

Borough of Marietta

Smart Code - Zoning Ordinance

July 2016

Prepared by: Environmental Planning & Design, LLC

BOROUGH OF MARIETTA
Lancaster County, Pennsylvania

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE BOROUGH OF MARIETTA, COUNTY OF LANCASTER, COMMONWEALTH OF PENNSYLVANIA AMENDING AND REPLACING IN ITS ENTIRETY CHAPTER 98, ENTITLED "ZONING", OF THE CODE OF THE BOROUGH OF MARIETTA AND PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES OR PARTS THEREOF.

Background:

On December 12, 2000, the Borough Council adopted by ordinance the Marietta Borough Zoning Ordinance of 2000 ("2000 Ordinance"). The 2000 Ordinance replaced and repealed Ordinance No. 71-5 adopted August 10, 1971 which ordinance had been codified as Chapter 98, although sometimes referenced as Chapter 95. The 2000 Ordinance has been amended from time to time since its adoption in December of 2000. The term "2000 Ordinance" refers to the original ordinance and all subsequent amendments.

The Borough Council recognizes that a new comprehensive zoning ordinance is needed to best serve the interest of the Borough, its residents and its business owners. This new ordinance has been prepared by Environmental Planning & Design, LLC on behalf of the Borough and incorporates as appropriate the recommendations and suggestions of the Borough Council, the Borough Planning Commission and the Lancaster County Planning Commission.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Borough Council of the Borough of Marietta, County of Lancaster, Commonwealth of Pennsylvania and it is hereby ENACTED AND ORDAINED by the authority of same as follows:

Section 1. Chapter 98 of the Code of the Borough of Marietta, also known as the Marietta Borough Zoning Ordinance of 2000, is amended and replaced in its entirety by the attached Exhibit A to be known as the Borough of Marietta Smart Code Zoning Ordinance. Exhibit A is incorporated by reference as though set forth in full herein.

Section 2. All ordinances or resolutions or parts of ordinances or resolutions, insofar as they are inconsistent with this Ordinance, are hereby repealed.

Section 3. If any provision, sentence, clause, section or part of this ordinance shall for any reason be found unconstitutional, illegal or invalid, such determination shall not effect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance and is hereby declared to be the intent of the Borough Council that this Ordinance would have

been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

Section 4. This Ordinance shall become effective on the earliest date allowed by law.

ENACTED AND ORDAINED as an ordinance of the Borough of Marietta, County of Lancaster, Commonwealth of Pennsylvania by the Borough Council this 12th day of July, 2016 in a lawful session duly assembled.

BOROUGH OF MARIETTA

By: Budley Hannold
Bridey Hannold, President
Marietta Borough Council

Attest: Sharon Bradnick
Sharon Bradnick, Secretary

APPROVED as an Ordinance this 12th day of July, 2016.

Raymond Vegso
Raymond Vegso, Mayor

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Article I: Authority and Purposes

§101: Title

- A. This Ordinance entitled the “Smart Code - Zoning Ordinance” shall also be known as the “Official Zoning Ordinance of the Borough of Marietta,” and the Zoning Map is designated as the “Official Zoning Map of the Borough of Marietta.”

§102: Authority

- A. This Ordinance is authorized under the grant powers by the General Assembly of the Commonwealth of Pennsylvania, Act 247, The Pennsylvania Municipalities Planning Code, July 31, 1968, as amended hereinafter.

