGHTS-OF-WAY - 150 feet.
 - (ii) From all other TRACT boundaries - 50 feet.
 - (iii) From cropland or pasture land - 100 feet.
 - (iv) From active recreation AREAS such as courts or playing fields (not including tot-LOTS) - 150 feet.
- (c) Exterior Buffer.
 - (i) Views from existing public roadways shall be minimized by the USE of changes in topography, existing vegetation and buffering.
 - (ii) Where the proposed development adjoins an existing public roadway, public PARK or state game land, a natural conservation OPEN SPACE buffer shall be provided within the minimum required SETBACK, within which no new STRUCTURES or other improvements

shall be constructed, nor shall any clearing of trees or understory growth be permitted, except as may be necessary for STREET, trail or stormwater facility CONSTRUCTION or the removal of invasive plant species.

- (iii) Vegetative SCREENING shall be planted to encourage natural forest succession as specified in Section 208.503.
- (iv) The applicant shall undertake a scenic viewshed inventory and analysis to address the impact of new cluster option development on scenic resources.
 - (1) The scenic inventory shall include:
 - (i) Roadway viewshed and location of scenic resources that will be affected by development of the SITE.
 - (ii) Important view sight lines from the roadway that should remain open to the scenic resources.
 - (iii) Existing SCREENING that could be preserved or enhanced to better conceal new development such as tree rows, woodlots, mature landscaping plant masses, walls and fences, and existing BUILDINGS or STRUCTURES.
 - (iv) The SITE vicinity characteristics that are desirable to simulate, such as BUILDING architecture, CONSTRUCTION MATERIALS and color, and native vegetation.
 - (2) Based on the results of the inventory, the applicant shall determine:
 - (i) Areas outside of the viewshed where development is most appropriately located.
 - (ii) Critical visual areas from road viewpoints where vegetative SCREENING must be preserved and/or enhanced.
 - (iii) Less critical visual areas within the viewshed where development can be placed if the area outside of the viewshed is insufficient to accommodate the permitted development. These areas are to be located to the side of the critical views or behind existing or proposed SCREENING.

6. BUILDING Design Guidelines.

- (a) To ensure that cluster development reinforces a high quality of visual aesthetics, permanence and stability, the following guidelines apply to BUILDING exteriors in the Conservation Residential (CR) and Suburban Residential (SR) ZONING DISTRICTS:
 - (i) Walls on all sides of BUILDINGS should be finished in brick, stone, stucco or wood or fiber-cement siding.
- (b) LOTS shall generally be accessed from interior STREETS, rather than from roads bordering the TRACT.

7. In SUBDIVISIONS using the Single-Family Configuration Cluster Option, at least 50 percent of the LOTS shall abut or be across a STREET from GREENWAY LAND. Greenway Land Requirements for the Cluster Option, Permitted USES and Design Standards.

(a) GREENWAY LAND Requirements.

(i) Minimum Land Requirement for Greenways: The minimum amount of land required for greenways within a Cluster Conservation SUBDIVISION shall be a percentage as follows of the Adjusted TRACT Area determined in Section 208.402.Q.5.b of this Article, plus the total acreage of constrained land calculated in Section 208.402.Q.5.b.1. A worksheet for calculating the minimum amount of GREENWAY LAND is attached as Appendix B. The amount of acreage calculated under this section does not necessarily dictate the location of the GREENWAY LAND to be set aside.

(ii) Conservation Residential (CR) DISTRICT:

(1) Single-Family Configuration: 40 percent.

(iii) Suburban Residential (SR) DISTRICT: 40 percent.

(b) USES Permitted within Greenway AREAS. The following USES are permitted within GREENWAY LAND AREAS:

(i) Conservation of open land in its natural state (for example, WOODLAND preserve, game preserve, wildlife sanctuary, fallow field, or managed MEADOW);

(ii) 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;

(iii) Woodlots, arboreta, and other similar silvicultural USES;

(iv) 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.

(v) FORESTRY, in keeping with established best management practices for selective harvesting and sustained-yield FORESTRY.

(vi) 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.

(vii) Active non-commercial recreation AREAS, such as playing fields, playgrounds, courts, and bikeways, provided such AREAS do not consume more than 25 percent 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.

- (viii) Water supply systems and stormwater management facilities that are designed to infiltrate stormwater, blend in with the surrounding landscape, and serve as an amenity. Infiltration basins, rain gardens, vegetated SWALES, and constructed WETLANDS are examples of highly encouraged typologies for inclusion in GREENWAY AREA. These facilities should be incorporated into the design with trails, benches, overlooks, attractive fencing, and native vegetation. Where structural development or impervious surface associated with stormwater management facilities is unavoidable to SITE in the GREENWAY AREA in forms such as stormwater detention basins, spillways, and level spreaders, such features shall be screened from view to the maximum practicable extent with native vegetation.
 - (ix) EASEMENTS for DRAINAGE, access, sewer or water lines, or other public purposes;
 - (x) Underground utility RIGHTS-OF-WAY.
 - (xi) 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.
- (i) GREENWAY LAND shall be laid out in general accordance with the TOWNSHIP'S Green Corridor Network Map and Connectivity Map 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 Chapter 174 of the SUBDIVISION Ordinance.
 - (ii) 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.
 - (iii) Whenever possible, GREENWAY LAND within the Conservation SUBDIVISION should connect to existing or potential conservation AREAS on adjoining parcels. Where the Board determines a benefit to residents of the development in the form of trails or OPEN SPACE links, the applicant shall provide such linkages. In establishing the need for such linkages, the Board may consider implementation of the Comprehensive Plan and the Official Pedestrian Master Plan, trails integral to access public parks and impact on woodland and STREAM corridors.

(iv) 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, or owned by Marshall Township.

(d) Other Requirements.

(i) No portion of any BUILDING LOT may be used for meeting the minimum required GREENWAY LAND in the cluster option.

(ii) Pedestrian and maintenance access shall be provided to GREENWAY LAND in accordance with the following requirements:

(1) Each neighborhood shall provide one centrally located access point per 15 LOTS, a minimum of thirty-five (35) feet in width.

(2) Access to GREENWAY LAND used for AGRICULTURE may be appropriately restricted for public safety and to prevent interference with agricultural OPERATIONS.

R. CONVERSION OF SINGLE-FAMILY DWELLING TO MULTI-FAMILY DWELLING. The following USE regulations apply:

1. Minimum apartment size shall conform to the following scale:

(a) Number of bedrooms | usable living area

(i) 1-500 Square Feet

(ii) 2-650 Square Feet

(iii) 3-4-850 Square Feet

2. Only existing, single-family detached dwellings may be converted for conversion apartment USE.

3. A maximum of 4 units may be created by the conversion of a single-family detached STRUCTURE.

4. The BUILDING must maintain the appearance of a single-family detached Dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the STRUCTURE or the DWELLING UNITS may internally share the single front entrance.

5. The conversion is not permitted if it would require the placement of an exterior stairway on the front of the BUILDING.

6. Separate cooking and sanitary facilities must be provided for each DWELLING UNIT.

S. CONVERSION OF COMMERCIAL BUILDING TO MULTI-FAMILY DWELLING. The following USE regulations apply:

1. Minimum apartment size shall conform to the following scale:

(a) Number of Bedrooms | Usable Living Area

(i) 1 - 500 Square Feet

(ii) 2- 650 Square Feet

(iii) 3-4 850 Square Feet

2. Separate cooking and sanitary facilities must be provided for each DWELLING UNIT.

- T. DRIVE THROUGH FACILITY. The following USE regulations apply:
1. Lot Size. Lot sizes shall be large enough to efficiently and safely serve the operations of the Drive-Through Facility while accommodating all necessary elements of good and efficient site design of Vehicle Drive-Through Facilities.
 2. Number. No more than 1 Drive-Through Business may be permitted per Lot.
 3. Placement. SITES with multiple commercial BUILDINGS on the property, Drive- Through Facilities shall be located internal to the site away from corners, intersections of STREETS or from the STREET FRONTAGES, to reduce the visibility of vehicle drive-through traffic on the SITE from STREET view.
 4. SITE Access must meet all applicable TOWNSHIP standards.
 5. Parking.
 - (a) PARKING AREAS where possible shall avoid having pedestrians cross driveways or vehicle queuing lanes to enter the BUILDING.
 - (b) The PARKING AREAS shall not conflict with the ingress and egress of the vehicle queuing lanes. This can be achieved by locating the PARKING AREAS away from the vehicle queuing lanes or clearly delineating the PARKING AREAS with appropriate barriers and signage.
- U. FUNERAL HOMES AND MORTUARIES.
1. All State licensing must be provided to the Township.
 2. Entrances to the SITE should be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on any surrounding residential neighborhoods.
 3. All off-STREET PARKING SPACES and loading must be provided on-SITE.
 4. All rooms available for funerals and viewings shall be located within the PRINCIPAL BUILDING.
- V. COLLEGE/UNIVERSITY. A COLLEGE/UNIVERSITY shall be subject to the following requirements:
1. The SITE shall have frontage on and direct vehicular access to an arterial or collector STREET.
 2. Ingress, egress, and internal traffic circulation shall be designed to minimize hazards and congestion and provide for adequate emergency vehicle access.
 3. A traffic impact study is required and shall be reviewed and approved by the TOWNSHIP Traffic Engineer.
 4. Outdoor recreation facilities shall be located a minimum of 300 feet from any property line adjoining a single-family dwelling.
 5. The OWNER and OPERATOR of the COLLEGE/UNIVERSITY shall be responsible for the conduct and safety of the students, employees, visitors, faculty, and guests and shall be available to respond to inquiries and promptly resolve any issues caused by students, employees, visitors, faculty, and guests.
- W. HOTEL. The following USE regulations apply:
1. A private lobby shall be included.

2. Rooms shall be accessed from the interior of the BUILDING, including from interior courtyards, lobbies, or halls.
3. No hotel shall have a LOT AREA less than 1,000 square feet per sleeping unit and a minimum of 50,000 square feet.
4. Front, side, and rear YARDS of hotel shall be permanently landscaped and maintained in good condition.

X. HOSPITAL. The following USE regulations apply:

1. Minimum LOT AREA shall be 5 acres.
2. A traffic study shall be prepared by a professional engineer, in accordance with the traffic impact study requirements specified in the TOWNSHIP Subdivision and LAND DEVELOPMENT Ordinance (Chapter 174). The traffic study shall include the following additional traffic study elements and requirements for the institution.
3. The property shall front on an arterial road or major collector roadway.
4. The roadway network shall be sufficient to accommodate the predicted vehicular traffic and to ensure safe and efficient vehicular access for emergency management equipment.
5. Emergency entrances shall be located on a BUILDING Elevation which faces away from adjoining residences or Residential ZONING DISTRICTS or is set back a minimum of 500 feet from the residences or Residential ZONING DISTRICTS.
6. The institution shall submit a copy of its emergency operations plan (EOP) to the TOWNSHIP Emergency Management Agency or 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 compiles with State and Federal regulations.
7. Buffers and screens shall be in accordance with the Buffer Standards specified in Sec. 174.320.

Y. INDOOR SHOOTING RANGE

1. All shooting range facilities, including BUILDINGS, parking, firing range, and Safety Fan shall be set back a minimum of one hundred feet (100') from the property line and STREET right-of-way.
2. Sound abatement shields or barriers shall be installed on shooting ranges.
3. Adult supervision shall be provided for children under sixteen (16) years of age.
4. Shooting Range Operations.
 - (a) Shall not damage the health, safety or welfare of the TOWNSHIP or its residents and property owners.
 - (b) Shall comply with all applicable State and local laws, rules and regulations regarding the discharge of a firearm.
 - (c) Shall limit the storage of ammunition to only that utilized for each DAY'S activity, and in no event shall ammunition remain on the property for greater than twenty-four (24) hours. The storage of live ammunition may only occur indoors in an Area secured from general access unless the use is accessory to a permitted retail use.

- (d) Alcoholic beverages are prohibited.
- (e) Only targets mounted on target posts shall be permitted. No targets of any kind shall be set directly on the ground.

Z. KENNEL. The following USE regulations apply:

1. All animal boarding BUILDINGS that are not completely enclosed, and any outdoor animal Pens, stalls, or runways shall be located within the Rear YARD and screened from adjoining properties shall be a minimum of 150 feet from all LOT LINES.
2. All outdoor recreation areas shall be enclosed to prevent the escape of animals. All such enclosures shall be set back a minimum of 150 feet from all LOT LINES.
3. A BUFFERYARD Type A (Section 174.319) shall be required to be installed and maintained along all property boundary lines.
4. Licensure by the Commonwealth and ongoing compliance with all applicable laws, rules, and regulations established by the Commonwealth of Pennsylvania and the Allegheny County Health Department (including but not limited to those relating to maximum capacity, minimum space per animal, enclosure (cage) specifications, and NOISE and odor control requirements).
5. Appropriate provisions for the proper disposal of animal waste shall be demonstrated and maintained. Under no circumstances shall animal waste be placed into the public sewer system; best management practices shall be employed to provide for the removal and disposal of animal waste.

AA. LIBRARY/MUSEUM.

1. Lighting shall be directed away from exterior LOT LINES.
2. Access and parking shall be in accordance with the standards of the TOWNSHIP and designed to minimize impact to any adjacent residentially used property.

BB. MANUFACTURED HOME COMMUNITY.

1. MANUFACTURED HOME COMMUNITIES 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. MANUFACTURED HOME COMMUNITIES shall adhere to requirements of [INSERT RELEVANT SECTION] Conservation SUBDIVISION to determine the minimum area of greenway required for the DEVELOPMENT.
3. MANUFACTURED HOME COMMUNITIES shall only include MANUFACTURED 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 MANUFACTURED HOME COMMUNITY shall be in single and separate Ownership.
5. Any LOT to be used as a MANUFACTURED HOME COMMUNITY shall have a minimum size of twenty-five (25) acres.

6. Any SITE proposed for a MANUFACTURED HOME COMMUNITY 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 MANUFACTURED HOME COMMUNITY 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. The total number of LOTS in a MANUFACTURED HOME COMMUNITY shall not exceed a maximum density of eight (8) LOTS per acre.
9. The following YARD SETBACK and LOT AREA regulations shall apply to all individual MANUFACTURED HOME LOTS within the MANUFACTURED HOME COMMUNITY developed pursuant to this section.
 - (a) No MANUFACTURED HOME, auxiliary park BUILDINGS and other park STRUCTURES may be located closer than seventy-five (75) feet to any boundary of the MANUFACTURED HOME COMMUNITY regardless of whether that boundary abuts a LOT, water body, road or other RIGHT-OF-WAY.
 - (b) All individual MANUFACTURED HOME LOTS in a MANUFACTURED HOME COMMUNITY, regardless of tenure, shall have a minimum LOT size of five thousand (5,000) square feet.
 - (c) No individual MANUFACTURED HOME LOT shall be less than fifty (50) feet in width at the BUILDING SETBACK line.
 - (d) No individual MANUFACTURED HOME LOT shall be less than twenty-five (25) feet in width at the RIGHT-OF-WAY line or the edge of the pavement of a private STREET, measured fifty (50) feet from the center line of a public or private STREET or RIGHT-OF-WAY, as applicable.
 - (e) The maximum coverage of any individual MANUFACTURED HOME LOT by all primary and ACCESSORY BUILDINGS and STRUCTURES, including covered patios or decks, shall not exceed forty percent (40%).
10. Minimum STRUCTURE SETBACKS:
 - (a) FRONT YARD - In no case shall the long side of a MANUFACTURED HOME be located closer than thirty (30) feet from the edge of the STREET RIGHT-OF-WAY; provided, however, that the short side (ends of unit) of a MANUFACTURED HOME may be located no closer to the STREET RIGHT-OF-WAY than twenty-five (25) feet.
 - (b) No more than six (6) MANUFACTURED HOMES in a row shall have the same SETBACK distance; where varied SETBACKS are implemented, the difference shall be at least four (4) feet.
 - (c) Side and REAR YARDS - No MANUFACTURED HOME or ACCESSORY BUILDING may be located closer than ten (10) feet to any side or REAR LOT LINE of an individual MANUFACTURED HOME LOT.
 - (d) Distance Between STRUCTURES - MANUFACTURED 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 (20) feet; provided, however, that whenever two MANUFACTURED 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 MANUFACTURED HOMES shall be thirty (30) feet.

CC. 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 HOSPITAL, or public PARK, as measured from the subject SITE'S property line to the nearest property line of the residence(s), SCHOOL, CHILD CARE FACILITY, HOSPITAL or PARK.
3. All vehicles on-SITE need to be in operable condition.
4. The SITE shall be developed with permanent BUILDINGS. No trailers or temporary modular UNITS are permitted.
5. Service bays shall be designed or oriented so as to not to be readily visible from the public RIGHT-OF-WAY.

DD. MEDICAL MARIJUANA DISPENSARY is subject to all of the following regulations in addition to the area, bulk and other standards generally applicable to uses in the underlying zoning district:

1. A MEDICAL MARIJUANA DISPENSARY shall only dispense MEDICAL MARIJUANA in an indoor, enclosed, secure facility.
2. A MEDICAL MARIJUANA DISPENSARY shall not:
 - (a) Have a drive-through service;
 - (b) Have an outdoor seating area;
 - (c) Have outdoor vending machines;
 - (d) Permit the administering of or consumption of MEDICAL MARIJUANA on the premises;
 - (e) Offer home delivery service.
3. A MEDICAL MARIJUANA DISPENSARY may not operate on the same LOT as a MEDICAL MARIJUANA GROWER/PROCESSOR.
4. A MEDICAL MARIJUANA DISPENSARY shall not be located within one thousand (1,000) feet of the property line of an SCHOOL, SCHOOL (SMALL), CHILD DAY CARE FACILITY.
5. A MEDICAL MARIJUANA DISPENSARY may sell medical devices and instruments that are needed to administer MEDICAL MARIJUANA, or any service approved by the Pennsylvania Department of Health related to the use of MEDICAL MARIJUANA.
6. The owner or operator of a MEDICAL MARIJUANA DISPENSARY shall provide the Township with a copy of a permit from the Pennsylvania Department of Health permitting the sale of MEDICAL MARIJUANA at the time of application.

EE. MEDICAL MARIJUANA GROWER/PROCESSOR is subject to all of the following regulations in addition to the area, bulk and other standards generally applicable to uses in the underlying zoning district:

1. A MEDICAL MARIJUANA GROWER/PROCESSOR shall only operate in an indoor, enclosed, and secure building, and shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
2. A MEDICAL MARIJUANA GROWER/PROCESSOR shall not emit dust, fumes, vapors or waste

into the environment.

3. MEDICAL MARIJUANA remnants and byproducts shall be secured and properly disposed of in accordance with the policies of the Pennsylvania Department of Health and shall not be placed in any unsecured exterior refuse containers.
4. A MEDICAL MARIJUANA GROWER/PROCESSOR shall not operate on the same LOT as a MEDICAL MARIJUANA DISPENSARY.

FF. MEDICAL CLINIC.

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) 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.

GG. MICROBREWERY, MICRODISTILLERY, MICROWINERY.

1. It may include a restaurant (i.e., Eating Place), tasting room, and retail space to sell the product on SITE. "Nanobreweries" shall be included under this definition. The MICROBREWERY, MICRODISTILLERY, MICROWINERY must be licensed by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth and that license provided to the Township
2. If additional uses are proposed beyond the MICROBREWERY, MICRODISTILLERY, MICROWINERY then additional parking, lighting and noise standards will apply.

HH. MULTI-FAMILY DWELLINGS, (including TWO-FAMILY DWELLINGS, Single-FAMILY Attached, 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 section 208.207, unless otherwise specified.
 - (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 thirty-two (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) In no instance shall off-STREET PARKING AREAS be the focal point for design.
2. OPEN SPACE and Recreation Area Requirements for Multi-FAMILY DEVELOPMENTS over five (5) acres in size, for non-conservation SUBDIVISIONS.
 - (a) A minimum of twenty-five percent (25%) of the total Gross site area 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 Sec. 208.500 Site Capacity Analysis of the TOWNSHIP Zoning Ordinance shall be utilized to determine DENSITY and conservation areas.
 - (b) A minimum of ten percent of the gross site area 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.
 - (c) 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.
 - (d) 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.
 - (e) 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;
3. BUILDING Design Standards:
 - (a) BUILDING Mass and Form.

- (b) 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.
 - (c) 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 (50) linear feet, wall and roof planes shall contain offsets or SETBACKS with a differential in horizontal plane of at least four (4) feet. (See Figure 1.)
 - (d) The façades of single-FAMILY attached townhomes should be articulated to differentiate individual UNITS.
4. Architectural Detail: Style, Roof Form, BUILDING Facades, Entries, and Windows.
- (a) 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.
 - (b) Articulated BUILDING Fronts and rears. The Fronts and rears of BUILDINGS shall be articulated through the USE of bay windows, insets, balconies, porches, or stoops related to entrances and windows.
 - (c) Windows.
 - (i) All multi-FAMILY BUILDING elevations shall contain windows, except when necessary to assure privacy for adjacent property OWNERS.
5. BUILDING Materials.
- (a) 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 BUILDING elevations, for all sides of the BUILDING, that specify the BUILDING and roof materials and the colors to be used. These are to be included in the plan set submitted to the TOWNSHIP for approval.
 - (c) Design Guidelines and Standards.
 - (i) Brick or stone to grade foundations shall be required for all multi-FAMILY BUILDINGS.
 - (ii) 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.

II. MUNICIPAL BUILDINGS AND FACILITIES and STATE AND FEDERAL BUILDINGS AND FACILITIES.

- 1. The storage of maintenance vehicles and related apparatuses shall be within wholly enclosed BUILDINGS in the CR and SR ZONING DISTRICTS.

2. All off-STREET parking shall be provided in accordance with Sec. 208.501 and the following requirement:
 - (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 (25) feet from the STREET RIGHT-OF-WAY.

JJ. NATURAL GAS PROCESSING PLANTS and NATURAL GAS COMPRESSOR STATIONS

1. In addition to the applicable requirements found in Section 208.804 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.
2. 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.
3. 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.
4. Applicant shall meet all other conditions and criteria set forth in the Zoning Ordinance for the OSPC DISTRICT.

KK. OIL AND GAS EXTRACTION.

1. 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 following standards for review shall be applied when considering an application for OIL AND GAS EXTRACTION.
2. 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.
3. 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.

4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. WELL OPERATOR shall take the necessary safeguards to ensure that effective dust control measures are in place.
10. 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.
11. 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.

12. 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.

13. 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.

14. 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.
15. 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").
16. 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.
17. 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.

18. 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.

19. All EXTRACTION shall be conducted in such a manner to minimize NOISE, vibration and noxious odors as prescribed in Section 208.504 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.

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

21. 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.

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

LL. ASSISTED CARE NURSING FACILITY.

1. LOT AREA: A minimum LOT size of two 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.

MM. PARKING STRUCTURE. The following USE regulations apply:

1. CORNER LOT. A CORNER LOT shall not be used solely for parking.

2. Adjacent Parking Facilities. Two principal parking facilities shall not be located directly adjacent to one another, except for a new structured PARKING FACILITY replacing an existing parking Lot.

