



MARION TOWNSHIP ZONING ORDINANCE



2018
MARION TOWNSHIP
Beaver County Pennsylvania

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Article I

Titles

Section 1.0 Title

An Ordinance of the Township of Marion, Beaver County, Pennsylvania, repealing and replacing all prior ordinances dealing with and regulating and restricting the height, number of stories and size of buildings and other structures, their construction, alteration, extension and all facilities and services in and about such buildings and structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence or other purposes, establishing and maintaining building lines and setback building lines upon any or all public roads and highways, establishing for such purposes districts and defining the boundaries thereof; providing for appointment of a Zoning Hearing Board and setting forth the duties and functions of said Board; providing for the appointment of a Zoning Officer and for the administration and enforcement of this Ordinance and imposing fines and penalties for violation.

Section 1.1 Short Title

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Township of Marion" and the district map shall be known and may be cited as the "Marion Township Zoning Map".

ARTICLE II

Purpose and Objectives

Section 2.0 Purpose

For the purpose of lessening congestion on the roads and highways; to secure safety from fire, panic and other danger; to promote health, and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue congestion of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other requirements.

Section 2.1 Community Development Objectives

This Ordinance has been developed to assist in furthering the long-range community development objectives of Marion Township. Considerations have included land use development patterns, regional development trends, the status of community infrastructure, local housing needs, population growth factors and other pertinent local and area wide studies and documentation. Specifically, the local community development objectives relate to the following elements:

1. Creation and maintenance of an orderly land use development pattern to provide for viable, distinguishable and complimentary areas of growth.
2. Protection of the existing character of the community consistent with long range forecasts for new growth.
3. Preservation and encouragement of viable agricultural pursuits.
4. Preservation of property values and encouragement of the highest and best use of available developable land areas.

ARTICLE III

DEFINITIONS

Section 3.0 Interpretation

For the purpose of this Ordinance, words used in the present tense shall include the future. The singular number shall include the plural and the plural shall include the singular. The masculine shall include the feminine and the neuter. The word "shall" is always mandatory. The word "building" includes "structure" and shall be construed as if followed by the words "or any part thereof." The phrase "used for" includes "arranged for," "person" includes an individual, corporation, partnership, incorporated association, or any other legal entity. The word "includes" or "including" shall not limit the term to the specified example, but is intended to extend its meaning to all other instances of like kind and character. Except as defined within this Ordinance, all words and phrases shall have their normal meanings and usage.

Section 3.1 Specific Terms

The following words and phrases shall have the meaning given in this section.

Section 3.2 Meaning of Words

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated.

Accessory Building -a subordinate building, incidental to, and located on the same or adjacent lot as a principal building, and used for an accessory use.

Accessory Use - a use incidental to, and subordinate to and located on the same lot or adjacent lot as occupied by the principal use to which it relates.

Adult Oriented Business - 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 DVD's, books, films, video cassettes, or magazines and other periodicals which are distinguished or

characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas and/or, in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.

Agriculture - any agricultural use, including farming, dairying, pasturage, agriculture, aquaculture, horticulture, floriculture, viticulture, horse keeping, animal and poultry husbandry, and forestry (including the harvesting of timber), but excluding specialized animal raising and care or dog kennels as defined by this Ordinance.

Agriculture Services -businesses selling goods or services to a substantially agricultural clientele, including: feed mills, seed sales, feed grinding services, and agricultural implement dealers.

Alley - a service way at least twenty (20) feet wide, providing a secondary public means of access to abutting properties.

Alteration or Addition - (Structural or Use Change): any change in the supporting members of a building such as bearing walls, columns, beams, girders or foundations, or by extending on a side, front or rear, or by increasing in height, or the moving from one location to another, or any change in use from a conforming zoning district classification.

Apartment -a room or suite of rooms in a multi-family structure, which is designed for use as a single housekeeping unit, and which contains a functional kitchen, bath and toilet facilities, permanently installed.

Area -area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site. Exclusive of road right-of-way.

Area, Building - the total of areas taken on a horizontal plane at the main grade level of the principal building exclusive of uncovered porches, terraces, steps, garages and other accessory buildings.

Asphalt Processing - a facility for mixing, manufacturing and processing of asphalt products.

Automotive Parts Store - Retail sales of automotive parts, new or rebuilt. No on-site dismantling.

Automotive Repair - engine maintenance, repair or reconditioning, collision repair, including straightening and repainting, replacement of parts and incidental services.

Automotive Sales Area - Building for the sale of new or used motor vehicles.

Automotive Salvage- As defined in the Scrap Yard Ordinance.

Automotive Service Station - any premises used for the retail sale of motor fuel and lubricants, and incidental services such as lubrication, and the sale, installation or minor repair of tires, batteries, or other automobile accessories; but not including major repair work, such as motor replacement, body fender repair or spray painting.

Basement (or Cellar) - a portion of a building partly or completely below grade. It shall be considered a building story if more than fifty percent (50%) of its clear height is above the average level of the adjoining ground.

Bed and Breakfast - an owner-occupied residence offering, for pay, overnight or short-term lodging and breakfast for transient guests.

Billboard -a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Board of Supervisors -the Marion Township, Beaver County, Pennsylvania, Board of Supervisors.

Building -a roofed structure, whether or not enclosed by walls, to be used for the shelter, enclosure or protection of persons, goods, materials or animals.

Building Height -the vertical distance measured from the average elevation of the finish grade to the highest point of the roof.

Building or Set-Back Line -imaginary line parallel to or concentric with the nearest road right-of-way line. No portion of a building foundation or wall may extend nearer the lot line than the required front yard depth.

Business Service-any business activity that renders service to other commercial or industrial enterprises.

Car Wash - an area of land and/or structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of motor vehicles.

Cemetery - land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Chemical Processing and Production -a facility for mixing, manufacturing and processing of, chemical products.

Church -a place of religious instruction or public worship.

Clinic-any establishment where human patients or animals are examined and treated by doctors or dentists.

Club-an establishment operated for social, athletic, recreational or educational purposes but open only to members and not the general public.

Commercial (Business) - engaging in a business, enterprise, activity or other undertaking related to or connected with trade or commerce in general.

Commercial Recreation -a facility which offers various indoor or outdoor recreational opportunities for its patrons including games, performances and opportunities of observation or participation in games or sports. Specific types of commercial recreation are based upon the activities offered. All Commercial Recreation shall be classified as Indoor, Outdoor, or Intensive.

Commercial Recreation, Indoor - a facility which offers various indoor recreational opportunities for its patrons including such games as: pool, billiards, bowling, video games, miniature golf and similar pursuits.

Commercial Recreation, Outdoor -a facility which offers outdoor recreational or spectator opportunities for its patrons including such games as: miniature golf, driving ranges, tennis, team sports such as soccer or

baseball, camps and clinics for sport instruction and similar pursuits. This category does not include recreation fields accessory to schools, churches or community based non-profit organizations.

Commercial Recreation, Intensive -a facility which offers various outdoor recreational or spectator opportunities for its patrons including go-cart raceways, paintball, auto raceways, motor sports, outdoor concert performances, and similar pursuits. This category does not include annual or seasonal festivals held by non-profit community organizations, or businesses, which may include occasional accessory or incidental outdoor performances.

Community Center - facilities provided either by government or non-government agencies for benefit of, and use of, the community. A meeting place, often a complex of buildings, where the people of a community may carry on cultural, recreational, or social activities.

Conditional Use - a use to be allowed or denied by the Board of Supervisors pursuant to public notice and hearing and recommendations by the Township Planning Commission and pursuant to the express standards and criteria set forth in this Ordinance. In allowing a conditional use, the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of the Planning Code and of this Ordinance.

Construction - the construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

Contractor's Plant, Storage, and Yard - an area of land and any structure thereon used for a building contractor's office, supply yard and service facility.

Convenience Store -a light commerce/business functions to serve adjacent population concentrations. Establishment of a convenience commercial facility must be designed to include amenities appropriate to the maintenance of the adjacent residential environment.

Coverage -the percentage of a lot covered by buildings or structures, measured as gross floor area divided into lot area.

Day Care Services for Children (Day Care) -provides out-of-home care for part of a 24- hour day to children under sixteen (16) years of age, excluding

care provided by relatives and excluding day care furnished in places of worship during religious services.

Density - the area of a lot or group of lots computed exclusive of any road, divided by the number of families housed on the lot or group of lots Dog Kennel -any facilities identified and licensed as a kennel by the laws or regulations of Pennsylvania.

Driveway - a private access way to a parking area, garage or structure, including access ways to land use activity areas.

Dwelling - a building arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other upon the premises.

*The term "dwelling" shall not be deemed to include "hotel", or "motel".

Single-family dwelling - a building containing only one (1) dwelling unit with no less than 850 square feet constructed on a permanent foundation.

Two-family dwelling - a building containing two (2) dwelling units, collectively defined under this Ordinance as a duplex, regardless of configuration.

Multi-family dwelling - a building containing three (3) or more dwelling units.

Dwelling Unit - a building or portion thereof containing one (1) or more rooms for living purposes together with separate and exclusive cooking and sanitary facilities, accessible from the outdoors either directly or through an entrance hall shared with other dwelling units, and used or intended to be used by one (1) family.

Eating and Drinking Places - a business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state.

Equipment Sales and Service - businesses involved in the sale, rental, or servicing of motor vehicles or machinery not necessarily intended for registration, licensing, and travel on highways, including those used for agriculture, forestry, and construction.

Essential Services - the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate services by such public utilities or municipal or other governmental agencies or for the public health and safety or general welfare.

Excavation - any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or disturbed and any conditions resulting there from.

Family - an individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof, or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit; or, any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. seq., as now or hereafter amended) living together in a group living arrangement with supervision, provided those persons do not have a criminal record. Family shall not include persons living together in a Group Home, Assisted Living Facility, or Nursing Home, as defined herein, or any other supervised group living arrangement for persons other than those protected by the Fair Housing Act or persons who constitute a direct threat to others or their physical property. /

Farm - a tract or parcel of land upon which are maintained, grown and produced for sale or use, domestic livestock, dairy products, poultry, eggs and crops as are usual and customary in this locality. Farm use does not include feed yards or slaughterhouses.

Farm and Home Based Manufacturing - a form of light manufacturing conducted as accessory to a home or farm by an owner resident.

Farmer's Market - Market for the sale of locally farm raised products.

FlagLot- a basically landlocked land parcel connected to an access road with a contiguous strip of land.

Floor Area - the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of exterior walls, or from the

centerline of common walls separating buildings. For determining parking and loading space requirements under this Ordinance, the following areas shall not be included: cellar storage areas, elevator shafts and stairwells, floor area for mechanical equipment required to service the needs of the building, open terraces, breezeways and open porches.

Forestry-the science and art of cultivating, maintaining, and developing forests.

Frontage -lot boundary lines that are adjacent to a street.

Gasoline Service Station - an area of land, together with any structure thereon, used for the retail sale of motor fuel and lubricants and incidental services, such as lubrication and washing of motor vehicles, and the sale, installation or minor repairs of tires, batteries or other automobile accessories.

Golf Course -land for playing the sport of golf, consisting of a minimum of nine holes.

Governing Body -the Board of Marion Township Supervisors.

Governmental Authorities - any federal, state or local agency having authority over health factors, such as sewers, water and other related matters.

Group Residential Facility - an establishment that provides room and board in a family environment to persons who receive supervised care limited to health, social, rehabilitative or housing services. Such facilities may include child and adult services for individuals not in need of hospitalization or incarceration, but who because of age, convalescence, infirmity, disability or related circumstances require such care. Group residential facilities may be characterized as rest homes, nursing homes, halfway houses or similarly described; however, the scope of all operations shall be of a limited nature as specified in this Ordinance.

Halfway House -a transitional residential facility, licensed and operated by a government or social service agency, that provides a supervised environment to residents who require psychiatric, correctional or behavioral treatment between periods of institutional and independent living.

Home and Farm Based Manufacturing- A form of light manufacturing conducted as accessory to home or farm by an owner resident.

Home Occupation - any use customarily carried on entirely within a dwelling, by the occupants thereof, which use is clearly incidental and subordinate to the use of the dwelling for dwelling purposes and does not change the residential character thereof. Examples include, but are not limited to: professional services, such as legal, financial, accounting or engineers, barber and beauty shops, studios of artists, writers and associations. (See Professional Office).

No-Impact Home-Based Business - a business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

The business activity shall be compatible with the residential use of the property and surrounding residential uses.

The business shall 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, including, but not limited to, parking, signs or lights.

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 the neighborhood.

The business activity may not generate any solid waste 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 25% of the habitable floor area.

The business may not involve any illegal activity.

Hospital - an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities and staff offices that are an integral part of the facilities.

Junk - shall mean any discarded material or article and shall include, but not be limited to, scrap metal, abandoned motor vehicles or vehicle parts, machinery or machinery parts, papers, glass and related items, containers, or partially dismantled structures or parts thereof. It shall also include a partially dismantled motor vehicle which is not in the process of on-going and immediate repair. It shall not include refuse or garbage kept in a proper container for the purpose of prompt disposal.

Junk Yard - the use of any lot for storage, keeping or abandonment of junk to be sold commercially whether retail or wholesale.

Kennel - any structure, pen or area set aside for the breeding, boarding, show, grooming or keeping of dogs, cats or similar domestic animals. For purposes of this Ordinance, the keeping of four (4) or more such animals for economic gain shall be deemed a commercial kennel.

Land Development - the improvement of a lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving a group of two (2) or more buildings, or the division or allocation of land or space between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leasehold, condominiums, building groups or other features.

Landfill - a disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Loading Space - a space within the main building or on the same lot therewith providing for the standing, loading, or unloading of vehicles.

Lot - a tract or parcel of land, regardless of size, held in single or joint ownership, which is occupied or capable of being occupied by buildings, structures, and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean "parcel", "plot", "site", or similar term.

Lot Area - area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site. Exclusive of road right-of-way.

Lot, Corner - a lot, abutting two (2) or more streets at their intersection, on which the building line for all streets must be observed.

Lot Coverage - the ratio of ground area covered by principle and accessory structures to the total ground area of the lot.

Lot Line, Front - the line contiguous with the street right-of-way line.

Lot Line, Rear - the line generally parallel to the front lot line, which defines the rear of the lot line.

Lot Line, Side - any lot line which is not a front lot line or a rear lot line.