§103: General Purpose

- A. This Ordinance is made with consideration for the Borough of Marietta’s character, its various parts, and the suitability of the various parts for particular uses and structures. This Ordinance is enacted for the following purposes:
 - 1. To retain existing residents and businesses and attract new ones to the Borough because of its established community character, resources and riverfront features.
 - 2. To promote, protect and facilitate one (1) or more of the following: public health, safety, morals, general welfare, coordinated and practical community development, proper density of population, emergency preparedness, disaster evacuation, providing adequate light and air, police protection, vehicle parking and loading berth/space, transportation, water, sewerage, schools, public grounds, and other public requirements.
 - 3. To provide individual and mixtures of uses, buildings and/or structures compatible with the character of development or the Permitted Uses within the specified Zoning Districts.
 - 4. To maintain the stability of residential, commercial, institutional, industrial areas and preserving natural resources within a framework of development, and heritage resources for the Borough of Marietta.
 - 5. To encourage and maintain the Borough’s historic patterns of traditional neighborhood form encouraging walkability throughout the community.
 - 6. To protect private-sector and public-sector investments being made to the land area and building stock.
 - 7. To promote and to foster the community development goals and objectives, including quality infill, redevelopment and/or adaptive reuse, as identified in the Comprehensive Plan, as amended, that the Borough of Marietta has adopted.

§104: Interpretation

- A. In applying this Ordinance, it serves as the minimum requirements for promotion of health, safety, morals, and general welfare of the Borough of Marietta. If this Ordinance imposes more stringent restrictions upon the use of buildings, structures, and land than contained in applicable deeds or agreements, the stricter requirements of this Ordinance still apply and control.

§105: Application

- A. The provisions of this Ordinance shall apply uniformly to all buildings, structures, uses, signs, and land areas. Temporary Uses are regulated by §903 of this Ordinance and are also subject to the applicable Borough permitting requirements found on file at the Borough Municipal Building.

§106: Abrogation

- A. It is not intended that this Ordinance replaces or interferes with any existing ordinance or with any rule the Borough of Marietta adopted or issues. If this Ordinance imposes greater restrictions upon the user of buildings or land, then the provisions of this ordinance will apply.

§107: Repealer

- A. Repeals and Continuation of Prior Regulations. Except as otherwise required by law, this Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Ordinance restates regulations contained in ordinances previously enacted by the Borough, this Ordinance shall be considered a restatement and not a repeal of such regulations. It is the specific intent of the Borough Council that all provisions of this Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. All zoning ordinances or parts of zoning ordinances inconsistent with the provisions of this Ordinance are hereby repealed. It is expressly provided that the provisions of this Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance. In the event any violation has occurred under any prior zoning regulation or ordinance, and the provisions and penalties provided in said prior zoning regulation or ordinance shall remain effective as to said violation.

§108: Severability

- A. If any content of this Ordinance is declared invalid for any reason, such decision will not affect the remaining portions of this Ordinance, which remains in full force and effect, and for this purpose the provisions of this Ordinance are declared to be severable.