3. Design. A parking STRUCTURE must be designed to be convertible to other uses including office, retail, and residential uses.

NN. PUBLIC UTILITIES STRUCTURES. The following USE regulations apply:

1. Front, Side, and Rear Setbacks shall be provided in accordance with the regulations of the DISTRICT in which the facility is located.
2. Housed Equipment.
 - (a) Height shall be a maximum of 15'.
 - (b) The external design of the BUILDING or STRUCTURE shall be in conformity with design standards of the DISTRICT in which it is located.
3. Unhoused Equipment.
 - (a) When the equipment is not enclosed within a BUILDING, it must be screened by a fence and landscaping.
 - (b) The fence must be 6 feet high.
 - (c) The access gate in the fence must have at least 50% opacity.
 - (d) The landscaping must be evergreen and in accordance with the TOWNSHIP's recommended species and planting specifications (Appendix A).

OO. RECREATION FACILITY.

- (a) Activities and improvements associated with a RECREATION FACILITY include:
 - (b) Amphitheatres/outdoor theaters;
 - (c) Indoor/outdoor SWIMMING POOLS;
 - (d) Indoor/outdoor skating rinks;
 - (e) Any other recreation facilities;
2. Gaming enterprises and/or racetracks shall not be considered recreation facilities.

PP. RESEARCH TESTING FACILITY

1. May be permitted in certain districts as a CONDITIONAL USE.
2. Frontage setback shall be increased to 150 ft.

QQ. SCHOOL.

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:
 - (c) FRONT YARD — fifty (50) feet.
 - (d) SIDE YARD — fifty (50) feet.
 - (e) REAR YARD — fifty (50) feet.
 - (f) Minimum LOT WIDTH — one hundred (100) feet.
 - (g) Maximum IMPERVIOUS SURFACE RATIO — seventy percent (70%).

2. All off-STREET parking shall be set back at least twenty-five (25) feet and screened from adjoining property lines.
3. Outdoor play AREAS shall be located in the rear or SIDE YARDS at a minimum of fifty (50) feet from side and rear property lines. When within the CS or SR DISTRICT outdoor play AREAS shall be buffered in accordance with BUFFERYARD B Sec. 174.319, 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.

RR. SCHOOL, SMALL. the requirements of this subsection shall apply:

- (a) The minimum LOT area shall be twenty thousand (20,000) square feet.
- (b) The building shall be a minimum of one thousand five hundred (1,500) square feet.
- (c) SCHOOL (SMALL) shall only accommodate grades Kindergarten through 6th grades and shall be permitted a maximum of twenty-five (25) students.
- (d) SCHOOL (SMALL) shall have and meet all licensing and permitting requirements of the Commonwealth applicable to and required for the operation of a SCHOOL.
- (e) SCHOOL (SMALL) must conform to the BULK and AREA regulations of the ZONING DISTRICT in which it is located.
- (f) SCHOOL (SMALL) shall not be located in a residential subdivision.
- (g) The required number of off-STREET PARKING SPACES shall be one (1) for each faculty member plus one (1) for every three (3) students. No off-STREET PARKING SPACES shall be located within the SETBACK from an adjoining LOT containing a single-family dwelling.
- (h) The maximum length of a vehicle used to drop-off and pick-up students at a SCHOOL (SMALL) shall be twenty-two and one-half (22.5) feet.
- (i) The Applicant shall provide a circulation plan for the drop-off and pick-up of students from the SCHOOL (SMALL). The circulation plan shall be arranged so that students do not have to cross traffic lanes on or adjacent to the site. At no time shall students be released from a vehicle in the public RIGHT-OF-WAY. The Applicant shall provide sufficient stacking of vehicles on the property so as to avoid any car stacking in the public RIGHT-OF-WAY.
- (j) Outdoor play areas shall be located in the SIDE and REAR YARDS only. The outdoor play area shall be buffered in accordance with BUFFER YARD B when abutting a residential use. In no instance shall an OFF-STREET PARKING LOT be used as an outdoor play area. 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.
- (k) Hours of operation shall be limited to 8:00 a.m.—4:00 p.m., Monday—Friday, unless the BOARD OF SUPERVISORS establishes more or less restrictive hours of operation as a condition of approval.

2. Signage shall be permitted as per the ZONING DISTRICT in which the SCHOOL (SMALL) is located.

SS. SELF-STORAGE FACILITY. The following USE regulations apply:

1. Minimum LOT AREA must be a minimum of 1 acre.
2. Access. Ingress or egress shall be from an arterial or collector STREET. A marginal access STREET shall be provided if its use will reduce the number of CURB CUTS on the arterial or collector STREET as determined by TOWNSHIP Council.
3. BUILDING Placement and Design.
 - (a) BUILDING separation front: 28 feet minimum for units less than 15 feet in depth and 42 feet minimum for units 15 feet or more in depth.
 - (b) BUILDING separation rear: 20 feet.
 - (c) Maximum length of BUILDING: 200 feet.
 - (d) Maximum facility unit size: 14 feet wide, 40 feet deep, and one STORY (15 feet) in Height. If units are placed back-to-back, the maximum width of the BUILDING shall not exceed 40 feet.
 - (e) BUILDINGS shall be designed and located so that overhead doors and the interior driveways within such facilities are not visible from the adjacent public Right-of-Way. This provision does not apply to overhead doors that are within an enclosed self-storage BUILDING and that are visible only through windows of the BUILDING.
 - (f) No door openings for any storage unit shall be visible at ground level from any Lot in a Residential ZONING DISTRICT.
 - (g) Office space may be provided which does not exceed 5% of the net site area.
 - (h) The design of personal storage facilities shall be by a Pennsylvania registered architect.
4. Driveway Design.
 - (a) Minimum driveway width: 24 feet.
 - (b) Interior drive aisle widths must be a minimum of 25 feet.
 - (c) All driveways shall be paved with an impervious surface.
5. Landscaping and Buffering.
 - (a) A landscaping plan shall be submitted with the site plan showing the SITE's BUFFER PLANTING STRIP Area in accordance with the Sustainable Landscaping standards in Chapter 174 Subdivision and Land Development Ordinance. A BUFFER PLANTING STRIP shall exist around the entire perimeter of the site.
 - (b) 6-foot-high fences shall be placed around the perimeter of the SITE inside of the Buffer Area.
 - (c) All fences or walls visible from the public Right-of-Way shall be constructed of decorative BUILDING materials such as slump stone masonry, concrete block, wrought iron, or other similar materials.
6. A fire hydrant shall be provided on SITE, with its location to be determined by the TOWNSHIP.
7. The following USES are prohibited and all Self-Storage Facilities' rental or use contracts must

specifically prohibit the same:

- (a) Residential USE or occupancy, except for a caretaker who may reside on a portion of the personal storage SITE.
- (b) Storage outside of the BUILDING.
- (c) Water or sanitary sewer service in the personal storage units.
- (d) Bulk storage of flammable, combustible, explosive, or Hazardous Materials. Nothing in this Section is meant to prohibit the storage of motor vehicles, motor craft, or equipment that contain a normal supply of such fuels for their operation.
- (e) Repair, CONSTRUCTION, Reconstruction, or fabrication of any item, including but not limited to, any boats, engines, motor vehicles, lawn mowers, appliances, bicycles, or furniture.
- (f) Auctions, except as provided for the in Self-Service Storage Facilities Act (Act of Dec. 20, 1982, P.L. 1404, No. 325), commercial wholesale or retail sales not related to the storage activity on the PREMISES or garage sales. Retail sales of supplies associated with the rental of storage units or rental of vehicles shall be permitted, such as boxes, packing tape, locks, and similar items.
- (g) The operation of power tools, spray-painting equipment, compressors, welding equipment, kilns, or other similar tools or equipment.
- (h) Any business activity within the storage units.

- 8. On-Site management shall be provided for a minimum of 20 hours per week, during the hours of 8:00 AM and 7:00 PM. Contact information for management during the remaining hours of the DAY must be prominently posted on the PREMISES.

TT. PERSONAL SERVICE ESTABLISHMENT. The following USE regulations apply:

- 1. USES may operate no earlier than 6 AM and no later than 10 PM, except for the following USES, which may be open 24 hours: fitness club, athletic club, dance studio, yoga studio and gym; mailing and delivery services; photocopying and printing; and veterinary services/animal hospital (no outdoor Kennels).

UU. Traditional Neighborhood Development

- 1. Purpose. The purpose of this Article is to allow the optional DEVELOPMENT and redevelopment of land in Marshall TOWNSHIP consistent with the design principles of traditional neighborhoods.
- 2. 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 BUSINESSES, 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.

3. 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 16 Units 16 UNITS per gross acre.
 - (c) All TRADITIONAL NEIGHBORHOOD DEVELOPMENT shall follow the CONDITIONAL USE and LAND DEVELOPMENT procedures established in this Article.
 - (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.
4. General Design Standards and Provisions.
 - (a) USE.
 - (i) The entire land area of the TND shall be divided into BLOCKS, STREETS and LOTS.
 - (ii) 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.
 - (iii) Large-scale, single USE (conference SPACES, theaters, athletic facilities, etc.) shall occur behind or above habitable STREET front space.
 - (iv) Any USE listed as a permitted or CONDITIONAL USE within the underlying ZONING DISTRICT (TC or RB) in Section 208.216 shall be considered a permitted USE within a TND. All provisions in Section 208.804 CONDITIONAL USES shall be complied with for those USES listed as CONDITIONAL USES within Section 208.216. ACCESSORY USES within a TND shall be governed by Section 208.218.
 - (v) A minimum of ten percent and a maximum of 50 percent of the gross land area of the TRADITIONAL NEIGHBORHOOD DEVELOPMENT shall be designated for business USE in the Town Center (TC) DISTRICT.
 - (vi) A minimum of 50 percent and a maximum of 75 percent of the gross land area of the TRADITIONAL NEIGHBORHOOD DEVELOPMENT shall be designated for business USE in the Route 19 Boulevard (RB) DISTRICT.
 - (vii) For the purposes of determining the permitted percentage land allocated to business USES detailed in this section, mixed USE BUILDINGS shall be prorated based upon the total percentage of floor area allocated to business USE and RESIDENTIAL USE.
 - (viii) All USES shall be conducted within complete enclosed BUILDINGS unless otherwise specified.

- (ix) FENCES and Walls shall adhere to the provisions of this Section, unless otherwise specified in this section.
- (b) LOTS and BUILDINGS.
 - (i) All LOTS shall share a FRONT LOT LINE with a STREET..
 - (ii) 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.
 - (iii) All BUILDINGS shall have their main entrance fronting the STREET.
 - (iv) SETBACKS for dwellings shall not include front PORCHES that project less than six (6') feet in width beyond the front SETBACK.
- (c) STREETS.
 - (i) STREETS shall provide access to all TRACTS and LOTS.
 - (ii) All STREETS shall terminate at other STREETS within the neighborhood and connect to existing and projected through STREETS outside the DEVELOPMENT.
 - (iii) The average perimeter of all BLOCKS within the TND shall not exceed 1,600 feet.
- (d) Parking.
 - (i) Minimum parking requirements for USES within a TND shall be 90 percent of the minimum parking requirement for that USE as indicated in Section 208.501 of this Article. Maximum parking permitted for that USE shall be 110 percent of the minimum parking requirements as indicated in Section 208.501.
 - (ii) On-STREET parking along the frontage of the USE shall count towards the required minimum PARKING SPACES required for that USE.
 - (iii) 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 Section 208.503.
 - (iv) 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 20 feet. These requirements do not apply to FRONTAGES on Northgate Drive.
 - (v) Adjacent PARKING LOTS shall have vehicular connections via an ALLEY or internally.
 - (vi) All PARKING LOTS shall conform to the design standards contained in Section 208.501 and 208.503 of this Chapter.
- (e) Landscaping and STREET TREES. Requirements for landscaping and STREET TREES shall be governed by Section 208.210 for TRADITIONAL NEIGHBORHOOD DEVELOPMENTS located within the TC DISTRICT, and Section 208.211 for TRADITIONAL NEIGHBORHOOD DEVELOPMENTS located within the RB DISTRICT.
- 5. Single FAMILY DWELLING Design Standards and Provisions.
 - (a) USE.
 - (i) Land designated for single FAMILY USE shall contain BUILDINGS for RESIDENTIAL USES,

- (ii) An ACCESSORY BUILDING is permitted on each LOT.
 - (b) LOTS and BUILDINGS.
 - (i) BUILDINGS on single FAMILY LOTS shall be SETBACK between ten (10) and twenty-five (25) feet from the RIGHT-OF-WAY line. If a driveway and /or a garage is proposed for the BUILDING or DWELLING a minimum setback of twenty-five (25') is required.
 - (ii) BUILDINGS on CORNER LOTS shall be SETBACK between ten and 20 feet from the RIGHT-OF-WAY LINE from each STREET. If a driveway and /or a garage is proposed for the BUILDING or DWELLING a minimum setback of twenty-five (25') is required.
 - (iii) BUILDINGS on single FAMILY LOTS shall be SETBACK from the SIDE LOT LINES equivalent to no less than 20 percent of the width of the LOT. The entire SETBACK may be allocated to one side. If a driveway and /or a garage is proposed for the BUILDING or DWELLING a minimum setback of twenty-five (25') is required.
 - (iv) BUILDINGS on single FAMILY LOTS shall be SETBACK no less than ten feet from the REAR LOT LINE.
 - (v) BUILDINGS on single FAMILY LOTS shall cover no more than 40 percent of the LOT AREA.
 - (vi) BUILDING HEIGHT shall be between 20 and 40 feet.
 - (c) STREETS.
 - (i) The following public improvements shall be required for all STREETS: Two ten (10) foot wide travel lanes, two five (5) foot wide planting STRIPS for STREET TREES, and two five (5) foot wide concrete sidewalks.
6. Attached MULTI-FAMILY DWELLING Design Standards and Provisions.
- (a) USE.
 - (i) Land designated for multi-FAMILY USE shall contain BUILDINGS for RESIDENTIAL USE.
 - (ii) An ACCESSORY BUILDING is permitted on each LOT.
 - (b) LOTS and BUILDINGS.
 - (i) BUILDINGS shall be SETBACK between zero and 15 feet from the RIGHT-OF-WAY line. If a driveway and /or a garage is proposed for the BUILDING or DWELLING a minimum setback of twenty-five (25') is required.
 - (ii) BUILDINGS at STREET intersections shall be SETBACK from ten to 15 feet from both STREET RIGHT-OF-WAY LINES. If a driveway and /or a garage is proposed for the BUILDING or DWELLING a minimum setback of twenty-five (25') is required.
 - (iii) BUILDINGS shall have a ten (10) foot SETBACK from SIDE LOT LINES.
 - (iv) BUILDINGS shall cover no more than 50 percent of the LOT AREA.
 - (v) BUILDING HEIGHT shall be between 25 and 50 feet.
 - (vi) Maximum IMPERVIOUS SURFACE RATIO: 70 percent.
 - (c) STREETS.
 - (i) The following public improvements are required for STREETS. Two (10) foot wide paved travel lanes, one eight (8) foot wide paved parking lane, two five (5) foot wide planting STRIPS for STREET TREES and STREET lights and two five (5) foot wide

concrete sidewalks.

7. Residential Mixed-Use BUILDING Design Standards and Provisions.

(a) USE.

- (i) Land designated as residential mixed-use BUILDING USE shall contain residential and commercial USES.
- (ii) At least 33 percent of the GROSS FLOOR AREA all be designated for RESIDENTIAL USE.
- (iii) RESIDENTIAL USES are not permitted on the ground floors of mixed-use BUILDINGS.

(b) LOTS and BUILDINGS.

- (i) BUILDINGS on residential mixed-use BUILDING LOTS shall have a SETBACK of zero to 25 feet from the front RIGHT-OF-WAY line. The SETBACK for CORNER LOTS shall be between 10 and 25 feet. If a driveway and /or a garage is proposed for the BUILDING or DWELLING a minimum setback of twenty-five (25') is required.
- (ii) The SETBACK for CORNER LOTS shall be between 10 and 25 feet. If a driveway and /or a garage is proposed for the BUILDING or DWELLING a minimum setback of twenty-five (25') is required.
- (iii) BUILDINGS on residential mixed-use BUILDING LOTS shall have no SETBACK from at least one SIDE LOT LINE.
- (iv) BUILDINGS on residential mixed-use BUILDING LOTS shall cover no more than 60 percent of the LOT AREA.
- (v) BUILDING HEIGHT shall be between 25 and 50 feet.
- (vi) Maximum IMPERVIOUS SURFACE RATIO: 75 percent.

(c) STREETS.

- (i) The following public improvements shall be required for STREETS: Two ten (10) foot wide paved travel lanes, two eight (8) foot wide paved parking lanes, two five (5) foot wide planting STRIPS for STREET TREES and lighting, and two six foot (6) foot wide concrete sidewalks.

8. NON-RESIDENTIAL BUILDING Design Standards and Provisions.

(a) LOTS and BUILDINGS.

- (i) Land designated for NON-RESIDENTIAL BUILDINGS shall be between ten (10) and twenty-five (25) feet on side and FRONT LOT LINES, except for CORNER LOTS where a minimum front SETBACK of ten to 25 feet shall be required for both FRONTAGES.
- (ii) NON-RESIDENTIAL BUILDINGS shall not cover more than 65 percent of the LOT AREA.
- (iii) Maximum IMPERVIOUS SURFACE RATIO 80%.

(b) STREETS.

- (i) The following public improvements shall be required for STREETS: Two nine (9) foot wide paved travel lanes, two eight (8) foot wide paved parking lanes, two five (5) foot wide planting STRIPS for STREET TREES and lighting, and two six foot (6) foot wide concrete sidewalks.

9. Architectural Standards and Signage.

(a) BUILDING Materials/Colors/BUILDING Roof Treatment.

- (i) BUILDING Exterior wall materials not permitted include:
 - (ii) Large split face BLOCKS (e.g., 8" × 16" or greater).
 - (iii) Tilt-up concrete panels.
 - (iv) Prefabricated steel panels.
 - (v) Standard Concrete Masonry UNITS (CMU).
 - (vi) Comparable materials may be approved by the BOARD OF SUPERVISORS.
- (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:
- (i) Parapets concealing flat roofs and rooftop equipment.
 - (ii) Overhanging eaves.
 - (iii) Sloped roofs.
 - (iv) GREEN ROOFS.
10. BUILDING Mechanicals.
- (a) 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.
11. 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.
12. BUILDING Orientation.
- (a) 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.
 - (b) 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.

- (c) 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.
13. Signage shall be regulated as set forth in Article 700.
14. OPEN SPACE Requirements.
- (a) A minimum of ten percent 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.
 - (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 Subsection 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.
15. DEVELOPMENT in Stages.
- (a) A DEVELOPER may construct a TND in stages if the following criteria are met:
 - (b) 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 Chapter.
 - (c) At least 15 percent of the DWELLING UNITS in the plan given preliminary approval are included in all but the final stage.
 - (d) 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.
 - (e) 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.
 - (f) 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.

16. 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:
- (c) 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.
- (d) Architectural renderings and elevations shall be required and include sufficient detail to articulate the design standards listed above. These renderings, once approved, will become 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.
- (e) Elevations and renderings prepared by an Architect shall be provided for all proposed BUILDINGS, STRUCTURES, and DWELLINGS.
- (f) 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.

VV. WIRELESS COMMUNICATIONS FACILITY.

- 1. Purposes. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of WIRELESS COMMUNICATIONS FACILITIES in the TOWNSHIP. While the TOWNSHIP recognizes the importance of WIRELESS COMMUNICATIONS FACILITIES in providing high- quality communications service to its residents and businesses, the TOWNSHIP also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.

2. By enacting these provisions, the TOWNSHIP intends to:
 - (a) Accommodate the need for WIRELESS COMMUNICATIONS FACILITIES while regulating their location and number so as to ensure the provision for necessary services;
 - (b) Provide for the managed development of WIRELESS COMMUNICATIONS FACILITIES in a manner that enhances the benefits of WIRELESS communication and accommodates the needs of both TOWNSHIP residents and WIRELESS carriers in accordance with federal and state laws and regulations;
 - (c) Establish procedures for the design, siting, CONSTRUCTION, installation, maintenance and removal of WIRELESS COMMUNICATIONS FACILITIES in the TOWNSHIP, including facilities both inside and outside the RIGHT-OF-WAY;
 - (d) Address new WIRELESS technologies, including, but not limited to, SMALL WIRELESS COMMUNICATIONS FACILITIES, distributed ANTENNA systems, data collection units, and other WIRELESS COMMUNICATIONS FACILITIES;
 - (e) Minimize the adverse visual effects and the number of such facilities through proper design, siting, SCREENING, material, color and finish and by requiring that competing providers of WIRELESS communications services COLLOCATE their commercial communications ANTENNAS and related facilities on existing towers; and
 - (f) Promote the health, safety and welfare of the TOWNSHIP's residents.

3. General requirements for all WIRELESS COMMUNICATIONS FACILITIES. The following regulations shall apply to all WIRELESS COMMUNICATIONS FACILITIES located within the TOWNSHIP:
 - (a) Noncommercial usage exemption. TOWNSHIP citizens utilizing satellite dishes and ANTENNAS for the purpose of maintaining television, phone and/or Internet connections at their respective residences shall be exempt from the design regulations enumerated in this Chapter.

 - (b) Standard of care.
 - (i) All WCFs shall meet or exceed all applicable standards and provisions of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate WIRELESS COMMUNICATIONS FACILITIES, the latest National Electrical Safety Code (NESC), American National Standards Institute (ANSI) Code, and the structural standards of the American Association of State Highway and Transportation Officials or any other industry standard applicable to the STRUCTURE. In case of conflict, the most stringent requirements shall prevail. All necessary certifications shall be obtained by the WCF APPLICANT and provided to the TOWNSHIP.

- (ii) If such standards or regulations are changed, the OWNER of the WCF shall bring such WCF into compliance with the revised standards within six (6) months of the effective date of such standards or regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring such WCFs into compliance shall constitute grounds for the removal of the WCF at the OWNER's expense.
- (iii) The WCF APPLICANT shall submit proof of compliance with all applicable federal and state standards, including, but not limited to those established by the Federal Communications Commission, as part of any complete WCF application.
- (c) Wind and ice. All WCFs shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the STRUCTURE.
- (d) Aviation safety. WCFs shall comply with all federal and state laws and regulations concerning aviation safety.
- (e) Public safety communications. No WCF shall interfere with public safety communications, or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (f) SIGNS. All WCFs shall post a SIGN in a readily visible location identifying the name and phone number of a party to contact in the event of an EMERGENCY. The only other signage permitted on the WCF shall be those required by the FCC or any other federal or state agency.
- (g) Graffiti. Any graffiti on a WCF, including the WIRELESS SUPPORT STRUCTURE and any RELATED EQUIPMENT, shall be removed at the sole expense of the OWNER within ten (10) calendar DAYS of notification by the TOWNSHIP.
- (h) Radio frequency emissions. No WCF may, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (i) Permit fees. The TOWNSHIP may assess appropriate and reasonable permit fees directly related to the TOWNSHIP's actual costs in reviewing and processing an

application for approval of a WCF, as well as related inspection, monitoring and related costs.

