

ARTICLE 2900
Definitions and Word Usage

§ 208-2901. Word usage.

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

§ 208-2902. DEFINITIONS.

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

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

ABUTTING - Having a common border with, or being separated from such a common border by a right-of-way, alley, or easement.

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

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

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

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

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

ADULT MINI-MOTION PICTURE THEATER - An enclosed BUILDING with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons

ADULT MOTION PICTURE THEATER - An enclosed BUILDING with a capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

BOARD OF SUPERVISORS - The Board of Supervisors of Marshall Township.

BOOTHS - The term booths, cubicles, stalls, compartments, studios, and rooms for purposes of definition in connection with adult-oriented establishments does not mean enclosures which are private offices used by the owner, manager or persons employed on the premises for attending to the tasks of their employment, and which are not held out to the public for the purpose of viewing motion pictures or other adult entertainment for a fee, and which are not open to any persons other than employees.

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

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

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

BUILDING ENVELOPE – The area within a country lot in a Conservation Subdivision where it is permitted to erect structures and disturb land, according to the provisions of Article 1600.

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

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

BUILDING PERMIT - A valid permit issued by the Township of Marshall pursuant to the provisions of Chapter 52, Building Construction.

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

- (1) A lot in the MDR, TC, RB, PORBP, HC and PIP Districts.
- (2) A lot in a Traditional Neighborhood Development (TND)
- (3) A Shopping Center.

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

- (1) The size, including height and floor area of BUILDING or other structure.
- (2) The relation of the number of dwelling units in a residential BUILDING to the area of the LOT.
- (3) All open areas in yard space relating to BUILDINGS and other STRUCTURES.

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

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

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

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

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

CHURCHES AND SIMILAR PLACES OF WORSHIP - A building or structure, or group of buildings or structures that by design and construction are primarily intended for conducting organized religious services

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

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

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

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

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

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

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

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

CONDITIONAL USE - A use that may be granted only by the Board of Supervisors pursuant to express standards and criteria after recommendation by the Planning Commission and after a public hearing held in accordance with the requirements of this chapter.

CONSERVATION SUBDIVISION DESIGN - Residential subdivision developments in which one-half (1/2) or greater of the area of the total tract of land is designated as greenway area. . Development is either concentrated, or “clustered,” on that portion of the tract most suitable for development or land is preserved within country lots.

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

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

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

COUNTRY LOT: A minimum 4 acre, privately-owned lot comprising part of an area of open land within a Conservation Subdivision. The purpose of the country lot is to provide surrounding residents with visual access to greenway land, while keeping the land under private ownership

and maintenance. Only one (1) acre located within a building envelope may be developed; the remainder must be protected through conservation easements and used in conformance with standard for greenway land. Public access to country lots is not required.

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

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

DAYS - Calendar days.

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

DENSITY, GROSS - The quotient of the total number of dwelling units divided by the base site area of a site, expressed in dwelling units per acre.

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

DEVELOPER - Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land or a land development.

DEVELOPMENT - The construction, reconstruction, conversion, structural alteration, relocation or enlargement of any BUILDING or other structure; any mining, excavation, filling, dredging, grading, drilling or land disturbance; any use or change in use of any BUILDING, structure or land; any extension of use of land; and any planned residential development or subdivision of land.

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

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

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

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

DRAINAGE - The removal of surface water or groundwater from the land by drains, grading or other means such as retention or detention basins, including control of runoff to minimize erosion

and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

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

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

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

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

- (1) **SINGLE FAMILY DETACHED DWELLING** - A residential **BUILDING** containing one (1) dwelling unit only, which is located on an individual **LOT** with yards on all sides.
- (2) **SINGLE-FAMILY ATTACHED DWELLING** - A detached **BUILDING**, on a **LOT**, containing two (2) side-by-side dwelling units. The wall attaching the units is on a side property line.
- (3) **TWO-FAMILY DWELLING (DUPLEX)** - A **BUILDING**, on a **LOT**, designed as a residence, containing two (2) dwelling units.
- (4) **TRIPLEX DWELLING** - A residential building designed exclusively for occupancy by three (3) families living independently of each other, containing three (3) dwelling units.
- (5) **QUADPLEX DWELLING** - A residential building designed exclusively for occupancy by four (4) families living independently of each other, containing four (4) dwelling units.
- (6) **TOWNHOUSE DWELLING** - A residential **BUILDING** containing three (3) to five (5) dwelling units connected by a party wall or walls. Each dwelling unit has a separate entrance directly to the outside and is at least two (2) stories but no more than three (3) stories high, with the first floor and all stories directly above it part of the same dwelling unit.
- (7) **APARTMENT DWELLING** - A residential **BUILDING** containing three (3) or more dwelling units, having access to the outside by way of a common entrance or entrances and a common interior hallway. Individual dwelling units in the same structure may have party walls on two (2) sides.
- (8) **ATTACHED DWELLING** - Two or more dwellings within the same structure.
- (9) **DETACHED DWELLING** - No more than one (1) dwelling within a structure.
- (10) **MULTI-FAMILY DWELLING** - A building containing two or more individual dwelling units.

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

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

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

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

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

ENTERTAINER - A person who provides entertainment within an adult-oriented establishment, whether or not a fee is charged or accepted for entertainment and whether or not entertainment is provided as an employee or an independent contractor

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

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

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

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

FAMILY:

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

right to occupy a dwelling unit in the same manner and to the same extent as any family unit, as defined in Subsection (1) of this definition.