Article II: Form and Function

§201: Ordinance Quick View

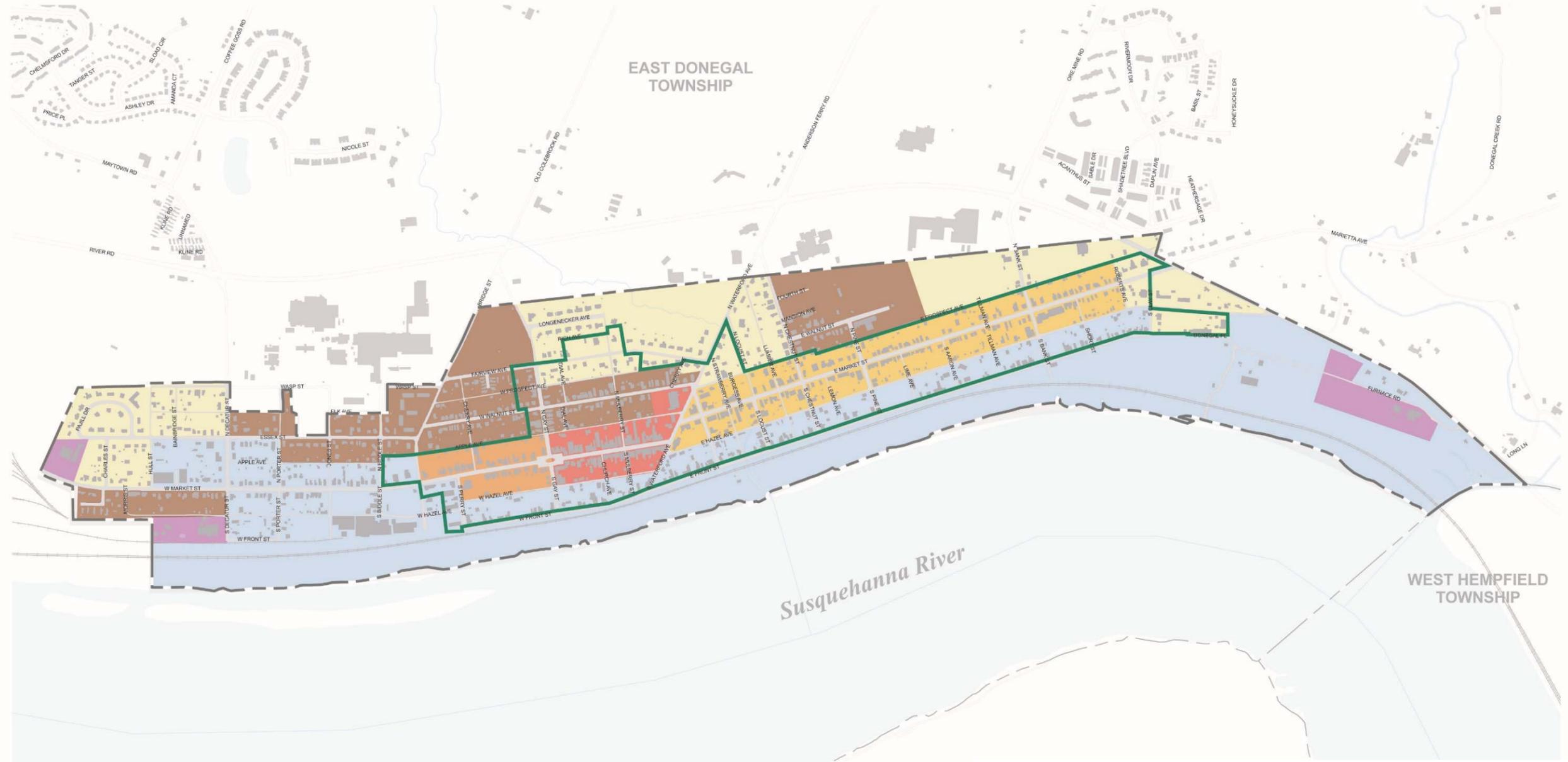
- A. This Zoning Ordinance presents a straight forward and simple set of regulatory provisions related to retaining cohesive form and function of lot development within the Borough of Marietta.
- B. Requirements for proposed development with the Borough of Marietta are summarized on the Article II zoning district/overlay maps as well as tables. These maps and tables include key development relationship pertaining to lot location, land use typologies, street typologies and additional development information applicable to the Borough of Marietta. As the relationship of buildings and streets is the foundation of the community, the way in which a lot presents its street wall as well as the way in which it is accessed by pedestrians and vehicles alike will enable the Borough of Marietta to maintain the development continuity of historical development patterns. The other Articles of the Ordinance provide additional provisions related to zoning and land use.
- C. How to Use this Ordinance. To navigate through this Ordinance and determine the zoning parameters for any specific lot situated within the Borough of Marietta, an Applicant should review and complete the following steps. A series of application process diagrams located on file at the Borough Municipal Building also outline the general parameters and steps associated with various types of development submissions.