- (j) Recertification. The OWNER of a WCF shall submit documentation certifying that the WCF is in operation and remains in compliance with all applicable requirements every five (5) years after issuance of the initial permits for the WCF. If the TOWNSHIP determines that the WCF remains in compliance with all applicable regulations, the WCF permit shall be renewed. If a WCF permit is not renewed as required, the WCF shall be deemed abandoned and may be removed in accordance with the requirements of this Section 208.504.

- (k) Indemnification. Each PERSON that owns or operates a WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the TOWNSHIP, its elected and appointed officials, employees and agents at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the PERSON, its officers, agents, employees or contractors arising out of, but not limited to, the CONSTRUCTION, installation, operation, maintenance or removal of the WCF. Each PERSON that owns or operates a WCF shall defend any actions or proceedings against the TOWNSHIP in which it is claimed that personal injury, including death, or property damage was caused by the CONSTRUCTION, installation, operation, maintenance or removal of a WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

- (l) Engineer signature. All plans and drawings for a WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania certifying the structural integrity of the proposed WCF and compliance with all local, state and federal laws and regulations applicable to the proposed WCF.

- (m) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:
 - (i) The WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or EMERGENCY repair.

 - (ii) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the TOWNSHIP's residents.

 - (iii) All maintenance activities shall utilize nothing less than the best available

technology for preventing failures and accidents.

(n) Timing of Approval. The following table details the applicable timeframe of approval for each type of WCF application:

(i) *Table 5 WCF Application Approval*

Type of WCF Application	Notice of Incompleteness	Final Decision
	30 calendar DAYS from receipt of application; 10 calendar DAYS from receipt of supplemental application for subsequent notices.	60 calendar DAYS.
NON-TOWER WCF	30 calendar DAYS from receipt of application for initial notice ; 10 calendar DAYS from receipt of supplemental application for subsequent notices.	90 calendar DAYS.
SMALL WCF (Collocated)	10 business DAYS from receipt of initial or supplemental application.	60 calendar DAYS.
SMALL WCF (New or Replacement WIRELESS SUPPORT STRUCTURE)	10 business DAYS from receipt of initial or supplemental application.	90 calendar DAYS.
TOWER-BASED WCF	30 calendar DAYS from receipt of application for initial notice; 10 calendar DAYS from receipt of supplemental application for subsequent notices.	150 calendar DAYS.

1. Specific requirements for NON-TOWER WIRELESS COMMUNICATIONS FACILITIES outside the RIGHT-OF-WAY. The following regulations shall apply to NON-TOWER WCFs located outside the RIGHT-OF-WAY that do not meet the definition of a SMALL WCF:

(a) Permitted in all zones subject to regulations. NON-TOWER WCFs are permitted in all zones, except the Conservation Residential (CR), Suburban Residential (SR) and Medium Density Residential (MDR) DISTRICTS, subject to the restrictions and conditions prescribed below and subject to applicable permitting by the TOWNSHIP.

(b) CONDITIONAL USE Authorization Required. Any WCF APPLICANT proposing the CONSTRUCTION of a new NON-TOWER WCF, or the modification of an existing NON-

TOWER WCF, shall first obtain a CONDITIONAL USE authorization from the TOWNSHIP. The CONDITIONAL USE application shall demonstrate that the proposed WCF complies with all applicable provisions in the Marshall TOWNSHIP Zoning Ordinance.

(c) Application procedures.

(i) Applications for NON-TOWER WCFs shall be submitted to the TOWNSHIP Zoning Officer.

(ii) All applications for NON-TOWER WCFs shall include the following information:

2. A cover letter detailing the location of the proposed SITE, all equipment being proposed as part of the NON-TOWER WCF, and a certification that the WCF Applicant has included all information required by this Section, signed by a representative of the WCF APPLICANT.
3. A site plan, drawn to scale, showing property boundaries, power location, total height of the NON-TOWER WCF, the entirety of the STRUCTURE upon which the NON-TOWER WCF will be COLLOCATED, and RELATED locations.
4. A copy of the written agreement with the OWNER of the STRUCTURE or other evidence showing that the WCF APPLICANT has been granted permission to COLLOCATE its NON-TOWER WCF on the STRUCTURE
5. A before-and-after depiction of the proposed SITE, such as a CONSTRUCTION drawing, showing all equipment being proposed as part of the NON-TOWER WCF.
6. If the NON-TOWER WCF is proposed for location on a WIRELESS SUPPORT STRUCTURE that currently supports existing WCFs or other attachments, the depiction shall show the location and dimensions of all such attachments.
7. The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the NON-TOWER WCF.
8. An aerial photograph of the proposed SITE showing the area within 500 feet of the NON-TOWER WCF. The aerial photograph shall identify all STRUCTURES within such radius.
9. Photo simulations depicting the NON-TOWER WCF from at least three locations near the proposed SITE. The photo simulations should reflect the proposed design and location of all equipment associated with the NON-TOWER WCF.

10. A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed NON- TOWER WCF and WIRELESS SUPPORT STRUCTURE are structurally sound and shall not endanger public health and safety.
11. A report by a qualified engineering expert which shows that the NON- TOWER WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
12. Certificates of insurance as required by this Section.
13. A certification of the application's compliance with all requirements of this Section.
 - (a) All application fees required by the TOWNSHIP as detailed in the TOWNSHIP fee schedule.
 - (b) Development regulations. NON-TOWER WCFs shall be COLLOCATED on existing STRUCTURES, such as existing BUILDINGS or TOWER-BASED WCFs, if possible, subject to the following conditions:
 - (i) In accordance with industry standards, all NON-TOWER WCF APPLICANTS must submit documentation to the TOWNSHIP justifying the total height of the NON-TOWER WCF. Such documentation shall be analyzed on an individual basis.
 - (ii) The total height of any WIRELESS SUPPORT STRUCTURE and COLLOCATED NON-TOWER WCF shall not exceed the maximum height permitted in the underlying ZONING DISTRICT by more than 15 feet.
 - (iii) If the WCF APPLICANT proposes to locate the RELATED EQUIPMENT in a separate ground-mounted BUILDING, the BUILDING shall comply with the minimum setback and BUILDING requirements for the applicable ZONING DISTRICT.
 - (iv) A security fence of not less than 6 feet shall surround any separate COMMUNICATIONS EQUIPMENT BUILDING. Vehicular access to the COMMUNICATIONS EQUIPMENT BUILDING shall not interfere with the parking or vehicular circulations on the SITE for the principal use.
 - (v) NON-TOWER WCFs shall employ STEALTH TECHNOLOGY and be treated to match the supporting STRUCTURE in order to minimize aesthetic impact. The application of the STEALTH TECHNOLOGY chosen by the WCF APPLICANT shall be subject to the approval of the TOWNSHIP.
 - (c) Removal, replacement, modification. The removal and replacement of NON-TOWER

WCFs and/or RELATED EQUIPMENT for the purpose of upgrading or repairing the WCF is permitted by right, so long as such repair or upgrade does not SUBSTANTIALLY CHANGE the dimensions of the WIRELESS SUPPORT STRUCTURE. Any modification that constitutes a SUBSTANTIAL CHANGE to a WCF shall require a prior amendment to the original permit or authorization.

- (d) Inspection. The TOWNSHIP reserves the right to inspect any WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the TOWNSHIP Code or state or federal law. The TOWNSHIP and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the OPERATOR, to ensure such compliance.
- (e) Timing of approval.
 - (i) Within 30 calendar DAYS of the date that an application for a NON-TOWER WCF is filed with the TOWNSHIP, the TOWNSHIP shall notify the WCF APPLICANT in writing of any information that may be required to complete such application.
 - (ii) Within 90 calendar DAYS of receipt of an application, and subject to applicable tolling procedures as established by federal law, the BOARD OF SUPERVISORS shall make its final decision on whether to approve the application and shall advise the WCF APPLICANT in writing of such decision.
 - (iii) If additional information was requested by the TOWNSHIP to complete an application, the time required by the WCF APPLICANT to provide the information shall not be counted toward the TOWNSHIP's review period.
- (f) Insurance. Each PERSON that owns or operates a NON-TOWER WCF shall provide the TOWNSHIP with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the NON-TOWER WCF.
- (g) Removal. In the event that use of a NON-TOWER WCF is to be discontinued, the OWNER shall provide written notice to the TOWNSHIP of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - (i) All abandoned or unused WCFs and RELATED EQUIPMENT shall be removed within two months of the cessation of operations at the SITE unless a time extension is approved by the TOWNSHIP.
 - (ii) If the WCF or RELATED EQUIPMENT is not removed within two months of the cessation of operations at a SITE, or within any longer period approved by the

TOWNSHIP, the WCF and/or RELATED EQUIPMENT may be removed by the TOWNSHIP, and the cost of removal assessed against the OWNER of the WCF.

14. Specific requirements for TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES outside the RIGHT-OF-WAY. The following regulations shall apply to all TOWER-BASED WIRELESS COMMUNICATIONS FACILITIES located outside the RIGHT-OF-WAY that do not meet the definition of a SMALL WCF:

- (a) Permitted in certain zones subject to regulations. TOWER-BASED WCFs are permitted in the following zones subject to the restrictions and conditions prescribed below and subject to applicable permitting by the TOWNSHIP.
 - (i) PORB Planned Office, Research and Business Park
 - (ii) PIP Planned Industrial Park
 - (iii) OSPC Open Space, Public and Conservation
- (b) CONDITIONAL USE Authorization Required. Any WCF APPLICANT proposing the CONSTRUCTION of a new TOWER-BASED WCF, or the modification of an existing NON-TOWER WCF, shall first obtain a CONDITIONAL USE authorization from the TOWNSHIP. The CONDITIONAL USE application shall demonstrate that the proposed WCF complies with all applicable provisions in the Marshall TOWNSHIP Zoning Ordinance.
- (c) Notice. Upon submission of an application for a TOWER-BASED WCF and the scheduling of the public hearing upon the application, the WCF APPLICANT shall mail notice to all owners of every property within 500 feet of the proposed WCF. Such notice shall be provided a minimum of ten (10) DAYS in advance of such public hearing. The WCF APPLICANT shall provide proof of the notification to the TOWNSHIP.
- (d) CONDITIONAL USE authorization required. A CONDITIONAL USE application for a TOWER-BASED WCF shall include the following:
 - (i) Prior to the BOARD OF SUPERVISORS' approval of a CONDITIONAL USE authorizing the CONSTRUCTION and installation of TOWER-BASED WCF in a ZONING DISTRICT where the same is a permitted CONDITIONAL USE, it shall be incumbent upon the WCF APPLICANT for such CONDITIONAL USE approval to prove to the reasonable satisfaction of the BOARD OF SUPERVISORS that the WCF APPLICANT cannot adequately extend or infill its communications system by the use of ANTENNAS and/or NON-TOWER WCFs COLLOCATED on existing STRUCTURES.
 - (ii) The CONDITIONAL USE application shall also be accompanied by documentation demonstrating that the proposed TOWER-BASED WCF complies with all state and federal laws and regulations concerning aviation safety.

- (iii) Where the TOWER-BASED WCF is located on a property with another principal use, the APPLICANT shall present documentation to the BOARD OF SUPERVISORS that the OWNER of the property has granted an easement for the proposed WCF.
 - (iv) The CONDITIONAL USE application shall demonstrate that the proposed WCF complies with all other applicable regulations of the Marshall TOWNSHIP Zoning Code.
- (e) Development regulations.
- (i) No TOWER-BASED WCF shall be located in an area in which utilities are underground, or within 100 feet of such an area, except as permitted by this Chapter.
 - (ii) Sole use on a LOT. A TOWER-BASED WCF shall be permitted as a sole use on a LOT, provided that the underlying LOT meets the minimum lots size requirements in the underlying ZONING DISTRICT. The minimum distance between the base of a TOWER-BASED WCF and any adjoining property line or STREET RIGHT-OF- WAY line shall equal 100 percent of the proposed WCF STRUCTURE height.
 - (iii) Combined with another use. A TOWER-BASED WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions.
- (f) The existing use on the property may be any permitted use in the applicable DISTRICT, and need not be affiliated with the TOWER-BASED WCF.
15. Minimum LOT AREA. The minimum LOT shall comply with the requirements for the applicable DISTRICT and shall be the area needed to accommodate the TOWER-BASED WCF and guy wires, the COMMUNICATIONS EQUIPMENT BUILDING, security fence, and buffer planting if the proposed TOWER-BASED WCF is greater than forty (40) feet in height.
16. Minimum SETBACKS. The minimum distance between the base of a TOWER-BASED WCF and any adjoining property line or STREET RIGHT-OF-WAY line shall equal 100 percent of the proposed WCF STRUCTURE height or the minimum SETBACK of the underlying ZONING DISTRICT, whichever is greater. Where the SITE on which a TOWER- BASED WCF is proposed to be located is contiguous to an educational use, CHILD DAY-CARE CENTER or residential use, the minimum distance between the base of a TOWER-BASED WCF and any such adjoining uses shall equal 110 percent of the proposed height of the TOWER- BASED WCF unless it is demonstrated to the reasonable satisfaction of the Board that in the event of

failure the TOWER-BASED WCF is designed to collapse upon itself within a SETBACK area less than the required minimum SETBACK without endangering such adjoining uses and their occupants.

- (a) Engineer inspection. Prior to the TOWNSHIP's issuance of a permit authorizing CONSTRUCTION and erection of a TOWER-BASED WCF, a structural engineer registered in Pennsylvania shall issue to the TOWNSHIP a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper CONSTRUCTION of the foundation and the erection of the STRUCTURE.
- (b) Visual appearance. TOWER-BASED WCFs shall employ STEALTH TECHNOLOGY. All WIRELESS COMMUNICATIONS EQUIPMENT BUILDINGS and other RELATED
 - (i) EQUIPMENT shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring BUILDINGS to the greatest extent possible. In making this determination, the BOARD OF SUPERVISORS shall consider whether its decision will promote the harmonious and orderly development of the ZONING DISTRICT involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve WOODLAND and trees existing at the SITE to the greatest possible extent; and encourage sound engineering and LAND DEVELOPMENT design and CONSTRUCTION principles, practices and techniques.
- (c) COLLOCATION and siting. An application for a new TOWER-BASED WCF shall not be approved unless the TOWNSHIP finds that the ANTENNA and RELATED EQUIPMENT planned for the proposed TOWER-BASED WCF cannot be COLLOCATED on an existing or approved STRUCTURE or BUILDING or on TOWNSHIP property. The BOARD OF SUPERVISORS may deny an application to construct a new TOWER-BASED WCF if the WCF APPLICANT has not made a good faith effort to mount the ANTENNA(s) on an existing STRUCTURE as set forth in this section. The WCF APPLICANT shall demonstrate that it contacted the owners of tall STRUCTURES capable of supporting a WIRELESS COMMUNICATIONS FACILITY, BUILDINGS and towers within a 1/4 of a mile radius of the SITE proposed, sought permission to install an ANTENNA on those STRUCTURES, BUILDINGS and towers, and was denied for one of the following reasons:
 - (d) The proposed ANTENNA and RELATED EQUIPMENT would exceed the structural capacity of the existing BUILDING, STRUCTURE or tower, and its reinforcement cannot be accomplished at a reasonable cost.

17. The proposed ANTENNA and RELATED EQUIPMENT would cause radio frequency interference with other existing equipment for that existing BUILDING, STRUCTURE or tower, and the interference cannot be prevented at a reasonable cost.
18. Such existing BUILDINGS, STRUCTURES or towers do not have adequate location, space, access or height to accommodate the proposed equipment or to allow it to perform its intended function.
19. A commercially reasonable agreement could not be reached with the OWNER of such BUILDING, STRUCTURE or tower.
20. Design regulations.
 - (a) The WCF shall employ the most current STEALTH TECHNOLOGY available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. In addition to the other design requirements enumerated in this section, the application of the STEALTH TECHNOLOGY chosen by the WCF APPLICANT shall be subject to the approval of the TOWNSHIP.
 - (b) To the extent permissible by law, any height extensions to an existing TOWER-BASED WCF shall require prior approval of the TOWNSHIP.
 - (c) Any proposed TOWER-BASED WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF APPLICANT'S ANTENNAS and comparable ANTENNAS for future users.
 - (d) The TOWER-BASED WCF shall be equipped with an anti-climbing device, as approved by the manufacturer, if such anti-climbing device is deemed necessary by the BOARD OF SUPERVISORS.
 - (e) Surrounding environs.
 - (i) The WCF APPLICANT shall ensure that the existing vegetation, trees and SHRUBS located within proximity to the WCF STRUCTURE shall be preserved to the maximum extent possible.
 - (ii) The WCF APPLICANT shall submit a soil report to the TOWNSHIP complying with the standards of Geotechnical Investigations, ANSI/EIA-222, as amended, to document and verify the design specifications of the foundation of the TOWER-BASED WCF, and anchors for guy wires, if used.
 - (f) Fence/screen.

- (i) A security fence, having a minimum height of six (6) feet, shall completely surround any TOWER-BASED WCF located outside the RIGHT-OF-WAY, as well as guy wires, or any RELATED EQUIPMENT.
- (ii) Landscaping. BUFFER PLANTING STRIP D (Section 174.319) shall be required to screen as much of a newly constructed TOWER-BASED WCF as possible. the BOARD OF SUPERVISORS may permit any combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping, if, in the discretion of the BOARD OF SUPERVISORS, they achieve the same degree of SCREENING. Existing vegetation shall be preserved to the maximum extent possible.

21. RELATED EQUIPMENT.

- (a) Ground-mounted RELATED EQUIPMENT associated to, or connected with, a TOWER-BASED WCF shall be underground or screened from public view using stealth technologies, as described in this section.
- (b) All RELATED EQUIPMENT shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum SETBACK and BUILDING requirements of the underlying ZONING DISTRICT.

22. ZONING PERMIT required for Modifications. To the extent permissible under applicable state and federal law, any WCF APPLICANT proposing the modification of an existing TOWER-BASED WCF shall first obtain a ZONING PERMIT from the TOWNSHIP.

23. Additional ANTENNAS. As a condition of approval for all TOWER-BASED WCFs, the WCF APPLICANT shall provide the TOWNSHIP with a written commitment that it will allow other service providers to COLLOCATE ANTENNAS on TOWER-BASED WCFs where TECHNICALLY FEASIBLE. The OWNER of a TOWER-BASED WCF shall not install any additional ANTENNAS without obtaining the prior written approval of the TOWNSHIP.

24. Height. Any TOWER-BASED WCF shall be designed at the minimum TECHNICALLY FEASIBLE height. All TOWER-BASED WCF APPLICANTS must submit documentation to the TOWNSHIP justifying the total height of the STRUCTURE. The maximum total HEIGHT OF A TOWER-BASED WCF shall not exceed 150 feet.

25. Maintenance. The following maintenance requirements shall apply:

- (a) Any TOWER-BASED WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or EMERGENCY repair.

- (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the TOWNSHIP's residents.
 - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
26. Historic BUILDINGS or DISTRICTS. No TOWER-BASED WCF may be located on a BUILDING or STRUCTURE that is listed on either the National or Pennsylvania Registers of Historic Places, or is included in the official historic STRUCTURES and/or historic DISTRICTS list maintained by the TOWNSHIP.
27. Lighting. No TOWER-BASED WCF shall be artificially lighted, except as required by law. If lighting is required, the lighting, to the maximum extent permissible by law, shall be Dark Sky compliant, as defined by the International Dark-Sky Association. The WCF APPLICANT shall provide a detailed plan for sufficient lighting demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF APPLICANT shall promptly report any outage or malfunction of FAA- mandated lighting to the appropriate governmental authorities and to the TOWNSHIP Manager.
28. NOISE. TOWER-BASED WCFs shall be operated and maintained so as not to produce NOISE in excess of applicable NOISE standards under state law and Section 208.504 of the Marshall TOWNSHIP Code of Ordinances, except in EMERGENCY situations requiring the use of a backup generator, where such NOISE standards may be exceeded on a temporary basis only.
29. Retention of experts. The TOWNSHIP may hire any consultant(s) and/or expert(s) necessary to assist the TOWNSHIP in reviewing and evaluating the application for approval of the TOWER-BASED WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this Chapter. The WCF APPLICANT and/or OWNER of the WCF shall reimburse the TOWNSHIP for all costs of the TOWNSHIP's consultant(s) in providing expert evaluation and consultation in connection with these activities.
30. Timing of approval.
- (a) Within 30 calendar DAYS of the date that an application for a TOWER-BASED WCF is filed with the TOWNSHIP, the TOWNSHIP shall notify the WCF APPLICANT in writing of any information that may be required to complete such application.
 - (b) All applications for TOWER-BASED WCFs shall be acted upon within 150 DAYS of the receipt of an application for the approval of such TOWER-BASED WCF, and in accordance with applicable tolling procedures as established by federal law, and the

TOWNSHIP shall advise the WCF APPLICANT in writing of its decision.

- (c) If additional information was requested by the TOWNSHIP to complete an application, the time required by the WCF APPLICANT to provide the information shall not be counted toward the 150-day review period.

31. **NONCONFORMING USES.** Nonconforming TOWER-BASED WCFs which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this Chapter. COLLOCATION on existing nonconforming WCFs is permitted if approved by the TOWNSHIP.
32. **Removal.** In the event that use of a TOWER-BASED WCF is planned to be discontinued, the OWNER shall provide written notice to the TOWNSHIP of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCFs or portions of WCFs shall be removed as follows:
 - (a) All unused or abandoned TOWER-BASED WCFs and RELATED EQUIPMENT shall be removed and the SITE shall be restored to its previous condition within six months of the cessation of operations at the SITE unless a time extension is approved by the TOWNSHIP.
 - (b) If the WCF and/or RELATED EQUIPMENT is not removed and the SITE is not restored to its previous condition within six months of the cessation of operations at a SITE, or within any longer period approved by the TOWNSHIP, the WCF and RELATED EQUIPMENT may be removed by the TOWNSHIP and the cost of removal assessed against the OWNER of the WCF.
 - (c) Any unused portions of TOWER-BASED WCFs, including ANTENNAS, shall be removed and any unused portions of the SITE shall be restored to its previous condition within six months of the time of cessation of operations. The TOWNSHIP must approve all replacements of portions of a TOWER-BASED WCF previously removed.
33. **FCC license.** Each PERSON that owns or operates a TOWER-BASED WCF shall submit a copy of its current FCC license, including the name, address and EMERGENCY telephone number for the OPERATOR of the facility.
34. **Insurance.** Each PERSON that owns or operates a TOWER-BASED WCF shall provide the TOWNSHIP with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the TOWER-BASED WCF.
35. **Access road.** If deemed necessary by the BOARD OF SUPERVISORS, an access road,

turnaround, and parking shall be provided to ensure adequate emergency and service access to a TOWER-BASED WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the TOWER-BASED WCF OWNER shall present documentation to the TOWNSHIP that the property OWNER has granted an easement for the proposed facility. The design of any access road shall be subject to the final approval of the BOARD OF SUPERVISORS, who may require that the access road be wholly or partially paved or otherwise designed to achieve the goals specified in this section.