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

FARMING - Agriculture, including the raising and harvesting of crops or trees and the feeding, breeding and managing of livestock as a major source of income conducted upon a LOT of not less than five (5) acres in area. The existence of a vegetable garden for home consumption or the presence of not to exceed three (3) farm animals as pets is not construed as "farming".

FARM BUILDING - Any BUILDING used for storing agricultural equipment or farm produce or products, housing livestock or poultry or processing dairy products. The term "farm BUILDING" shall not include dwellings, but shall include a barn and silo.

FENCE - A vertical enclosure, solid or partially open, to prevent straying from within or intrusion from without.

FELLING – The act of cutting a standing tree(s) so that it falls to the ground.

FLOODPLAIN - The relatively flat area or low lands adjoining the channel of a river, stream, watercourse, canal or any body of standing water, which has been or may be covered by floodwater. Additional definitions as to "floodplain" and its component areas are found in Article 1400 of this chapter.

FLOODPROOFING - Any combination of structural and nonstructural additions, changes or adjustments to STRUCTURES which reduce or eliminate flood damage to real estate or improve real property, water and sanitary facilities, STRUCTURES and their contents.

FLOOR AREA RATIO: A measure of BUILDING intensity derived as a ratio by dividing the total floor area of a BUILDING by the base site area.

FORESTRY the management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

FUNERAL HOMES AND MORTUARIES - A place or premises devoted to or used in the care and preparation for the funeral and burial of dead human bodies and maintained for the convenience of the bereaved for viewing or other services in connection with dead human bodies and as an office or place for carrying on the profession of funeral directing but not cremation.

GAMELANDS - A Commonwealth of Pennsylvania owned facility dedicated for wildlife management.

GASOLINE STATION, WITH OR WITHOUT CONVENIENCE STORE – A structure and surrounding land used predominantly for the storage and sale of petroleum fuel and lubricants primarily to motor vehicles, and can include the allocation of space for the sale of items such as snack food, drinks and tobacco products. No repairs are performed at a "gasoline station."

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

GOLF COURSE/COUNTRY CLUB – a recreational facility operated by a public or private entity which has, as its principal use, facilities for playing golf and which may include one (1) or more of the following accessory uses: a clubhouse and/or restaurant, locker rooms, pro shop, swimming pool, facilities for racquet sports.

GREEN ROOF: a roof of a building that is completely covered with vegetation and soil, or a growing medium, planted over a waterproofing membrane. This does not refer to roofs which are merely colored green, as with green shingles. It may also include additional layers such as a root barrier and drainage and irrigation systems. Container gardens on roofs, where plants are maintained in pots, are not considered to be green roofs.

GREENWAY LAND That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. Greenway land may be accessible to the residents of the development and/or the township.

GROSS FLOOR AREA (GFA) - The total area of a BUILDING measured by taking the outside dimensions of the BUILDING at each floor level intended for occupancy or storage.

HALFWAY HOUSE - A non-institutional living arrangement with treatment and support services for persons with substance abuse problems or for inmates and parolees approaching parole release date or release from a corrections institution. The halfway house (community corrections center) operates under the rules and regulations of the Pennsylvania Department of Health or Department of Corrections or similar authorities. The residents are provided full time supervision and counseling on employment, vocations, finances, and community living.

HAZARDOUS MATERIAL, SUBSTANCE OR WASTE - Any solid waste or combination of solid wastes, as defined in the Solid Waste Management Act, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. These shall include but not be limited to explosives, PCB'S, petroleum products or gases, poisons, etiologic agents, flammables, corrosives, gases under high pressure, acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid and oxides of nitrogen, petroleum products (except in motor vehicles and equipment), phosphorus, potassium, sodium, sulfur products and pesticides (including insecticides, fungicides and rodenticides) and any other products or materials listed in the Hazardous Substances List of the Pennsylvania Department of Labor and Industry.

HOME OCCUPATION - The accessory use of a residence involving the conduct of an art or profession, the offering of a service, the conduct of a business or the production of handicrafts on a residential site. The use is incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the residential use or adversely affect the uses permitted in the residential district of which it is a part.

HORTICULTURE - The cultivation of flowers, fruits, vegetables, or ornamental plants.

HOSPITAL - A building or part thereof used for the medical, psychiatric, obstetrical, or surgical care on a 24-hour basis. The term hospital shall include facilities used for medical research and training for health care professions, general hospitals, mental hospitals, tuberculosis hospitals, children's hospitals, and any such other facilities, which provide in-patient care. A hospital shall be licensed as such by the Commonwealth of Pennsylvania.

HOTEL, MOTEL AND HOTEL-OFFICE COMPLEX - A building or group of buildings, containing rented rooms for transients and having access either directly to the outside or through a common lobby or corridor

IMPERVIOUS SURFACE - Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to BUILDING roofs, PARKING and DRIVEWAY areas, sidewalks, packed stone and paved recreational facilities including the detention area of a swimming pool

IMPERVIOUS SURFACE RATIO - A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by LOT area or tract area. [

INCIDENTAL SIGN - A sign, generally informational, that has a purpose secondary to the use of the LOT on which it is located, such as "no PARKING," "loading only," "telephone" and other similar directives. No sign with a commercial message legible from a position off the LOT on which the sign is located shall be considered incidental

INDUSTRIAL USES - The mechanical or chemical transformation of raw materials or substances into new products or other raw materials, including the assembling of component parts, the manufacturing of products and the blending of materials into finished or semi-finished products.