- Step 1: The Zoning Map illustrates the location of each parcel in its particular assigned Zoning District.
In what Zoning District is my lot located? See Map 1
- Step 2: Certain land uses are permissible in each Zoning District.
What uses are permitted on my lot? See Tables 1, 2 and 3
What is the minimum lot size? See Table 4 & §204 - §210
- Step 3: *The established patterns of access between public access ways and private property within the Borough shapes the scale of development, access and nature of land uses that are permissible.*
What type of street does my property (lot) front? See Map 2
- Step 4: In context of the Borough’s established patterns, various building forms exist and, thus various building typologies are outlined.
What kind/type of building is permitted where I live? See Table 5 & §204 - §210
- Step 5: Criteria applicable to each lot is also outlined. In some cases, there are minimum dimensional requirements; in some cases, there are maximum dimensional requirements.
What are the various front, side and rear yard setbacks affecting my lot? See Table 6
What type of roof is compatible with the rest of the Zoning District? See §204 - §210
- Step 6: Requirements for other aspects of development are also defined.
How should buildings be oriented? See Table 7
What are the off-street parking requirements and setbacks related to my lot?
How much transparency is required?
May I have a sign? See Table 8
- Step 7: There is a process to obtain development approval. To complement this Ordinance, additional information is available at the Borough Municipal Building.
How do I get municipal residential/outbuilding/non-residential approval?
 See Process Diagrams on File at the Borough Municipal Building

§202: Zoning Map

- A. The Zoning Map is composed of a series of Zoning Districts. The boundaries between Zoning Districts are, unless otherwise indicated, either the centerlines of streets, alleys, rights-of-way, lot lines, railroads, streams, or such lines extended.
- B. The water surface and the land under the water surface of all waterways not otherwise zoned are placed in the same Zoning District as the land which it abuts as shown on the Zoning Map. Where the Zoning Districts shown on the Zoning Map are different on opposite sides of the water area, then the Zoning District on each side extends to the center line of midpoint of the water area.
- C. Where Zoning District and/or Zoning Overlay boundaries are not clearly fixed by the above methods, they will be determined by the use of the scale of the Zoning Map.
- D. Where a street or alley shown on the Zoning Map is officially vacated by replatting or otherwise, the land formerly in such street or alley right-of-way is included within the Zoning District of adjoining lot(s) on either side of the vacated street or alley. Where the street or alley was a Zoning District boundary between two (2) or more different Zoning Districts, the Zoning District boundary is the former centerline of the vacated street or alley.
- E. When there is a disagreement on the location of Zoning District boundaries, the Zoning Hearing Board will make a final determination as the board has the power and duty of interpreting the intent of the Zoning Map in accordance with the spirit and purpose this Zoning Ordinance.
- F. Records of all Borough of Marietta Zoning Map amendments are located on file in the Borough Municipal Building.
- G. The Borough of Marietta is divided into Zoning Districts as shown on the Borough of Marietta Zoning Map which is referred to as the Zoning Map, together with all explanations on it, is adopted by reference and declared to be a part of this Ordinance.
- H. The Borough of Marietta Zoning Map is identified by the signature of the President of the Borough Council, attested by the Borough Manager/Borough Secretary and bear the seal of the Borough of Marietta under the following words: "This is to certify that this is the Zoning Map referred to in Ordinance Number of the Borough of Marietta, Lancaster County, Pennsylvania," together with the date of adoption of this Ordinance.
- I. No changes of any nature are made to the Zoning Map except in conformity with the procedures set forth in this Ordinance. Any unauthorized change will be considered a violation of this Ordinance.
- J. The Zoning Map, located in the Borough of Marietta Municipal Building, is the final authority as to the current zoning status of the Borough of Marietta.
- K. Any amendments, legally adopted to change any Zoning District boundaries of the Zoning Map, are to be noted on the map by Ordinance number and date of adoption of the amendment.
- L. The Borough Council may, by this Ordinance, update the parcel lines as available from Lancaster County Assessment Office on the Zoning Map, noting the applicable date and source on the map.

Map 1: Form-Based Zoning Map



LEGEND

- Municipal Boundary
- Lot Lines
- Roads
- Building Footprints
- Railroads
- Rivers/Lakes/Streams

FORM-BASED CHARACTER ZONES

- | | | |
|------------------|------------------------|---------------------------|
| Mixed-Use | Residential | |
| Trail/Rail/River | Market East | Heritage District Overlay |
| Market West | Residential A | |
| Market Central | Residential B | |
| | Non-Residential | |
| | Maker | |

Map 2: Street Typologies Map



LEGEND

- | | |
|----------------------|-----------|
| Municipal Boundary | Arterial |
| Lot Lines | Collector |
| Roads | Local |
| Building Footprints | Alley |
| Railroads | Way |
| Rivers/Lakes/Streams | Lane |

§203: Zoning District Uses and Buildings

Table 1 identifies which principal land uses are permissible in each of the Borough’s Zoning Districts. After locating the Zoning District in which the lot is located, use the listing of uses described in Table 1 to determine what uses are permissible by right, permissible by Conditional Use approval or permissible by Special Exception approval.