36. Inspection. The TOWNSHIP reserves the right to inspect any TOWER-BASED WCF to ensure compliance with the provisions of this Chapter and any other provisions found within the TOWNSHIP Code or state or federal law. The TOWNSHIP and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the OPERATOR, to ensure such compliance.

37. Specific requirements for SMALL WIRELESS COMMUNICATIONS FACILITIES. The following regulations shall apply to all SMALL WCFs:

(a) Permitted locations.

(i) SMALL WCFs located in the RIGHT-OF-WAY and COLLOCATED SMALL WCFs outside the RIGHT-OF-WAY shall be a permitted use in all TOWNSHIP ZONING DISTRICTS, subject to the requirements of this Section and generally applicable permitting as required by the TOWNSHIP Code. COLLOCATED SMALL WCF's located outside of the RIGHT-OF-WAY are limited to three (3) per BUILDING and are prohibited from being placed on any BUILDING facade.

(ii) SMALL WCFs requiring the installation of a new WIRELESS SUPPORT STRUCTURE and located outside the RIGHT-OF-WAY shall be a permitted use in the following ZONING DISTRICTS, subject to the requirements of this Section and generally applicable permitting as required by the TOWNSHIP Code:

(a). PORB Planned Office, Research and Business Park

(b). PIP Planned Industrial Park

(c). OSPC Open Space, Public and Conservation

(b) SMALL WCFs inside the RIGHT-OF-WAY shall be SETBACK a minimum distance of fifty (50) feet from any residential STRUCTURE. If such SETBACK is not TECHNICALLY FEASIBLE, and no other suitable location exists for the proposed WCF, the WCF APPLICANT may propose a lesser SETBACK and shall provide evidence that the proposed lesser setback shall not have a material NOISE impact on adjacent residential

STRUCTURES.

- (c) SMALL WCFs outside the RIGHT-OF-WAY shall be SETBACK a minimum distance of one hundred (100) feet from any residential STRUCTURE. If such SETBACK is not TECHNICALLY FEASIBLE, and no other suitable location exists for the proposed WCF, the WCF APPLICANT may propose a lesser SETBACK and shall provide evidence that the proposed lesser SETBACK shall not have a material NOISE impact on adjacent residential STRUCTURES.
- (d) Applications for SMALL WCFs shall be submitted to the TOWNSHIP Zoning Officer.
- (e) Applications for SMALL WCFs shall include the following:
 - (i) The name and contact information, including phone number, for both the WCF APPLICANT and the OWNER of the proposed SMALL WCF.
 - (ii) A cover letter detailing the location of the proposed SITE, all equipment being proposed as part of the SMALL WCF, and a certification that the WCF APPLICANT has included all information required by the TOWNSHIP Code, signed by a representative of the WCF APPLICANT.
 - (iii) If the proposed SMALL WCF will be attached to a STRUCTURE or located on property owned by a third party, a copy of the written agreement with the OWNER of the STRUCTURE or property, or other evidence showing that the WCF APPLICANT has been granted permission to construct its WCF on the STRUCTURE or property;
 - (iv) A before-and-after depiction of the proposed SITE, such as a CONSTRUCTION drawing, showing all equipment being proposed as part of the SMALL WCF,
 - a. If the SMALL WCF is proposed for location on an existing STRUCTURE that currently supports existing attachments, or if the replacement of such a STRUCTURE is proposed, the depiction shall show the location and dimensions of all such attachments.
 - b. If installation of a new or replacement WIRELESS SUPPORT STRUCTURE is being proposed, the depiction shall include the color, dimensions, material and type of WIRELESS SUPPORT STRUCTURE proposed.
- (f) The manufacturer and model, proposed location, and physical dimensions (including volume) of each piece of equipment proposed as part of the SMALL WCF.
- (g) An aerial photograph of the proposed SITE showing the area within 500 feet of the

- SMALL WCF. The aerial photograph shall identify all STRUCTURES within such radius.
- (h) Photo simulations depicting the SMALL WCF from at least three locations near the proposed SITE. The photo simulations should reflect the proposed design and location of all equipment associated with the SMALL WCF.
 - (i) A written certification by a structural engineer licensed in the Commonwealth of Pennsylvania confirming that the proposed SMALL WCF and WIRELESS SUPPORT STRUCTURE are structurally sound and shall not endanger public health and safety.
 - (j) A report by a qualified engineering expert which shows that the SMALL WCF will comply with applicable FCC regulations, including applicable standards for radiofrequency emissions.
 - (k) Small WCF shall comply with NOISE standards established in Section 208.504 of the Marshall TOWNSHIP Code of Ordinances. All equipment associated with the SMALL WCF shall be designed and configured in a manner so that NOISE impacts on adjacent properties are minimized to the maximum extent TECHNICALLY FEASIBLE through the use of baffling and/or other NOISE attenuation techniques. The WCF APPLICANT shall submit documentation of all steps taken to minimize NOISE impacts on adjacent properties as part of any application for a SMALL WCF.
 - (l) A certificate of insurance as required by this Section.
 - (m) All application fees required by the TOWNSHIP as detailed in the TOWNSHIP fee schedule.
 - (n) Timing of Approval.
 - (i) Within ten (10) business DAYS of the date that an application for a SMALL WCF is filed with the TOWNSHIP Zoning Officer, the TOWNSHIP shall notify the WCF APPLICANT in writing of any information that may be required to complete such application. The WCF APPLICANT may then resubmit its application, at which point the applicable timeframe for approval shall restart. Any subsequent notice of incompleteness shall be issued within ten (10) business DAYS of receipt of a resubmitted application and shall toll the applicable timeframe for approval until such time as the application is resubmitted.
 - (ii) Within sixty (60) DAYS of receipt of an application for co-location of a SMALL WCF on a preexisting WIRELESS SUPPORT STRUCTURE, the TOWNSHIP Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF APPLICANT in writing of such decision.
 - (iii) Within ninety (90) DAYS of receipt of an application for a SMALL WCF requiring

- the installation of a new or replacement WIRELESS SUPPORT STRUCTURE, the TOWNSHIP Zoning Officer shall make a final decision on whether to approve the application and shall notify the WCF APPLICANT in writing of such decision.
- (iv) If the TOWNSHIP denies an application for a SMALL WCF, the TOWNSHIP shall provide the WCF APPLICANT with written documentation of the basis for denial, including the specific provisions of the TOWNSHIP Code on which the denial was based, within five (5) business DAYS of the denial.
 - (v) The WCF APPLICANT may cure the deficiencies identified by the TOWNSHIP and resubmit the application within thirty (30) DAYS of receiving the written basis for the denial without being required to pay an additional application fee. The TOWNSHIP shall approve or deny the revised application within thirty (30) DAYS of the application being resubmitted for review.
- (o) Consolidated applications. A single WCF APPLICANT may not submit more than one consolidated or 20 single applications for COLLOCATED SMALL WCFs in a 30-day period. If the TOWNSHIP receives more than one consolidated application or 20 single applications within a 45-day period, the applicable timeframe under this Section shall be extended by 15 DAYS.
- (p) Applications not required. No application shall be required for:
- (i) Routine maintenance or repair work.
 - (ii) The replacement of SMALL WCFs with SMALL WCFs that are substantially similar or the same size or smaller and still qualify as a SMALL WCF.
 - (iii) The installation, placement, maintenance, operation or replacement of MICRO WIRELESS FACILITIES that are strung on cables between existing utility poles by or for a COMMUNICATIONS SERVICE PROVIDER authorized to occupy the right-of-way, in compliance with the National Electrical Safety Code.
- (q) Time, Place and Manner. Once approved, the TOWNSHIP shall determine the time, place and manner of CONSTRUCTION, maintenance, repair and/or removal of all SMALL WCFs in the RIGHT-OF-WAY based on public safety, traffic management, physical burden on the RIGHT-OF-WAY, and related considerations.
- (r) Attachment to municipal STRUCTURES. The TOWNSHIP shall allow the COLLOCATION of SMALL WCFs to STRUCTURES owned by the TOWNSHIP in accordance with the hierarchy detailed in this section. If the WCF Applicant is proposing the COLLOCATION of a SMALL WCF on a lower priority STRUCTURE, it shall be a condition to the approval of the application that the WCF Applicant provide evidence that COLLOCATION on a higher priority STRUCTURE or WIRELESS SUPPORT

STRUCTURE owned by a third-party is not TECHNICALLY FEASIBLE. In order from most preferable to least preferable, the TOWNSHIP's COLLOCATION preferences are as follows.

- (i) Power poles;
- (ii) Traffic signage poles without traffic signals;
- (iii) Traffic signal poles;
- (iv) Decorative light poles.

38. OBSTRUCTION. SMALL WCFs and RELATED EQUIPMENT shall be located so as not to cause any physical or visual OBSTRUCTION to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the RIGHT-OF-WAY as determined by the TOWNSHIP.
39. Design standards. All SMALL WCFs in the TOWNSHIP shall comply with the requirements of the TOWNSHIP *Small Wireless Communications Facility Design Manual*. A copy of such shall be kept on file at the TOWNSHIP Zoning Department.
40. Obsolete equipment. As part of the CONSTRUCTION, modification or replacement of a SMALL WCF, the WCF APPLICANT shall remove any obsolete or abandoned equipment from the WIRELESS SUPPORT STRUCTURE.
- (a) Relocation or Removal of Facilities. Within ninety (90) DAYS following written notice from the TOWNSHIP, or such longer period as the TOWNSHIP determines is reasonably necessary or such shorter period in the case of an EMERGENCY, an OWNER of a SMALL WCF in the RIGHT-OF-WAY shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the TOWNSHIP, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (i) The CONSTRUCTION, repair, maintenance or installation of any TOWNSHIP or other public improvement in the RIGHT-OF-WAY;
 - (ii) The operations of the TOWNSHIP or other governmental entity in the Right-of-Way;
 - (iii) Vacation of a STREET or road or the release of a utility easement; or
 - (iv) An EMERGENCY that constitutes a clear and immediate danger to the health, welfare, or safety of the public as determined by the TOWNSHIP.
41. Insurance. Each PERSON that owns or operates a SMALL WCF shall provide the TOWNSHIP with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the SMALL WCF.

42. Reimbursement for RIGHT-OF-WAY use. In addition to permit fees as described in this Chapter, every SMALL WCF in the RIGHT-OF-WAY is subject to the TOWNSHIP's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the RIGHT-OF-WAY. Such compensation for RIGHT-OF-WAY use shall be directly related to the TOWNSHIP's actual RIGHT-OF-WAY management costs, including but not limited to the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other RIGHT-OF-WAY management activities by the TOWNSHIP. The OWNER of each SMALL WCF shall pay an annual fee to the TOWNSHIP to compensate the TOWNSHIP for the TOWNSHIP's costs incurred in connection with the activities described above.

43. Removal of equipment.

- (a) Within 60 DAYS of suspension or revocation of a permit due noncompliance with this Section, the WCF APPLICANT shall remove the SMALL WCF and any RELATED EQUIPMENT, including the WIRELESS SUPPORT STRUCTURE if the WCF APPLICANT'S WCF(s) and RELATED EQUIPMENT
 - (i) are the only facilities on the STRUCTURE, and the SITE shall be restored to its previous condition, after receiving adequate notice and an opportunity to cure any noncompliance.

- (b) Within 90 DAYS of the end of a permit term or an extension of the permit term, the WCF APPLICANT shall remove the SMALL WCF and any RELATED EQUIPMENT, including the WIRELESS SUPPORT STRUCTURE if the WCF APPLICANT'S WCF(s) and RELATED EQUIPMENT are the only facilities on the STRUCTURE, and the SITE shall be restored to its previous condition.

ARTICLE 500 – GENERAL REGULATIONS

Sec. 208.500 Site Capacity Analysis and Density Determination for Non-Conservation Subdivisions in the CR and SR Zoning Districts and Developments in the MDR District

A. Purpose.

1. 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.
2. The SITE capacity analysis required by this section provides a logical and rational basis for:
 - (a) 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

- (b) Protecting PERSONS and property from hazards resulting from the inappropriate DEVELOPMENT of land containing sensitive, unstable or hazardous natural resources or features.

B. Applicability.

1. In the Conservation Residential (CR), Suburban Residential (SR), and Medium Density RESIDENTIAL (MDR) ZONING DISTRICTS, those USES listed below shall submit a BASE SITE AREA calculation in accordance with this Section, as a condition of approval of any LAND DEVELOPMENT PLAN, plan of SUBDIVISION or BUILDING PERMIT required under this Chapter.
2. The resource protection land calculations and determination of SITE capacity required by this Article shall apply and be submitted in the following instances:
 - (a) Any MAJOR SUBDIVISION, or MANUFACTURED HOME COMMUNITY within the Conservation Residential (CR) Suburban Residential (SR) and Medium Density Residential (MDR) ZONING DISTRICTS, that is not developed as a conservation SUBDIVISION.
 - (b) 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.
 - (c) Non-residential CONDITIONAL USES permitted in CR, SR and MDR ZONING DISTRICTS.
3. 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.
4. Standards for location and management shall be as follows:
 - (a) All conservation EASEMENTS shall be identified on the property;
 - (b) The DEVELOPER shall identify on each conservation EASEMENT all resources that are protected in said easement;
 - (c) The DEVELOPER, on the PLAN, shall provide, in writing on the PLAN, that the resources protected within the conservation EASEMENT shall not be disturbed;
 - (d) 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;
 - (e) The grant of EASEMENT shall be forever;
 - (f) The EASEMENT granted shall be for the conservation of all resources identified within the EASEMENT which shall not be disturbed;
 - (g) 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 ($\frac{2}{3}$) of all LOT OWNERS in the PLAN;
 - (h) 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;

- (i) 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;
- (j) 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;
- (k) All of the above requirements shall be included in writing on the PLAN and given to any prospective LOT purchaser.

C. Relationship of ZONING DISTRICT standards to SITE capacity analysis.

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.

D. BASE SITE AREA calculations.

1. 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:

Table 6 Base Site Area

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 BUFFER PLANTING STRIP pursuant to Sections 208.503 of this Chapter. Do not subtract BUFFER PLANTING STRIP AREAS where they contain Resource Protection Land. To determine the amount of Resource Protection Land in the BUFFER PLANTING STRIP, a similar Table as that in subsection E shall be used. Column 3 shall be labeled "Acres of Resource Land in BUFFER PLANTING STRIP" and column 4 shall be labeled "Resource Protection Land in BUFFER PLANTING STRIP":	____Acres
6. Equals BASE SITE AREA:	____Acres

E. Resource Protection Land calculations.

1. 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 WOODLAND, STEEP SLOPES, FLOODPLAINS and STREAMS, are protected within this Article. 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:
 - (a) Calculate the total area (acreage) of each natural resource.
 - (b) 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.
 - (c) 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.
 - (d) All Resource Protection Land must be preserved by either OPEN SPACE or conservation EASEMENTS. All Resource Protection Land for WOODLAND, WETLANDS and FLOODPLAINS must be located in OPEN SPACE and outside of LOT AREAS.

Table 7 Resource Protection Calculation

Resources/ Natural Features (All DISTRICTS)	Preservation Ratio	Acres of Land in Resource	Resource Protection Land (Acres in Resource × Preservation Ratio)
DRAINAGEWAYS	0.50	_____	_____
FLOODPLAINS	1.00	_____	_____
WETLANDS	1.00	_____	_____
WOODLAND	0.45	_____	_____

STEEP SLOPES (15% to 25%)	0.40	_____	_____
STEEP SLOPES (greater than 25%)	0.80	_____	_____
TOTAL LAND IN RESOURCE		_____	_____
TOTAL RESOURCE PROTECTION LAND		_____	_____

F. Determination of SITE capacity (all RESIDENTIAL land USES)

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 Section 208.207. The calculations are as follows:

Table 8 Individual SITE Capacity

Begin with	TOTAL RESOURCE PROTECTION LAND (derived from computations required in Section 208-500.D and Section 208-500.E)		_____
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)	=	_____
Begin with	BASE SITE AREA		_____
Multiply By	MAXIMUM GROSS DENSITY (see Section Sec. 208.207)	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)	= _____
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G. DENSITY FACTORS and OPEN SPACE RATIOS for RESIDENTIAL DISTRICTS shall be as follows:

Table 9 Table Of Residential Performance Standards For Residential Districts¹

DISTRICT	MAXIMUM DENSITY
Conservation Residential (CR)	1
Suburban Residential (SR)	2
Medium Density Residential (MDR)	
SINGLE-FAMILY SEMI-ATTACHED	4
TOWNHOUSES	8
APARTMENTS	10

NOTES:

¹ All density figures shown are expressed in units per acre unless otherwise noted.

²

H. Natural resource or environmental protection standards.

1. 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 subsection E.
 - (a) WOODLAND are regulated pursuant to Section 208.505 of this Chapter.
 - (b) STEEP SLOPES. In AREAS of STEEP SLOPES, the following standards will apply:
 - (i) 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.
 - (ii) 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.

Slope Grade Percent	% of Developable Slope
15%-25%	Up to 60% of Slope Area
>25%	No more than 20% of Slope Area

- (c) DRAINAGEWAYS. No more than fifty percent (50%) of such AREAS may be developed.
- (d) Existing vegetation. Existing, healthy plant material may be counted as contributing to the total plant material required by the landscaping and BUFFER PLANTING STRIP requirements of this Chapter, except in the case of ESTABLISHMENT of new WOODLAND. 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.

Table 10 Required Tree Sizes

30 slower growing CANOPY TREES	5 feet high
10 UNDERSTORY TREES	1-inch caliper
100 SHRUBS	3 feet high

- (i) 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.
- (ii) All AREAS of a newly established WOODLAND shall be mulched and/or seeded as lawn unless ground cover is to be established and maintained.
- (iii) 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.
- (e) FLOODPLAINS. One hundred percent (100%) of the FLOODPLAINS must be maintained in OPEN SPACE.
- (f) WETLANDS. One hundred percent (100%) of the WETLANDS must be maintained in OPEN SPACE.
- (g) A LAND DISTURBANCE map shall be submitted for each natural resource on the SITE that denotes the required PRESERVATION AREA.

Sec. 208.501 Off Street Parking and Loading

- A. No vehicle, in any ZONING DISTRICT, shall be parked off-street at any time except on an authorized PARKING LOT, parking garage or driveway.
- B. In no case shall parking be used for the lease or storage of vehicles or other materials by an off-site use.
- C. Computation of Required Spaces.
 - 1. When determination of the number of required PARKING SPACES results in the requirement of a fractional space, any fraction shall be rounded up to require one (1) PARKING SPACE.

2. In stadiums, sports arenas, or places of ASSEMBLY in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 20 inches of such seating facility shall be counted as one (1) seat for the purpose of determining the requirement for off-STREET parking under this Chapter.
 3. When PARKING SPACES are required on the basis of the number of faculty, staff, students, or employees, the maximum number per peak shift shall govern.
- D. USES Not Identified. The Planning Director shall determine the parking requirement for uses that do not correspond to the categories listed in Table 11. In such instances, the applicant shall provide adequate information by which the proposal can be reviewed, which includes but may not necessarily be limited to the following:
1. Type of uses.
 2. Number of employees.
 3. BUILDING design capacity.
 4. BUILDING occupancy load.
 5. Sq. ft. of sales area and service area.
 6. PARKING SPACES proposed on site.
 7. Number of accessible PARKING SPACES.
 8. PARKING SPACES provided elsewhere.
 9. Hours of operation.
- E. Off-Street Parking Requirements.
1. Table 11 establishes the minimum number of PARKING SPACES required for the uses indicated. Parking requirements may be met by one (1) or more of a combination of the following methods:
 - (a) On-site Parking. A use shall provide the minimum number of required spaces for all uses located on the LOT or site pursuant to Table 11. Only spaces that are designed consistent with this Section are counted toward the minimum parking required. The following provisions apply when providing the minimum number of required on-site PARKING SPACES:
 - (i) Required parking for single-family dwellings may be stacked and do not require separate access to each required space.
 - (ii) No part of a parking or loading space required for any BUILDING to comply with this Chapter shall be included as part of a parking or loading space required for another BUILDING unless it is under a Shared USE Agreement as described in this Section.
 - (iii) Spaces at gasoline pumps and bays for auto repair/service are not counted toward the minimum parking required.

Table 11 Minimum Off-Street Parking Requirements

USE	Required Off STREET PARKING SPACES
ADULT DAY-CARE CENTER	1 per employee on peak shift plus 1 per each 2 of the maximum number of PERSONS cared for at the center
ADULT ORIENTED ESTABLISHMENT	Determined as per parking demand analysis
AGRICULTURE OPERATION	
ANIMAL DAYCARE & TRAINING	1 per 600 sq. ft. of gross floor area plus 1 per employee
ASSEMBLY, GENERAL	1 per 4 seats
ASSEMBLY, NEIGHBORHOOD	1 per 4 seats
ASSISTED CARE NURSING FACILITY	1 per each 4 beds plus 1 per each employee on peak shift
AUTOMOBILE FUELING	1 per 200 sq. ft. gross floor area, including service bays, wash tunnels, and retail areas
AUTOMOBILE SALES & RENTAL	1 per each 2,000 sq. ft. of LOT AREA for employee and customer parking (excludes vehicle display area)
AUTOMOBILE SERVICE	1 per 200 sq. ft. gross floor area, including service bays, wash tunnels, and retail areas
BANK/FINANCIAL INSTITUTION	One (1) for each 250 sq. ft. GFA, plus three (3) for each ATM not located in a drive-thru.
BED & BREAKFAST ESTABLISHMENT (B&B)	1 per each offered sleeping room plus 2 per each permanent resident plus 1 per each employee on peak shift
BEVERAGE PRODUCTION	One (1) for each 2,000 sq. ft. plus one (1) for each employee on the peak shift
BREW PUB	One (1) for each sixty-five (65) sq. ft. GFA, including any outdoor patio space. Any establishment over fifty-five hundred (5,500) sq. ft. GFA shall perform a study acceptable to the TOWNSHIP traffic engineer to evaluate whether additional parking is required over the one (1) for each sixty-five (65) sq. ft. minimum and shall provide any such additional parking.
CAR WASH	1 per each employee on the maximum shift and 1 per vehicle if drop-off service is offered, plus vehicle queue area
CEMETERY	1 per employee and ample accessways to the CEMETERY sections so as to allow parking on the accessway for gravesite services and visitations and 1 per every 3 seats within any assembly areas
CHILD DAY-CARE FACILITY	One (1) for each employee plus one (1) per every three (3) children in the center
CLEAN FILL FACILITY	Five (5) spaces for employees and service vehicles
COLLEGE/UNIVERSITY	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

USE	Required Off STREET PARKING SPACES
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.
COMMERCIAL EQUIPMENT AND SUPPLY	One (1) for each 2,000 sq. ft. plus one (1) for each employee on the peak shift
COMMERCIAL KITCHEN	Two (2) per cooking unit plus one (1) per employee
COMMUNITY GARDEN	2 spaces
CONVERSION OF SF TO MULTI-UNIT	1.5 per dwelling unit plus 1 space for every 2 dwelling units for guest parking
CONVERSION OF COMMERCIAL TO MULTI-UNIT	1.5 per dwelling unit plus 1 space for every 2 dwelling units for guest parking
DRIVE THROUGH FACILITY	1 per employee on peak shift plus vehicle queue area
DWELLING	
SF DETACHED	2 per dwelling unit
SF SEMI-ATTACHED	2 per dwelling unit
TOWNHOUSE	2 per dwelling unit plus 1 space for every 2 dwelling units for guest parking
APARTMENT	1.5 per dwelling unit plus 1 space for every 2 dwelling units for guest parking
EATING PLACES	One (1) for each sixty-five (65) sq. ft. GFA, including any outdoor patio space. Any establishment over fifty-five hundred (5,500) sq. ft. GFA shall perform a study acceptable to the TOWNSHIP traffic engineer to evaluate whether additional parking is required over the one (1) for each sixty-five (65) sq. ft. minimum and shall provide any such additional parking. Establishments with drive-thru facilities: One (1) per fifty (50) sq. ft. GFA
ESSENTIAL SERVICES	Two (2) spaces for employees or service vehicles
FUNERAL HOMES AND MORTUARIES	1 per 4 seats
GAMELANDS	No less than five (5)
GOLF COURSE	Two (2) per hole
GOVERNMENT FACILITY	One (1) for every 250 sq. ft.
HOTEL	One (1) per employee on peak shift plus one (1) per sleeping unit, plus one (1) space for every 250 square feet of office space located on site, as required
HOSPITAL	Based on Parking Demand Analysis
INDOOR SHOOTING RANGE	One (1) for each 250 sq. ft. GFA
INDUSTRIAL USES	One (1) for each 2,000 sq. ft plus one (1) for each employee on the peak shift.