INSPECTOR - An employee of the Allegheny County Health Department authorized and designated by the director of such department; the Township of Marshall Manager, Assistant Manager, Solicitor, Director of Code Administration and Land Development, and/or Code Enforcement Officer; and employee of the Pine Marshall Bradford Woods Joint Police Force authorized by the commanding officer of such police force; and other persons designated by the Board of Supervisors of the Township of Marshall, to inspect premises regulated under this Ordinance; to cooperate in taking the required actions authorized by this Ordinance where violations are found on a premises, and to request correction of unsatisfactory conditions found on a premises.

INSTITUTIONAL USE - An organization or establishment instituted for some public, educational or charitable purpose.

JUNKYARD or AUTOMOBILE SALVAGE YARD - A parcel of land on which scrap material or inoperative vehicles and other machinery are collected, stored, salvaged or sold.

KENNEL, PRIVATE OR COMMERCIAL - A facility for the boarding of animals, the breeding of small animals such as dogs and/or cats, or the boarding, grooming, sale or training of small animals such as dogs and/or cats for which a fee is charged.

LAND DEVELOPMENT –

(1) Any of the following activities:

(a) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

[1] A group of two (2) or more residential or any nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or

[2] The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of or for the purpose of STREETS, common areas, leaseholds, condominiums, building groups or other features.

(b) A SUBDIVISION of land.

(2) The following shall not be considered a "LAND DEVELOPMENT":

(a) The conversion of an existing single-family detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

(b) The addition of an accessory building to a residential or farm use, on a lot or lots subordinate to an existing principal building; or

(c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. This exclusion shall not apply to a newly acquired parcel to be used for operating an amusement park until the initial plans for the expanded area have been approved by the township.

LAND DISTURBANCE - Any activity involving grading, tilling, digging, logging or filling or stripping of vegetation; or another activity which causes land to be exposed to the danger of erosion.

LOADING AND UNLOADING AREA - That portion of the PARKING area used to satisfy the requirements of § 208-1908. [**Amended 9-29-2008 by Ord. No. 393**]

LOGGING - The act of cutting live trees for cord wood, for timber, for pulp or for any commercial or non-commercial purpose, excepting therefrom a homeowner cutting on his own property for his own use, clearing pursuant to a development plan approved by the Board of Supervisors, clearing for a single-family detached dwelling or clearing for farming operations.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, having its principal frontage upon a street or officially approved place and to be used, developed or built upon as a unit.

LOT AREA - The area of a LOT taken at its perimeter, exclusive of any portion within a public or private street right-of-way.

LOT, CORNER - A platted parcel of land abutting two (2) road rights-of-way at their intersection.

LOT DEPTH - The horizontal distance from the midpoint of the front LOT line to the midpoint of the rear LOT line or to the most distant point on any other LOT line where there is no rear LOT line.

LOT FRONTAGE - The distance measured between points where side property lines meet street right-of-way lines. In the case of a curve, the arc distance along the curve.

LOT LINE - Any line bounding a LOT as herein defined.

LOT LINE, FRONT - A LOT line separating the LOT from the street line. For corner LOTS, the front LOT line applies to all sides of the lot that face a STREET. The remaining LOT lines shall be considered SIDE LOT LINES.

LOT LINE, REAR - The LOT line not intersecting a front LOT line that is most distant from and most closely parallel to the front LOT line. A LOT bounded by only three (3) LOT lines will not have a rear LOT line.

LOT LINE, SIDE - Any LOT line which is not a front LOT line or a rear lot line.

LOT, THROUGH - A LOT, other than a corner LOT, which extends from one (1) street to another, having frontage on both streets.

LOT WIDTH - The distance measured between points where the front BUILDING setback lines meet side property lines. In the case of a curve, the arc distance along the curve.

MANUFACTURED HOME - A structure, transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities and including the plumbing, heating, air-conditioning and electrical systems contained therein. The term shall include any structure which meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Department of Housing and Urban Development and complies with the standards established under this chapter.

MANUFACTURING, LIGHT - The manufacture, primarily from previously approved materials, of finished products or parts including processing, fabrication, assembly, treatment and packaging of such products and incidental storage. Sales and distribution of such products.

MEDICAL OFFICE - An office operated by, or under the supervision of, doctors, dentists, orthodontists, psychiatrists, psychologist, dermatologists, optometrists, ophthalmologists, chiropractors, podiatrists, or similar medical practitioners, and their supporting staff, where patients receive routine diagnosis and treatment by appointment and are not provided with board or room or kept overnight on the premises. **[Amended 5-12-2008 by Ord. No. 389]**

MINERAL REMOVAL - Removal of any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

MINOR - A person under eighteen (18) years of age.

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into

one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

MOBILE HOME PARK – A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the LOT.

MUNICIPAL BUILDINGS AND FACILITIES - Includes public and semi-public uses such as parks, fire stations, municipal buildings and municipal garages and public service buildings for park and recreation facilities

MUNICIPALITIES PLANNING CODE (MPC): The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended and reenacted, 53 P.S. 10101 et seq.

MUSEUM - A building having public significance by reason of its architecture or former use or occupancy or a building serving as the repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of good to the public as gifts for their own use.