Table 1: Principal Land Uses

Principal Land Use	Zoning District						
	Trail / Rail / River	Market West	Market Central	Market East	Residential A	Residential B	Maker
Residential Land Uses							
1 All Other Residential Uses						s	
2 Care Facility (Senior/Care Living)				s			
3 Group Care Facility (Youth/Adult)						c	
4 Group Home		c				c	
5 Mixed Residential (multiple types on master planned lot)	p			s			
6 Mobile Home Park						c	
7 Multi-Family Dwelling - Duplex	p	s		p	p	p	
8 Multi-Family Dwelling - Historic Residential Unit Conversion	s	s	s	s	s	s	
9 Multi-Unit Dwelling - Flats		s	s	p		s	
10 Multi-Family Dwelling - Townhouse	p		s	p	p	p	
11 Single Family Dwelling	p	p	p	p	p	p	
Non-Residential Land Uses							
1 Adult Oriented Establishment							c
2 All Other Non-Residential Uses							s
3 Amusement Arcade			p				
4 Animal Hospital							p
5 Artisan Workspace/Sales/Galleries	p	p	p				
6 Automobile Services (Including Sales, Service)	p						p
7 Bakery/Green Grocer/Corner Store		p	p				
8 Banks and Financial Institutions			s				
9 Bed and Breakfast	p	s	p				
10 Brew Pub/Tap Room	p		p				
11 Brewery/Distillery			p				p
12 Cemetery/Mausoleum					s		
13 Commercial School			s				
14 Commercial Recreation	p						p
15 Community Center	p	p	p				
16 Convenience Store							s
17 Cultural or Civic Institution (Including School/Academy, Museum)	p	p	p	p			
18 Day Care Center (Youth/Adult)	p		p				
19 Day Care Home	p		p	p	p	p	
20 Emergency Services	s	p	p	s		s	p
21 Essential Services (Including Public Utility Facilities and Communication Antennae)	p	p	p	p	p	p	p
22 Financial Institution without Drive-thru			p				
23 Food Services, Sit Down (Including Restaurant)	p	s	p				

Table 1: Principal Land Uses – Continued

Principal Land Use	Zoning District						
	Trail / Rail / River	Market West	Market Central	Market East	Residential A	Residential B	Maker
24 Food Services, Take-out/Fast food	s	s	s				
25 Forestry	p	p	p	p	p	p	p
26 Fuel/Service Stations							s
27 Funeral Home		p	s				
28 Gas and Oil Well							s
29 Government Operations (Including Post Office, Emergency Services and Municipal Buildings)			p	p			
30 Hardware Store			p				p
31 Health/Fitness Club	s		p				
32 Home Occupation, Low Impact				s	s	s	
33 Hotel/Motel	s						
34 Indoor Recreation Facility			s				
35 Industry - Craft	p		p			p	p
36 Industry - General							p
37 Industry - Outdoor (Including maintenance/Storage/Service Yard and Building Materials/Lumber Yard)							p
38 Laundromat			s				
39 Mixed Use (Non-residential at Street Level with Residential/Non-	p	s	p				
40 Non-Commercial Greenhouse				s	p	p	
41 Office (Including Business, Professional, Medical and Veterinary)	p	p	p			s	
42 Outdoor Advertising							s
43 Outdoor Park and Recreation Facility	p		p	p	p	p	p
44 Parking Lot or Facility, Public	s	s	s				
45 Parking Lot, Private	s	s	s	s			p
46 Personal and Professional Services	p	s	p				
47 Pharmacy			p				
48 Place of Assembly/Worship	s	s	s	s	s	s	
49 Private Garage							p
50 Public Utility Building	s						p
51 Research and Development Establishment							p
52 Retail, Large Scale			c				p
53 Retail, Recreation Services	p						
54 Retail, Small Scale	p	s	p				
55 Social Club/Hall	s						
56 Spa/Salon	p	s	p	s		s	
57 Studio	p	p	p	s		s	
58 Theater	p		p				
59 Tower, Communication							s
60 Tower, Non-Communication	s						s
61 Warehouse	s						p
62 Wholesale Business							p