Lot Width - the total horizontal distance across the lot, between the side lot lines, measured at the building line.

Manufacturing, General - manufacturing or industrial processes which by the nature of the materials, equipment and process utilized, fall within acceptable standards to be determined by the Governing body of the Township, by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse matter or water carried waste. Any manufacturing or industrial process permitted in an I-Industrial District under this Ordinance.

Manufacturing, Light - light or limited manufacturing or industrial processing which by the nature of the materials, equipment and process utilized, are to be basically clean, quiet and free of any hazardous elements. Light industrial uses or activities permitted in the B-2 Districts under this Ordinance.

Mini-Storage Facilities -- a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Mobile Home - a transportable, single-family dwelling intended for permanent occupancy, contained in one (1) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations.

Mobile Home Lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile Home Park - a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

Motel - a building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. The definition includes hotels, motor lodges and similar use.

Neighborhood Commercial - a neighborhood oriented commercial facility that provides essential everyday needs to the residents of the immediate community and is not dependent upon transient or nonresident trade.

Nonconforming Lot - a lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Structure - a structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Ordinance or an amendment hereafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - a use, whether of land or structure, which does not comply with the applicable use provisions of this Ordinance or amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation.

Nursery/Greenhouse - a retail commercial sales establishment for the sale of plants, garden supplies and related items. For purposes of this Ordinance, said establishments shall not include the sale or service of machinery, tractors or mowing equipment in excess of twenty (20) horsepower.

Nursing Home - a facility to give long-term skilled care to geriatric or handicapped patients and licensed as such a facility by the Commonwealth of Pennsylvania.

Office Building - a building utilized for office space compatible with neighboring low density agricultural and residential neighborhoods.

Office Building Research Park Development - a site complex utilized for multiple office and/or limited light industrial purposes. The complex must be designed and established as an integrated park-like development to achieve compatibility with neighboring low density agricultural and residential neighborhoods.

Parking - any lot, parcel, or yard used in whole or in part for the storage or parking of two or more vehicles where such usage is not incidental to, or in conjunction with, a one family or two family dwelling.

Permitted Use - a use by right which is specifically authorized in a particular zoning district.

Personal and Business Services - a commercial establishment providing services and/or goods to individuals and businesses.

Personal Care Home - a facility giving care in a home-like setting and licensed as such by the Commonwealth of Pennsylvania.

Planned Residential Development - development of a tract of land for primarily residential purposes under single ownership of control; the development of which is unique and of a substantially different character than

that of the surrounding area. Such development shall be based on a plan that allows for flexibility of design not available under standard zoning district requirements.

Planning Code - the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as re-enacted and amended by Act No. 170 of 1988 and Acts 67 and 68 of 2000, and as further amended from time to time.

Planning Commission - the Marion Township, Beaver County, Pennsylvania Planning Commission.

Principal Use - the major or dominant use of a lot or land parcel.

Private Club/Lodge - an organization catering exclusively to members and their guests at premises for social, recreational or athletic purposes which are not conducted primarily for gain, providing that any merchandising or commercial activities are conducted only as required generally for the membership of such organization.

Professional Office - an office or business conducted by an individual or association dealing with medicine, law accounting, real estate, architecture, engineering, finance or related services.

Public Hearing - a formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with Act 247 of 1968 as amended by Act 170 of 1988.

Public Meeting - a forum held pursuant to notice under the Act of July 3, 1986 P.L. 388, No. 84 (Sunshine Act).

Public Notice - notice as required by the PA Municipalities Planning Code.

Recreation - for purposes of this Ordinance, recreation shall be defined as follows:

Municipal Recreation - developed or undeveloped open spaces and/or structures and facilities which are provided by a governmental body for public use for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

Recreation, Commercial Indoor - indoor facilities for leisure time activities that are provided as a business pursuit, including facilities open to the public and those requiring membership; includes indoor theaters, lodges, fraternal organizations, bowling alleys, and indoor skating facilities. **Recreation, Commercial Outdoor** - outdoor facilities for leisure time activities that are provided as a business pursuit, including outdoor facilities open to the public and those requiring membership; includes swimming pools, tennis courts, riding stables, drive-in theaters, and golf courses.

Recreation, Non-Commercial Parks -A park or playground for the use of the residents of the neighborhood of which it is located.

Recreation, Private - developed or undeveloped open spaces and/or structures and facilities which are provided by private organizations for the use of specified individuals sharing common relationships or associations for the purposes of play, amusement or relaxation. Such uses may include sports facilities, parks, assembly buildings, passive areas, gardens and related amenities.

Recreational Campground - an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, tents, and recreational vehicles.

Recycling Center - a facility for collection of recyclable material for ultimate processing off site.

Restaurant -an establishment where refreshments, meals or prepared foods may be obtained by the public.

Retail Establishment -Any business establishment shall deal directly with the consumer only.

Right-of-Way -land reserved for use as a street, alley, interior walk, or other public purposes and dedicated for public use. For purposes of this Ordinance, public right-of-way lines shall prevail over private parcel lines that are designated as falling within the public right-of-way. When a lot abuts a right-of-way of a public thoroughfare or alley, all applicable lot area and front, side and rear lot requirements shall be computed from the public right-of-way line.

Roadside Stands - stands offering for sale only agricultural products.

Screening - screening shall mean a fence, screen planting or wall at least six (6) feet high, provided in such a way that it will block a line of sight.

Self-Storage -a facility designed for short term rental storage with no exterior storage.

Service Station - buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries and tires.

Setback -the minimum distance that a structure can be located from a right-of-way or property line or another structure.

Shopping Center - a commercial facility developed as a mixture of uses, including retail sales, theaters, personal services and eating and drinking places, but planned, constructed, managed or promoted as an integral whole.

Sign - any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction, advertisement or identification.

Site Plan- A Plan to Scale, showing uses and structures proposed for a parcel of land that includes lot lines, streets, building sites, buildings, open space and other information.

Special Exception -the permission or approval for a land use activity, expressly granted by the Zoning Hearing Board, after formal application, in situations where provision therefore is made by the terms of this Ordinance.

Specialized Animal Raising and Care - for the purposes of this Ordinance, specialized animal raising and care shall include:

Feed lots or similar institutions where cattle, sheep, goats, or swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

Pens or structures for the raising and care of fur-bearing animals, game birds, or similar operations for profit.

Licensed kennels.

Story -that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Street -a public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation, which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley and road or similar terms.

Street Line -a line defining the right-of-way boundaries of a street.

Structure -buildings, sheds and signs having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Studio -the working place of a painter, sculptor, or photographer. A place for the study of an art such as dancing, singing, or acting.

Supply Yards -a commercial establishment storing or offering for sale building supplies, steel supplies, coal heavy equipment, feed and grain, and similar goods. Supplyyards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

Trailer, Camping - a portable vehicular structure built on a chassis and designed for use as a temporary dwelling for travel, recreation and vacation uses."

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.

Variance - a modification of the literal provisions of this Ordinance, which the Zoning Hearing Board is permitted to grant when strict enforcement of said provisions would cause undue hardship owing to circumstances unique to the individual property on which the variance is sought.

Vehicle Sales and Services - facilities for the sale and service of vehicles; includes automobile and truck dealers, mobile home dealers, self-propelled or towed recreational vehicle dealers and farm or construction equipment dealers.

Veterinary Clinic - a facility used for the treatment of domestic animals for pay with health treatment provided by a licensed veterinarian.

Warehousing and Distribution - a use engaged in storage, wholesale, and distribution of manufactured product, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous conditions. For the purpose of this Ordinance, storage of explosive, flammable, hazardous conditions shall be considered heavy industry.

Zoning Hearing Board - the Board assigned the duties of judging various appeals and variance requests of persons aggrieved by the interpretation of this Ordinance, and further assigned to consider the qualification of special exceptions under the terms and conditions specified in this Ordinance.

Zoning Officer - the individual authorized by the Marion Township Supervisors to be the administrator of the day to day application of the provisions contained in this Ordinance.

Zoning Permit - a statement signed by the Zoning Officer indicating that the application for permission to construct or alter is approved and in accordance with the requirements and terms of this Ordinance.

ARTICLE IV

Establishment of Districts

Section 4.0 Zoning Districts

For the purpose of applying the provisions of this Ordinance, the Township of Marion is hereby classified and divided into the following Zoning Districts:

1. A-1 Residential Agriculture District (PRD Allowed)
2. B-1 Business Neighborhood District
3. B-2 Business Highway District
4. CN Conservation District
5. I Industrial District
6. R-1 Residential District (PRD Allowed)

Section 4.1 Zoning Map

The location of the boundaries of the established Zoning Districts are shown on the Zoning Map adopted by the Board of Supervisors on file in the office of the Township Secretary. Said Zoning Map together with amendments and all explanatory matter thereon shall be deemed to accompany, and is hereby made a part of this Ordinance.

Section 4.2 Interpretation of District Boundaries

District boundaries shall be determined as follows:

Where district boundaries are indicated as approximately following the center lines of streets, highways, street lines, highway right-of-way lines, or streams, such center lines shall be construed to be such boundaries.

Where district boundaries are indicated as approximately following lot lines, such lot lines shall be construed to be such boundaries.

Where district boundaries approximately follow a railroad, such boundaries shall be deemed to be located in the center of such railroad right-of-way.

Where the boundary of a district follows a stream or other body of water abutting another municipality, the boundary shall be deemed to be the limits of jurisdiction of the Township, unless otherwise indicated.

Where streets, property lines or other physical boundaries and delineations are not applicable, boundaries shall be determined by the scale shown on the original Zoning Map on file in the office of the Township Secretary.

Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered in Section 4.2, the Zoning Hearing Board shall interpret the district boundary.

When a district boundary line divides a lot held in single and separate ownership at the effective date of this Ordinance, the regulations which apply to the use in a less restricted district shall extend over the portion of the lot in the more restricted district, a distance of not more than one hundred (100) feet beyond the district boundary line.

ARTICLE V

General Provisions

Section 5.0 Use of Property

Following the effective date of this Ordinance, no building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations specified for the Zoning district in which it is located or applicable special regulations.

Section 5.1 Restrictions

Following the effective date of this Ordinance, no building shall hereafter be erected or altered:

- A. to exceed the height;
- B. to accommodate a greater number of families;
- C. to occupy a greater percentage of lot area; or
- D. to have narrower or smaller rear yards, front yards, or side yards than are specified herein for the Zoning District in which such building is located.

No part of a yard or other open space required about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building.

Refer to dimensional requirements per district.

ARTICLE VI

Conditional Uses

Section 6.0 Conditional Uses and Special Exceptions

The criteria for Conditional Uses and Special Exceptions are listed below. The Board of Supervisors or the Zoning Hearing Board (as the case may be), in granting Conditional Uses and Special Exceptions, are charged with considering the effect that such proposed uses will have upon the immediate neighborhood. The preservation and integrity of existing development must be carefully weighed and given priority in each decision. In granting a Conditional Use or a Special Exception, the Supervisors or the Zoning Hearing Board (as the case may be) may attach reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as they may deem necessary to implement the purposes of the Pennsylvania Municipalities Planning Code and this Ordinance, Applications for Conditional Uses and Special Exceptions shall be made to the Zoning Officer.

Conditional Uses shall be granted or denied by the Board of Township Supervisors after the recommendation of the Township Planning Commission. Special Exceptions shall be granted or denied by the Zoning Hearing Board. Procedures for both shall follow those specified in this Ordinance and the Planning Code.

Section 6.1 Conditional Uses and Procedures:

When considering a conditional use, the Board of Supervisors shall evaluate a use and its potential impacts on neighboring properties and its compatibility with the surrounding neighborhood with respects to its appearance, size, intensity of use, traffic, parking, noise, lighting, number of employees, number of deliveries, storage, etc., to determine if the proposed use shall be permitted. The Board of Supervisors may attach reasonable conditions and safeguards when granting a conditional use. Such conditions are to implement the stated objectives of this Ordinance and the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended). Uses that are a conditional use in a certain zoning district are identified in the respective zoning district column with an "X". Where listed uses are followed by a section or subsection number

in parentheses, refer to that section or sub-section for additional regulations or provisions that apply to that use.

Section 6.2 Procedures for Conditional Uses

Applications for conditional uses shall follow the following review and approval process in accord with the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended): Public Notice and Hearing - Public notice shall be provided and public hearing shall be held by the Board of Supervisors in accord with the Pennsylvania Municipalities Planning Code prior to making a decision on the application.

Decision -The Board of Supervisors shall render a decision on the application and any conditions to be required as part of an approved application within forty- five (45) days of receipt of the application.

Section 6.3 Definitions and Basic Requirements

Bed and Breakfast:

Bed and Breakfast facilities shall be developed pursuant to the following standards:

All rooms and related facilities provided for transient guests shall be normal integral components of the principal dwelling unit. The owner of the facility must reside therein.

No facilities, such as cooking accommodations or similar amenities, other than those provided for the normal use of the principal dwelling unit shall be provided for transient guests.

No more than four (4) guest sleeping rooms shall be available or utilized concurrently for transient guests in any facility.

The size of each individual guest sleeping room utilized for transient guests shall be a minimum of 100 square feet.

Maximum occupancy shall not exceed eight (8) guests.

Food service, for other than normal residential purposes, shall be limited to overnight transient guests.

Off-street parking space shall be provided at the rate of one (1) space for each guest room, plus two (2) spaces for the residential use. Parking shall be provided to the rear of the principal structure and shall not be sited within any required front or side yard setback areas.

Signs shall be limited as specified in Section 11.2-l of this Ordinance.

Only normal residential yard and structure lighting appropriate for residential purposes shall be permitted.

As part of the Conditional Use Application process, the Chief of the Fire Department that provides local fire protection services, or the designated agent thereof, shall inspect the premises to determine location of access, fire escapes, structural layout and smoke and fire alarm devices.

Only members of the family in residence at the premises, plus one (1) nonresident employee, shall be engaged in the conduct of the Bed and Breakfast establishment.

Overnight guests shall not occupy the facility for more than four (4) consecutive nights in a thirty (30) day period.

The owner shall make the premises available for re-inspection by the Township authorities at any reasonable time.

On-site sewage disposal systems shall be certified by the Sewage Inspection Officer as legally operational and adequate to accommodate the proposed business activity.