NO IMPACT HOME BASED BUSINESS - A business conducted from a house that has no impacts on the neighborhood, through adherence of the standards contained in Section 208-304.B.2 of this ordinance [**Amended 9-29-2008 by Ord. No. 393**]

NOISE - Any sound which:

- (1) Endangers or injures the safety or health of humans or animals.
- (2) Annoys or disturbs a reasonable person of normal sensitivities.
- (3) Endangers or injures personal or real property.

NONCONFORMING LOT - A LOT the area, dimension or location of which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but fails to conform to the requirements of the zoning district in which it is located by reason of such adoption, revision or amendment.

NONCONFORMING STRUCTURE OR BUILDING - A structure or part of a structure manifestly not designed to comply with the applicable area and BULK regulations in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reasons of annexation. Such NONCONFORMING STRUCTURES include but are not limited to NONCONFORMING signs. [**Amended 6-14-95 by Ord. No. 272**]

NONCONFORMING USE - A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation.

OBSTRUCTIONS - Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, **BUILDING**, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or designated Floodplain District, which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to the damage of life and property.

ONE-HUNDRED-YEAR FLOOD - A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

OPEN SPACE - Land used for recreation, resource protection, amenity and/or buffers, not including any area of a lot constituting the lot areas, any part of an existing or future street right-of-way, easement of access, or area set aside for public or private utilities, stormwater facilities and easements.

OPEN SPACE, COMMON - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. **[Added 5/12/2008 by Ord. No. 389]**

OPERATOR - A person, partnership or corporation owning, operating, conducting or maintaining and adult-orient establishment.

OUTDOOR STORAGE - The keeping, in an unroofed area, of any goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

OWNER - The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land shall be deemed to be a landowner for the purpose of this chapter.

PARKING AREA/LOT - That portion of a LOT that is used by vehicles for access, circulation, **PARKING** and loading and unloading. It comprises the total of circulation areas, loading and unloading areas and **PARKING** spaces.

PARKING AISLES - That portion of the **PARKING** area consisting of lanes providing access to **PARKING** spaces.

PARKING FACILITY - Any **PARKING STRUCTURE** or **PARKING AREA/LOT**, municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or for a fee.

PARKING SPACE - A portion of the **PARKING** area set for the **PARKING** of one (1) vehicle.

PARKING STRUCTURE – A STRUCTURE used by vehicles for access, circulation, PARKING and loading and unloading.

PERSON - Includes an individual, corporation, partnership, incorporated association or any other similar entity.

PERSONAL SERVICE ESTABLISHMENT - Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel including but not limited to barber and beauty shops, dog grooming, tailor, dressmaker, shoe repair, photographer, laundry and the like

PERSONAL STORAGE FACILITIES - A building or group of buildings in a controlled access and usually fenced compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of customer's goods or wares.

PLAN, FINAL - A complete and exact land development or subdivision plan prepared by a registered engineer, land surveyor or landscape architect for official recording as required by the Pennsylvania Municipalities Planning Code⁸ to define property rights and proposed streets and other improvements.

PLAN, PRELIMINARY - A tentative land development or subdivision plan, in lesser detail than a final plan, showing, among other things, approximate proposed street, drainage and LOT layout as a basis for consideration prior to preparation of a final plan.

PLAN, PROFILE - A plan prepared by a registered engineer or surveyor showing the vertical section of the existing grade and proposed grade along the center line of any proposed street and any street appurtenances to be constructed or installed, which must include a typical cross section of the street construction.

PLAN, SKETCH - An informal plan, not necessarily to exact scale, indicating topographic and other salient existing features of a tract and its surroundings and general layout of the proposed subdivision or land development.

PLANNING COMMISSION - The Planning Commission of Marshall Township.

PORTABLE STORAGE UNIT – A container that is not affixed to the land that is designed for temporary, short-term storage. **[Added 5/12/2008 by Ord. No. 389]**

PRIMARY CONSERVATION AREAS - Those lands identified within conservation subdivisions that, due to their environmental sensitivity, are required to be set aside as greenway lands. These lands consist of wetlands, floodplains and steep slopes 25% or greater.

PROFESSIONAL FORESTER – A person who has earned a four (4) year college degree in forest management, is registered with the Pennsylvania Bureau of Forestry and can demonstrate expertise in environmentally sound forest management/timber harvesting practices.

PROFESSIONAL OCCUPATION - A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field; any occupation requiring licensing by the state and maintenance of professional standards applicable to the field.

PROFESSIONAL OFFICE – An office of recognized professions, other than medical, such as lawyers, architects, engineers, real estate brokers, insurance agents and others who, through training, are qualified to perform services of a professional nature and other offices used primarily for accounting, corresponding, research, editing or other administrative functions, but not including banks or other financial institutions. **[Amended 5/12/2008 by Ord. No. 389]**

PUBLIC NOTICE - Notice published once a week for two (2) successive weeks in a newspaper of general circulation in the Marshall Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

PUBLIC UTILITY STRUCTURES, OTHER THAN TELECOMMUNICATION TOWER - Any structure, which belongs to a public utility for uses such as electrical, telephone, gas, water and sewer which are regulated by the PUC or any other governmental agency

RECREATION FACILITY – **[Amended 5/12/2008 by Ord. No. 389]** A building, structure or area designed and equipped for the conduct of sports and/or leisure activities that attract a large number of users. Activities and improvements associated with a recreation facility include:

1. Amphitheaters/outdoor theaters
2. Indoor/outdoor swimming pools
3. indoor/outdoor skating rinks
4. any other public recreation facilities

Gaming enterprises and/or racetracks shall not be considered recreation facilities.