* Mixed use development may only include those uses that are identified as permitted within the district.

Table 2: General Nature of Conditional Use/Use by Special Exception Criteria

The purpose of this table is to provide a snapshot of the general nature of the following Conditional Uses and Uses by Special Exception. Specific regulations of each Land Use can be found in their associated Section, indicated on the left-hand column.

Legend

- Applicable
- Not Applicable

		NATURE OF CRITERIA																							
		AREA AND BULK REQUIREMENTS/ REGULATIONS	BUFFERYARDS/ SETBACKS	CONSTRUCTION	DESIGN	DISPLAY	DISTURBANCE CONTROL	DUMPSTERS/ WASTE DISPOSAL	EMERGENCY ACCESS ROUTE	GROSS FLOOR AREA	INGRESS/ EGRESS	LANDSCAPING/ OPEN SPACE	LIGHTING	LOCATION/ FREQUENCY	MAINTENANCE	MANAGEMENT	NUMBER OF UNITS	PARKING	PRODUCT QUALITY/ PRODUCT SALES	SEWAGE	SIDEWALKS	SIGNAGE	STATE/ MUNICIPALITY APPROVAL/ REQUIREMENTS	STORAGE	VISIBILITY/ SCREENING/ ENCLOSURES
Residential Land Uses																									
§402.A.1	All Other Residential Uses	•	•	•	•			•	•			•	•	•			•	•							
§402.A.2	Care Facility (Senior/Care Living)	•	•				•	•					•						•	•			•		•
§302.A.1	Group Care Facility (Youth/Adult)	•					•	•						•				•					•		•
§302.A.2	Group Home	•							•				•		•								•		
§402.A.3	Mixed Residential (Multiple Types on Master Planned Lot)	•	•															•							
§302.A.3	Mobile Home Park	•	•																					•	
§402.A.4	Multi-Family Dwelling - Duplex																	•							
§402.A.5	Multi-family Dwelling - Historical Residential Unit Conversion	•			•																				
§402.A.6	Multi-Unit Dwelling - Flats	•	•	•	•		•	•	•		•	•	•				•	•						•	
§402.A.7	Multi-Family Dwelling - Townhouse																	•							
Non-Residential Land Uses																									
§302.B.1	Adult Oriented Establishment													•									•		
§402.B.1	All Other Non-Residential Uses									•									•						
§402.B.2	Banks and Financial Institutions										•														
§402.B.3	Bed and Breakfast	•		•			•								•	•	•					•			
§402.B.4	Cemetery/Mausoleum	•	•											•	•										
§402.B.5	Commercial School																	•							
§402.B.6	Convenience Store							•					•		•								•	•	
§402.B.7	Emergency Services	•											•		•										
§402.B.8	Food Services, Sit Down (Including Restaurant)									•															
§402.B.9	Food Services, Take-out/Fast food																	•					•		
§402.B.10	Fuel/Service Stations	•	•																				•	•	
§402.B.11	Funeral Home																								
§402.B.12	Gas and Oil Well	•	•				•						•	•										•	
§402.B.13	Health/Fitness Club													•											
§402.B.14	Home Occupation, Low Impact			•		•	•			•					•		•	•	•			•			•
§402.B.15	Hotel/Motel								•					•	•										
§402.B.16	Indoor Recreation Facility				•			•										•					•		
§402.B.17	Laundromat						•								•										
§402.B.18	Mixed Use (Non-residential at Street Level with Residential/Non-residential)				•									•									•		
§402.B.19	Non-Commercial Greenhouse			•			•							•								•		•	•
§402.B.20	Office (Including Business, Professional, Medical and Veterinary)																								
§402.B.21	Outdoor Advertising	•	•	•	•		•						•	•	•								•	•	•
§402.B.22	Parking Lot or Facility, Public	•	•											•	•										
§402.B.23	Parking Lot, Private													•								•			
§402.B.24	Personal and Professional Services									•															
§402.B.25	Place of Assembly/Worship	•					•							•				•					•		
§402.B.26	Public Utility Building	•			•																				•
§302.B.2	Retail, Large Scale	•	•				•							•											
§402.B.27	Retail, Small Scale																•								
§402.B.28	Social Club/Hall														•										
§402.B.29	Spa/Salon							•										•				•			
§402.B.30	Studio																	•							
§402.B.31	Tower, Communication	•	•				•						•	•	•								•	•	•
§402.B.32	Tower, Non-Communication			•																					
§402.B.33	Warehouse	•	•	•			•						•	•										•	