The Board of Supervisors may specify additional standards and criteria as may be deemed appropriate and necessary.

Cemeteries

The purpose of cemeteries, under this Ordinance, is to provide a proper burial ground for persons. All uses and activities must be clearly and customarily incidental to this use. Prior to the establishment of a new facility or expansion of an existing cemetery; the owner shall:

File a site plan to demonstrate the design and layout of the proposed cemetery or cemetery expansion and specifically illustrate: the proposed drainage plan, the internal circulation plan, and the location of accessory building(s).

Connections to existing Township streets will be no closer than fifty (50) feet to a street intersection, fifteen (15) feet to a fire hydrant, thirty (30) feet to a driveway on the same side of the street and shall avoid streets or driveways opposite proposed means of ingress and egress

Shall demonstrate compliance with applicable state laws.

All accessory uses must be clearly incidental and subordinate to the function of the cemetery.

All new facilities shall have a size of at least five (5) acres.

Family Group Day Care Homes

Day Care Services for Children have three (3) separate types (see Article III for definitions), Family Day Care Homes, Group Day Care Homes and Day Care Centers. The latter use shall be allowed as a Conditional Use providing the following criteria are met:

Any outdoor play area shall be effectively fenced from access to abutting properties or streets with a solid or opaque fence of at least four (4) feet in height.

For all new construction, and where feasible for existing structures, circular driveways shall be provided to deliver and pick up children and adults. These will be for the safety of the children and adults and the protection of the neighborhood. In any event, there shall be an off- street area for loading/unloading children and adults.

One (1) parking space for each employee shall be required.

The operator shall secure and keep current all permits from the Commonwealth or other licensing agencies.

Home and Farm-Based Manufacturing

Shall be permitted as a Conditional Use, provided:

Shall increase all side and rear yards by twenty-five (25) feet in those instances where they abut residential uses.

Shall have no more than five (5) employees.

Halfway House

Shall present the Township Supervisors with a security plan which takes into account the safety of township residents.

Does not lie within one thousand five hundred (1,500) feet of:

. A church;

A public or private pre-elementary, elementary, or secondary school;

A public library;

A child-care facility or nursery school;

A public park adjacent to any residential district;

A child-oriented business.

7. Does not abut a pre-existing single-family home.

Home Occupation

Shall be conducted pursuant to the following:

A home occupation which involves any of the following activities or conditions, shall not be permitted:

Changes the external appearance of the dwelling, accessory buildings or the site;

Is visible from surrounding properties or the adjacent street;

Generates traffic, parking or utility use in excess of normal residential levels in the neighborhood;

Creates hazards to persons or property;

Creates interference or a nuisance with respect to adjacent land uses;

Involves outside storage, display or operations; or

Occupies more than one (1) structure or utilizes more than thirty-five percent (35%) of the floor area of the structure in which it is housed.

Signs shall be limited to the provisions of this Ordinance for the district in which the home occupation is located. (See Article)

Only members of the family residing on the premises shall be engaged in such occupation, plus one (1) non-family paid assistant may be employed.

Off-street parking requirements for home occupations shall be provided on the immediate site and to the rear of the required front yard setback line. A minimum of three (3) off-street spaces shall be provided in addition to normal residential requirements.

Activities shall be limited to the following;

Professional, technical or business pursuits that are limited to office related functions and practices.

Handicrafts; sewing; photography, upholstering, crafts and objects of art.

Teaching instruction, limited to no more than three (3) students at any one time.

Small appliance and minor equipment repair and servicing. (May include lawn mower and chain saw services).

Beautician, barber and similar services, limited to no more than two (2) clients at any one time.

Telephone answering services.

Home based sales businesses that involve off-site contact and delivery.

Animal grooming, exclusive of kennel and boarding facilities.

The following shall not be authorized as home occupations:

Automotive repair and painting

Group Residential Facilities

Dancing and music studios

Commercial kennels

Mortuaries

Nursery schools

Restaurants and Tea Rooms

Tourist homes

Any proposed home occupation that is similar in character and scope with an activity that is not specifically cited as acceptable in item E. of this section may be submitted to the Planning Commission and the Township Supervisors for consideration as a Conditional Use.

Junk Yards

See current Ordinance

Kennels

- A. Provide evidence of meeting all applicable State codes and licenses.
- B. Must provide evidence that waste products or manure will not create a malodorous nuisance.

Mini-Storage Facilities

These structures are also known as self-service storage facilities and consist of one or more larger buildings, which are divided into small separate units. These units, often the size of a single garage, are then rented for storage, normally for personal goods. Such uses must adhere to the following regulations:

There shall be outdoor storage not to exceed twenty-five percent (25%) of building area.

In addition to the required side and rear yards, an additional ten(10) foot buffer yard shall be required. This buffer yard is to be planted in evergreen trees to provide a visual buffer to surrounding properties.

Each such facility shall be serviced by at least two (2) well-marked driveways of fifteen (15) feet in width or more or one (1) or more driveways of thirty (30) feet in width or more.

The entire complex shall be surrounded by a security fence at least six (6) feet but not greater than eight (8) feet in height. Said fence shall be no closer to any lot line than ten (10) feet.

There shall be no rental of space for active uses, such as gatherings or music practice.

Multiple-Family Dwellings

Multiple Family Dwellings shall be developed pursuant to the following standards when situated on individual parcels independent of planned residential development.

The proposed lot situated within the A-1 District shall be no less than one and a half (1.5) contiguous acres in area, under single ownership or control and shall be developed as a single entity for the number of dwellings as may be permitted under this Ordinance.

The following design standards shall apply;

No multiple family dwellings shall exceed three (3) stories in height.

No multiple family dwellings shall contain more than six (6) dwelling units.

No multiple family dwellings structure shall be more than three hundred (300) feet in length.

No multiple family dwellings shall be setback less than fifty (50) feet from any road or street (right-of-way) line.

At least two (2) off-street parking spaces shall be provided for each dwelling unit and such space shall be within one hundred fifty (150) feet of any commonly used entranceway for such dwelling units.

Buildings shall be so designed as to avoid monotonous patterns of construction, or repetitive spaces or modules between buildings.

No structure shall be erected within twenty-five (25) feet of another structure.

Residential density shall not exceed four (4) dwelling units per gross acre of land.

There shall be a minimum yard setback of fifty (50) feet along the lot perimeter. The developer shall provide an approved sanitary sewage disposal system of sufficient size and design to adequately serve the maximum designed capacity of the proposed residential units in the development in lieu of connection to an approved municipal sewerage system.

An approved central or municipal water system shall be provided to adequately serve the maximum designed capacity of the proposed residential units in the development in lieu of connection to an approved municipal water system.

All Multiple-Family Dwellings development shall be subject to preliminary site plan review and approval in accordance with the following application requirements:

Overall development plans showing:

Kind, location, occupancy capacity of structures and uses.

General floor plan of building.

Location and identification of open space, streets and all other means for pedestrian and vehicular circulation, parks, recreational areas and other non-building sites.

Provisions for automobile parking and loading.

General landscape plan.

General location and nature of public and private utilities (including underground utilities) and other community facilities and services.

Following tentative approval of the application by the Planning Commission and the Board of Supervisors, the final processing of the application shall proceed with the submission of final detailed plans of site improvements, detailed utility plans together with all required approvals and certifications, proposed documents to provide security for the installation and maintenance of utilities and the official Subdivision Site Plan, for recording.

No building permits or occupancy permits shall be issued until after final approval of the application and the final approval and recording of the Subdivision Site Plan.

Personal Care Homes

The purpose of such homes is to provide residences for individuals in a home-like setting. Consequently, it is essential to maintain an exterior appearance that is in harmony with surrounding residences. Personal care homes are facilities which offer food, shelter and personal assistance for a period of more than twenty-four (24) consecutive hours for four (4) or more adult residents who are not relatives of the operator and where the residents do not require hospitalization or nursing facility care. In addition, such uses shall meet the following conditions:

There shall be no sign or exterior display beyond the name of the home or its use.

At least one (1) additional on-lot parking space shall be provided for each two (2) guests.

No home shall admit more than eight (8) guests/clients at any one time.

Required local, county and/or state certifications shall be presented to the Board. Specially included are to be applicable permits from the Pennsylvania Departments of Welfare.

Private Clubs

Private clubs and private commercial recreation facilities, within the defined meaning of this Ordinance, shall be developed pursuant to the following standards:

All structures shall be a minimum of one hundred (100) feet from any adjoining property line or public right-of-way line and a minimum of two hundred (200) feet from the nearest dwelling structure, church or educational facility.

All lot boundaries shall be enclosed by a landscaped buffer consisting of dense evergreen plant materials at least six (6) feet in height.

Fencing may be deemed necessary by the Township Supervisors for purposes of safety or security. The installation, material and design of the fencing shall be subject to recommendations of the Planning Commission and final approval of the Supervisors.

Loud speakers, radios and similar sound amplification devices for outdoor entertainment purposes shall be prohibited.

All lighting shall be designed and utilized in a manner that is compatible with area wide residential uses within viewing distance of the site.

The minimum site area shall be two (2) contiguous acres. Provisions shall be made for the safety of individuals and property on- site and off-site, consistent with the proposed uses. Reviewing authorities shall consider potential hazards, nuisances and related factors, which could result from the recreational activities.

Private Commercial Recreation

Refer to: Private Clubs

Recreational Campgrounds

Such uses are commercial in nature, normally seasonal but do have a high impact potential. They are also regulated by the Marion Township Subdivision and Land Development Ordinance and must comply with all provision of that Ordinance. Such uses shall;

Campground shall be under the control and ownership of a single entity that shall be responsible for compliance of all the rules and regulations.

- a. Provide evidence of compliance with Department of Environmental Protection Standards for water and sanitary sewer facilities.

- b. Provide evidence of approved solid waste removal.
- c. All trailers must be licensed and inspected.
- d. Trailers will have a maximum width of 8 feet 6 inches.
- e. Trailers will have a maximum of 340 square feet in transport mode.
- f. Loud speakers, radios and similar sound amplification devices for outdoor entertainment purposes shall be prohibited.
- g. All lighting shall be designed and utilized in a manner that is compatible with area wide residential uses within viewing distance of the site.

Sanitary Landfills

Sanitary landfills shall be permitted only as a Conditional Use. Plans for sanitary landfills shall be approved and controlled by the Pennsylvania Department of Environmental Protection (Penn DEP), the laws and regulations of the Commonwealth and appropriate laws and regulations of the United States of America. Operations of sanitary landfills shall file with the Board written proof that they may apply to a specific development.

Local requirements that must be met prior to permit approval by the Board include:

A buffer yard of two hundred fifty (250) feet from all public rights-of-way and four hundred (400) feet from all dwellings, schools, churches, hospitals, and similar residential uses.

A barrier of natural forestry at a width of one hundred (100) feet or an eight (8) foot high cyclone type fence with panel weaving or similar solid fencing shall parallel all public rights-of-way and adjacent properties for purposes of preventing the passing of wind-blown litter and preventing direct visibility of the working area from public rights-of-way and adjoining properties.

The barrier shall be at a minimum distance of seventy-five (75) feet from all operations, and the area between the work area and barrier shall consist of a natural cover of vegetation or forestry. This strip shall not be of barren soil.

The landfill shall have no more than two (2) access routes, unless the landfill property borders three (3) or more public rights-of-way. In such an event, approval by the Township Supervisors will be necessary to secure an additional access route.

A bond will be filed with the Township Supervisors, at an amount deemed necessary by the Board of Supervisors, to provide for protection of Township roads, which may be used for access to this landfill.

The operator shall submit to the Board for approval a plan for the restoration of the landfill area, which shall include anticipated future use of the restored land.

All such proposed uses shall be on a lot of no less than (5) acres.

Schools

Shall provide all parking and loading/unloading requirements as required by this Ordinance.

Shall be located on a paved public street with a minimum cart way width of twenty-four (24) feet.

The design and landscaping shall be compatible with and preserve the character of adjoining residential uses.

All parking and recreation/play areas that abut residential uses shall provide screen planting.

Any outdoor lighting shall be designed to prevent glare to adjoining properties.

Such uses shall have, and present, all needed local, county, state or federal permits, or applications for needed permits. If needed permits are in the application stages, the final approval for it shall be a condition prior to issuing a Certificate of Occupancy.

Specialized Animal Raising and Care

While the Township recognizes the importance of these endeavors, their intensity makes them a Conditional Use. Such facilities shall:

A Provide evidence of meeting all applicable State codes and licenses.

Must provide evidence that waste products or manure will not create a malodorous nuisance.

Have a minimum space of ten (10) acres.

No pens or runs shall be closer than one hundred (100) feet from neighboring lotlines.

Veterinary Offices

Shall provide evidence of meeting all applicable State codes and licenses.

Must provide evidence that waste products or manure will not create a malodorous nuisance.

Have a minimum space of two (2) acres.

No pens or runs shall be closer than fifty (50) feet from neighboring lotlines.

Article VII

A-1 Residential Agricultural District

Section 7.0 Statement of purpose

The A-1 Residential Agricultural District is established to preserve productive agriculture land resources and to provide sites for low density residential development that will be compatible with natural features, agricultural pursuits and the perpetuating of the low density use characteristics of the district.