USE	Required Off STREET PARKING SPACES
INSTITUTIONAL, PUBLIC OR PRIVATE	Determined based on Parking Demand analysis
KENNEL	One (1) per 400 sq. ft., not less than 5.
LIBRARY/MUSEUM	1 per 300 sq. ft. gross floor area
MANUFACTURE HOME COMMUNITY	2 per dwelling unit
MANUFACTURING, LIGHT	One (1) for each 2,000 sq. ft. plus one (1) for each employee on the peak shift
MEDICAL MARIJUANA DISPENSARY	One (1) for each two hundred fifty (250) sq. ft. GFA
MEDICAL MARIJUANA GROWER/PROCESSOR	One (1) for each 2,000 sq. ft. plus one (1) for each employee on the peak shift
MEDICAL CLINIC	One (1) for each 250 sq. ft. GFA
MICROBREWERY, MICRODISTILLERY, MICROWINERY	One (1) for 1,500 sq. ft. of usable area.
MOTORCYCLE SALES	1 per each 2,000 sq. ft. of LOT AREA for employee and customer parking (excludes outdoor display area)
NATURE PRESERVE	No less than five (5) spaces for visitors and one (1) per employee on largest shift.
NATURAL GAS PROCESSING PLANTS & NATURAL GAS COMPRESSOR STATIONS	One (1) per employee on peak shift
OFFICE	One (1) for each 250 sq. ft. GFA
OIL AND GAS EXTRACTION	Two (2) for service vehicle plus one (1) per employee
OUTDOOR SPORTING CLUB	One (1) for each 2,500 sq. ft. of outdoor area
OUTDOOR STORAGE YARD	One (1) for each employee on peak shift plus five (5) for customer parking
PARK	One (1) for each 2,500 sq. ft. of recreation area
PERSONAL SERVICES	One (1) for each two hundred fifty (250) sq. ft. GFA
PUBLIC MARKET	One (1) for each two hundred fifty (250) sq. ft. GFA
POLICE/FIRE/EMS	One (1) for each 250 sq. ft. GFA plus 1 space for each 50 square feet of assembly area or meeting space.
RECREATION FACILITY	One (1) for each 2,500 sq. ft. of outdoor recreation area and/or one (1) for each 250 sq. ft. GFA
RESEARCH TESTING FACILITY	One (1) for each 2,000 sq. ft. plus one (1) for each employee on the peak shift
RETAIL BUSINESS, GENERAL	One (1) for each two hundred fifty (250) sq. ft. GFA
RETAIL BUSINESS, NEIGHBORHOOD	One (1) for each two hundred fifty (250) sq. ft. GFA

USE	Required Off STREET PARKING SPACES
SCHOOL	One (1) for each employee or faculty member plus one (1) per classroom
SCHOOL, SMALL	One (1) for each employee or faculty member plus one (1) per classroom
SELF STORAGE FACILITIES	Two (2) spaces plus one (1) for each employee on peak shift
SERVICE, GENERAL	One (1) for each 250 sq. ft. GFA
SERVICE, NEIGHBORHOOD	One (1) for each 250 sq. ft. GFA
TRANSPORTATION FACILITY	One (1) for each employee on the peak shift plus one (1) for each 1,000 sq. ft. GFA
TRUCK TERMINAL	One (1) for each employee on the peak shift plus one (1) for each 1,000 sq. ft. GFA
WAREHOUSE/DISTRIBUTION	One (1) for each 2,000 sq. ft. GFA plus one (1) per employee on peak shift
WCF	One (1) per service vehicle
WHOLESALE BUSINESS	One (1) for every employee on the peak shift plus one (1) for every 3,500 sq. ft. GFA.

F. Parking Demand Analysis. Computation of Required off-street PARKING SPACES.

1. The number of off-street PARKING SPACES and loading spaces required by this Chapter may be reduced if a parking demand analysis demonstrates that the specified ratios within this Chapter exceed the total parking demand of all uses on the subject LOT at any one (1) time. The parking demand analysis is subject to the following conditions:
 - (a) The parking demand analysis shall be signed and sealed by a licensed engineer and shall include a site plan containing the following:
 - (i) Legal property boundary.
 - (ii) Existing and proposed project layout.
 - (iii) All existing and proposed uses and tenant spaces.
 - (iv) All existing and proposed PARKING SPACES.
 - (b) The parking demand analysis, in the form of a narrative, shall include all information outlined this Section of this Chapter.
 - (c) The parking demand analysis shall be approved by the BOARD OF SUPERVISORS pending PLANNING COMMISSION recommendation.
 - (d) The landowner or DEVELOPER shall update the TOWNSHIP-approved parking demand analysis upon any change in use of the subject LOT.

2. Maximum Number of PARKING SPACES and Parking Demand Analysis. No use shall provide more than 110% of any of the above-listed requirements, except through the submittal of a parking demand analysis and approval of a CONDITIONAL USE permit in accordance with subsection XX above. The parking demand analysis will include, at a minimum:
3. The anticipated number of PARKING SPACES needed to accommodate the proposed use.
4. Justification for parking modification shall include but not be limited to:
 - (a) Examples of other similar types of developments and parking needed to accommodate their use.
 - (b) If there are multiple uses on a site that justify the modification to parking requirements, then parking based on peak hour of each use shall be provided to show that a shared use for parking can be accommodated.
 - (c) Published parking data from reputable sources justifying the parking needs for special uses.
5. How the PARKING SPACES are accommodated (on-site, public LOTS, on-STREET, etc.).
6. Rationale for additional PARKING SPACES.

G. Shared Parking.

1. Shared Parking. PARKING SPACES required under this Section may be provided cooperatively for two (2) or more uses on a site as shared subject to the requirements of this Section. off-street parking requirements of a given use may be met with off-site, off-street parking facilities of another use when, and if, all of the following conditions are met:
2. The off-site, off-street parking facilities are located on adjacent parcels and are located within 500 feet of the proposed uses.
3. The parking demands of the individual uses, as determined by the Planning Director, based upon minimum off-street parking requirements, are such that the total parking demand of all the uses at any one (1) time is less than the total parking stalls required.
4. A written agreement between the owners and lessees is executed in perpetuity. Should the lease expire or otherwise terminate the use for which the off-site parking was provided shall be considered in violation of its zoning approval and, shall be subject to revocation. Continuation or expansion of the use shall be prohibited unless the use is brought into compliance with the parking regulations of this Chapter.
5. The applicant shall provide calculations that demonstrate the individual and combined parking demands for the proposed shared parking uses during the following time periods:
 - (a) Weekday Daytime
 - (b) Weekday Evening

(c) Weekend Daytime

(d) Weekend Evening

6. An application for approval of a shared parking plan shall be filed with the Planning Director by the OWNER of the land area to be included within the cooperative parking plan, the OWNER or owners of all STRUCTURES then existing on such land area, and all parties having a legal interest in such land area and STRUCTURES. Sufficient evidence to establish the status of applicants as owners or parties in interest shall be provided. The application shall include plans showing the location of the uses or STRUCTURES for which off-street parking facilities are required, the location of the off-street parking facilities, and the schedule of times used by those sharing parking in common. In the event the application also requires a subdivision or LAND DEVELOPMENT approval, the shared parking agreement requires approval of the PLANNING COMMISSION and the BOARD OF SUPERVISORS.

H. Design and Maintenance for Vehicle Parking. Unless otherwise stated, the following shall apply to all off-street parking developed in the TOWNSHIP:

1. All open (non-garage) PARKING LOTS shall be designed to reduce the negative visual effects of vast paved areas and contain landscaped planting islands and defined landscaped pedestrian walkways.
2. Location.
 - (i) Unless otherwise provided in this Chapter, parking shall be located on the same parcel as the use served.
 - (ii) Unless otherwise provided in this Chapter, in all residential DISTRICTS, no parking shall be located in the required FRONT YARD SETBACK except in a legal driveway, a detached or attached garage.
 - (iii) In all nonresidential DISTRICTS off-street PARKING LOTS or garages shall not be located between a public STREET and the principal STRUCTURE.
 - (iv) Unless otherwise provide in this Chapter, required PARKING AREAS shall not be located within the public ROW.
 - (v) Off STREET parking and access drives shall be a minimum of 25 feet from any Residential ZONING DISTRICT or use.
 - (vi) off-street parking shall be set back a minimum of ten (10) feet from property lines of Nonresidential ZONING DISTRICTS or use.
 - (vii) Parking shall not be located within ten (10) feet of any STREET FRONTAGE, except where a decorative fence or wall of no more than three (3) feet in height is used in conjunction with landscaping.

3. Parking Access. Vehicular access to PARKING AREAS from a pedestrian-oriented STREET shall be limited to avoid conflicts with the pedestrian movement.
4. Parking Protection. Parking ABUTTING a slope exceeding two and one-half percent (2.5%) shall be protected by a guardrail or fence of a strength sufficient to prevent vehicles using the PARKING AREA from the slope.
5. Parking Stall Requirements.
 - (a) The numbers and dimensions of accessible parking shall meet all requirements of the AMERICAN WITH DISABILITIES ACT (ADA).
 - (b) Minimum stall dimension requirements provided in Table 12 shall apply to the width and length of required PARKING SPACES.

Table 12 Minimum Parking Stall Dimension Requirements

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.

6. Width.
 - (a) Aisles.
 - (i) The minimum width of aisles providing access to spaces, varying with the angle of the parking for PARKING LOTS shall be as follows:

Table 13 Minimum Parking Aisle Width

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 ten 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.

I. Accessible PARKING SPACE Requirements.

1. 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.
2. 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.
3. Required number of spaces. The following number of PARKING SPACES shall be reserved for the physically handicapped:

Table 84 Required Spaced for Physically Handicapped

<i>Total PARKING SPACES in LOT</i>	<i>Required Minimum Number</i>
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

4. 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.

5. Curbs.

- (a) 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.
- (b) 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.
- (c) 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.
- (d) The CURB CUTS shall not be more than one hundred fifty (150) feet apart.

6. Sidewalks.

- (a) Sidewalks shall be scored or textured to indicate the location of doors to blind PERSONS.
- (b) Exterior sidewalks shall not be obstructed.
- (c) 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.
- (d) Wherever sidewalks cross DRIVEWAYS, PARKING LOTS or other sidewalks, they shall blend to a common level.

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

8. 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%).

(a) Parking Lot Maneuvering Space.

- (i) Maneuvering space shall be located completely off the ROW of a public STREET, place, or court.
- (ii) Maneuvering space shall be designed to prevent any vehicles from backing into the public ROW except for detached single-family and attached single-family dwellings.

(b) Parking Lot Surface.

- (i) off-street parking shall be constructed in such a manner so as to provide an all-weather, durable and dustless surface. Individual stalls shall be clearly identified by pavement markings four (4) to six (6) inches in width.
- (ii) 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. Parking shall include provisions for positive subsurface and subbase drainage under and at the outside edges of the paving. In major cut or potentially wet areas,

underdrains shall be installed under edges of ingress/egress and connected to the storm drainage system. A drainage plan shall be submitted for all parking for more than five (5) vehicles.

- (iii) The approved surface materials outlined in the TOWNSHIP Code shall include asphalt, concrete, prefabricated pavers, or similar materials, except that a compacted gravel parking surface may be utilized for developments that require PARKING LOTS containing five (5) or fewer PARKING SPACES.
 - (c) Parking Lot Lighting. All lighting must meet the Performance Standards for Lighting and GLARE in Section 208.507.H.
 - (d) Parking Lot Modules.
 - (i) PARKING LOTS for uses that require greater than 90 spaces shall be broken into modules.
 - (ii) The size of any surface parking module shall be limited to 90 vehicles bounded by a public STREET, BUILDING, landscaped pedestrian walkway or a structurally defined access drive.
 - (e) Parking Lot Pedestrian Connections.
 - (i) Clearly defined and marked sidewalks shall be required within PARKING LOTS and be provided for the length of the parking to the entrances of establishments.
 - (ii) Clearly defined and marked sidewalks shall be distinguished from driving surfaces through the use of special pavers (bricks, scored concrete, or other similar materials).
- J. Bicycle Parking Standards.
1. Bicycle parking may be provided up to five percent (5%) of the vehicle parking requirements for all multifamily dwellings over ten (10) units and nonresidential uses.
 2. Bicycle parking shall be located and clearly designated in a safe and convenient location, at least as convenient as the majority of auto spaces provided.
 3. Facilities shall be designed to accommodate U-shaped locking devices and shall support bicycles in a stable position without damage to wheels, frame or other components and shall be securely anchored and of sufficient strength to resist vandalism and theft.
- K. LOADING AND UNLOADING AREAS.
1. Location of Required Loading Spaces. Loading spaces shall be located on the same LOT, or on a directly adjoining LOT in the same ZONING DISTRICT, as the BUILDING or STRUCTURE to which they are accessory. No loading space shall be located in any required FRONT YARD SETBACK.
 2. Required Loading Spaces. Loading spaces shall be provided in sufficient number and of sufficient size so that no loading and unloading operations infringe upon any STREET or sidewalk. A minimum of one (1) space shall be provided for every use and every expansion of an existing use involving the receipt or distribution of goods, including trash removal by motor vehicle.
 3. Design and Maintenance. Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements herein set forth:
 - (a) SCREENING.
 - (i) No loading space shall be closer than 50 feet to any LOT in any Residential ZONING

DISTRICT, unless completely enclosed on three (3) sides by a wall not less than eight (8) feet in height.

- (ii) Sufficient SCREENING shall be provided in accordance with requirements in Sec. 174.320.G.
- (b) Design Standards.
 - (i) Each loading space shall be at least 12 feet wide.
 - (ii) Every loading space shall be surfaced with an asphalt or portland cement binder pavement providing an all-weather, durable and dustless surface and shall be graded and drained to dispose of surface water accumulation by means of a positive stormwater drainage system connected to a public storm sewer system.
 - (iii) Loading spaces shall be designed and arranged to provide access to a STREET in a manner that shall create the least possible interference with traffic movement. Access to and from the ROW to the loading spaces shall be referred to the TOWNSHIP Engineer for comment.
 - (iv) No loading or unloading shall occur on the public road RIGHT OF WAY.
 - (v) Loading and unloading operations shall be designed so they minimize the number and width of CURB CUTS.
 - (vi) Individual loading spaces shall be clearly identified by pavement markings four (4) inches to six (6) inches in width.
- (c) Loading Space USES.
 - (i) No part of a LOADING AREA utilized for the access, maneuvering and temporary parking of delivery vehicles shall also be used for the parking of employee or customer vehicles.
 - (ii) No part of a LOADING AREA shall be utilized for the open-air OUTDOOR STORAGE of materials, merchandise, and equipment.
 - (iii) When any part of a LOADING AREA is also utilized for refuse and trash disposal and storage purposes, all outdoor containers shall be closed and permanently stationed in an area that is easily accessible for pick up and removal and that satisfies the SCREENING requirements of this Chapter.

Sec. 208.502 Off Street Stacking or Queuing Requirements.

The vehicle stacking or queuing standards of this section shall comply with all SETBACK standards established for the ZONING DISTRICT and the following shall also apply:

- A. Minimum number of spaces. In addition to minimum parking requirements established in this Chapter, the stacking or queuing areas are required for certain uses as provided in Table 15.

Table 159 Minimum off-street Queuing/Staking Requirement

Land USE Type	Minimum Stacking Spaces	Measured From
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Automobile Service	3	Per service bay
CAR WASH, Automatic	9	Entrance
CAR WASH, Self- Service	2	Entrance
Financial Institution, ATM Lane	3	Teller
Financial Institution, Teller Lane	4	Teller or window
Automobile Fueling	4	Pump island
Pharmacy	4	Window
Eating Place Drive-Through	6	Pick Up Window
Other	Determined by Planning Director	

- B. Design and Layout. Required stacking spaces are subject to the following design and layout standards.
1. The size of a stacking or queuing space shall be 20 feet in length by ten (10) feet in width.
 2. Each lane shall be clearly defined in a manner that is identifiable during all seasons.
 3. Stacking spaces may not impede on- or off-site traffic movements or movements into or out of off-street PARKING SPACES.
 4. Stacking spaces must be separated from other internal roadways for traffic movement and safety.

Sec. 208.503 Design Standards

- A. Route 19 Boulevard (RB) and Town Center (TC) DISTRICTS. All LAND DEVELOPMENTS and/or changes in USE within the Town Center (TC) DISTRICT and the Route 19 (RB) DISTRICT shall be subject to the design provisions contained herein.
1. Conservation Provisions. Any DEVELOPMENT within the DISTRICTS shall be subject to the following standards:
 - (a) Conservation AREAS.
 - (i) WETLANDS shall be preserved at one-hundred (100) percent and remain undisturbed and set-aside outside of the buildable LOT AREA for protection.
 - (ii) FLOODPLAINS shall be preserved in accordance with Section 208.302 "Floodplain DISTRICT" of this Chapter.
 - (iii) Not more than twenty (20) percent of the total area of all STEEP SLOPES 25 percent or greater shall be disturbed.

- (iv) Not more than sixty (60) percent of the total area of all STEEP SLOPES 15 percent to 24 percent shall be disturbed.
 - (b) 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:
 - (i) Existing STRUCTURES on the SITE.
 - (ii) DRAINAGEWAYS.
2. BUILDING Orientation.
- (a) 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.
 - (b) 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.
 - (c) 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.
3. DRIVEWAY and off-street PARKING AREA Requirements.
- (a) Off-street PARKING AREAS shall not be permitted to be located between the public STREET and any PRINCIPAL BUILDING.
 - (b) 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.
 - (c) Where practical, adjacent parcels should utilize shared DRIVEWAYS and off-street PARKING AREAS to minimize the number of CURB CUTS within the DISTRICT.
 - (d) The number of required PARKING SPACES as well as other general design standards shall be provided as outlined in Section 208.501.
 - (e) Perimeter/Internal PARKING AREA Landscape Requirements. The following standards are in lieu of the BUFFER PLANTING STRIP standards contained in Section 174.319.
 - (i) 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 3½ 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.
 - (ii) 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

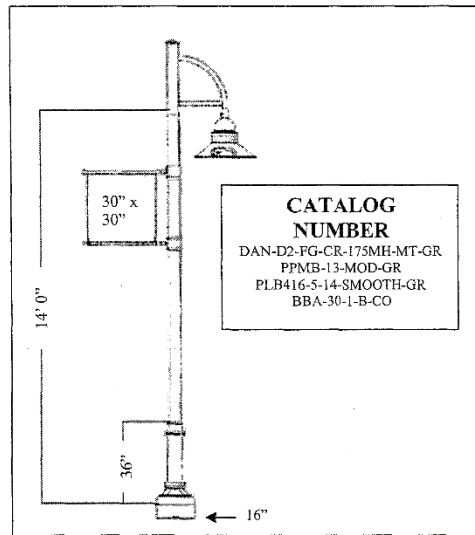
feet in height), e.g., aluminum ornamental FENCE with brick piers. No wire fabric or similar material fencing shall be permitted.

- (iii) 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.

4. On-street Parking and STREET Lights.

- (a) Recognizing the need for additional parking given the numerous smaller parcels in the Town Center (TC) 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 TC 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.
- (b) 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.
- (c) SPACES shall not be located within twenty-five (25) feet of an intersection, or a distance determined necessary to maintain a clear sight triangle.
- (d) STREETLIGHTS shall be located in accordance with TOWNSHIP specifications.
 - (i) STREETLIGHTS with the TC DISTRICT 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.
 - (ii) STREETLIGHTS within the RB DISTRICT shall 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.

(iii) STREETLIGHT fixtures shall be designed in accordance with TOWNSHIP specifications.



5. STREET TREES.

(a) STREET TREES are required and shall be located as per the following:

- (i) Within the DISTRICTS, STREET TREES shall be planted forty (40) feet on center for the length of parcel frontage within a designated planting strip.
- (ii) 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.
- (iii) STREET TREES shall be planted with a continuous row of flowering or evergreen SHRUBS for the length of frontage within a designated planting strip.

6. BUILDING Materials/Colors/BUILDING Roof Treatment.

(a) BUILDING Exterior wall materials not permitted include:

- (i) Large split face BLOCKS (e.g., 8" x 16" or greater).
- (ii) Tilt-up concrete panels.
- (iii) Prefabricated steel panels.
- (iv) Standard Concrete Masonry UNITS (CMU).

(b) Permitted exterior wall materials shall consist of:

- (i) 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:

- (i) Parapets concealing flat roofs and rooftop equipment.
- (ii) Overhanging eaves.
- (iii) Sloped roofs.

7. 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.

8. Loading and Storage AREAS.

- (a) 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.
- (b) 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.

9. Concrete Curbs. 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.

B. PIP DISTRICT

1. Design Requirements for any Property ABUTTING Existing RESIDENTIAL USES or DISTRICTS.

(a) BUILDING Materials/Colors/BUILDING Roof Treatment.