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Table 3: Accessory Uses

Legend
a = Accessory Use

Accessory Use	Trail / Rail / River	Market West	Market Central	Market East	Residential A	Residential B	Maker
1 Accessory Dwelling	a	a	a	a	a	a	
2 Car Wash							a
3 Carport	a				a	a	a
4 Communications Antennae	a	a	a	a	a	a	a
5 Day Care (Youth/Adult)	a	a		a	a	a	
6 Electronic and Satellite Dish Antenna	a	a	a	a	a	a	a
7 Essential Services	a	a	a	a	a	a	a
8 Home-based Business, No Impact	a	a	a	a	a	a	
9 Parking, Private Off-Street	a		a	a	a	a	a
10 Parking, Public Off-Street	a		a	a			a
11 Parking Facility, Private	a	a	a	a	a	a	a
12 Parking Space(s), Private Off-Street	a	a	a	a	a	a	a
13 Outdoor Cafes	a		a	a			
14 Outdoor Entertainment (with restrictions*)	a		a				
15 Outdoor Wood Furnace							a
16 Personal Support Services	a		a	a	a	a	
17 Retail Business (<2,000sf)	a			a			a
18 Sidewalk Cafes	a		a	a			
19 Solar Collectors and Solar-related Equipment	a	a	a	a	a	a	a
20 Swimming Pools	a	a	a	a	a	a	
21 Wind Energy Conversion Systems	a	a	a	a	a	a	a

*See §502.L. for Performance Standards and Supplementary Regulations: Outdoor Entertainment