Section 7.1 A-1

Uses Permitted

by Right

Permitted uses

Accessory Uses and Structures less than 200 square feet

Agriculture

Churches

Electric Power or Light Substation

Essential Services

Forestry

Gas or Water Regulator Station

Impoundment Areas

Nursery/Greenhouse

Oil and Gas Operations

Public Utility Facility

Single Family Dwelling

* Unless requires on lot sewage facilities then 1.0 acre or more

Section 7.2 A-1 Lot and Dimensional Requirements

	Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage	
Accessory Uses and Structures less than 200 square feet	Standard for principal use applies			10	10	10		
Agriculture	10	200	60	50	50	50	20%	
Churches	2	150	50	50	50	45	20%	
Electric Power or Light Substation	0.25*	50	25	10	20	25	50%	
Essential Services	2	200	60	50	50	35	10%	
Forestry	Standard for principal use applies							
Gas or Water Regulator Station	0.25*	50	25	10	20	25	50%	
Impoundment Areas	5	As per the provisions of Commonwealth of Pennsylvania Act 13 of February 2012 or as otherwise provided in Section 15						
Nursery/Greenhouse	5	200	60	50	50	35	20%	
Oil and Gas Operations	5	As per the provisions of Commonwealth of Pennsylvania Act 13 of February 2012 or as otherwise provided in Section 14						
Public Utility Facility	0.25*	50	25	10	20	25	50%	
Single Family Dwelling	1	100	50	15	30	35	10%	

**Section 7.4 A-1 Conditional Use
Lot and Dimensional Requirements
Also See Article VI**

**Section 7.3 A-1
Conditional Uses**

Also See Article VI

	Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
Agriculture Services	2	150	50	50	50	50	20%
Airports & Heliports	Refer to FAA regulations						
Bed and Breakfast	1	50	50	50	50	50	20%
Communication Towers	Refer to ordinance regulations						
Compressor Station	20	As per the provisions of Commonwealth of Pennsylvania Act 13 or as otherwise provided				45	50%
						in Section 15	
Equipment Sales and Services	1	100	50	25	40	35	50%
Family/Group Day Care Homes	Standard for principal use applies						
Farm-Based Manufacturing	2	200	60	50	50	50	20%
Golf Courses	10	100	100	50	50	35	10%
Halfway House	1	100	50	15	30	35	10%
Home Occupations	Standard for principal use applies						
Kennels	5	300	100	100	100	35	20%
Mini-Storage Facilities	2	120	50	25	30	30	20%
Mobile Home Park	Refer to Mobile Home ordinance						
Multiple-Family Dwellings	1.5	120	50	15	30	35	15%
Personal Care Homes	1.5	120	50	15	30	35	15%
PRD	Refer to PRD ordinance						
Private Club	2	150	50	50	50	35	20%
Private Commercial Recreation	2	200	60	100	100	35	10%
Public Parks & Recreation	0.5	75	50	10	10	15	20%
Recreation Campgrounds	10	200	60	60	60	25	40%
Sawmills (on site) Temporary	Standard for principal use applies						
Schools	2	150	50	50	50	45	20%
Specialized Animal Raising & Care	10	300	100	100	100	50	20%
Veterinary Offices	2	100	50	25	30	35	20%

The A-1 Residential Agricultural

Section 7.5 Accessory Use

The following accessory uses shall be permitted in the A-1 District:

Private garages, storage buildings, farm structures and other accessory structures and uses customarily incidental to the primary land use authorized in the district.

The growing and selling, either at wholesale or retail, of products raised on the premises, including the use of road side stands.

Article VIII

B-1 Business Neighborhood District

Section 8.0 Statement of purpose

The B-1 Business Neighborhood District is designed to provide a Zoning District which will encourage the establishment and maintenance of those office, retail, and service business establishments essential to the efficient functioning of a residential neighborhood in such a manner that it will preserve the essential character of the adjoining Residential Zoning District.

Section 8.2 B-1 Lot and Dimensional Requirements

Section 8.1 B-1 Uses Permitted By Right	Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
<u>Permitted Uses</u>							
Bank	2	100	50	20	40	35	50%
Barber Shop/Beauty Parlor	1	100	50	20	40	35	50%
Bed and Breakfast	1	100	50	50	50	50	20%
Clubs & Lodges	1	100	50	20	40	35	50%
Community Center	1	100	50	20	40	35	50%
Convenience Store	1	100	50	20	40	35	50%
Dry Cleaning/Laundromat	1	100	50	20	40	35	50%
Dwelling	1	100	50	15	30	35	10%
Eating Establishment	1.5	100	50	20	40	35	50%
Electric Power or Light Substation	0.25*	50	25	10	20	25	50%
Forestry	Standard for principal use applies						50%
Funeral Homes	2	100	50	20	40	35	50%
Gas or Water Regulator Station	0.25*	50	25	10	20	25	50%
Governmental Agency	1	100	50	20	40	35	50%
Governmental Authority Facility	0.25*	50	25	10	20	25	50%
Library	1	100	50	20	40	35	50%
Medical Clinic/Dental Clinic	1	100	50	20	40	35	50%
Office Building	1	100	50	20	40	35	50%

Personal Care Homes	1.5	120	50	15	30	35	15%
Public Utility Facility	0.25*	50	25	10	20	25	50%
Retail Establishment	1	100	50	20	40	35	50%
Studio	1	100	50	20	40	35	50%

* Unless requires on lot sewage facilities then 1.0 acre or more

Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
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**Section 8.3 B-1
Conditional Uses
Also See Article VI**

**Section 8.4 B-1 Conditional Use
Lot and Dimensional Requirements
Also See Article VI**

Airports & Heliports	Refer to FAA regulations						
Automotive Repair	1	100	50	20	40	35	50%
Car Washes	1	100	50	20	40	35	50%

Section 8.5 Additional Requirements

The following requirements shall apply for all developments in the B-1 District.

1. Site Plan Review

Prior to the granting of a zoning permit for the use or occupancy of any lot, building site, parcel or property, a suitable site plan shall be submitted to, and approved by, the Marion Township Planning Commission. The plan shall be submitted through the Township Secretary to the planning Commission at least (20) days prior to it's next schedule meeting and shall consist of and/or show the following:

- a. A survey drawn to scale prepared by a licensed professional land surveyor, engineer or architect, registered in the commonwealth of Pennsylvania, showing the exact size, shape and dimensions of the lot to be built upon;
- b. The exact size and location of all existing buildings and structures on the lot;
- c. The exact size and location of all structures or buildings proposed to be erected, moved, repaired or altered;
- d. Adjacent streets or alleys with traffic flow patterns;

- e. Proposed parking facilities including the size, arrangements and number of parking stalls;
- f. A circulation plan for all vehicles, and ingress and egress drives for all off-street parking and loading areas to prevent blockage of vehicles entering and leaving the site and to provide for clear lines of vision;
- g. Preliminary architectural and engineering sketches showing plan levels, elevations and other necessary information related to water runoff control, slope, contours, types of building construction, etc;
- h. Areas to be utilized for exterior storage of materials and type of architectural screen to be provided; and,
- i. Such other information as may be required by the board of Supervisors, the Planning Commission or the official subdivision regulations.

Section 8.6 Accessory Use

The following accessory uses shall be permitted in the B-1 District:
Accessory uses, customarily incidental to, the principal use.

Article IX

B-2 Business Highway District

Section 9.0 Statement of Purpose

The B-2 Business Highway District is designed to provide a Zoning District which will encourage the establishment of and maintenance of business establishments principally designed to serve the motoring public, and such other uses that are dependent on highway access and to encourage sound development.

Section 9.1 B-2

Uses Permitted

by Right

Section 9.2 B-2 Lot and Dimensional Requirements

	Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
<u>Permitted Uses</u>							
Accessory Uses	Standard for principal use applies			10	10	15	Principal use
Automotive Repair	1	100	50	25	40	35	50%
Automotive Parts Store	1	100	50	25	40	35	50%
Automotive Sales Area	1	100	50	25	40	35	50%
Bed and Breakfast	1	100	50	50	50	50	20%
Bowling Alley	2	200	50	25	40	35	50%
Club/Lodges	1	100	50	25	40	35	50%
Community Center	1	100	50	25	40	35	50%
Convenience Store	1	100	50	25	40	35	50%
Eating Establishment	1	100	50	25	40	35	50%
Electric Power/Light Substation	0.25*	50	25	10	20	25	50%
Equipment Sales and Services	1	100	50	25	40	35	50%
Farmers Market	2	100	50	25	40	35	50%
Forestry	Standard for principal use applies						
Gas or Water Regulator Station	0.25*	50	25	10	20	25	50%
Gasoline Service Station	1	100	50	25	40	35	50%
Governmental Agency	1	100	50	25	40	35	50%
Governmental Agency Facility	1	100	50	25	40	35	50%
Indoor/Outdoor Commercial Recreation	1	100	50	25	40	35	50%
Motel, Hotel, Motor Inn	2	200	50	25	40	45	50%
Office Building	1	100	50	20	40	35	50%
Personal Care Homes	1.5	120	50	15	30	35	15%
Public Utility Facility	0.25*	50	25	10	20	25	50%
Retail Establishment	1	100	50	25	40	35	50%

* Unless requires on lot sewage facilities then 1.0 acre or more

Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
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**Section 9.3 B-2
Conditional Uses
Also See Article VI**

**Section 9.4 B-2 Conditional Use
Lot and Dimensional Requirements
Also See Article VI**

	Refer to FAA regulations						
Airports & Heliports							
Automatic & Self-service Car Washes	1	100	50	25	40	35	50%
Nursery/greenhouse	2	100	50	25	40	35	50%
Office Building Park	5	200	50	25	40	45	35%

Section 9.5 Additional Requirements

The following requirements shall apply for all developments in the B-2 District.

1. Site Plan Review

Prior to the granting of a zoning permit for the use or occupancy of any lot, building site, parcel or property, a suitable site plan shall be submitted to, and approved by, the Marion Township Planning Commission. The plan shall be submitted through the Township Secretary to the planning Commission at least (20) days prior to its next schedule meeting and shall consist of and/or show the following:

- a. A survey drawn to scale prepared by a licensed professional land surveyor, engineer or architect, registered in the Commonwealth of Pennsylvania, showing the exact size, shape and dimensions of the lot to be built upon;
- b. The exact size and location of all existing buildings and structures on the lot;
- c. The exact size and location of all structures or buildings proposed to be erected, moved, repaired or altered;

- d. Adjacent streets or alleys with traffic flow patterns;
- e. Proposed parking facilities including the size, arrangements and number of parking stalls;
- f. A circulation plan for all vehicles, and ingress and egress drives for all off-street parking and loading areas to prevent blockage of vehicles entering and leaving the site and to provide for clear lines of vision;
- g. Preliminary architectural and engineering sketches showing plan levels, elevations and other necessary information related to water runoff control, slope, contours, types of building construction, etc;
- h. Areas to be utilized for exterior storage of materials and type of architectural screen to be provided; and,
- i. Such other information as may be required by the board of Supervisors, the Planning Commission or the official subdivision regulations.

Section 9.6 Accessory Use

The following accessory uses shall be permitted in the B-2 District:
Accessory uses, customarily incidental to, the principal use.

Article X

CN Conservation District

Section 10.0 Statement of Purpose

The CN Conservation District is designed for a geographic area, which usually contains a flood plain, sensitive environmental area or other environmental condition which would limit or affect development. This area should provide for sparse development and limit environmental impact.

Section 10.1 CN

Uses Permitted

By Right

Section 10.2 CN Lot and Dimensional Requirements

	Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
Accessory Buildings	Standard for principal use applies			15	15	15	
Agriculture	10	200	50	20	40	35	20%
Electric Power or Light Substation	0.25*	50	25	10	20	25	50%
Essential Services	1	100	50	20	40	25	50%
Forestry	Standard for principal use applies						
Gas or Water Regulator Station	0.25*	50	25	10	20	25	50%
Public Utility Facility	0.25*	50	25	10	20	25	50%
Recreation Non-commercial Park	0.5	50	50	20	40	25	50%
Single Family Dwelling	1	100	50	20	40	25	50%

* Unless requires on lot sewage facilities then 1.0 acre or more

Section 10.3 CN Conditional Uses Also See Article VI

Section 10.4 CN Conditional Use Lot and Dimensional Requirements Also See Article VI

Airports & Heliports	Refer to FAA regulations						
Bed and Breakfast	1	100	50	50	50	50	20%
Peronal Care Homes	1.5	120	50	15	30	35	15%
Private/Commercial Kennels	2	200	50	50	50	35	10%
Private/Commercial Recreation	2	200	50	50	50	35	10%

Section 10.5 Accessory Use

The following accessory uses shall be permitted in the CN District:

Accessory uses, customarily incidental to, the principal use.

Article XI

I Industrial District

Section 11.0 Statement of Purpose

The Industrial District is designed for a wide range of manufacturing activities under conditions and standards which protect adjacent properties from adverse or objectionable influences.

Section 11.1 I Uses Permitted by Right

Section 11.2 I Lot and Dimensional Requirements

<u>Permitted Uses</u>	Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
Accessory Uses	Standard for principal use applies			15	15	15	
Automotive Repair Shop	1	100	50	15	40	35	50%
Communication Towers/Antennas	Refer to communication tower and antenna ordinance						
Contractors Yard	2	100	50	15	40	35	50%
Electric Power or Light Substation	0.25*	50	25	10	20	25	50%
Essential Services	2	100	50	15	40	35	50%
Forestry	Standard for principal use applies						
Gas or Water Regulator Station	0.25*	50	25	10	20	25	50%
Gasoline Service Stations	1	100	50	15	40	25	50%
Light Manufacturing	1	100	50	15	40	25	50%
Office Building Research Park Development	1	100	50	20	40	35	50%
Oil and Gas Operations **	1	As per the provisions of Commonwealth of Pennsylvania Act 13 of February 2012 or as otherwise provided in Section 15					
Compressor Stations **	5						
Impoundment Areas **	1						
Processing Plants **	10						
Public Utility Facility	0.25*	50	25	10	20	25	50%
Recycling Center	6	200	100	25	40	45	50%
Self-Storage	5	200	50	15	40	25	50%
Supply Yards	2	100	50	15	40	35	50%
Truck Terminals	5	200	100	25	400	35	50%
Warehousing	3	150	50	25	40	45	50%

* Unless requires on lot sewage facilities then 1.0 acre or more

** See Also Marion Township Oil and gas Ordinance 2013-1

Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
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**Section 11.3 I
Conditional Uses
Also See Article VI**

**Section 11.4 I Conditional Use
Lot and Dimensional Requirements
Also See Article VI**

Adult Oriented Business	1	100	50	15	40	35	50%
Airports & Heliports	Refer to FAA regulations						
Asphalt Processing	5	200	100	25	40	45	50%
Chemical Processing and Production	5	200	50	25	40	45	50%
Manufacturing, General	10	200	100	25	40	50	50%
Junk Yards	6	200	100	25	40	45	50%
Landfill	10	200	100	25	40	50	50%
Sawmills (on site) Temporary	Standard for principal use applies						

Section 11.5 Additional Requirements

The following requirements shall apply for all developments in the “I” District.