RECREATION AREA, OUTDOOR - Any passive or active noncommercial or non-fee-generating recreational activity, whether publicly or privately owned and maintained, conducted outside an enclosed structure, including but not limited to tennis courts, playing fields, jogging/exercise trails, playgrounds, nature trails and the like.

REGULATORY FLOOD ELEVATION - The one-hundred-year-flood elevations, plus a freeboard safety factor of one and one-half (1 1/2) feet.

RESEARCH TESTING FACILITY - A structure or complex of structures designed or used primarily for research development functions related to industry and similar fields of endeavor, but not including the use of animals for testing.

RESTAURANTS AND TAVERNS - A public eating place primarily offering sit-down counter or table service and custom-prepared foods for on premises consumption.

RETAIL BUSINESS - Retail business shall include variety stores, apparel stores, florists, drug stores, grocery and convenience stores, eating and drinking establishments, liquor stores, antique shops, music shops, sporting goods stores, book, stationary, magazines, candy and

tobacco shops, and other outlets that sell merchandise on a retail basis, but not adult-oriented establishments.

RIGHT-OF-WAY - Land reserved as a street, crosswalk or for other public purposes.

RIGHT-OF-WAY LINES - The boundary lines of land used or intended for use as streets, as shown on deeds, plats or the Comprehensive Plan, and from which yard and other requirements shall begin.

SCHOOL - Any public or private institution offering instruction for students up to and through the secondary level.

SEASONAL HIGH WATER TABLE AT ONE (1) FOOT TO THREE (3) FEET DEPTH - Soils in which the distance from the surface to the highest level of the water table is one (1) foot to three (3) feet deep in most years as defined by the U.S. Department of Agriculture Soil Conservation Service Soil Survey of Allegheny County.

SEASONAL HIGH WATER TABLE AT SURFACE - Soils in which the water table reaches the surface in most years as defined by the U.S. Department of Agriculture Soil Conservation Service Soil Survey of Allegheny County

SECONDARY CONSERVATION AREAS - Those lands identified within conservation subdivisions of important environmental value that are added to **PRIMARY CONSERVATION AREAS** to make up the required amount of **GREENWAY LAND**. These lands consist of woodlands; slopes 15% to 25%; significant wildlife habitats; historic, archaeological or cultural features; groundwater recharge areas; important viewsheds and other significant natural areas as identified by the Township.

SETBACK - The minimum horizontal distance between the **LOT** or property line and the nearest front, side or rear line of the **BUILDING** (as the case may be), including terraces, patios, decks, or any covered projection thereof, excluding steps.

SEWAGE TREATMENT PLANT - A facility that collects and treats and disposes sanitary sewage from a system of pipes.

SEXUAL ACTIVITIES - The term does not include any of the following:

- (1) Medical publications or films or bona fide educational publications or films
- (2) Any art or photography publications which devote at least twenty-five (25%) of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.
- (3) Any news periodical which reports or describes current events and which from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news.
- (4) Any publications or films which describe and report difference cultures and which from time to time publish or show photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the populations.

SHOPPING CENTER - A tract of land, with buildings or structures planned as a whole and intended for three (3) or more retail establishments, with accessory parking and loading on the same site.

SIGN - Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public.

- (1) **ANIMATED SIGN** - Any sign that uses movement or change of lighting to depict action or to create a special effect or scene.
- (2) **ADVERTISING VEHICLE** - A vehicle and/or trailer which has affixed to it any sign or advertising device which is parked on public or private property and visible from the public right-of-way where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property.
- (3) **AWNING** - An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or nonrigid materials and/or fabric on a supporting framework that may be either permanent or retractable
- (4) **AWNING SIGN** - A sign mounted, painted, or attached to or integral to an awning.
- (5) **BANNER** - Any sign of lightweight fabric or similar material that may or may not be permanently mounted to a pole or BUILDING by a permanent frame at one (1) or more edges. National flags, state or municipal flags or the official flag of any institution or business shall not be considered "banners."
- (6) **BEACON** - Any light with one (1) or more beams directed into the atmosphere or directed at one (1) or more points not on the same zone LOT as the light source; also, any light with one (1) or more beams that rotate or move.
- (7) **BUILDING SIGN** - Any sign attached to any part of a BUILDING, as contrasted to a freestanding sign.
- (8) **CANOPY, ATTACHED** - A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.
- (9) **CANOPY, DETACHED** - A multisided overhead structure supported by columns, but not enclosed by walls.
- (10) **COMMERCIAL MESSAGE** - Any wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.
- (11) **DIRECTIONAL SIGN** - A sign that directs or instructs vehicular or pedestrian traffic on the premises relative to the PARKING area, entrances and exits. Such sign shall contain no advertising other than the business name or logo.
- (12) **ELECTRONIC CHANGEABLE COPY SIGN** - a sign, or portion of a sign, that is designed so that characters, letters or illustrations can be changed or rearranged electronically without altering the face or the surface of the sign.