(i) BUILDING Exterior wall materials not permitted include:

- (1) Large split face BLOCKS (e.g., 8" × 16" or greater).
- (2) Tilt-up concrete panels.
- (3) Prefabricated steel panels.
- (4) Standard Concrete Masonry UNITS (CMU).

(ii) 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.

(iii) 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.

(b) BUILDING Mechanicals.

- (i) 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.

(ii) Landscaping and other SCREENING devices, including decorative opaque fencing, shall be used to soften the view of BUILDING mechanical systems from the adjoining properties and the public STREET.

(iii) 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.

(i) 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.

C. All Route 910 Transitional Overlay (RTO) District Developments

1. Building orientation and design.

(a) Orientation. Any individual building developed on a LOT shall be oriented to face Route 910. For buildings developed as part of a multi-building development, orientation of some buildings may face a secondary access road, central plaza or PARKING AREA, provided that any wall facing Route 910 shall meet all design standards specified below. In no instance shall blank walls face a public street.

(b) Building bulk and massing.

(i) Principal buildings shall be a minimum of two STORIES and/or 20 feet in height.

(ii) No more than five attached dwellings shall be built in a row. Such dwellings shall not exceed 185 feet along the primary facades.

(c) Building materials.

(i) Every portion of any exposed exterior wall surface shall be composed of durable materials such as brick, natural or synthetic stone, high-quality fiber cement (hardie plank), marble, glass or wood.

(ii) The Board may approve alternative materials only if such material is determined to be equal or superior compared to the materials enumerated above.

(iii) Exterior building materials shall not include concrete block, corrugated metal, smooth-faced gray or stained concrete block, painted concrete block, standard single- or double-tee concrete systems or vinyl siding.

(iv) Detached accessory STRUCTURES shall incorporate compatible materials, scale, colors, architectural details and roof slopes as the principal STRUCTURES.

- (d) Building facades.
 - (i) Structures shall have finished architectural facade treatment and detail on all elevations that are visible from public rights-of-way and/or adjoining properties.
 - (ii) Building design shall provide a distinctive quality and consistent character and style that avoids monotones and featureless massing.
 - (iii) Facades shall incorporate wall plane projections or recesses that differentiate individual UNITS.
 - (iv) Pitched roofs and gables are encouraged.
 - (v) At least fifteen percent (15%) of each STREET-facing façade shall be comprised of windows.

D. All Corridor Enhancement Developments

1. 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:
 - (a) 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.
3. Building facades.

- (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.
4. BUILDING Orientation.
- (a) All main entrances of BUILDINGS shall front towards 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.
 - (b) 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.
 - (c) 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.
 - (d) Large work area doors or open bays shall not open toward or face an exterior road right-of-way.
 - (e) 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.
5. Landscaping.
- (a) The landscaping PLANS for the proposed DEVELOPMENT shall follow the recommendations in Chapter 174.319 Sustainable Landscaping 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.
6. SITE Lighting.
- (a) 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.
7. Streetscape improvements and external charges.
- (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.

8. Maintenance of Design Standards.

- (a) 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.

Sec. 208.504 Performance Standards

A. Purpose.

- 1. Any USE established after the effective date of this Chapter shall be so operated as to meet the performance standards established hereinafter. Any USE already established on the effective date of this Chapter shall be permitted to continue, provided that no alteration, expansion, enlargement or modification shall be permitted which does not meet the performance standards herein or which effectively increases the degree of nonconformity which existed prior to any alteration, expansion, enlargement or modification.
- 2. Points of measurement to determine compliance with the performance standards shall be the property line nearest the source which is the subject of measurement unless otherwise specified in this section.

B. NOISE.

In all zones, the sound-pressure level for all uses and activities shall not exceed the decibel limits in the octave bands designated in the following table and shall comply with the following standards: A. Permitted decibel levels. At no point at or beyond the property line shall the measured sound level exceed the maximum permitted sound levels designated in the Table 16.

Table 16 Maximum Permitted Sound Levels in Decibels Along the Property Line

Octave Band Cycles Per Second	Residential DISTRICTS (Decibels, db)	Nonresidential DISTRICTS (Decibels, db)
0 to 75	67 db	73 db
75 to 150	62 db	68 db
150 to 300	58 db	64 db
300 to 600	54 db	60 db

600 to 1,200	49 db	55 db
1,200 to 2,400	45 db	51 db
2,400 to 4,800	41 db	47 db
Over 4,800	37 db	43 db

1. Measurement. Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured in accordance with the American National Standards Institute (ANSI). NOISEs capable of being measured shall be those NOISEs which cause rapid fluctuations of the sound-level meter with a variation of no more than plus or minus two decibels. NOISEs incapable of being measured, such as those of irregular and/or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
2. Exemptions. The following activities or sources are exempt from these NOISE standards:
 - (a) Activities covered by the following: stationary signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purpose, and refuse collection vehicles.
 - (b) The unamplified human voice.
 - (c) Fixed-wing aircraft operations.
 - (d) CONSTRUCTION or routine maintenance of public service utilities.
 - (e) Temporary activities relating to the CONSTRUCTION and maintenance of BUILDINGS and facilities including site preparation between 7:00 AM to 7:00 PM EST. On weekends, CONSTRUCTION and maintenance activities of buildings are allowed between 9:00 AM to 7:00 PM EST.
 - (f) Church bells or chimes.
 - (g) The emission of sound for the purpose of alerting PERSONS of an emergency, or the emission of sound in the performance of emergency work.
 - (h) Occasionally used safety signals, warning devices and emergency pressure relief valves.

C. Vibration.

Every use shall be so operated that the ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point of any boundary line of the LOT on which the use is located. Vibrations from temporary CONSTRUCTION and vehicles which leave the LOT (such as trucks, trains, airplanes, and helicopters) are excluded.

D. Odors.

1. For purposes of this section, the "odor threshold" is defined as the minimum concentration in air of a gas, vapor or particulate matter that can be detected by the olfactory systems of a panel of three (3) healthy observers appointed by the BOARD OF SUPERVISORS.
2. No USE other than agricultural in any zone may generate any odor that reaches odor the threshold, measured at:

- (a) The outside boundary of the immediate space occupied by the enterprise generating the odor.
 - (b) The LOT LINE if the enterprise generating the odor is the only enterprise located on a LOT.
3. The release of odorous matter from any DISTRICT across residential or commercial DISTRICT boundary lines shall be so controlled that at ground level or at habitable elevation, the concentration shall not exceed the odor threshold. Further, the release of odorous matter across LOT LINES shall not become a nuisance or source of discomfort to neighboring USES. As a guide in determining qualities of offensive odors, Table III (Odor Threshold), Chapter 5, Air Pollution Abatement Manual, by Manufacturing Chemists Association, Inc. (as amended), may be used.
- E. Air pollution.
To protect and enhance the air quality in the TOWNSHIP, all sources of air pollution shall comply with any and all regulations set forth by the Federal Environmental Protection Agency and PADEP.
- F. Disposal of Liquid Wastes.
- 1. No USE in any zone may discharge any waste contrary to the provisions of the state law governing discharges of radiological, chemical or biological wastes into surface or subsurface waters.
 - 2. No USE in any zone may discharge into the sanitary DISTRICT sewage treatment facilities any waste that cannot be adequately treated by biological means.
- G. Electrical disturbance or interference.
- 1. No USE in any zone shall:
 - 2. Create any electrical disturbance that adversely affects any OPERATIONS or equipment other than those of the creator of such disturbance; or
 - 3. Otherwise cause, create or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the creator of such disturbance is adversely affected.
- H. Lighting and GLARE.
- 1. In any DISTRICT, any operation or activity producing intense GLARE shall be so conducted that direct and indirect illumination from the source of light shall not cause illumination in excess of one-half of one (0.5) footcandle above background when measured at any residential DISTRICT boundary line. Flickering or intense sources of light shall be so controlled as not to cause a nuisance across any LOT LINES.
 - 2. In any non-residential DISTRICT, all sources of exterior illumination must be reduced to 50% during the time that the business is closed. No exterior illumination may exceed one (1) footcandle above background when measure at the property line.
 - 3. No USE shall produce a strong, dazzling light or a reflection of a strong, dazzling light beyond its LOT LINES. In general, lighting fixtures that shield the reflector or lens or any high brightness surface from viewing angles above sixty (60) degrees from horizontal shall be utilized.
 - 4. All outside lighting, including SIGN lighting, shall be directed in such a way as not to create a nuisance to any adjacent USE and roadway. All luminaries and fixtures shall be equipped with a GLARE shielding device, cutoff downward cast in the case of freestanding area lighting, approved by the TOWNSHIP Engineer. The height of all luminaries must also be approved by the

TOWNSHIP Engineer. Intensity of outdoor lighting shall be limited within usable AREAS of a SITE (i.e., parking, walkways, etc.) to an average intensity at the ground of twenty-five (25) footcandles with a maximum intensity at any given point on the ground of eighty (80) footcandles, unless otherwise approved by the BOARD OF SUPERVISORS.

5. The height of a luminary shall be limited as follows:
 - (a) In any residential DISTRICT, the maximum height permitted shall be twenty (20) feet.
 - (b) In any other DISTRICT, the maximum height shall be twenty-five (25) feet, except where otherwise specified.
 - (c) Ball diamonds, playing fields and tennis courts having a unique requirement for nighttime visibility may be exempted from the height requirements of this section if, in the judgment of the BOARD OF SUPERVISORS, their limited hours of operation and the location of the luminaries will adequately protect neighboring RESIDENTIAL USES.
 - (d) The BOARD OF SUPERVISORS may further limit the height of luminaries when it is determined that proposed lighting may have a detrimental impact upon nearby properties.
- I. MANUFACTURING USES to be enclosed.
 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.
- J. Vision OBSTRUCTIONS at Intersections.
 1. At all STREET intersections in all DISTRICTS, no OBSTRUCTIONS to vision exceeding thirty (30) inches in height above curb level shall be erected or maintained on any LOT within the triangle formed by the STREET LINES of such LOT and a line drawn between points along such STREET LINES thirty (30) feet distant from their point of intersection.
 2. At all intersections of DRIVEWAYS and public RIGHTS-OF-WAY, no planting, FENCES or similar materials exceeding thirty (30) inches in height shall be permitted in the first twenty (20) feet from said RIGHT-OF-WAY.
- K. PORTABLE STORAGE UNITS . The following regulations shall apply to PORTABLE STORAGE UNITS:
 1. There shall be no more than one (1) PORTABLE STORAGE UNIT per LOT.
 2. A PORTABLE STORAGE UNIT shall be no larger than eight (8) feet wide, sixteen (16) feet long and eight (8) feet high.
 3. No PORTABLE STORAGE UNIT shall remain in a residential ZONING DISTRICT in excess of fourteen (14) consecutive DAYS, and PORTABLE STORAGE UNITS shall not be placed on a LOT in a residential ZONING DISTRICT in excess of thirty (30) DAYS in any calendar year. The PORTABLE STORAGE UNIT shall be removed from the LOT by the expiration date on the permit.
 4. No PORTABLE STORAGE UNIT shall remain on a LOT in a non-residential ZONING DISTRICT in excess of thirty (30) consecutive DAYS, and PORTABLE STORAGE UNITS shall not be placed on a LOT in a non-residential ZONING DISTRICT in excess of forty-five (45) DAYS in any calendar year. The PORTABLE STORAGE UNIT shall be removed from the LOT by the expiration date on the permit.
 5. A PORTABLE STORAGE UNIT shall be permitted during CONSTRUCTION, reconstruction alteration or renovation of the PRINCIPAL BUILDING for an additional period of three (3) DAYS

before and after such activity, provided that a BUILDING PERMIT has been issued by the TOWNSHIP. The PORTABLE STORAGE UNIT shall be removed from the LOT before the Zoning Officer issues an occupancy permit, or if the CONSTRUCTION activity ceases for a period of more than seven (7) consecutive DAYS.

6. A PORTABLE STORAGE UNIT may be located on a LOT during an emergency situation as declared by the appropriate Federal, State, County or TOWNSHIP agency pursuant to a temporary permit issued by the Zoning Officer. The PORTABLE STORAGE UNIT shall be removed from the LOT within seven (7) DAYS after the end of the emergency declaration.
7. It shall be unlawful for any PERSON to place, or permit the placement of, a PORTABLE STORAGE UNIT on property which he or she owns, rents, occupies or controls without first having obtained a permit therefore from the Zoning Officer.
8. Application for a permit shall be made to the Zoning Officer on a form provided by the TOWNSHIP. The issuance of a permit shall allow the applicant to place the PORTABLE STORAGE UNIT on the subject LOT on the condition that the location does not impair the public health, safety and welfare as determined by the Zoning Officer.

ARTICLE 600 – NON-CONFORMITIES

Sec. 208.600 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 Section 208.804 and compliance with the following criteria:
 - (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 nonconforming.
 - (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. The NONCONFORMING USE located within or associated with a STRUCTURE so damaged which is not reconstructed within one (1) year shall be presumed to have been ABANDONED.
 4. ABANDONMENT. In the event that any NONCONFORMING USE conducted in a STRUCTURE or on a LOT ceases operation or is not utilized or occupied for a period of twelve (12) consecutive months or longer, 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.

Sec. 208.601 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. A NONCONFORMING STRUCTURE so damaged which is not reconstructed within one (1) year shall be presumed to have been ABANDONED.
 4. Moving. Should a NONCONFORMING STRUCTURE be moved for any reason for any distance, it shall thereafter conform to all 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 percent 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.

Sec. 208.602 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 Chapter. No division of any LOT shall be made which does not comply with the requirements of this Chapter. 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 currently 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.

- B. 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 ten feet from the rear property line and are not located on any EASEMENTS or rights-of-way.

ARTICLE 700 – SIGNS

Sec. 208.700 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.
- B. ACCESSORY USES. SIGNS shall be considered ACCESSORY USES (other than Off-Site Advertising SIGNS) on the LOT or site they are located and subordinate to the principal use of the LOT. SIGNS shall be subject to Article 400 of this Chapter in addition to the requirements of this Article 200.
- C. PRINCIPAL USES. OFFSITE ADVERTISING SIGNS are considered the principal use of a LOT or site on which they are located and shall comply with all the requirements of this Article and Article 400.

Sec. 208.701 Permit Required

- A. Except as otherwise provided in Section 208.703, 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.

Sec. 208.702 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.
 - 5. CANOPY SIGN.
 - 6. ADVERTISING VEHICLE.
 - 7. PROJECTION SIGN (except as permitted in Section 208.210 for TC and RB DISTRICTS).
- 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 balloon type SIGNS shall not be permitted.

Sec. 208.703 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 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.

Sec. 208.704 Temporary Signs

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:

- A. REAL ESTATE SIGN. Such SIGNS shall be removed immediately after sale, lease or rental.
 - 1. 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.
 - 2. 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.
- B. CONSTRUCTION SITE identification SIGNS not exceeding thirty-two (32) square feet in area erected on the SITE during the period of CONSTRUCTION. Such SIGNS shall not be illuminated and shall be removed upon completion of CONSTRUCTION.
- C. 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.
- D. 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.
- E. 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.
- F. SIGNS indicating that special event such as a grand opening, fair, carnival, circus, festival or similar event on the LOT where the SIGN is located. Such SIGNS 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.
- G. 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.

Sec. 208.705 Computation of Sign Area

- A. The area of a SIGN shall mean the area of all lettering, wording, and accompanying designs, logos, and symbols, together with the background, whether open or closed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.

- B. Where the SIGN consists of individual letters, designs, or symbols attached to a BUILDING, AWNING, wall, or window, the area shall be that of the smallest rectangle which encompasses all the letters, designs, and symbols.
- C. MULTIFACETED SIGNS. In computing square foot area of a double-faced SIGN, only one (1) side shall be considered, provided both faces are identical and parallel. Otherwise, all sides shall be considered in calculating the SIGN area.
- D. MULTIDIMENSIONAL SIGNS. SIGNS that consist of, or have attached to them, one (1) or more three-dimensional or irregularly shaped objects, shall have a SIGN area of the sum of two (2) adjacent vertical SIGN faces of the smallest cube encompassing the SIGN or object.
- E. If elements of a SIGN are movable or flexible, such as a flag or BANNER, the measurement is taken when the elements are fully extended and parallel to the plane of view.
- F. In the event that a symbol, trademark or other such figure is used as a signpost or standard that could be construed to indicate or identify a particular use or business, that symbol, trademark or figure is to be computed as part of the total allowable SIGN area.
- G. Signage on gas canopies will be computed as part of the allowable FREESTANDING SIGN surface area.

Sec. 208.706 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 one (1) foot 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 Section 208.210.
 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 Section 208.703, shall not be permitted in any residential DISTRICT in the TOWNSHIP.

Sec. 208.707 Permitted Signs; Sign Area, Height, And Setback Requirements

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

- A. Commercial and industrial DISTRICT SIGNS.
 - 1. WALL SIGNS. Each individual commercial or industrial ESTABLISHMENT shall be permitted multiple WALL SIGNS. 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.
 - (a) 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.
 - (b) 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.
 - (c) 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 facade 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.

2. 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.
- (a) If the parcel's frontage is less than two-hundred (200) feet, the parcel shall be permitted one (1) GROUND/MONUMENT SIGN.
 - (b) 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.

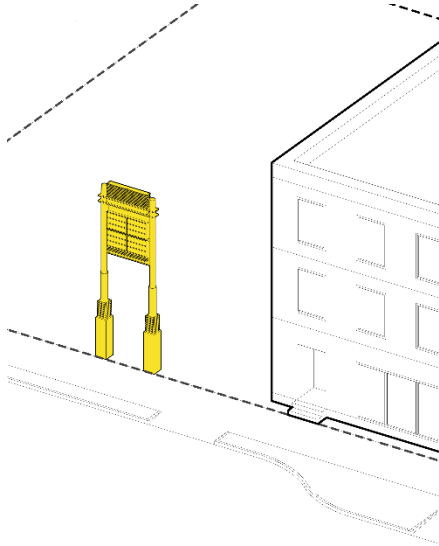


Figure 1 Pylon Sign Example

- (c) FREESTANDING SIGNS shall be limited to thirty-five (35) square feet except as provided for in Section 208.710 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.

Table 107 Chart for Allowable Increases in SIGN Area

<i>SIGN Height (feet)</i>	<i>Minimum SETBACK (feet)</i>	<i>Maximum Area (sq. ft.) excluding bonuses in § 208.2111</i>
7 OR LESS	10	42 (includes 20% bonus)
7.01-10	15	35
10.01-15	20	35
15.01-25	25	35

3.

HIGHWAY SIGNS in accordance with Section 208.715.

B. Residential DISTRICT SIGNS.

1. 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.
 - (a) 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.
 - (b) SIGNS for HOME OCCUPATIONS shall not be illuminated.
2. WALL SIGNS. For NONRESIDENTIAL USES other than HOME OCCUPATIONS in residential DISTRICTS, one (1) BUILDING or WALL SIGN is permitted for a single LOT.
 - (a) 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.
 - (b) 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.
3. FREESTANDING SIGNS. For NONRESIDENTIAL USES other than HOME OCCUPATIONS in residential DISTRICTS, one (1) permanent FREESTANDING SIGN is permitted for a single LOT.
 - (a) 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.

Sec. 208.708 Sign Regulations for Special Districts

- A. SIGNS within the Town Center DISTRICT. In addition to the requirements within this Article, shall be permitted with the following standards:
 1. 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) WALL SIGN. One 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. 789+

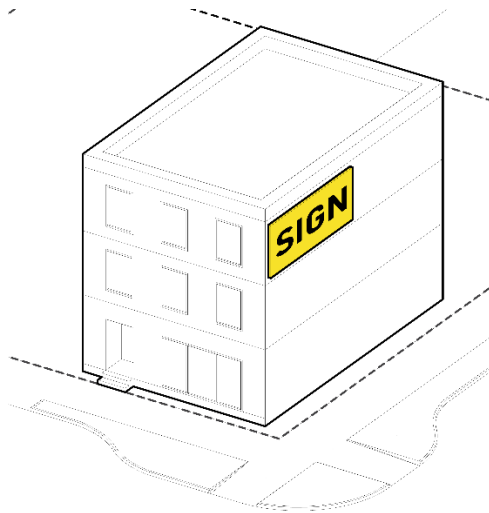


Figure 2 Wall Sign Example

- (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 roofline. The maximum SIGN area shall not exceed ten (10) square feet.

2. Sandwich Board SIGNS displaying a menu option for the particular USE and which are displayed

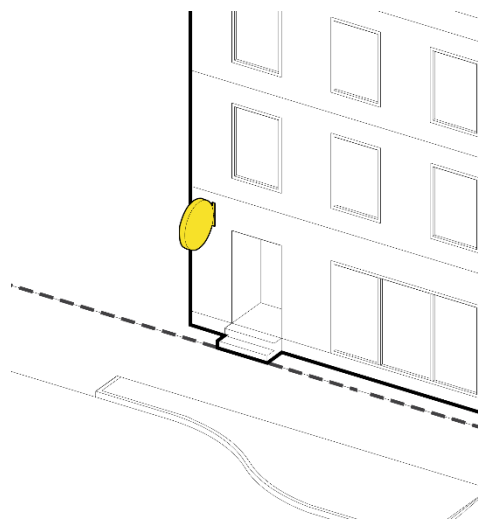


Figure 3 Projecting Wall Sign Example

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.

- B. SIGNS within the Route 19 Boulevard DISTRICT. In addition to the requirements within this Article, shall be permitted with the following standards:
 1. Each LOT within the DISTRICT shall be permitted 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.

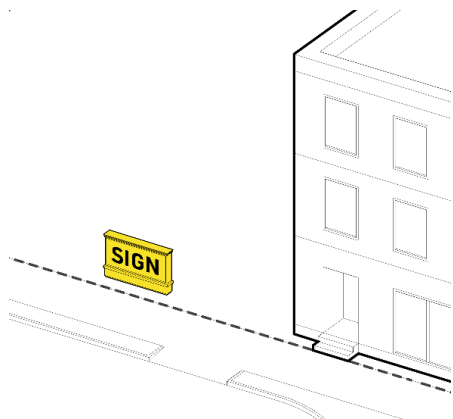


Figure 4 Monument Sign Example

- (b) The height of the SIGN shall be a maximum of twelve (12) feet from ground level to top of SIGN.
 - (c) Maximum SIGN area shall be thirty-five (35) square feet.

- (d) Illumination shall be from a concealed ground source only (no internal illumination).
 - (e) FREESTANDING SIGNS shall be behind the pedestrian EASEMENT and/or sidewalk and planting strip if proposed on a TOWNSHIP or private STREET.
2. One 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. 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.