1. Site Plan Review

Prior to the granting of a zoning permit for the use or occupancy of any lot, building site, parcel or property, a suitable site plan shall be submitted to, and approved by, the Marion Township Planning Commission. The plan shall be submitted through the Township Secretary to the planning Commission at least (20) days prior to it’s next schedule meeting and shall consist of and/or show the following:

- a. A survey drawn to scale prepared by a licensed professional land surveyor, engineer or architect, registered in the commonwealth of Pennsylvania, showing the exact size, shape and dimensions of the lot to be built upon;
- b. The exact size and location of all existing buildings and structures on the lot;

- c. The exact size and location of all structures or buildings proposed to be erected, moved, repaired or altered;
- d. Adjacent streets or alleys with traffic flow patterns;
- e. Proposed parking facilities including the size, arrangements and number of parking stalls;
- f. A circulation plan for all vehicles, and ingress and egress drives for all off-street parking and loading areas to prevent blockage of vehicles entering and leaving the site and to provide for clear lines of vision;
- g. Preliminary architectural and engineering sketches showing plan levels, elevations and other necessary information related to water runoff control, slope, contours, types of building construction, etc;
- h. Areas to be utilized for exterior storage of materials and type of architectural screen to be provided; and,
- i. Such other information as may be required by the board of Supervisors, the Planning Commission or the official subdivision regulations.

Section 11.6 Accessory Use

The following accessory uses shall be permitted in the I District:
Accessory uses, customarily incidental to, the principal use.

Article XII

R-1 Residential District

Section 12.0 Statement of Purpose

The R-1 Residential District is established to provide residential sites in area of the Township where long term residential growth is most likely to occur. The district is designed to provide standards for maintaining desirable residential qualities commensurate with predominantly low to medium density residential use.

Section 12.1 R-1 Uses Permitted by Right

Section 12.2 R-1 Lot and Dimensional Requirements

	Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
<u>Permitted Uses</u>							
Accessory Uses and Structures less than 200 square feet	Standard for principal use applies			10	10	15	
Bed and Breakfast	1	150	50	50	50	50	20%
Churches	2	150	50	50	50	45	20%
Electric Power or Light Substation	0.25*	50	25	10	20	25	50%
Essential Services	2	200	60	50	50	35	20%
Forestry	Standard for principal use applies						
Gas or Water Regulator Station	0.25*	50	25	10	20	25	50%
Home Based Business/No Impact	1	100	50	15	30	35	10%
Public Non-commercial Park	0.5	75	50	10	10	15	20%
Public Utility Facility	0.25*	50	25	10	20	25	50%
Single Family Dwelling	1	100	50	15	30	35	10%

* Unless requires on lot sewage facilities then 1.0 acre or more

Minimum Lot Area (Acres)	Minimum Lot Width (Feet)	Minimum Front Setbacks (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Maximum Building Height (Feet)	Maximum Lot Coverage
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**Section 12.3 R-1
Conditional Uses
Also See Article VI**

**Section 12.4 R-1 Conditional Use
Lot and Dimensional Requirements
Also See Article VI**

Airports & Heliports	Refer to FAA regulations						
Group Residential Facility	1	100	50	15	30	35	10%
Home Occupation	Standard for principal use applies						
Impoundment Areas	5	As per the provisions of Commonwealth of Pennsylvania Act 13 of February 2012 or as otherwise provided in Section 14					
Personal Care Homes	1.5	120	50	15	30	35	15%
Oil and Gas Operations	5	As per the provisions of Commonwealth of Pennsylvania Act 13 of February 2012 or as otherwise provided in Section 15					
PRD	Refer to PRD ordinance						

Section 12.5 Accessory Use

The following accessory uses shall be permitted in the R-1 District:

1. Accessory uses, customarily incidental to, the principal use.

Article XIII

Sign Requirements

Section 13.0 Authority

Signs may be erected and maintained only when in compliance with the provisions of this Article and any and all other ordinances and regulations of this Township that may be applicable.

Section 13.1 Exclusions

The following listed signs and related elements shall not be subject to the provisions of this Article unless otherwise specifically cited therein: except that all standards, staffs, poles and fixtures used for the display of said signs and elements shall be installed in compliance with setback and other applicable requirements for the district in which they are replaced.

*Signs of a duly constituted Local, state or federal governmental body, including traffic or similar safety and regulatory device's, legal notices, railway warning signals, memorial signs or tablets.

*Noncommercial signs displayed for the direction or convenience of the public that identify historic landmarks, parking areas, public facilities and similar features.

*One (1) temporary sign on a construction site denoting engineer, architect, contractor or funding agencies and related information regarding the development.

*National, state and municipal flag's and emblems.

*Identification and advertising signs painted on accessory structures in A-1 Zoning Districts that relate to on-site agricultural pursuits.

*Signs relating to the sale of farm products produced on the premises in A-1 Districts.

*Temporary signs advertising political campaigns. Said signs shall be removed within ten (10) days following the election.

*Temporary signs advertising a garage sale, street fair or other temporary public or private activity, or temporary signs directing persons to the location of such activity. Signs shall be removed within 48 hours of termination of the activity.

* Does not require permit (Section 13. 6)

Section 13.2 Permitted Signs – A-1 and R-1 Districts

In the A–1 and R–1 Districts the following requirements shall apply:

1. The following signs shall be permitted:

- *a. One (1) permanent identification sign for each dwelling unit, which may cite the name of the occupant, address and other distinguishing features of the structure or property. Such signs shall not exceed four (4) square feet in area.
 - * b. One (1) temporary non-lighted real estate sign pertaining to the sale, lease, hire or rental of property on which the sign is displayed, not to exceed six (6) square feet in area.
 - *c. One (1) announcement sign designating home occupation, group residential facility, day care service, or bed and breakfast, provided a 1.1 such signs shall be limited to six (5) square feet in area.
 - *d. One (1) permanent announcement sign erected by churches, schools, cemeteries, hospitals, clinics, multi-family dwelling developments with five (5) or more units, municipal facilities or similar permitted uses , which may include any appropriate message, provided that the area of such sign shall not exceed thirty-two (32) square feet in area .
 - * e. Temporary signs relating to the sale of agricultural products produced on the premises in A-1 Districts shall be Limited to a total of two (2) such signs that do not exceed a cumulative total of eight (8) square feet in area. Such signs shall be displayed only when seasonal sales are taking place and removed when not applicable.
 - * Does not require permit (Section 13.6)
 - f. Signs relating to greenhouses, convenience commercial establishments, private and commercial recreation, agricultural supply and garden centers, commercial stables, kennels, veterinary clinics, auto service and repair and mobile home parks shall be limited to two (2) signs per each use. Individual signs shall not exceed thirty-two (32) square feet in area.
2. All signs shall be located a minimum distance of ten (10) feet from a public street right of way.
 3. No sign shall project above a roof or be mounted on a building above the eave line of a roof.

Section 13.3 Permitted Signs – B1, B-2 and I Districts

In the B-1 Business Neighborhood District, B-2 Business Highway District and the I Industrial Districts, the following requirements shall apply to individual lots:

1. The following signs shall be permitted:

- a. Business signs not to exceed one and one-half (1.5) square feet of total sign area for each one (1) lineal foot of lot frontage up to a maximum cumulative total sign area of 200 square feet.
- b. Individual freestanding signs or building mounted signs extending outward in excess of twelve (12) inches from a building shall not exceed thirty-two (32) square feet in area.
- *c. Temporary signs advertising the sale, rental or development of property, buildings or portions thereof, not to exceed forty (40) square feet.

* Does not require permit (Section 13. 6)

d. Portable or mobile signs and other similar advertising displays may be used for special sales, announcements and related purposes, subject to the following provisions:

- (1) Display area of such signs shall not exceed thirty-two (32) square feet.
- (2) No portion of the sign or its supporting structure shall occupy a public right-of-way or be located within ten (10) feet of a public street right of way.
- (3) All lighting and illumination restrictions that apply to displays signs and structures under this Ordinance shall apply.
- (4) Permits for the placement of such signs shall be issued for a maximum of ninety (90) consecutive days and may be renewed.

2. Advertising subject matter or business identification in excess of twenty (20) square feet in area, that is painted or otherwise inscribed directly on the wall surface of a building in a permanent manner, shall require a reduction in the maximum total sign size permitted for that business site under Sect 13.3 above. The required reduction shall be computed at the rate of a ten percent (10%) decrease in the

permitted maximum sign size for each fifty (50) square feet, or portion thereof, of painted or inscribed wall surface.

3. No sign shall exceed the height of a related building or thirty (30) feet, whichever is greater.
4. All signs shall be located a minimum distance of ten (10) feet from a public right-of-way.
5. All signs in excess of six (6) square feet proposed for location in any B-2 Highway Commercial Zone or I- Industrial Zone shall require review and approval of the Planning Commission prior to granting of required permits. The review shall consider:
 - a. Adequacy of construction, design and installation to assure safety and durability.
 - b. Placement criteria for compliance with lot restrictions, traffic and site safety.
 - c - Size to determine conformance with area limitations.
 - d - Other reasonable conditions and safeguards deemed necessary to protect the health, safety and welfare of the site and contiguous areas.

Section 13.4 Billboards

Business signs shall be permitted only when in conjunction with a business or industry located on the immediate premises, except for billboards - Billboards may be permitted as a conditional use when approved by the Board of Supervisors after submission, review and recommendation by the Planning Commission, and further provided the following requirements are met:

1. Location

- a. Billboards shall not be erected within 100 feet of the right-of-way line of a public road.
- b. Billboards shall be limited to A-1 Agricultural and I Industrial Districts.
- c - Billboards shall not be erected within 250 feet of the boundary line of any R-1 or C-1 District or within 250 feet of the property line of any public or private school property.

2. Size and Height

- a. Billboards shall have a maximum allowable Gross Surface Area of 300 square feet per Sign Face. An advertising sign may have a

maximum of two Sign Faces per each billboard structure. As used in this Section, Sign Face shall mean the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem or any figure or similar character, together with any frame or other material, excluding necessary supports or uprights upon which such sign is placed. For signs utilizing individual letters or figures or characters mounted directly on a wall or a structure, the Sign Face shall be the entire area within a single continuous perimeter enclosing the extreme limits of the writing, representation, or other communication material.

- b. A billboard shall not exceed forty (40) feet in total length.
- c. The top of a billboard structure shall be limited to a maximum height of forty (40) feet above the curb at a point adjacent to the roadway from which it is intended to be viewed.

3. Construction Methods

Billboards shall be constructed in accordance with applicable provisions of the Township Code of Ordinances. In addition, thereto:

- a. A billboard shall be independently supported and have vertical supports of weather treated wood or metal that is galvanized or otherwise treated to prevent rust and corrosion.
- b. Vertical supports shall be capable of enabling the entire Sign Face to be able to withstand a minimum eighty (80) mile per hour wind load.
- c. All grading shall be in accordance with the Township Code of Ordinances, including but not limited to, Section 15. 2 of this Zoning Ordinance.
- d. No bare cuts are permitted on a hillside.
- e. All cuts or fills must be permanently seeded or planted.
- f. A billboard with display lighting shall be constructed so that it does not glare upon adjoining property and shall not exceed a maximum foot candle of 1.5 upon the adjoining property.
- g. No billboard or display lighting shall move, flash, or emit noise. No display lighting shall cause distraction, confusion, nuisance, or hazard to traffic, aircraft or other properties.

- h. The minimum front, side, or rear yard requirements applying to a principal use, as set forth within a zoning district in which the billboard is to be located, shall apply to each structure.
- i. No billboard shall be erected in such a manner as to block the view from the road or street of any existing business sign, logo sign, residential or nonresidential structure.
- j. No billboard shall be constructed within the clear sight triangle of the public street or road on which it is situated, and shall not in any case obstruct or impede traffic safety.
- k. The density (spacing) of billboard placement, regardless of the size of individual installations, shall not exceed two (2) billboards per each Lineal 1 mile of public right-of-way.
- l. Billboard structures shall not be mounted on the roof of a building.

4. Maintenance

- a. Billboards shall be entirely painted at a minimum of once every three (3) years.
- b. Every five (5) years, the owner of a billboard shall have a structural inspection made of each such sign by a qualified Pennsylvania Registered Engineer or Architect and shall provide to the Township a written certificate and report from the Engineer or Architect and shall provide to the Township a written certificate and report certifying that each advertising sign is structurally sound.
- c - Billboards found to be in violation of this or any other Township Ordinance shall be brought into compliance therewith or removed within thirty (30) days upon written notification by the Township.
- d - Billboards using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure.

5. Permits

No billboard shall be erected without first obtaining a permit from the Township and any other required approvals, including

but not Limited to, the Pennsylvania Department of Transportation. Applications for permits shall be issued in the name of all owners of the real estate on which the billboard is erected and the owner of the sign.

6. Presently Existing Advertising Signs

- a. No billboard existing in the Township as of the effective date of this Ordinance shall be expanded in any manner except as may be otherwise provided in this Section.
- b. In the event a presently existing billboard is removed and a replacement sign is erected in its place, said replacement sign must be built in complete conformity with the requirements of this Section.

Section 13.5 General Standards

The following standards shall apply to signs in all zoning districts of the Township:

1. No sign shall be located or constructed to obstruct or interfere with any traffic control signal, sign, device or intersection sight triangle.
2. No sign shall be permitted that is deemed to constitute a hazard of any kind.
3. Signs shall not be attached to utility poles except for authorized public purposes.
4. Unless otherwise provided for in this Article, a sign shall be removed within ninety (90) days when the circumstances that led to its erection no longer apply or if safety violations occur. Circumstances that dictate sign removal shall include, but not be limited to, the following:
 - a. The creation of a safety hazard.

Dilapidation.
 - b. The completion or termination of an event, business, activity or other purpose for which the sign was originally installed.
 - c. Any illegality under the provisions of this Ordinance or regulation of a duly constituted governmental authority.
5. Signs shall be subject to the following regulations:

- a. Lighting and illumination of signs shall not cause distraction, confusion or hazard to traffic movements within the Township.
 - b. Signs or devices with flashing, moving or similar lighting or animation are prohibited in all zoning districts.
- 6 Business signs shall be permitted only when in connection with a business or industry located on the immediate premises, except as specified in Section 13.4 of this Ordinance.
- 7 The area of all signs shall include borders and decorative attachments. The area of signs consisting of freestanding Letters or Logos shall be measured from the highest, lowest and side extremity points.

Section 13.6 Permits

1. A Zoning Sign Permit shall be required for the erection of signs under this Ordinance, except that no permit shall be required for the following exclusions:
- a. All signs specified under Section 13.1 of this ordinance.
 - b. Signs specified under Section 13.2-1a, 1b, 1c, 1d, and 1e of this ordinance.
 - c. Signs specified under Section 13.3- 1c of this Ordinance.
 - d - Signs painted directly on the wall surface of a building that do not exceed twenty (20) square feet in area.

