

ARTICLE 2200
Screening, BUFFERYARDS and Trees

§ 208-2201. Purpose.

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

§ 208-2202. General regulations.

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

Table 1: BUFFERYARDS Between Adjacent Zoning Districts

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

NOTES:

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

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

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

C. Responsibility for BUFFERYARDS.

The party developing the SITE shall bear responsibility for installing the required bufferyard at the time of development.

D. BUFFERYARD requirements.

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

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

E. BUFFERYARD USE.

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

F. Ownership of BUFFERYARDS.

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

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

A. The TOWNSHIP finds that:

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

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

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

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

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