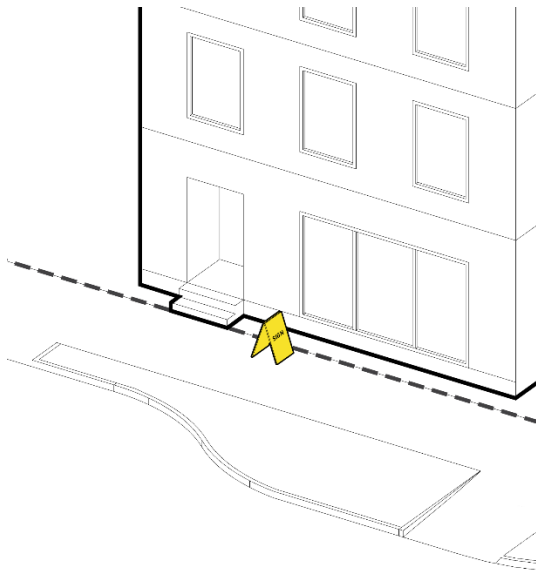


Figure 5 Sandwich Board Sign Example

- C. SIGNS within the Corridor Enhancement DISTRICT. In addition to the requirements within this Article, shall be permitted with the following standards: .
 1. 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.

2. 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.
3. 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.
4. 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.

Sec. 208.709 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) Twenty percent (20%) when the SIGN is installed in a landscaped planter having an area twice the area of the resultant SIGN.
 - (b) 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.

Sec. 208.710 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.

Sec. 208.711 Entrance Identification Signs

Identification SIGNS for SUBDIVISIONS and MOBILE HOME PARKS shall be permitted, provided that:

- A. The size of any such SIGN shall not exceed twenty (20) square feet nor exceed eight (8) feet in height above finished grade;
- B. Not more than one (1) such SIGN is placed at the main entrance drive(s) for the DEVELOPMENT;
- C. Said SIGNS may only be located on the PREMISES that they identify; and
- D. Such SIGN shall not obstruct vision at road intersections and shall be landscaped in keeping with adjacent property.

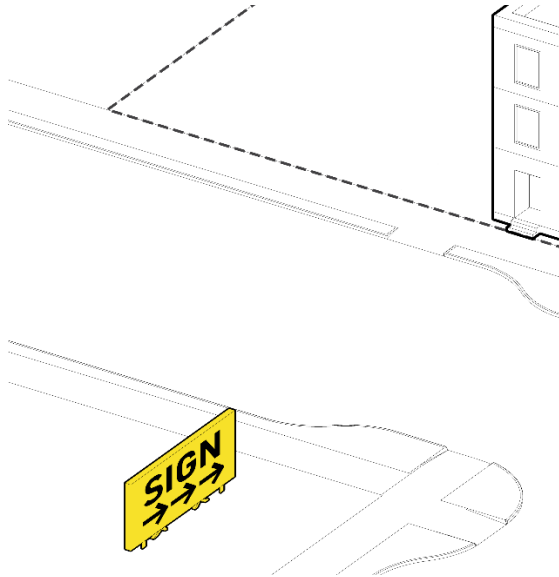
Sec. 208.712 Highway Signs

- A. Any non-residentially zoned 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 internally 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.

Sec. 208.713 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-WAY.



- 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 Section 208.707 except that such SIGNS shall be permitted a maximum SIGN area of fifty (50) square feet.
- 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 (½) 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.

Sec. 208.714 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, 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 this Section, 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 this Section, 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. TEMPORARY SIGNS erected in connection with the observance of holidays are exempt from this subsection.

Sec. 208.715 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 percent 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 forty-five (45) seconds (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 (1) complete message to another complete message or display shall be a maximum of one (1) second. There shall not be any appearance of a visual dissolve or fading, in which any part of one (1) electronic message or display appears simultaneously with any part of a second message or display.

Sec. 208.716 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 Section 208.601, which prohibits the replacement of a NONCONFORMING SIGN, nor shall this subsection be construed to prevent the changing of the message of a SIGN.
- D. .A SIGN permit shall 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.

Sec. 208.717 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 or she 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.

2. Where a successor to a defunct business agrees to maintain the SIGNS as provided in this Article, this removal requirement shall not apply.

Sec. 208.719 Off-Site Advertising Signs

- A. The SIGN area of an externally illuminated OFF-SITE ADVERTISING SIGN shall not exceed seventy-five (75) square feet.
- B. The SIGN area of an internally illuminated OFF-SITE ADVERTISING SIGN such as a light-emitting diode SIGN shall not exceed seventy-five (75) square feet. Messages shall not change at a frequency of more than once every forty-five (45) seconds (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 (1) complete message to another complete message or display shall be a maximum of one (1) second. There shall not be any appearance of a visual dissolve or fading, in which any part of one (1) electronic message or display appears simultaneously with any part of a second message or display.
- C. An OFF-SITE ADVERTISING SIGN shall be capable of withstanding a minimum sixty (60) miles per hour wind load.
- D. No OFF-SITE ADVERTISING SIGN shall be closer than one thousand (1,000) feet from another OFF-SITE ADVERTISING SIGN, as measured along the frontage of the roadway where such SIGNS are located.
- E. An OFF-SITE ADVERTISING SIGN shall not in any way interfere with normal pedestrian or vehicular traffic.
- F. An OFF-SITE ADVERTISING SIGN shall comply with the height and SETBACK requirements set forth in Section 208.707.
- G. An OFF-SITE ADVERTISING SIGN shall have no more than two (2) SIGN faces per billboard STRUCTURE that may be placed back-to-back or in a V-shaped configuration.
- H. The OFF-SITE ADVERTISING SIGN shall be landscaped to provide a harmonious relationship with the surrounding environment and shall comply with the following requirements:
 1. Decorative landscaping shall be located in the area of land adjoining the supporting STRUCTURE of the SIGN and extending a minimum of five (5) feet from the SIGN in all directions.
 2. A hedge or other durable planting, of at least two (2) feet in height, shall extend the entire length and breadth of the required landscaped area.
 3. The rear side of a single-faced SIGN shall be only one (1) color and screened by existing or natural landscaping materials, or by a planting of evergreen trees at least six (6) feet in height.
 4. At least two (2) flowering trees, a minimum of six (6) feet in height, shall be planted within the required landscaped area.

ARTICLE 800 – ADMINISTRATION AND ENFORCEMENT

Sec. 208.800 Board of Supervisors

The BOARD OF SUPERVISORS shall have exclusive jurisdiction to and render final adjudications on the following matters pertaining to the zoning provisions of this Chapter:

- A. Applications for CONDITIONAL USE under the express provisions as specified under Sec. 208.804 of this Chapter.
- B. Applications for a curative amendment as specified under Section 208.806 of this Chapter and pursuant to Sections 609.1 and 916.1(a) of the Municipal Planning Code (MPC).
- C. All petitions for zoning text and map amendments of this Chapter as specified under Sec. 208.806 of this Chapter and pursuant to the procedures set forth in Article 609 of the MPC.
- D. Appeals from the determination of the Zoning Officer or the municipal engineer in the administration of any TOWNSHIP land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to application for LAND DEVELOPMENT under Articles V and VII of the MPC. Where such determination relates only to DEVELOPMENT not involving an Article V or VII application, the appeal from such determination of the Zoning Officer or the municipal engineer shall be to the ZHB pursuant to Section 208.801.
- E. Approval of LAND DEVELOPMENTS and SUBDIVISIONS. The BOARD OF SUPERVISORS shall be responsible for reviewing LAND DEVELOPMENT and SUBDIVISION applications and for taking final action to approve, approve with conditions, modify, or deny such applications.

Sec. 208.801 Zoning Hearing Board

A. 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.

B. Alternate Members.

1. 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 this subsection 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 this subsection. 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.

- C. 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.
- D. 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.
- E. Organization of the ZONING HEARING BOARD.
 - 1. 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.
- F. 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.
- G. 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 this subsection, 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.
- H. 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.

I. ZONING HEARING BOARD Decisions.

1. The ZONING HEARING BOARD or the hearing officer, as defined by the MPC 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.
2. 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.

J. Jurisdiction of the ZONING HEARING BOARD.

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

1. 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.
2. 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.
3. 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.
4. Appeals from the Zoning Officer's preliminary determination under § 916.2 of the MPC.
5. Applications for variances from the terms of this Chapter.
6. 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.

7. Appeals from the determination of the Zoning Officer with reference to the administration of FLOODPLAIN provisions of Chapter 83 of the Marshall TOWNSHIP Code of Ordinances, Floodplain Management.

K. Variances.

1. 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.
2. Standards for Variances. The Board may grant a variance, provided that all the following findings are made where relevant in a given case:
 - (a) 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.
 - (b) 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.
 - (c) That such unnecessary hardship had not been created by the applicant.
 - (d) 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.
 - (e) 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.
3. 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.
4. 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.
5. 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) the applicant has applied for and obtained a GRADING PERMIT and commenced GRADING, or (c) 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.

L. Parties Appellant Before the Board.

Appeals 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 this Section may be filed with the ZONING HEARING BOARD only by a landowner or any tenant with the permission of such landowner.

M. Time Limitation

1. 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 or she 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 or she shall be bound by the knowledge of his predecessor interest.
2. 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.

N. Stay of Proceedings.

1. Upon filing of any proceeding referred to in Section 208.801 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.
2. 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.

Sec. 208.802 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.
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 USE AND CERTIFICATE OF 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.

Sec. 208.803 Zoning 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 PERMIT and a USE AND CERTIFICATE OF 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 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 PERMIT and USE AND CERTIFICATE OF 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 PERMIT has been granted.

2. When no BUILDING PERMIT is required, the application for the ZONING PERMIT and USE AND CERTIFICATE OF 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 BUFFER PLANTING STRIPS, 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 BUILDING 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 PERMIT or USE AND CERTIFICATE OF 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 PERMIT does not permit occupancy. A USE AND CERTIFICATE OF OCCUPANCY PERMIT is also required. Under certain circumstances, application for any approval of a ZONING PERMIT and USE AND CERTIFICATE OF 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 USE AND CERTIFICATE OF OCCUPANCY PERMIT shall be issued.
8. As a condition to the issuance of any ZONING 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 PERMIT or zoning occupancy permit.
9. 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.
10. A decision either approving or disapproving an application for a ZONING PERMIT shall be rendered within thirty (30) DAYS after a complete 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.

A ZONING 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.

- 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.
2. 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.

Sec. 208.804 Conditional Uses

A. Review and Approval

1. 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.
2. Application and Approval Procedure.
 - (a) Application Procedure.
 - (i) An application for CONDITIONAL USE approval shall be filed with the Zoning Officer, on forms prescribed by the TOWNSHIP, at least twenty-one (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.
 - (ii) 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.
 - (iii) Within five 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.
 - (iv) 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.
 - (v) The PLANNING COMMISSION shall review the application and forward its recommendation to the TOWNSHIP BOARD OF SUPERVISORS.

- (vi) 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.
 - (vii) 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.
 - (viii) 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.
 - (ix) 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.
 - (x) 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.
- (i) 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.
 - (ii) 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.
 - (1) Full scale copies and half-scale copies of all required PLANS, maps and drawings;
 - (2) Copies of all other application materials.
 - (iii) 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.
 - (iv) All applications for CONDITIONAL USE approval shall contain the following:

- (1) A DEVELOPMENT PLAN, as defined by this Chapter;
 - (2) A legal document verifying applicant's legal interest in the subject property (i.e., deed, sales agreement, lease);
 - (3) A traffic impact study, as described in Chapter 174, SUBDIVISION and LAND DEVELOPMENT, unless otherwise waived by the BOARD OF SUPERVISORS;
 - (4) The application fee and/or deposit in an amount set from time to time by resolution of the BOARD OF SUPERVISORS; and
 - (5) CONSTRUCTION PLANS, where renovations or modifications of an existing BUILDING is immediately contemplated, showing the scope, nature and extent of said renovation or modification.
3. Expiration of Approval. The grant of a CONDITIONAL USE shall expire one year 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.
4. 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:
 - (i) 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.
 - (ii) 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.
 - (iii) 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.
 - (iv) 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.
 - (v) 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.

- (vi) 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.
- (vii) The proposed USE complies with all applicable standards and requirements for providing sanitary sewage disposal, water supply, stormwater management, solid and toxic waste storage and disposal.
- (viii) The proposed USE provides landscaping, SCREENING and buffer AREAS sufficient to protect the USE, enjoyment and DEVELOPMENT of adjacent properties.
- (ix) 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:
 - (i) In accordance with the Marshall TOWNSHIP Comprehensive Plan and consistent with the spirit, purposes and the intent of this Chapter.
 - (ii) 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.
 - (iii) 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.
 - (iv) In conformance with all applicable requirements of this Chapter.

Sec. 208.805 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.

Sec. 208.806 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 this Section. 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 establish an escrow account 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. Report of the PLANNING COMMISSION. In making such report on a proposed amendment, the PLANNING COMMISSION shall make inquiry and recommendation concerning the items specified below:
 - (a) Concerning a proposed amendment to or change in the text of this Chapter:
 - (b) Whether such change is consistent with the aims and principles embodied in this Chapter as to the particular ZONING DISTRICT(s) concerned.
 - (c) Which areas, land uses, STRUCTURES and establishments in the TOWNSHIP will be directly affected by such change, and in what way they will be affected.
 - (d) The indirect implications of such change in its effect on other regulations.
 - (e) Whether such proposed amendment is consistent with the aims of the TOWNSHIP Comprehensive Plan.
 - (f) Concerning a proposed amendment involving a change in the ZONING MAP:
 - (g) Whether the uses permitted by the proposed change would be appropriate in the area concerned.
 - (h) Whether adequate public-SCHOOL facilities and other public services exist or can be created to serve the needs of any additional residences likely to be constructed because of such change.
 - (i) Whether the proposed change is in accord with any existing or proposed plans in the vicinity.
 - (j) The effect of the proposed amendment upon the growth of the TOWNSHIP is envisaged by the TOWNSHIP's Comprehensive Plan.
 - (k) Whether the proposed amendment is likely to result in an increase or decrease in the total zoned residential capacity of the TOWNSHIP and the probable effect thereof.
 4. 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.
 5. A copy of the proposed amendment will be submitted to the County Planning Agency at least thirty (30) DAYS prior to the public hearing in accordance with the requirement of the MPC.

6. 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.
 7. 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 proposed to be rezoned and to all property owners of parcels of land adjacent to and across the STREET from property to be 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.
 8. 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.
 9. 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.
 10. Within thirty (30) DAYS after enactment, a certified copy of the amendment to this Chapter shall be forwarded to the County Planning Agency.
 11. The proposed amendment shall also be published, advertised and made available to the public in accordance with the requirements of the MPC.
- B. Landowner Curative Amendments.
1. 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 or she has an interest may prepare and submit a curative amendment to the BOARD OF SUPERVISORS, in the form he or 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 Article 916.1 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.
 2. 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 45 DAYS prior to the public hearing for review and comment.
 3. Declaration of Invalidity by the Court. If the TOWNSHIP does not accept a landowners 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 landowners curative amendment and challenge.

4. 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 landowners 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, WOODLAND, 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, WOODLAND, 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.

C. 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.

Sec. 208.807 Notice of Violation

- A. The Zoning Officer shall have the power to institute civil enforcement proceedings as a means of enforcement when acting within the scope of this Chapter and their employment. If the Zoning Officer shall find that any of the provisions of this Chapter are being violated, the Zoning Officer shall issue a written enforcement notice to the PERSON responsible for such violation.
- B. Written notification of violations of this Chapter and actions to be taken to enforce the provisions of this Chapter shall be provided in accordance with the applicable notification procedures set forth in the MPC, or other applicable law.
- C. The enforcement notice shall state at least the following:
 1. The name of the OWNER of record and any other PERSON against whom the municipality intends to take action.
 2. The location of the property in violation.
 3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Chapter.

4. The date before which steps for compliance must be commenced and the date before which the steps must be completed.
5. 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.
6. 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.

Sec. 208.808 Violation and Penalties

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 900 – DEFINITIONS AND WORD USAGE

Sec. 208.900 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."

Sec. 208.901 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 BUILDING. A BUILDING USE subordinate to a PRINCIPAL BUILDING on the same LOT and serving a purpose customarily incidental to the PRINCIPAL BUILDING.

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 UNIT shall be clearly incidental to the principal dwelling unit in terms of size. **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.

ADULT ENTERTAINMENT.

- (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. 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 OPERATION. 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.

ANIMAL DAYCARE & TRAINING. A facility providing services such as domestic animal day care for part of a DAY, obedience classes, training, grooming, or behavioral counseling.

ANTENNA. Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of WIRELESS signals. An ANTENNA may include an omnidirectional ANTENNA (rod), directional ANTENNA (panel), parabolic ANTENNA (disc) or any other WIRELESS ANTENNA. An ANTENNA shall not include TOWER-BASED WIRELESS COMMUNICATION FACILITY as defined below.

ASSEMBLY, GENERAL. An assembly USE that occupies a BUILDING with 10,000 square feet or more Gross Floor Area and shall meet the same requirements of NEIGHBORHOOD ASSEMBLY

ASSEMBLY, NEIGHBORHOOD. A facility that has organized services, meetings, or programs to benefit, educate, entertain, or promote discourse amongst the residents of the community in a public or private setting. Includes such uses as Religious Institutions, houses of worship, community centers, auditoriums, civic centers, convention centers, performing arts facilities, an assembly USE that occupies a BUILDING with less than 10,000 square feet of Gross Floor Area.

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.

AUTOMOBILE FUELING. A business involving the sale and distribution of fuel or Electric Vehicle Charging Stations. A Convenience Store may also be included as a secondary USE, as well as the sale of propane and kerosene.

AUTOMOBILE SALES AND RENTAL. Sales, leasing, rental and related servicing of new and used automobile, light trucks, cars and sports utility vehicles, boats, off-road vehicles and recreational vehicles limited to a capacity of not more than one-and-one half (1½) tons, snowmobiles, go-carts,

motorcycles, utility trailers and similar items; excluding, however, commercial wrecking, dismantling or junkyard.

AUTOMOBILE SERVICE. A business involving the servicing of vehicles and/or the sale and distribution of fuel. A Convenience Store may also be included as a secondary USE, as well as the sale of propane and kerosene. Vehicle service includes such uses as automotive filling stations, vehicle repair, and tire sales and mounting. Engine rebuilding, bodywork, and painting are included in this definition.

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.

BASE SITE AREA. That portion of a parcel as calculated pursuant to Section 208.1704 of this Chapter.

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

BED AND BREAKFAST. A private residence providing temporary lodging to the public consisting of no more than 10 sleeping rooms and in which breakfast is the only meal served and is included in the lodging charge.

BEVERAGE PRODUCTION. A facility for the production, packaging, and sampling of alcoholic beverages – including beer, wine, cider, mead, and distilled liquors – and craft beverages for retail or wholesale distribution, for sale or consumption on- or off-PREMISES, and which produces 100,000 gallons or more of such beverages per year. Licensing by the Pennsylvania Liquor Control Board and any successor agency of the Commonwealth is required, where applicable. Tasting room is a permitted accessory use.

BREW PUB. An EATING PLACE, as defined herein, that includes as an Accessory USE the on-PREMISES production of alcoholic beverages—including beer, wine, cider, and distilled liquors—which produces alcoholic beverages in quantities permissible by the PLCB per year, and primarily sells its beverages On-Site, either for on- or off-PREMISES consumption.

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

BOOTHS. The term BOOTHS, 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.

BUFFER STRIP. Area of permanent vegetation separating two other parcels or areas, such as a strip of land between an industrial and residential area.

BUFFER PLANTING STRIP. 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 BUFFER PLANTING STRIP requirement of the Township's Subdivision and Land Development Ordinance, Section 174.319, 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 BUFFER PLANTING STRIPS 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 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 Sec. 208.403.

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, excluding entrances to an underground PARKING AREA.

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.

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.

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.

CAR WASH. A BUILDING, PREMISES, or portion thereof used for the purpose of cleaning and/or reconditioning the exterior and interior surfaces of automobiles. Car washes may be self-operated, automatic, or have attendants or employees present, regardless of the capacity. Car washes may be a principal use or accessory use to automobile sales (new or used), automobile repair and service, or gas/fuel stations.

CEMETERY— Any site containing at least one (1) burial, marked, or previously marked, dedicated to and used or intended to be used for the permanent interment of the human dead, including perpetual care and nonperpetual care cemeteries.

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**.

CLEAN FILL FACILITY. A location for disposal of uncontaminated, nonwater-soluble, nondecomposable inert solid material. This includes soil, rock, stone, dredged material, used asphalt, and brick, block or concrete from **CONSTRUCTION** and demolition activities that is separate from other waste and recognizable as such, and is recognized as clean fill under the Pennsylvania Solid Waste Management Act, 35 P.S. § 6018.101, et seq., and any regulations thereto.

CLEARCUTTING. Removing all or a majority of **TREES** from the **TIMBER HARVESTING** area.

COLLEGE AND UNIVERSITY. 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.

COLLOCATION. The mounting of one or more **WIRELESS COMMUNICATION FACILITY(s)**, including **ANTENNA**, on an existing **TOWER-BASED WIRELESS COMMUNICATION FACILITY**, or on any **STRUCTURE** that already supports at least one **NON-TOWER WCF**.

COMMERCIAL EQUIPMENT AND SUPPLY. A **USE** involving the large-scale sale of goods to residents or businesses within the region. The goods or merchandise sold may be of the same type or a variety of types and typically occupy a space greater than 20,000 square feet. This **USE** may include bulk sales, landscaping, construction, remodeling, home improvement and related supplies or services, and typically involves frequent commercial vehicle and consumer traffic. All materials, equipment and vehicles shall be stored within a completely enclosed **BUILDING**.

COMMUNITY GARDEN. A space used to grow plants for personal **USE**, education, recreation, community distribution, or beautification by members of the neighboring community.

COMMERCIAL KITCHEN. A facility that prepares food for consumption elsewhere. This may include a test kitchen, **SCHOOL** or training kitchen, coworking kitchen, or catering kitchen. This **USE** may be combined with an **EATING PLACE** onsite where permitted.

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 a portion 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. See Appendix C.

CONSTRUCTION. The CONSTRUCTION, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a BUILDING or STRUCTURE.

CONVERSION OF COMMERCIAL BUILDING TO MULTI-FAMILY DWELLING. An existing non-residential use that has been converted or will be converted to individual dwellings for more than one family or a mixed-use BUILDING having first floor commercial and upper floor(s) multi-family dwelling units.

CONVERSION OF SINGLE-FAMILY DWELLING TO MULTI-FAMILY DWELLING. An existing single-family detached dwelling that has been converted or will be converted to individual dwellings for more than one family, without substantially altering the exterior of the BUILDING.

CONVENIENCE STORE. Any retail store with a wide mix of goods typically used daily, including household goods, personal health items, cosmetics, candy, and tobacco products, and food.

COUNTRY LOT. A minimum 3-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 CUT. A means of vehicular approach or entry to or exit from property.

DAYS. Calendar DAYS.

DAY-CARE CENTER, ADULT. Any PREMISES operated for profit or not for profit in which adult day care is simultaneously provided for 4 or more adults who are not relatives of the OPERATOR. Adult day care is care given for part of the 24-hour DAY to adults requiring assistance to meet personal needs and who, because of physical or mental infirmity, cannot themselves meet these needs, but who do not require nursing care. Facilities must be properly licensed through the State of Pennsylvania.