Article XIV

Parking and Loading Requirements

Section 14.0 Procedure

An application for a Zoning Permit for a new or enlarged building, structure, or use, shall include therewith a plot plan drawn to scale and fully dimensioned, showing any off-street parking and loading facilities to be provided in compliance with the requirements of this Ordinance and in compliance with all Federal or State Regulations, including Americans with Disabilities Act.

Section 14.1 Extent of Control

At the time of the erection of any building or structure, or when any such building or structure is enlarged or increased in capacity, or when any private or public facility use permitted under this Ordinance is established, permanent off-street parking and loading spaces shall be provided as specified herein.

Where more than one use occupies a given lot, building or structure, off-street parking equal to the sum of that required for each use shall be required

Required parking spaces shall be located on the same lot as the use for which it is provided; however, an adjacent lot, which is guaranteed for the use of off-street parking during the life of the use for which the parking is provided, may be used, provided that the lot shall be in the same possession, either by deed or long-term lease, as the property occupied by such principal use; and the owner shall be bound by covenants of record, approved by the Township Solicitor, filed in the office of the Township Secretary, requiring the owner and his or her heirs and assigns to maintain the required number of off-street parking spaces during the existence of said principal use.

Off-street parking facilities for different buildings, structures, or uses, or for mixed uses, may be provided collectively in any zoning district in which separate off-street parking facilities for each constituent use are permitted, provided that:

The total number of spaces so located together are not less than the sum of the separate requirements for each use of which normal hours of operation coincide

That the lot is not more than 300 feet from the lot on which the main building is located.

Where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly

provided and used, a written agreement thereto, assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, as specified in Section 14.1-3, above.

Only parking facilities accessory to permitted agricultural or residential uses shall be located in any A-1 or R-1 district.

Off-street parking facilities accessory to permitted uses, and developed in any agricultural or residential district in accordance with the requirements of this Article, shall be used solely for the parking of vehicles owned by occupants of the land or structures to which such facilities are accessory, or by guests of said occupants.

No land shall be used for habitual commercial or industrial truck loading, storage or parking activities in any A-1 or R-1 District, except for farm related activities in an A-1 District.

Accessory off-street parking for commercial vehicles used off-site by residents may be permitted in any A-1 or R-1 District when authorized by the Township Supervisors after review and study by the planning Commission, subject to the following requirements and all other relevant requirements of this Article:

The said parking area shall be used solely for the parking of vehicles of current site residents.

No commercial repair work or service shall be conducted at said parking area.

Each entrance to and from said parking area shall be at least thirty-five (35) feet distant from any adjacent residential use property, except where ingress and egress to the parking area are provided from a public alley or public way separating the residential area as from the proposed parking area.

A buffer area of fifteen (15) feet minimum width shall be provided and maintained along all parking areas which are within seventy-five (75) feet of an adjoining residential structure.

In addition to the foregoing requirements, such parking shall conform to any further requirements and conditions as may be prescribed by the township officials for the protection of residential properties adjacent to and in the vicinity of the proposed parking area.

Any off-street parking facility for more than five (5) vehicles shall be graded for proper drainage and surfaced to provide a durable all-weather surface.

Each off-street parking space shall have an area of not less than 200 square feet, exclusive of access drives or aisles, and shall be of usable shape and condition.

Section 14.2 Schedule of Requirements for Off-Street Parking

Off-street parking facilities shall be provided as specified herewith:

For each single family or duplex dwelling structure, there shall be provided a minimum of two (2) off-street parking spaces for each dwelling unit. For each multi-unit dwelling structure containing three (3) or more dwelling units, there shall be a minimum of two (2) off-street parking spaces for each dwelling unit plus one visitors' space for every two (2) dwelling units or fraction thereof.

Educational, religious and philanthropic uses shall provide off-street parking as follow:

Educational: Primary, Elementary or Middle School - two (2) spaces for each classroom; High School, Institution of Higher Learning or Private School - one (1) space for each five (5) students, based on design capacity of the facility.

Stadium, auditorium, gymnasium or similar places of assemble; one (1) space for each four (4) seats.

Churches: one (1) off-street parking space for each four (4) seats in the sanctuary or main congregational assembly area of the Church.

Philanthropic and Government and Community Services: Parking requirements shall be established by the Planning Commission on a case-by-case basis.

Public, private and commercial recreation facilities shall provide off-street parking on the basis of one(1) parking space for each three occupants as determined by the maximum lawful capacity of any such facility, or if not applicable, by the estimated maximum capacity of the facility, plus one (1) space for every two (2) employees at peak shift.

Business, sales, professional offices and banks shall provide off-street parking at the rate of one (1) space for each 400 square feet of net floor area.

Medical, veterinary and related offices and clinics shall provide four (4) off-street parking spaces for each doctor or practitioner plus one (1) additional space for every two (2) regular employee

Indoor retail business shall provide off-street parking for all vehicles used directly in the conduct of such business plus one (1) parking space for each 250 square feet of total interior floor area, plus one (1) space for two (2) employees on the peak shifts.

Outdoor retail businesses shall provide off-street parking space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed on the premises based on maximum seasonal employment, plus one (1) parking space for every 500 square feet of lot area used for business purposes.

Industrial, manufacturing and related establishments shall provide off-street parking space for all vehicles and equipment used directly in the conduct of the business, plus one (1) space for each employee during maximum shift and one (1) visitor space per each 400 square feet of office area.

Section 14.3 Schedule for Off-Street Loading

Uses	Floor area - Total Square feet	Required Off-Street Loading Berths
Schools	-----	1 (One)
Retail & Service	Under 3,000	1 (One)
Commercial	Over 3,000	2 (Two)
Wholesale Commercial	Under 10,000	1 (One)
	Over 10,000	2 (Two)
Warehousing or Storage	Under 10,000	1 (one)
	For Each Additional 20,000 or fraction thereof	1 Additional

Section 14.4 Standards for Off-Street Parking and Loading

Areas

A required off-street parking space shall be a minimum dimension of nine feet wide by twenty feet long (9'x20'). (Exclusive circulation and access areas.)

A required off-street loading space shall be a minimum dimension of fifteen feet wide and sixty feet long. (15'X 60')

When determination of the required number of off-street spaces for parking or loading results in a fractional space, any fraction of one-half (1/2) or more shall be interpreted as a whole space.

No off-street parking or loading space shall be located within ten (10) feet of a public right-of-way

Parking areas, parking access ways and driveways shall be sited at a minimum distance of ten feet (10) from all property lines. Where commercial or industrial land uses abut residential districts, no such vehicular areas shall be closer than twenty-five feet (25') of an adjacent residential Parcel.

There shall be adequate provision for ingress and egress to all parking spaces. Where a parking area does not abut on a right-of-way, private alley or easement of access, there shall be provided an access lane not less than twelve (12) feet in width.

Article XV

Supplementary Regulations

Section 15.0 Provisions

The provisions of this Ordinance shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations

Section 15.1 Essential Services

Essential services as defined in this Ordinance shall be permitted in all zoning districts, subject to restrictions approved by the Zoning Hearing Board with respect to use, design, yard area, setback and height.

Section 15.2 Environmental Protection

No excavation that has a potential of creating adverse environmental circumstances, such as erosion, slip-slide areas subsidence, watercourse changes, air or water pollution, vegetative loss or similar conditions, shall be undertaken until a Zoning Permit has been issued by the Township Zoning Officer.

The applicant for a permit to proceed with excavation shall obtain all permits and authorizations required by any other governmental agencies having jurisdiction over such matters prior to approval of a Zoning Permit by local authorities.

Normal agricultural activities, commonly and routinely engaged in by farm and residential residents in the municipality, shall not be considered excavations and shall not require permits.

No cut or fill grade shall exceed a slope of 3:1 or 33 1/3 percent. This provision shall apply to all cuts and fills exceeding 100 square feet in exposed surface area including cuts or fills on land naturally exceeding 3:1 in slope.

All land steeper than 10:1 slope, from which structures or natural cover have been removed or otherwise destroyed, shall be graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two (2) weeks during the growing season and

be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum.

No cutting or filling is permissible within fifty (50) feet of top of stream bank or natural drainage courses except as permitted by action of the Zoning Hearing Board. In such cases, the Board may grant permission provided special precautions are taken to ensure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.

All earth moving activity shall comply with the Erosion and Sedimentation Control Amendment to the Pennsylvania Clean Streams Law of 1937, P.L. 1987 ... and P.L. 177, all requirements of the Pennsylvania Department of Environmental Protection and other applicable federal, state, county or local agency or authority having enforcement jurisdiction.

Section 15.3 Temporary Structures

Temporary structures and trailers used in conjunction with construction work shall be permitted only during the periods that construction is in progress. Permits for such temporary structures shall be issued for a maximum of six (6) months.

Section 15.4 Existing Lot of Record

Notwithstanding the limitations imposed by any other provisions of the Ordinance, the Zoning Hearing Board may permit erection of a structure on any lot (in a district where permitted by this Ordinance) separately owned, or under contract of sale, and containing at the time of the passage of this Ordinance an area or width smaller than that required by this Ordinance.

Section 15.5 Additional structures

Individual lots or subdivided parcels two (2) acres or less shall have no structure or structures in addition to the principal structure on the same lot used for living purposes, except as otherwise specifically provided for by this Ordinance.

Undivided land parcels of two (2) acres or greater in size shall be limited to one (1) dwelling unit for each two (2) acres of land area, provided each

structure conforms as if each were located on subdivided parcels of at least two (2) acres except as otherwise specifically provided for by this Ordinance.

Where a lot is used for a nonresidential purpose, more than one (1) principal structure may be located upon the lot, but only when such structures conform to all land use, lot coverage and yard requirements for the district in which it is located.

When a mobile home has been utilized for habitation during the development of a replacement residence on the same lot, said mobile unit shall be removed from the premises within forty-five (45) days following occupancy of the replacement residence

Section 15.6 Yard Requirements

Lots having frontage on more than one street shall provide the required building setback on every street.

Structures attached to the principal structure, whether open or enclosed, including porches, carports, balconies, or platforms above normal grade level, shall not project into any minimum front or side yard.

Permitted accessory structures may be erected within the required rear yard area of a lot. No accessory structure shall be erected within ten (10) feet of any other structure.

Section 15.7 Exception to Height Regulations

The Height limitations contained in the dimensional standards shall not apply to flagpoles, church spires, belfries, chimneys, antennas, silos, water storage tanks, fire towers and similar structures.

Section 15.8 Fences, Walls, Hedges and Other Planting.

Fences, walls, hedges and other plant materials shall not be located at street corners so as to interfere with vision clearance across the corner lots. The height of such objects is restricted to three (3) feet within a triangular area formed by the intersecting street lines and a line joining points on the street lines, and equidistant from the point of intersection . This distance shall be thirty (30) feet from the corner. In addition, no fence, wall, hedge or other plant material shall be placed or allowed to grow in such a manner as to impede vision from driveways on the owner's lot or adjacent lots.

Section 15.9 Pools.

Every swimming pool that has a below ground depth of twelve inches (12") or more, whether installed completely below ground level or partially below ground level at any point, shall be deemed a permanent installation.

Every swimming pool, as defined above, must comply with the side, rear and front yard setback requirements of this Ordinance for buildings and structures.

A Zoning Permit must be obtained before a swimming pool, as defined above, is installed or constructed; and an Occupancy Permit must be obtained before the same may be used.

Every swimming pool, as defined above, must be enclosed with a fence of a height no less than four (4') feet. Fences shall completely enclose the pool. Gates or other access points shall be appropriately secured to prevent access by children of tender age when the pool area is unattended by responsible supervision.

Section 15.10 Storage

No lot or premises may be used as a storage area or dump for garbage, junk automobiles, appliances or storage or collection of any other miscellaneous items except as provided for in appropriate Articles of this Ordinance or other applicable Township Statutes.

Except for motor vehicles actively used in connection with farming, commercial or industrial activities in zoning districts where permitted by this Ordinance, the exterior storage of not more than one (1) motor vehicle that was manufactured for highway use that does not have a current inspection sticker shall be considered an accessory use.

Section 15.11 Husbandry and Related Regulations

Farm and animal care uses shall be conducted in ways that do not create a danger to public safety or health to neighboring residential uses. The fact that a farm use creates an annoyance or inconvenience shall not be deemed a danger to public health and safety.

Buildings or kennels in which animals or poultry are kept shall not be erected within 100 feet of any property line if the zoning district or the use of the property which abuts said property is residential, provided that this shall not apply to buildings not housing more than two (2) dogs or other pets.

Storage of manure or odor or dust producing substances shall not be permitted within 100 feet of any property line if the zoning district or use of the abutting property is residential.

Farm animals used for recreational or food production purposes kept on less than ten (10) acres of land for the purpose of the immediate family shall conform to the regulations for farms and agriculture.

Roadside stands in A-1 and R-1 Districts for the sale of agricultural products produced on the premises provided:

- a. Structures shall be a minimum distance of twenty feet (20') from the highway right-of-way line.
- b. All parking spaces shall be a minimum of ten feet (10') from the highway cart way.
- c. Structures shall not exceed ten feet (10') in height and shall not exceed 300 square feet in area.

Section 15.12 Individual Mobile Home Provisions

Individual mobile homes, not a part of a Mobile Home Park, that are installed on private land as single family residential dwellings shall comply with all regulations for conventional dwelling houses with respect to size, setback and side lines of the district in which it will be sited, and shall meet the following additional requirements:

The mobile home shall be installed to conform with all front yard, side yard and rear yard setback lines applicable to housing in the district.

The mobile home shall be installed upon, and securely fastened to, a frost-free foundation, basement or footer. The stand and/or footing shall be constructed of concrete and shall have a minimum—below grade depth of 32 inches. All stands shall be concrete or mortared block or brick. Loose block or stands shall not be permitted.

An enclosure of compatible design and material shall be erected around the entire base of any mobile home not mounted on an enclosed foundation or basement. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.

The mobile home shall be connected to both public water and sewer systems, if available. If not, the owner shall provide a potable water supply and shall provide a septic system which meets all standards of the Pennsylvania Department of Environmental Resources.