- (13) **FLAG** - Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.
- (14) **FLAT WALL SIGN** - Any sign attached parallel to but within twelve (12) inches of a wall, painted on the wall surface of or erected and confined within the limits of an outside wall of any BUILDING or structure, which is supported by such wall or BUILDING and which displays only one (1) sign surface.
- (15) **FREESTANDING SIGN**. A self-supporting sign detached from any building and is supported by poles, posts, braces, or other type of base on the ground
- (16) **GOVERNMENTAL SIGN**. A sign which is owned, installed and maintained by Marshall Township.
- (17) **GROUND/MONUMENT SIGN**. A freestanding sign which is completely self-supporting, has its sign face or base on the ground and has no air space, columns, or supports visible between the ground and the bottom of the sign.
- (18) **HIGHWAY SIGN** - A sign that is located on a LOT which has frontage on an interstate.
- (19) **INTERNALLY ILLUMINATED SIGN** - Signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Signs that consist of or contain tubes that are filled with neon or some other gas that glows when an electric current passes through it and are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to other parts of the sign that contain the message, shall also be considered "internally illuminated signs."
- (20) **NONCONFORMING SIGN** - Any sign that does not conform to the requirements of this chapter.
- (21) **OFF-PREMISES SIGN** - A sign that draws attention to or communicates information about a business service, commodity, accommodation or attraction or that draws attention to a cause or advocates or proclaims a political, religious or other noncommercial message or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided at a location other than the premises on which the sign is located.
- (22) **ON-PREMISES SIGN** - A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.
- (23) **PENNANT** - Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.
- (24) **POLE/PYLON SIGN**. A freestanding sign erected on a pole, poles, pylon, or pylons, where the bottom edge of the sign face is five (5) feet or more above the ground.
- (25) **POLITICAL SIGN**. A sign that advertises a candidate or an issue which is to be voted on in a local, state, or federal election process.

- (26) **PORTABLE SIGN** - Any sign not permanently attached to the ground or other permanent structure or a sign designed to be transported, including but not limited to signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs, balloons used as signs, umbrellas used for advertising and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
- (27) **PROJECTING SIGN.** A sign which reproduces a remote image, by optical or any other means, on any surface.
- (28) **PROTRUDING SIGN.** A sign supported and attached to a structure so that more than one side or part of a side is visible.
- (29) **RESIDENTIAL SIGN** - Any sign located in a district zoned for residential uses that contains no commercial message.
- (30) **ROOF SIGN.** A sign erected on or attached to a roof or a sign attached to a building that projects above the highest point on the roofline.
- (31) **SIGN.** Any fixture, placard, structure, or other device that uses any color, form, graphic, illumination, symbol, writing, painting, printing, display, emblem, drawing, electronic display, or computerized display to advertise, announce the purpose of or identify the purpose of a person or entity or to communicate information of any kind to the public.
- (32) **SUSPENDED SIGN** - A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.
- (33) **TEMPORARY SIGN** - A sign that is used in connection with a circumstance, situation or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign or is intended to remain on the location where it is erected or placed for a period of not more than fifteen (15) days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as "temporary."
- (34) **WALL SIGN.** A sign attached parallel to but within twelve (12) inches of a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one (1) sign surface.
- (35) **WINDOW SIGN** - Any sign, pictures, symbol or combination thereof designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SITE - A parcel of land for which a permit is issued pursuant to this chapter.

SKIDDING – The dragging of tress on the ground from the stump to the landing by any means

SLASH – All organic debris resulting from timber harvesting including stems, limbs and parts thereof.

SOLID WASTE DISPOSAL FACILITY - A location for disposal of Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities

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

- (1) human genitals or pubic region;
- (2) buttocks; or
- (3) female breasts below a point immediately above the top of the areola.
- (4) Human male genitals in a discernible turgid state, even if complete opaquely covered.

SPECIFIED SEXUAL ACTIVITIES - The term includes any of the following:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse or sodomy.
- (3) Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

SPORTSMEN'S CLUB – A club or facility for which a membership charge may be made and which are only open to bona fide members and their guests, dedicated to sport activities such as hunting, fishing, archery and firearm shooting as well as support activities for the daily operation and maintenance of the club. [**Added 5/12/2008 by Ord. No. 389**]

SQUARE – An area of land located within a Traditional Neighborhood Development that serves as a place of congregation, recreation or open space within a neighborhood of the plan.

STATE AND FEDERAL BUILDINGS AND FACILITIES - Includes public and semi-public uses such as parks, and buildings of the Commonwealth of Pennsylvania or the Government of the United States of America.

STEEP SLOPES - An area where the inclination (vertical distance over horizontal distance) of the land's surface is twenty-five percent (25%) or greater, and encompassing a vertical grade differential of ten (10) feet within the slope.

STEEP SLOPES, MODERATELY - An area where the inclination (vertical distance over horizontal distance) of the land's surface is fifteen percent (15%) and less than twenty-five (25%) percent , and encompassing a vertical grade differential of ten (10) feet within the slope.

STORY - That portion of a **BUILDING** included between the upper surface of a floor and the upper surface of the floor or roof next above.

STORY, ABOVE GRADE - Any story having its finished floor surface entirely above grade except that a basement shall be considered as an "above grade story" when the distance from grade to the finished surface of the floor above the basement is more than six (6) feet for more than fifty percent (50%) of the total perimeter or more than twelve (12) feet.

STREAM - A watercourse which has a contributory watershed area which is at least 100 acres.