DAY-CARE CENTER, CHILD. A facility that provides services for which the Pennsylvania Department of Human Services (DHS) has promulgated licensure or approval regulations. A CHILD DAY-CARE CENTER is a facility in which seven (7) or more children unrelated to the OPERATOR receive Childcare services.

DAY-CARE CENTER, HOME-BASED. A facility that provides services for which the Pennsylvania Department of Human Services (DHS) has promulgated licensure or approval regulations. A facility in which four (4), five (5) or six (6) children unrelated to the OPERATOR receive childcare services.

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. The average number of PERSONS, families, or dwellings per unit of Area (acre, square mile, etc.).

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.

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.

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.

DISTRIBUTED ANTENNA SYSTEMS (DAS). Network of spatially separated ANTENNA SITES connected to a common source that provides WIRELESS service within a geographic area or STRUCTURE.

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 containing one or more dwelling units. The term dwelling or any phrase including dwelling does not include Hotel, Rooming House, Short Term Rental, and Boardinghouse, Hospital, or other accommodations used for transient occupancy.

- A. SINGLE-FAMILY DETACHED DWELLING. A BUILDING used by 1 Family, having only 1 DWELLING UNIT, and surrounded by OPEN SPACE or YARDS and which is not attached to any other DWELLING by any means. Only 1 single-family detached DWELLING is permitted for each legally subdivided BUILDING Lot.
- B. SINGLE-FAMILY SEMI-ATTACHED DWELLING. One of two BUILDINGS arranged or designed as a DWELLING, located on ABUTTING Lots, and separated from each other by a solid partition—without openings—extending from the BASEMENT floor to the highest portion of the Roof along the dividing Lot line and separated from any other BUILDING or STRUCTURE by space on all sides.
- C. TOWNHOUSE. One of a series of a minimum of 3 and a maximum of 5 attached DWELLING UNITS separated from one another by continuous vertical solid partitions without opening from BASEMENT floor through the Roof.
- D. APARTMENT DWELLING. A BUILDING containing 3 or more DWELLING UNITS and occupied by 3 or more Families.

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.

EATING PLACES. An establishment selling prepared foods for on-premise consumption, carry-out, or drive-through. Includes such USES as restaurants, cafes, coffee shops, diners, delis, fast-food establishments, lunch counters, and cafeterias. Eating Places may sell alcoholic beverages, including beer, wine, and liquor for On-Site consumption as permitted through the Pennsylvania Liquor Control Board.

ELECTRIC VEHICLE CHARGING STATION. A commercial or public PARKING AREA that is served by Electric Vehicle Charging (EVCS) equipment for the purpose of transferring electric energy to a battery or other energy device in an Electric Vehicle.

EMERGENCY. A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the RIGHTS-OF-WAY to be unusable and result in loss of the services provided.

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.

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.

EVERGREEN TREE. A non-deciduous tree often used for purposes of SCREENING, weather barrier or accent planting, with foliage that persists and remains green year-round.

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.

FARM STAND. A structure or area, on property used for agricultural purposes, to sell products grown on the premises.

FCC. Federal Communications Commission.

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 AREA. A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby STREAM, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source. Additional definitions as to "FLOODPLAIN AREA" and its component areas are found in Chapter 83 of the Marshall TOWNSHIP Code of Ordinances, Floodplain Management.

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.

FLYAWAY BARRIER. An obstacle like a FENCE, wall, or vegetation used to force bees to fly upwards when they leave the hive to avoid contact with people and reduce the risk of stinging.

FORESTRY OPERATION. 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."

GARAGE. A BUILDING, or portion of a BUILDING, used or intended to be used for the PARKING and storage of motor vehicles and is incidental to the primary use of the PREMISES, or both.

GLARE. A sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

GOLF COURSE. 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.

GOVERNMENT FACILITY. A single-purpose public facility used for civic functions, which includes a place for public assembly in a portion of the facility, for the executive, legislative, or judicial branches of the State or a political SUBDIVISION thereof. Includes TOWNSHIP Hall, TOWNSHIP Council chambers, and courts. Does not include office BUILDINGS occupied by a government entity that are also utilized by private or non- governmental occupants.

GREENHOUSE, GARDEN CENTER OR PLANT NURSERY (COMMERCIAL). A commercial activity devoted to the raising and sale of PLANTS and implements for gardening.

GREENHOUSE, PRIVATE. An accessory STRUCTURE that is enclosed and may be permanent or portable, in which temperature and humidity can be controlled for the cultivation and protection of plants is used for growing of plants, incidental or as an accessory to an existing residential use.

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. The 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.

GROUND COVER. Low-growing plant material less than eighteen (18) inches in height.

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.

HEIGHT OF A TOWER-BASED WIRELESS COMMUNICATION FACILITY. The vertical distance measured from the ground level, including any base pad, to the highest point on a TOWER-BASED WIRELESS COMMUNICATION FACILITY, including ANTENNA mounted on the tower and any other appurtenances.

HOME BASED BUSINESS (GENERAL). 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.

NO IMPACT. No-impact home based business satisfies the following requirements:

- The business does not employ no EMPLOYEES other than FAMILY members residing in the DWELLING.
- There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- There shall be no outside appearance of a business USE.

- 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.
- 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.
- 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.

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. A facility offering temporary lodging to the public consisting of 10 or more sleeping rooms with a bathroom for each room and providing regular room cleaning services and other guest services. In-room kitchen facilities may or may not be provided. Secondary service USES may also be provided, such as restaurants and meeting rooms.

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.

INDOOR SHOOTING RANGE. A facility designed to encompass indoor shooting stations or firing lines, target areas, berms and baffles and other related components for the use of firearms for the purpose of practice shooting for recreational purposes. Also included indoor archery range.

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.

INSTITUTIONAL, PUBLIC OR PRIVATE. An organization or ESTABLISHMENT instituted for some public, educational or charitable purpose.

INVASIVE PLANT. A non-NATIVE PLANT that reproduces more rapidly, outcompetes and replaces NATIVE PLANTS in the landscape. Invasive plants are listed in the PA DCNR publication "Invasive Plants in Pennsylvania," including Watch List species.

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. 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.

- A. Any of the following activities:
 - 1. The improvement of one (1) LOT or two (2) or more contiguous LOTS, TRACTS or parcels of land for any purpose involving:
 - a. 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
 - b. 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.
 - c. A SUBDIVISION of land.
- B. The following shall not be considered a "LAND DEVELOPMENT":
 - 1. 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;
 - 2. The ADDITION of an ACCESSORY BUILDING to a residential or FARM USE, on a LOT or LOTS subordinate to an existing PRINCIPAL BUILDING; or
 - 3. 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.

LIBRARY/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.

LOADING AND UNLOADING AREA. That portion of the PARKING AREA used to satisfy the requirements of Section 208.501.

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 COVERAGE. The portion of a LOT covered by BUILDINGS and/or other impervious improvements.

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 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.

MANUFACTURED HOME COMMUNITY. A parcel or contiguous parcels of land that has been so designed and improved that it contains three or more MANUFACTURED HOME spaces for the placement thereon of MANUFACTURED HOMES.

MANUFACTURING. A function involving either the processing or production of materials, goods, or products.

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.

MEADOW. An area containing NATIVE grasses and flowing herbaceous plants that serve an ecological function. MEADOWS may not contain INVASIVE PLANT species or species on the PA Department of Agriculture’s “Noxious Weeds List.”

MEDICAL MARIJUANA. Marijuana for certified medical use as set forth in the Pennsylvania MEDICAL MARIJUANA Act, Act 16 of 2016.

MEDICAL MARIJUANA DISPENSARY. A PERSON, corporation, partnership, association, trust or other entity, or combination thereof, which holds a permit issued by the Pennsylvania Department of Health under the Pennsylvania MEDICAL MARIJUANA Act, Act 16 of 2016, to dispense MEDICAL MARIJUANA.

MEDICAL MARIJUANA GROWER/PROCESSOR. A PERSON, including a natural PERSON, corporation, partnership, association, trust or other entity, or any combination thereof, which holds a permit from the Pennsylvania Department of Health under the Pennsylvania Medical Marijuana Act, Act 16 of 2016, to grow and process MEDICAL MARIJUANA.

MEDICAL CLINIC. 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. Includes small surgical centers associated with a doctor’s office.

MICROBREWERY, MICRODISTILLERY, MICROWINERY. A facility for the production, packaging, and sampling of alcoholic beverages—including beer, wine, cider, mead, and distilled liquors—for retail or wholesale distribution, for sale or consumption on- or off- PREMISES.

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.

MONOPOLE. A WIRELESS COMMUNICATION FACILITY or site which consists of a single pole STRUCTURE, designed and erected on the ground or on top of a STRUCTURE, to support communications ANTENNA and connecting appurtenances.

MOTORCYCLE SALES. The sales, leasing, rental and related servicing of a two-wheeled self-propelled tandem vehicles having one (1) or two (2) riding saddles, and sometimes a sidecar and sometimes having a third wheel. For purposes of this Chapter, motorcycles, motor scooters, mopeds, and ALL-TERRAIN VEHICLES are classified as motorcycles.

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.

NATIVE PLANT. A plant species that occurred in Pennsylvania, Maryland, Ohio or West Virginia prior to European settlement. The native status of plants may be confirmed at www.plants.usda.gov.

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.

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.

NATURE PRESERVE. Areas in which human activities are very limited and where the natural environment is protected from human-made changes by a conservancy or conservation easement. The NATURE PRESERVE includes WOODLAND preservation, trails, game preserves, and wildlife sanctuaries.

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 Subsection 208.304.B.2 of this Chapter.

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.

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.

NORMAL AGRICULTURE OPERATION. The customary and generally accepted activities, practices and procedures that farmers adopt, use or engage in year after year in the production AND preparation for market or poultry, livestock and their products and in the production and harvesting of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities as defined by the Pennsylvania Right to Farm Law.

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 AREA, 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.

OFFICE. An office of (A) recognized professions such as lawyers, architects, doctors, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature, and/or (B) 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.

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.

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.

ONE-HUNDRED-YEAR FLOODPLAIN. The land area inundated by 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.

OPERATOR. A PERSON, partnership or corporation owning, operating, conducting or maintaining an ADULT-ORIENT ESTABLISHMENT.

OUTDOOR CAFÉ. The utilization of unenclosed space beyond the building line or commercial patio to accommodate and for the purpose of the serving of food and drink to patrons of an operating restaurant or food service business fronting on that space. Outdoor Cafes could be located on sidewalk space or on a commercial patio.

OUTDOOR DISPLAY AND SALES. The use of outdoor spaces for the exhibition and sale of merchandise, typically involving items such as garden supplies and seasonal goods.

OUTDOOR SHOOTING RANGE. An area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Outdoor shooting range does not include: any area for the exclusive use of archery or air guns; a totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range's approved use; any area that is used for shooting on a private lot or parcel of land that is not open to the public on a commercial or membership basis.

OUTDOOR SPORTING 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.

OUTDOOR STORAGE YARD. The keeping in an unroofed area, of any junk, 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 automobile 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, vegetables, and fruit.
- (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 or she 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.

PARK. An area set aside by a local government or public entity for the preservation of the natural environment. A PARK may be set aside for purposes of public recreation and enjoyment or because of its historical or scientific interest.

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 containing two or more levels, which is used to shelter or store motor vehicles.

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

the following:

- A. Arcades and Billiards
- B. Barber Shop, Beauty Salon, and Spas
- C. Dry Cleaning facilities
- D. Financial Depository Institutions/Banks, chartered and excluding Check Cashing Establishments
- E. Fitness Club, Athletic Club, Dance Studio, Yoga Studio and Gym
- F. Home Furniture and Equipment Repair
- G. Laundromat
- H. Pet Grooming
- I. Phone Sales and Service
- J. Photography Studio with Supplies
- K. Post Office, limited distribution
- L. Rental of any good permitted to be sold
- M. Repair or servicing of any good permitted to be sold
- N. Therapeutic Massage establishment, licensed proprietor
- O. Veterinary Services/Animal Hospital (no outdoor Kennels)

PETS. Animals or birds customarily found in a dwelling and kept for company or pleasure, including dogs or cats, provided that there is not a sufficient number to constitute a kennel, as defined herein; hamsters; gerbils; parakeets; canaries; and similar small animals or birds, but not including any exotic animals such as lions, tigers, ocelots or other feral cats, monkeys, bears, alligators, large or poisonous snakes, and similar animals normally kept in a zoo.

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

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.

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.

PREMISES. The area occupied by a USE. When more than one USE occupies a BUILDING, each USE is considered a separate PREMISES.

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 twenty-five percent (25%) or greater.

PRINCIPAL BUILDING. 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 unless otherwise permitted within this Ordinance.

PROTECTED STRUCTURE. Any STRUCTURE capable of occupancy located within one thousand (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 Subsection 208.2604(LL)(10) for the owners' or occupants' benefit.

PUBLIC MARKET. An indoor or covered, open-air permanent STRUCTURE dedicated to the sale of local and regional food, flowers, baked goods, and small crafts, excluding secondhand goods.

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. Any USES such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency.

RECREATION FACILITY. 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:

- A. Amphitheaters/outdoor theaters;
- B. Indoor/outdoor SWIMMING POOLS;
- C. Indoor/outdoor skating rinks;
- D. Any other public recreation facilities;
- E. Gaming enterprises and/or racetracks shall not be considered recreation facilities.

RELATED EQUIPMENT. Any piece of equipment related to, incidental to, or necessary for, the operation of a TOWER-BASED WCF or NON-TOWER WCF. By way of illustration, not limitation, RELATED EQUIPMENT includes generators and base stations.

RESEARCH TESTING FACILITY. A STRUCTURE or complex of STRUCTURES designed or used primarily for research, testing and development of robotics, autonomous vehicles, semiconductors, medical devices,

aeronautics, telecommunications and similar fields of endeavor, but not including the USE of animals for testing. RETAIL BUSINESS. Stores selling a variety of goods and services on a retail basis but not adult-oriented ESTABLISHMENTS.

RETAIL, NEIGHBORHOOD. A RETAIL BUSINESS with a Gross Floor Area of less than 3,000 square feet and outdoor sales limited to no more than 10% of the indoor Gross Floor Area of the retail USE. Neighborhood Retail includes such USES as those listed below.

RETAIL, GENERAL A RETAIL BUSINESS with a gross floor area of 3,000 square feet or greater and outdoor sales limited to no more than 25% of the indoor Gross Floor Area of the retail USE. General retail includes such USES as RETAIL BUSINESSES over 3,000 square feet and uses with outdoor sales areas.

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.

RIPARIAN BUFFER. An undeveloped area adjacent to a water body that provides an ecological service, such as filtration or runoff, flood water storage and/or improved surface water quality.

SCHOOL. 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 12th grades.

SCHOOL (SMALL). Any place offering instruction to twenty-five (25) or fewer students 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 6th grades.

SCREENING. Restriction of potentially objectionable views to intensive use or utility elements of a site by planting landscape plantings, berms, walls and/or fences according to this Ordinance. The SCREENING is located at or near the element to be screened.

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 WOODLAND; slopes 15 percent to 25 percent; Significant wildlife habitats; historic, archaeological or cultural features; groundwater recharge AREAS; important viewsheds and other Significant natural AREAS as identified by the TOWNSHIP.

SELF-STORAGE FACILITY. Any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such space for the purpose of storing and removing Personal property.

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.

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.

SHADE TREE. A woody, perennial plant with one main stem or trunk that develops many branches, distinguished by overall impact on the environment related to their size, character and permanence.

SHED. A detached, accessory structure which is incidental to a permitted residential structure. Sheds typically sit on a simple concrete slab, piers, or soil and are used to store household goods, tools, and/or equipment. Sheds shall include but are not limited to tool sheds, pool equipment structures, etc.

SHRUB. A woody plant less than 15 feet in mature height, consisting of several small stems from the ground or small branches near the ground, which may be deciduous or evergreen.

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) **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.
- 2) **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.
- 3) **AWNING SIGN.** A SIGN mounted, painted, or attached to or integral to an AWNING.
- 4) **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."

- 5) BUILDING SIGN. Any SIGN attached to any part of a BUILDING, as contrasted to a FREESTANDING SIGN.
- 6) 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.
- 7) CANOPY, DETACHED. A multisided overhead STRUCTURE supported by columns, but not enclosed by walls.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) FLAG. Any fabric, BANNER or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political SUBDIVISION or other entity.
- 12) 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.
- 13) 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.
- 14) 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.
- 15) HIGHWAY SIGN. A SIGN that is located on a LOT which has frontage on an INTERSTATE.
- 16) 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."
- 17) NONCONFORMING SIGN. Any SIGN that does not conform to the requirements of this Chapter.
- 18) OFF-SITE ADVERTISING SIGN. A SIGN (such as a billboard) that draws attention to or communicates information about a business, 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 LOT on which the SIGN is

located. This definition shall not include other types of OFF-PREMISES SIGNS such as DIRECTIONAL SIGNS.

- 19) 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.
- 20) 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.
- 21) 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.
- 22) 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.
- 23) PROJECTING SIGN. A SIGN which reproduces a remote image, by optical or any other means, on any surface, also known as a blade SIGN.
- 24) RESIDENTIAL SIGN. Any SIGN located in a DISTRICT zoned for RESIDENTIAL USES that contains no COMMERCIAL MESSAGE.
- 25) 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.
- 26) 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."
- 27) 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.
- 28) 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 of 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.

SOLAR ENERGY SYSTEM, ACCESSORY. A solar collection system consisting of one or more roof- and/or ground-mounted solar collector devices and solar related equipment and is intended to primarily reduce on-site consumption of utility power. A system is considered a small solar energy system only if it supplies electrical or thermal power solely for on-site use, except that when a property upon which the

facility is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.

SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely, covered:

- (1) Human genitals or pubic region;
- (2) Buttocks;
- (3) Female breasts below a point immediately above the top of the areola; or
- (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.

SPORTS COURT. A surfaced outdoor area accessory to a dwelling or dwellings, used for playing sports, including, but not limited to, tennis, handball, basketball, and similar sports.

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, MUNICIPAL AND FEDERAL BUILDINGS AND FACILITIES. Includes public and semi-public **USES** such as **PARKS**, and **BUILDINGS** of Marshall **TOWNSHIP**, the Commonwealth of Pennsylvania or the Government of the United States of America.

STEALTH TECHNOLOGY. Camouflaging methods applied to **WIRELESS** communications towers, **ANTENNA** and other facilities which render them more visually appealing or blend the proposed facility into the existing **STRUCTURE** or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted **ANTENNA**, **BUILDING**-mounted **ANTENNA** painted to match the existing **STRUCTURE** and facilities constructed to resemble trees, **SHRUBS**, and light poles.

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.

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.

STREAM. Any channel with defined bed and bank that conveys water all or even part of the year.

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" will be classified by the functions they perform by the TOWNSHIP Traffic Engineer and the requirements for each shall be reviewed and approved by the TOWNSHIP.

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.

STREET TREE. Any tree growing or extending within the public 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.

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, STORMWATER DETENTION and STORMWATER RETENTION facilities and public utilities.
- C. Containing no more than four (4) LOTS.

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.

SUBSTANTIALLY CHANGE or SUBSTANTIAL CHANGE.

- (1) Any increase in the height of a WIRELESS SUPPORT STRUCTURE by more than 10 percent, or by the height of one additional ANTENNA array with separation from the nearest existing ANTENNA not to exceed twenty (20) feet, whichever is greater, except that the mounting of

the proposed WIRELESS COMMUNICATIONS FACILITY may exceed the size limits set forth herein if necessary to avoid interference with existing ANTENNA; or

- (2) Any further increase in the height of a WIRELESS SUPPORT STRUCTURE which has already been extended by more than 10 percent of its originally approved height or by the height of one additional ANTENNA array.

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 CLUB. An OUTDOOR RECREATION facility in which the primary function is related to the activities of swimming in a SWIMMING POOL.

SWIMMING POOL. 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.

TIMBER HARVESTING. 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 shall include the acts of timber harvesting, SITE clean-up and SITE restoration.

TOWNSHIP. Marshall TOWNSHIP, Allegheny County, Commonwealth of Pennsylvania.

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.

TRANSPORTATION FACILITY. A facility that contains transportation-related structures or infrastructure like, bus shelters, bus stops, benches, parking lots, etc. for the purpose of enabling multimodal transportation. Also known as a park and a ride.

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 BUILDINGS 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 customary, subordinate, and 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.

USES NOT LISTED. Uses that are not included within this Ordinance.

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.

WAREHOUSE. A BUILDING or group of BUILDINGS primarily used for the indoor storage, transfer and distribution of products and materials, but not including RETAIL BUSINESS unless such uses are specifically permitted in that ZONING DISTRICT

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.

WELL SITE. A graded pad designed and constructed for the drilling of one or more OIL AND GAS wells.

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 primarily engaged in selling merchandise to retailers, institutional, industrial, commercial or professional business customers or other wholesalers, rather than the general public, or acting as a broker for such merchandise sales.

WIRELESS. Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

WIRELESS COMMUNICATIONS FACILITY (WCF). The ANTENNA, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating WIRELESS communications services.

WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT). Any PERSON that applies for a WIRELESS communication facility BUILDING PERMIT, zoning approval and/or permission to use the public RIGHT-OF-WAY (ROW) or other TOWNSHIP owned land or property.

WIRELESS COMMUNICATIONS FACILITY, NON-TOWER (NON-TOWER WCF). All NON-TOWER WIRELESS Communications Facilities, including but not limited to, ANTENNA and RELATED EQUIPMENT. NON-TOWER WCF shall not include SUPPORT STRUCTURES for ANTENNA or any RELATED EQUIPMENT that is mounted to the ground or at ground-level.

WIRELESS COMMUNICATIONS FACILITY, TOWER-BASED (TOWER-BASED WCF). Any STRUCTURE that is used for the purpose of supporting one or more ANTENNA, including, but not limited to, self-supporting lattice towers, guy towers and MONOPOLES, utility poles and light poles. DAS hub facilities are considered to be TOWER-BASED WCF.

WIRELESS SUPPORT STRUCTURE. A freestanding STRUCTURE, such as a TOWER-BASED WIRELESS COMMUNICATIONS FACILITY or any other support STRUCTURE that is constructed in order to support the placement or installation of a WIRELESS COMMUNICATIONS FACILITY.

WOODLAND. An area or stand of TREES whose total combined canopy covers an area of one-half (½) 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.

- A. FRONT YARD. A YARD lying between the STREET LINE(s) and a line(s) drawn parallel thereto, extending from LOT LINE to LOT LINE.
- B. REAR YARD. 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.
- C. REQUIRED YARD. 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.
- D. SIDE YARD. 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.

Any word or term not defined herein shall be construed with a meaning of standard usage.

APPENDIX

Appendix A – Approved Plant List

Appendix B – Conservation Subdivision Four-Step Process

Appendix C – Open Space/Conservation Area Design Guidelines for Use in Conservation Subdivision Design

Appendix D – Applicability of Prior Ordinances