Any garage, utility shed, or other accessory building constructed on the tract shall conform with the standards applicable to such structures for the applicable zoning district. All accessory structures shall be designed and constructed of materials that are aesthetically compatible with the principal unit.

Any single on lot mobile home shall meet the specifications for manufacture of mobile homes as set forth in United States Standards Institute, Standards for Mobile Homes, USA Standard A 119.1-1969, NFPA No. 501B-1968, and any

subsequent modification or amendment of such standards. Applicable state standards shall also be met.

Section 15.13 Driveway Regulations

Except where more stringent requirements are specified in this Ordinance or in the Marion Township Land Development Ordinance for the installation of ingress and egress for public and commercial land uses, the following regulations shall apply to the location and design of driveways that intersect with a public right-of-way.

1. No wall, fence or other structure shall be erected or altered, and no hedge, tree, shrub or other growth shall be permitted higher than three (3) feet along any street right-of-way so that sight distance from any driveway or other point of entry onto a public highway is restricted.
2. Driveways shall be designed in such a manner that would prevent the driveway material and associated storm water from entering onto a public road.
3. Driveways shall be located at least twenty-five (25) feet from any street intersection and at least five (5) feet from any property line.
4. Driveways for commercial and industrial uses shall have a minimum width of twenty (20) feet unless specified otherwise by applicable regulations.
5. Access drives to and from commercial and industrial off-street parking, loading and vehicle service areas along public rights-of-way shall consist of well-defined separate or common entrances and exits.

Section 15.14 Performance Standards

1. All land use activities in the B-1, B-2 and I-1 Zoning Districts shall comply with the requirements of Section 15.14. The Township Supervisors may specify evaluation by a qualified consultant in cases where issues develop over the need for, or the adequacy of, compliance. Cost for said services shall be borne by the applicant.
2. Fire Prevention - Prevention and equipment acceptable to standards of the Board of Fire Underwriters or other appropriate regulatory agency shall be provided by the site occupant where any activity involves the handling of flammable or explosive materials.
3. Steady-State Noise Emanated from Stationary Equipment. Steady-state noise emanated from stationary equipment or sources, which will persist during indefinite or periodic intervals of time over a period of more than seven (7) consecutive days onto adjacent real properties or to a receiving property within any district within the Township, shall not exceed the maximum noise levels prescribed below:

Maximum permissible noise level

- a. Daytime (7:00 a.m. to 10:00 p.m.)- 75 dBA;
 - b. Nighttime (10:00 p.m. to 7:00 a.m.) 70dBA.
 - c. Sound measurements made to determine compliance with the conditions and standards of this Section shall be made using a sound level meter which conforms to Type 1 or Type 2 as specified in ANSI Specifications SI, 4-1971.4.
4. Vibrations - Vibrations detectable without instruments on neighboring property in any district shall be prohibited.
 5. Odor - No malodorous gas or matter that is discernible on any adjoining lot or property shall be permitted except as qualified by Section 15.11 of this Ordinance.
 6. Air Pollution - No pollution of air by fly ash, dust, smoke vapors, or any substance that is harmful to health, animals, vegetation or other property shall be permitted.
 7. Glare - Lighting devices that produce objectionable direct or reflected on adjoining properties or thoroughfares shall not be permitted
 8. Erosion - No erosion by wind or water that will carry objectionable substances onto neighboring properties shall be permitted.
 9. Water Pollution - Water pollution in violation of any standards established by the Pennsylvania Department of Environmental Resources shall not be permitted.
 10. No structure of land use activity shall be conducted on any site in a B-1 , B-2 or I Zoning District that abuts any A-1 or R-1 Zoning District until a screen or buffer has been established along the perimeter of the site that adjoins said A-1 or R-1 District. The screen or buffer may be a fence structure, a planted area or a combination of such elements. The screen or buffer shall have a height and configuration adequate to achieve its purpose of shielding residential areas from nonresidential land use impacts.
 - a. Plant materials shall consist of dense evergreen plants that provide a continuous opaque screen within 24 months of the commencement of operations in the area to be screened. The Board of Supervisors shall require either new planting or alternative screening if after 24 months, the materials do not provide an opaque screen

- b. Fence structures shall be of a type and quality that is harmonious and aesthetically compatible with adjacent and nearby residential uses
- c. The Board of Supervisors may temporarily relax these requirements in cases where there is no existing residential development within viewing distance of site perimeters that abut A-1 and R-1 Districts; however, the requirement for a screen or buffer shall be enforced when any such residential development takes place.
- d. The Board of Supervisors shall determine the adequacy of proposed screens or buffers as part of the Site Plan Review process required for development in B-1, B-2 and I Districts as specified by Sections 8.5, 9.5 and 11.5 of this Ordinance. This determination shall be based on the following considerations:
 - 1 Proximity of nonresidential uses to A-1 and R-1 Districts: and,
 - 2 Types of activity proposed at the development site and the anticipated potential for use incompatibility and disruption to neighboring residential uses.

Section 15.15 Flood Plain Provisions

SEE FLOOD PLAIN ORDINANCE

Section 15.16 Airport Zoning Provisions

1 Statement of purpose

- a. This Section of the Marion Township Zoning Ordinance regulates and restricts the height of structures and objects of natural growth, the density of residential development, and otherwise regulates the use of property in the vicinity of the Zelianople Municipal Airport by creating appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; and referring to the maps that are incorporated in and made a part of this Ordinance.
- b. Obstructions and high densities of residential use have the potential for endangering the lives and property of users of the Zelianople Municipal Airport and property or occupants of land in its vicinity; obstructions may affect existing and future instrument approach

minimums of the Zelianople Municipal Airport; and obstructions may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the Zelianople Municipal Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of obstructions have the potential for being public nuisances and injuring the region served by the Zelianople Municipal Airport;
2. That the development of concentrated areas of housing in the immediate vicinity of the Zelianople Municipal Airport poses potential threats to the safety of inhabitants;
3. That it is necessary in the interest of the public health, public safety and general welfare that the creation or establishment of obstructions and population concentrations that are a hazard to air navigation or human life be prevented; and,
4. That the prevention of these obstructions and population concentrations should be accomplished to the extent legally possible, by the exercise of the police power, without compensation.

2. **Special Definitions** The following definitions shall apply in interpretation and application of airport safety control provisions.

AIRPORT - Zelianople Municipal Airport

AIRPORT ELEVATION - 900 feet above mean sea level.

APPROACH SURFACE - A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 15.16-3. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL, AND CONICAL ZONES - These zones are set forth in Section 15.16-3.

CONICAL SURFACE - A surface extending outward and upward from the periphery of the horizontal distance of 4,000 feet.

HAZARD TO AIR NAVIGATION - An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT - For the purpose of determining the height limits in all zones set forth in this Section and shown on the maps incorporated herein, the datum shall be mean sea level elevation unless otherwise specified.

HORIZONTAL SURFACE - A horizontal plan 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 13.16-3.

PRIMARY SURFACE - A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; or, when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 13.16-3. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY - A defined area on an airport prepared for landing and takeoff of aircraft along its length.

TRANSITIONAL SURFACES - these surfaces extend outward at ninety (90) degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

UTILITY RUNWAY - A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.

VISUAL RUNWAY - A runway intended solely for the operation of aircraft using visual approach procedures.

3. Establishment of Airport Control Zones In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones that include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Zelenople Municipal Airport. These Airport Zones are shown as an overlay on the Official Zoning Map kept on file by officials of the Township of Marion, Beaver County, Pennsylvania, which is made a part hereof. An area located in more than one (1) of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- a. **Utility Runway Visual Approach Zone** - The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. It slopes twenty (20) feet outward for each foot upward.
- b. **Transitional Zones** - Slope seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 900 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.
- c. **Horizontal Zone** - Established at 150 feet above the airport elevation or at a height of 1,050 feet above mean sea level
- d. **Conical Zone** - Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- e. **Excepted Height Limitations** - Nothing in this Section or Ordinance shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to fifty (50) feet above the surface of the land

4. Use Restrictions

- a. Notwithstanding any other provisions of this Ordinance, no use may be made of land or water within any Airport Zone established by this Article which creates electrical interference with navigational signals or radio communication between airport and aircraft; makes it difficult for pilots to distinguish between airport light and others; results in glare in the eyes of pilots using the airport; impairs visibility in the vicinity of the airport;

creates bird strike hazards; or otherwise in any way endangers or interferes with the landing takeoff, or maneuvering of aircraft intending to use the airport

b. Notwithstanding any other provisions of this Ordinance or other Marion Township Ordinances, no residential development or use shall be permitted in any Airport Zone established by this Article that results in any of the following:

- i. Single family or two (2) family dwellings that exceed a density of two (2) dwelling units per acre
- ii. Multi-family dwellings, townhouses or row houses that exceed four (4) dwelling units per structure and overall density in excess of two (2) dwelling units per net acre
- iii. Planned unit developments, mobile home parks or similar residential concentrations.

5. Nonconformance

The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this Ordinance or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Article and is diligently prosecuted.

a. Marking and Lighting Notwithstanding the preceding provision of this Article, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Municipal, State or Federal Airport officials to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the official body responsible for their placement.

6. Future Uses

a. Except as specifically provided hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No

permit for a use inconsistent with the provisions of this Ordinance shall be granted unless a variance has been approved in accordance with Article XVII.

(1) In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed for such zones

(2) In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

(3) Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this Ordinance

b. Existing Uses - No permit shall be granted that would allow the establishment or creation of an obstruction, or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of this Ordinance or any amendments thereto, or than it is when the application for a permit is made.

c. Requests for Variances - Any request for a variance in accordance with Article XVII of this Ordinance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Additionally, no application for a variance to the requirements of this Ordinance may be considered by the Zoning Hearing Board unless a copy of the application has been furnished to the appropriate Zelenople Airport Official for advice as to the aeronautical effects of the requested variance. If the appropriate Zelenople Airport Official does not respond to the application within fifteen (15) days after receipt, the Zoning Hearing Board may act on its own to grant or deny said application.

d. Obstruction Marking and Lighting - Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary

Article XVI

Nonconforming Uses

Section 16.0 When Permitted

Subject to the provisions of this Section, a use of a building, a structure or land existing at the time of enactment of the Zoning Ordinance and Zoning Map of Marion Township, Ordinance Number 73-1, as amended, and existing at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of the regulations for the district in which it is located.

Section 16.1 Unsafe Structure

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any portion of a building or structure declared unsafe by a proper authority

Section 16.2 Alterations

A non-conforming building or structure may be altered, improved or reconstructed. Said alteration, improvement or reconstruction shall be permitted only if it is a normal, natural or consistent growth of the same character as that of the use existing at the time of passage of this Ordinance

Section 16.3 Restoration

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or Act of God, provided reconstruction or repair is commenced within one (1) year from the date of occurrence of the damage

Section 16.4 Extension

A nonconforming use may be extended as a Special Exception subject to the following

The extension becomes an attached part of the main structure and does not utilize any additional or adjoining land area other than the original parcel

The extension does not encroach upon the yard and height requirements of the district in which the nonconforming use is located

The extension is for the purpose of expanding the same classification of nonconforming use in existence at the time of Ordinance adoption.

Extension of a lawful use to any portion of a nonconforming building or structure that existed prior to the enactment of the Ordinance shall not be deemed an extension of such nonconforming use.

Section 16.5 Changes

No nonconforming building, structure, or use shall be changed to another nonconforming use, except that a nonconforming building, structure, or use may be changed to another nonconforming use of equal or more restricted classification as a Variance, after public hearing, subject to the standards imposed by the Zoning Hearing Board, to reasonably assure that the changes will not adversely affect the public interest.

Section 16.6 Abandonment

A nonconforming use of a building or land that has been abandoned shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned as follows

1. When the intent of the owner to discontinue the use is apparent.

2. When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within ninety (90) days, unless other facts or circumstances show a clear intention to resume the nonconforming use.

3. When a nonconforming use has been discontinued for a period of twelve (12) months.

4. When it has been replaced by a conforming use.

5. When it has been changed to another use under permit from the Zoning Hearing Board.

Section 16.7 Unlawful Use Not Authorized

Nothing in this Ordinance shall be interpreted as authorization for, or approval of, the continuance of the use of a structure or premises in violation of zoning regulations in effect at the time of the effective date of this Ordinance.

Section 16.8 District Changes

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall apply to any nonconforming use conditions created therein.

Section 16.9 Prior Construction Approval

Nothing herein contained shall require any change in plans, construction or designated use of a building or structure for which a permit has been issued and the construction of which shall have diligently proceeded within two (2) months of the date of such permit, and the ground story framework of which shall have been completed within four (4) months of the date of the permit, and which entire building shall be completed according to such plans as filed within one(1) year from the date of the permit.

Article XVII

Administration and Enforcement

Section 17.0 Zoning Officer

1. A Zoning Officer shall administer and enforce this Ordinance. The duties of the Zoning Officer shall include, but not be limited to the following:

a. Receiving of applications required by the Zoning Ordinance.

b. Inspection of premises.

c. Issuing of Zoning Permits and Certificates of Occupancy.

d. Maintain records of all official duties.

e. Institute civil enforcement proceedings as a means of enforcement.

f. No permits shall be issued by the Zoning Officer except in accordance with the literal provisions of this ordinance.

g. No construction or any use or change of use that does not conform to this Ordinance shall be granted permission by the Zoning Officer.

2. The Zoning Officer shall be appointed by Board of Supervisors of Marion Township Beaver County, Pennsylvania. The Zoning Officer shall be qualified by demonstrating to the satisfaction of the Governing Body a working knowledge of the zoning ordinance, an understanding of municipal development goals and objectives, an ability to work harmoniously with local citizens, and such other criteria as may be established by the municipality to qualify for the office.

3. The Zoning Officer shall not hold any elective office in the Township of Marion.

Section 17.1 Zoning Permit

1. No building or structure, including mobile homes, shall be erected, added to, or structurally altered until a permit therefor has been issued by the Zoning Officer. All applications for zoning permits shall be in accordance with the requirements of this Ordinance, and unless upon written order of the Zoning Hearing Board, no such zoning permit shall be issued for any building where said construction, addition or alteration far use thereof would be in violation of any of the provisions of this Ordinance. Remodeling or improvement of an existing building that does not alter the basic structure, create additional lot area coverage or change the use of the parcel or building is exempt from this specific requirement.

a. The erection, construction or structural alteration of any building, structure, dwelling or portion thereof;

b. The moving of a structure into the districts or from one place in the district to another;

c. The change in use of structure or land;

d. The change or extension of a nonconforming use or structure;

e. Excavations as provided for in Article 17.2 of this Ordinance; and

f. It shall be unlawful for any person to commence the above-mentioned activities until a permit has been duly issued.