STREET - A public or private thoroughfare used or intended to be used for passage or travel by motor vehicles. Includes road, avenue, boulevard, highway, freeway, parkway, lane, alley, viaduct or other thoroughfare. "Streets" are further classified by the functions they perform:

- (1) **ALLEY** - A public or private way permanently reserved as a secondary means of access to abutting property.
- (2) **ARTERIAL MINOR** - Streets that carry a high volume of traffic for intracounty and intercommunity travel. These streets normally serve the higher classification streets (interstates and principal arterials) providing access to and from the arterials. The following streets are classified as "minor arterials" (reference the Marshall Township Comprehensive Plan of 1991): Pleasant Hill Road, Mingo Road, Warrendale-Bayne Road (Red Belt), Warrendale-Bakerstown Road (Red Belt), Wexford-Bayne Road (Route 910, Orange Belt).
- (3) **ARTERIAL, PRINCIPAL** - Streets that carry a high volume of traffic for intrastate, intercounty and intercity travel. Traffic on this type of street normally has the right-of-way except in areas of high hazard, where controls are used. The following street is classified as a "principal arterial" (reference the Marshall Township Comprehensive Plan of 1991): Route 19 (Perry Highway).
- (4) **COLLECTOR, MAJOR** - Streets that serve intracounty and intercommunity travel, but at a lower volume than arterials; they usually connect to an arterial to provide access to the surrounding land. Access is generally not directly from this street but from a substreet connected to the collector. They may serve community shopping areas, schools, parks and cluster developments. The following streets are classified as "major collectors" (reference the Marshall Township Comprehensive Plan of 1991): Wexford Run Road, Brush Creek Road, Knob Road, Freeport Road, Thorn Hill Road and Commonwealth Drive
- (5) **COLLECTOR, MINOR** - Streets that serve intracommunity travel at a volume below the major collector. "Minor collectors" provide access to the land using lower order streets and sometimes direct access from itself. The following streets are classified as "minor collectors" (reference the Marshall Township Comprehensive Plan of 1991): Markman Park Road, Neely School Road, Bradford Road, Shenot Road, Spang Road, Woodland Road.
- (6) **INTERSTATE** - Limited access streets intended to carry large volumes of traffic at high speeds over great distances. The following streets are classified as "Interstates" (reference the Marshall Township Comprehensive Plan of 1991): Interstate 79, Interstate 76 (Pennsylvania Turnpike).

STREET, CENTER LINE OF - A line which is an equal distance from both street lines.

STREET FRONTAGE - The distance for which a LOT line of a zone LOT adjoins a public street, from one (1) LOT line intersecting said street to the furthest distant LOT line intersecting the same street.

STREET LINE - The dividing line between a LOT or property line and a street right-of-way.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, including, but limited to, portable storage units.
[Amended 5/12/2008 by Ord. No. 389]

SUBDIVISION - As defined in the Municipalities Planning Code, 53 P.S. § 10101 et seq.

SUBDIVISIONS, MAJOR - A SUBDIVISION that includes either one or more of the following characteristics:

- A. Multiple phasing of the PLAN.
- B. Containing PUBLIC IMPROVEMENTS, including one or more of the following: STREETS, STORM WATER DETENTION and STORM WATER RETENTION facilities and public utilities.
- C. Containing no more than four (4) lots.

MINOR SUBDIVISIONS: A SUBDIVISION not including any of the characteristics included in the MAJOR SUBDIVISION category. In general, a MINOR SUBDIVISION involves the adjustment of LOT LINES for existing LOTS and/or the creation of new LOTS that are already serviced by a PUBLIC ROAD and public utilities,

SUBDIVISION, MAJOR - A subdivision that is not a minor subdivision.

SUBDIVISION, MINOR - A subdivision in which all LOTS have sufficient frontage upon an existing street and does not include the opening, widening, extension or improvement of any public street. A minor subdivision shall not involve more than four (4) LOTS, including the remaining parent LOT. For the purposes of this Chapter, a plan involving a LOT line alteration which does not create any increase in the number of LOTS shall be considered a minor subdivision. For the purposes of this Chapter, revision of easement locations shall be considered a minor subdivision.

SUPERMARKET - A self-service retail business, normally employing at least ten (10) persons, in which staple foodstuffs, household supplies, meats, produce and dairy products are sold.

SWALE - A linear depression in land running downhill or a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse (see "drainageway").

SWIMMING POOL, PRIVATE - An outdoor water pool which is not operated for gain and which is intended to be used for swimming or bathing by any family or persons residing on the premises and their guests. An outdoor water pool shall, for the purposes of this chapter, be construed to mean any swimming pool, tank, above or below grade, depression or excavation in any material, dike or berm constructed, erected, excavated or maintained which will cause the retaining of water to a greater depth than eighteen (18) inches and having a plane surface of water greater than one hundred (100) square feet.

TECHNOLOGICAL INDUSTRIES - Businesses that are predominantly associated with the branch of knowledge that deals with the creation and use of technical means and their interrelation with life, society, and the environment, drawing upon such subjects as industrial arts, engineering, applied science, and pure science

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

TELECOMMUNICATIONS EQUIPMENT BUILDING - The BUILDING in which electronic receiving and relay equipment and monitoring devices for a telecommunications facility are housed. Telecommunications equipment BUILDINGS shall not be considered public utilities or other utilities.

TELECOMMUNICATIONS FACILITY - A facility consisting of the equipment and STRUCTURES (telecommunications tower, antennae, telecommunications equipment BUILDING) involved in the reception and/or transmission of electromagnetic or radio waves. Telecommunications facilities shall not be considered public utilities or other utilities.