2. There shall be submitted with all applications for zoning permits, two (2) copies of a layout or plot plan showing the actual dimension of the lot to be built upon, the exact size and location of the building on the lot and accessory buildings to be erected, and other such information as may be deemed necessary by the Zoning Officer to determine and provide for the enforcement of this Ordinance.

3. No permit shall be required for the following;

a. An accessory structure having not more than 100 square feet of floor area and a height of not more than 10 feet. Such structures

shall not be located closer than within 2 feet of property lines.
Refer to Article XV.

b. Minor repairs or maintenance.

c. Nonstructural remodeling as specified in Section 17.1-1 of this ordinance.

4. Zoning permits issued for the purpose of permitting construction, reconstruction, alterations, repairs, use or the like, shall automatically expire six (6) months from the date of issue. Prior to the continuance of the activity, use or change for which the original permit was used, a new zoning permit must be obtained. If however, the construction, alteration, reconstruction, repairing, use or the like has been proceeding in a constant and regular manner and that to the extent and size of the subject project, it is impossible for the applicant to complete said process prior to the expiration of six (6) months or because of an act of nature, no new permit must be obtained. However, the applicant must advise the Zoning Officer of said expiration and advise as to the reason for failure to complete within the specified time period. In the event said applicant fails to notify the Zoning Officer of said failure to complete, then said permit shall immediately expire and no further activity may take place unless a new permit is obtained.

5. If, after the issuance of a zoning permit, no construction or other process is instituted, said permit shall terminate immediately six (6) months from the date of issuance as stated above.

6. A copy of the permit shall be posted on the premise for public inspection during the prosecution of the work and until completion of same.

7. An application for a zoning permit for a conditional use, in any zoning district where such a use is allowed, shall be filed with the Zoning Officer and it shall:

a. Identify and describe the property, its location and the present use being made of the property

b. Reasonably describe present improvements and any intended additions and changes to be made if the conditional use is granted.

c. Disclose the conditional use for which the application is being made, and by plan, map and description, show how the property, as it may be improved,

meets or will meet the standards and criteria required in the Zoning Ordinance for such conditional use. The Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes of this Ordinance

d. Upon receipt of such application for conditional use, the Zoning Officer shall forthwith refer the same to the attention of the Township Planning Commission. The Planning Commission shall arrange a date, time and place for a meeting with the applicant for the conditional use. Said meeting shall be held within forty-five (45) days of filing of the application with the Zoning Officer. The Planning Commission shall make a recommendation on the application to the Board of Township Supervisors within sixty (60) days of the filing of the application with the Zoning Officer.

e. The Board of Township Supervisors shall hold a public hearing, pursuant to public notice, on the conditional use within forty-five (45) days of receipt of the Planning Commission recommendation. The Board of Township Supervisors shall issue a decision within fifteen (15) days of the public hearing.

f. The Zoning Officer shall be under a duty of issuance of a certificate, decision or order indicating the action of the Board of Supervisors as a result of the hearing by them on the application, and shall send a copy thereof to the applicant.

g. Any affected party of any person having a legal interest in the property may, within thirty (30) days following such order having been issued, appeal the same to Beaver County Court of Common Pleas, in accord with the Judicial Code (42 PAC § 933 (c)(1) and the Municipal Planning Code, Article 8, 1001 through 1011 (53 P.s. 11001-11011))

Section 17.2 Occupancy Permit

1. Upon completion of the authorized new construction, alteration, remodeling, change of use of building or land under the provisions of a zoning permit, such building shall not be occupied until an occupancy permit has been issued by the Zoning Officer. Written request to the Zoning Officer shall be processed within one (1) week of receipt of the request of the proposed use provided the use is in conformity with the provisions of this Ordinance and other effective and applicable ordinances. The Zoning Officer's refusal to issue an occupancy permit shall include a written statement to the applicant containing reasons for such denial.

2. Occupancy permits are required for the following:
 - a. Occupancy of a new building.
 - b. Occupancy and use of a building hereafter moved or altered so as to require a zoning permit.
 - c. Change in the use of an existing building other than to a use of the same type.
 - d. Any change in use of a nonconforming use.
3. Occupancy permits shall state that the building or the proposed use of a building or land complies with all provisions of this Ordinance.
4. No occupancy permit shall be issued until such time as the applicant has applied for the same, paid the application fee, and the premises have been inspected by the Zoning Officer or his delegate and, thereafter, a determination has been made that the premises are in compliance with this Ordinance.
5. No occupancy permit shall be granted until the subject project has been completed or the Zoning Officer has determined the same to be fit for the use intended by the applicant.
6. No premises, structures, or use requiring a Zoning Permit shall be used until such time as an occupancy permit has been granted. If the applicant desires to make use of the premises or project prior to its completion, the same is strictly prohibited until such time as an application has been made for an occupancy permit and all rules and regulations pertaining thereto and as contained herein have been determined by the Zoning Officer to have been met.
7. If the project has not been completed and a partial use or occupation of the premises is desired by the applicant, the applicant must first make application to the Zoning Officer. Once the Zoning Officer has determined compliance for the limited or partial use intended, said applicant may use and/or occupy the premises; however nothing contained in this provision shall be interpreted or used as an excuse or viewed as a waiver of any of the other terms contained hereinabove pertaining to the expiration of any and all certificates for purposes of completion of the original project.

Section 17.3 Fees

1. The Township Board of Supervisors shall set and adopt a reasonable schedule of fees and charges as well as collection procedures for permits, conditional uses, special exceptions, variances, amendments and other administrative procedures pertaining to this Ordinance.

2. The Township Board of Supervisors shall be empowered to re-evaluate the fee schedule from time to time and make adjustments as deemed appropriate. Any such alterations shall not be considered an amendment to this Ordinance and may be adopted by resolution of the Board of Supervisors at any legally advertised public meeting.

(a) Fees with respect to hearings before the Zoning Hearing Board may include compensation for the secretary and board members, notice and advertising costs and necessary administrative overhead connected with the hearing; however, the costs shall not include legal expenses of the board or expenses for engineering, architectural or other technical consultants or expert witness costs.

(b) The cost apportionment for hearing stenographer and hearing transcripts shall be as follows: The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made. In either event, the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

(c) Fee schedules shall be posted in the office of the Township Secretary.

Section 17.4 Zoning Hearing Board.

1. Creation and Appointment

- a. The membership of the Zoning Hearing Board shall consist of three (3) resident of the municipality appointed by resolution of the Governing Body. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Governing Body, but in no case, shall the rates of, compensation exceed that paid to the Governing Body. Their terms of office shall be three (3) years and shall be so fixed that the terms of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Governing Body of any vacancies that 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 office in the municipality.
- b. The Governing Body may appoint by resolution at least one, but no more than three, residents of the municipality to serve as alternate members of the Board. The term of office of an alternate member shall be three years. Alternates shall hold no other office in the municipality, including membership on the Planning Commission and Zoning Officer. Any alternate may participate in any proceeding or discussion of the Board but

shall not be entitled to vote as a member of the Board nor be compensated unless designated as a voting alternate member pursuant to the following process:

(1) If, by reason of absence or disqualification of a member, a quorum is not reached, the Chairman of the Board shall designate as many alternate members of the Board to sit on the Board as may be needed to provide a quorum.

(2) Any alternate member of the Board shall continue to serve on the Board in all proceedings involving the matter or case for which the alternate was initially appointed until the Board has made a final determination of the matter or case.

(3) Designation of an alternate shall be made on a case-by-case basis in rotation according to declining seniority among all alternates.

c. Where legal counsel is desired, an attorney other than the solicitor of the Township may be appointed to serve as counsel to the Zoning Hearing Board.

2. Powers and Duties

a. The Zoning Hearing Board shall hear and decide appeals from any order, requirements, decision or determination made by the Zoning Officer in the administration of this Ordinance.

b. The Zoning Hearing Board shall hear and decide all matters referred to or upon which it is required to pass under this Ordinance and other applicable laws of the Commonwealth of Pennsylvania

c. The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning Officer.

d. The Zoning Hearing Board shall hear challenges to the validity of a Zoning Ordinance or Map. In all such challenges, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court

- e. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:
- (1) That there are unique physical circumstances or conditions, peculiar to the particular property, and that the unnecessary hardship is due to such conditions.
 - (2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - (3) That such unnecessary hardship has not been created by the appellant.
 - (4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and;
 - (5) That the variance will represent the minimum variance that will afford relief.
- f. The Zoning Hearing Board may authorize special exceptions where the Governing Body in the Zoning Ordinance has made provision for such procedures pursuant to express standards and criteria. The Board may attach such additional conditions and safeguards as it may deem necessary
- g. Where it has zoning jurisdiction, the Zoning Hearing Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development or development plan. The Board shall have no power to pass upon the non-zoning issues but shall take evidence and make a record thereon.

3. Procedure

The procedure of the Zoning Hearing Board shall be governed by the provisions of applicable laws of the Commonwealth of Pennsylvania, and such rules, not inconsistent therewith, as the Board may adopt. In general, the procedure for appeal from action of the Zoning Officer shall be as follows:

- a. Any appeal from the requirements of the Zoning Ordinance shall be taken by filing with the officer from whom the appeal is taken and with the Zoning Hearing Board a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all of the documentary material constituting the record upon which the action appealed was taken.
- b. The appellant shall, at the time of filing his appeal, pay the enforcing officer a fee as determined by the Governing Body to defray, or help defray, the required advertising costs.
- c. Each appeal shall be tried on its merits at a public hearing. All hearings shall be conducted in accordance with the requirements of the Pennsylvania Municipalities Planning Code, Act 247, as amended, with respect to such proceedings. Notice of such appeal shall be given by publishing in a newspaper of general circulation in the Township and in accordance with the applicable law. The Board shall give the additional notice required by law to all parties in interest, and they may adjourn any hearing for the purpose of giving such further notice.
- d. The Planning Commission shall furnish all pertinent narrative material, maps, charts and other data relative to the problem for reference by all concerned. The Board may adjourn any hearing for the purpose of reviewing such data as may be pertinent to the problem and request interpretations of said data by a representative of the Planning Commission.
- e. The Board shall decide each appeal within the time fixed by law, and notice thereof shall be given to all parties in interest. The Board's decision shall be immediately filed in its office and be a public record. In the exercise of its functions upon such appeals or upon exceptions, the Board may in conformity with law, reverse or affirm wholly or partly, or modify the order requirement, decision or determination appealed from; or make such order requirement, decision, or determination as it determines.

- f. Within seven (7) calendar days after rendering a decision on an appeal, request for variance or special exception, the Zoning Hearing Board shall file a copy of such decision with the Township Secretary for distribution to the Governing Body.
- G. Any person, officer or agency of the municipality that is aggrieved by any decision of the Board may appeal therefrom within thirty (30) days to the Court of Common Pleas as provided by law.

Section 17.5 Amendments

- 1. Whenever the public necessity, convenience or general welfare indicates, the Governing Body may, by ordinance in accordance with applicable laws of the Commonwealth of Pennsylvania, amend, supplement, or change the regulations, restrictions, boundaries or classifications of buildings, structures, and land, as the same are established by this Ordinance, or may hereafter be made a part thereof.
- 2. Applications of petitions for any change or amendments to existing Zoning Districts shall be made to the Planning Commission and shall be accompanied with a fee as determined by the Governing Body, payable to the Township of Marion and shall be deposited in the General Fund. This fee is for the purpose of defraying the costs of preparing the necessary plats, maps, data, legislations and notices and all official publications required by the Township and shall not be refundable even though the application is disapproved by the Governing Body.
- 3. The Board of Township Supervisors may from time to time, on its own motion or petition, after public notice and hearing, amend the regulations and districts herein established, but no amendment shall become effective unless the same shall have first been submitted to the Planning Commission for approval, and said Commission shall have been allowed a reasonable time for consideration and report, and no such amendment which has been disapproved by said Commission shall take effect unless subsequently passed by a two-thirds vote of the Board of Township Supervisors. The Board of Supervisors may also declare by formal action that the Zoning Ordinance or portions thereof are substantially invalid and propose to prepare a curative amendment to overcome such invalidity consistent with the procedures specified in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988.

4. A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use of development of land in which he has an interest, may submit a curative amendment to the Governing Body with a written request that his challenge and proposed amendment be heard and decided. The Governing Body shall commence a hearing thereon within sixty (60) days of the request. The curative amendment shall be referred to the Planning Commission and notice of the hearing thereon shall be given.
5. A public hearing shall be held by the Board of Supervisors.
 - a. The Governing Body shall fix the time and place of a public hearing on the proposed amendment and cause notice to be given.
 - b. The notice shall state briefly the substance of the proposed amendment as well as the date, time and place of hearing.
 - c. If the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the municipality at points deemed sufficient by the municipality along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

Section 17.6 Validity

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof, and the parts of or sections remaining shall remain in effect as though the part or section declared unconstitutional had never been a part thereof.

Section 17.7 Interpretation, Purpose and Conflict

The interpretation and application of the provisions of this Ordinance, shall be held to be the minimum requirements for the promotion of the health, safety, morals and general welfare. The Ordinance is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township of Marion, provided that where this Ordinance imposes some greater restrictions upon the use of building or premises, or upon the height of a building, or require larger open spaces than are imposed by other such rules, regulations or ordinances, the provision of this Ordinance shall prevail.

Section 17.8 Remedies

If it appears that a violation of this Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in this section. The enforcement notice shall be sent 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.

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 requirements that have not been met, citing in each instance the applicable provisions of the ordinance.
4. The date before which the 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.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation with possible sanctions clearly described.

Section 17.9 Repealer Clause

This Ordinance repeals and replaces the previous zoning ordinance as amended and also repeals, to the extent necessary to give this Ordinance full force and effect, all other ordinances or parts of Ordinances that are contrary to or conflict with the provisions of this Zoning Ordinance.

Section 17.10 Penalties

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by a municipality, pay a judgment of not more than \$ 500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the municipality 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 the ordinance 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 zoning ordinances shall be paid over to the Township.