TELECOMMUNICATIONS TOWER - A tower of any size which supports communication (broadcasting and/or receiving) equipment, including, but not limited to antennae, fixed-point microwave dishes and cellular communication antennae, utilized by commercial, government, or other public or quasi-public users. This excludes private home use satellite dishes and television antennae, or amateur radio operators licensed by the FCC. Communication towers shall not be considered public utilities or other utilities.

TIMBER BUFFER ZONE – Land surrounding the immediate perimeter of a timber harvesting operation, in which no cutting of trees or other vegetation shall occur, except for the isolated cutting of individual trees which are dead, damaged, infected or constitutes a danger to neighboring properties or the public generally.

TIMBER HARVESTING OPERATION – The act of cutting live trees for timber, for pulp, or for any commercial or non-commercial purpose, except:

- (1) cutting on the property of the landowner for the sole use of the landowner;
- (2) clearing pursuant to a development plan approved by the Township Board of Supervisors;
- (3) clearing for construction of a single-family detached dwelling and any accessory uses or structures; and/or
- (4) clearing for farming operations where farming is the principal source of income.

A timber harvesting operation shall include the acts of timber harvesting, site clean-up and site restoration.

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

TOWNSHIP FORESTER – A PROFESSIONAL FORESTER appointed and/or retained by the Township Board of Supervisors.

TRACT - A parcel, property or area of land comprised of one (1) or more lots adjacent to one another established by a plat or otherwise as permitted by law to be used, developed or built upon as a unit.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) - an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

TRIP - A single or one direction vehicle movement exiting or entering inside the study site.

TRUCK TERMINAL - Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal. The terminal may also serve as a passenger station that is central to an area and serves as a junction at any point with other line. A bus terminal would be a central point for passengers, and a truck terminal would be a central point for freight.

UNDERSTORY TREE - A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as "ornamental trees." Examples include redbud, hazel, alder, holly, hornbeam, dogwood, witch-hazel, etc.

USE - Any purpose for which a structure, BUILDING or tract of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on or intended to be carried on in a structure, BUILDING or on a tract of land.

USE, ACCESSORY - A use incidental to and on the same lot as a principal use.

USE, NONRESIDENTIAL - Any use except a residential use.

USE, PRINCIPAL - The main use of land or STRUCTURES, as distinguished from a secondary or accessory use.

USE, RESIDENTIAL - A use of land which provides space for the permanent occupancy of either individuals or families within dwellings.

VEGETATIVE COVER – Grasses, shrubs, trees, and other vegetation which hold and stabilize soils.

VEHICULAR BODY SHOP - A structure and surrounding land used for the repairing, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam-cleaning vehicles.

VEHICULAR REPAIR GARAGE - A structure and surrounding land used for the sale of automotive lubricants, accessories or supplies, the incidental washing of motor vehicles and the performing of minor repairs such as tire, battery, oil servicing, and detailing.

VEHICULAR WASH - A building on a lot designed and used primarily for the washing and polishing of automobiles and which may provide accessory services as set forth herein for Gasoline Service Stations.

VETERINARY CLINIC, EXCLUDING KENNEL - A qualified professional trained in the care and treatment of animals and in particular domestic animals. The term "veterinary clinic" includes the office, waiting room, examination room, treatment area and overnight quarters for the usual house pets (dogs, cats, birds, hamsters, and the like).

WAREHOUSING - Storage of goods not related to the sale or use of those goods on the same lot where they are stored.

WETLAND - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This definition shall include and be limited to wetlands as defined by:

(1) Section 404 of the United States Clean Water Act, as may be amended from time to time.

The Pennsylvania Department of Environmental Resources, in appropriate legislation, as may be amended from time to time.

WHOLESALE BUSINESS - An establishment or place of business primarily engaged in selling or distributing merchandise to industrial, commercial, institutional, or professional or to other business users.

WOODLAND, An area or stand of trees whose total combined canopy covers an area of one-half (1/2) acre or more and at least fifty percent (50%) of which is composed of canopy trees having a diameter at breast height (DBH) of at least three (3) inches; provided, however, that no trees kept or grown for commercial purposes shall be considered a woodland"

YARD - A ground area, unoccupied space open to the sky, except for permitted fences, garden walls, plantings and accessways, and small accessory uses as specified in residential districts; and shall be that portion of any lot extending inward from the lot or street line for the distance required by the district within which the lot is located.

YARD, FRONT - A yard lying between the street line(s) and a line(s) drawn parallel thereto, extending from lot line to lot line.

YARD LINE - A line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, REAR - A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the BUILDING. Rear yard depth shall be measured at right angles to the rear line of the lot.

YARD, REQUIRED - Any yard measured between a line drawn parallel to a street or lot line at a distance therefrom equal to the respective yard dimension required by this chapter.

YARD, SIDE - A yard lying between the side line of the lot and the nearest line of the **BUILDING** and extending from the front yard to the rear yard or, in the absence of either of such front or rear yards, to the front or rear lot lines. Side yard width shall be measured at right angles to side lines of the lot.

ZONING DISTRICT or DISTRICT - A finite area of land, as designated by its boundaries on the Zoning Map, throughout which specific and uniform regulations govern the use of land and/or the location, size and use of **BUILDINGS**.

ZONING MAP - The map attached to and made part of this chapter, indicating zoning districts.

ZONING PERMIT - A document signed by the Zoning Officer which is required by ordinance as a condition precedent to the commencement of a use or the erection, construction, reconstruction, alteration, conversion or installation of a structure or **BUILDING**.

ZONING HEARING BOARD - The Zoning Hearing Board of Marshall Township.

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