Table 4: General Bulk Standards

Zoning Districts - Basic Requirements

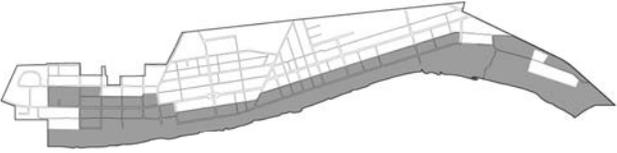
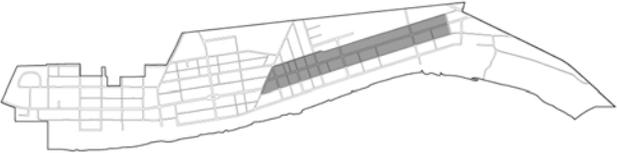
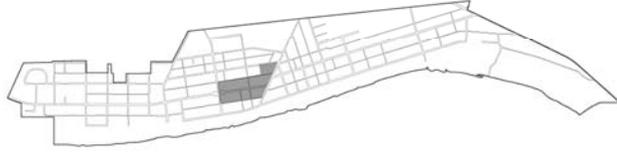
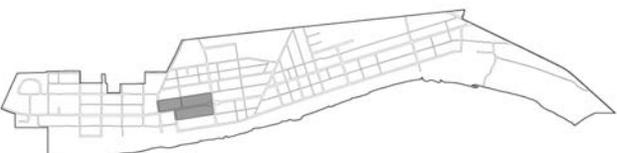
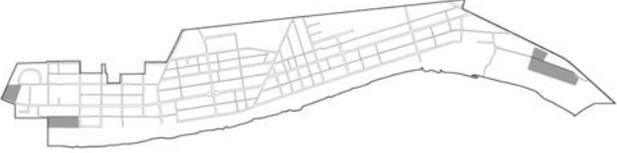
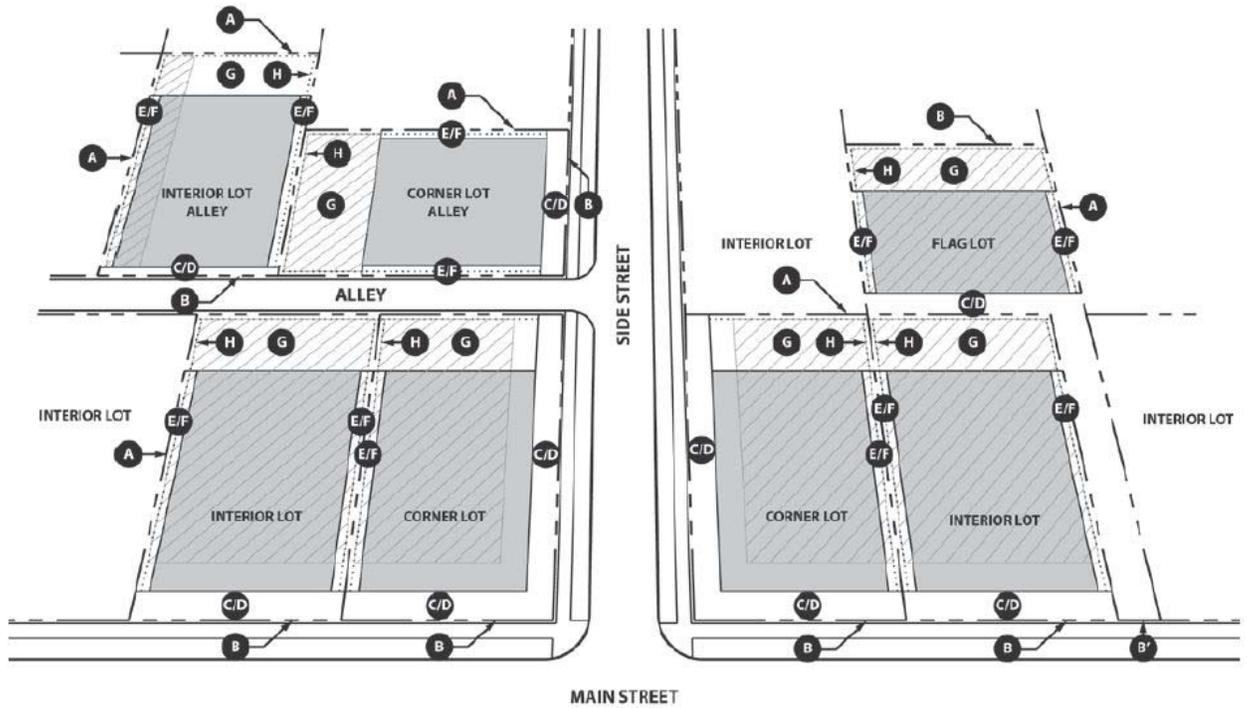
	Zoning Districts	Lot Size (Min. SF)	Lot Width (Min. Feet)	Impervious Surface Coverage (Max. %)
	Trail Rail River	4,000	25	50
	Market East	2,500	20	80
	Market Central	3,000	20	100
	Market West	4,000	25	60
	Residential A	3,000	35	50
	Residential B	2,000	20	50
	Maker	15,000	75	70

Table 5: Building Form by Street Type

The following table contains general building forms commonly found in the Borough of Marietta. The intent of the identified building forms is to provide a rubric of permissible structure types that generally fit these characteristics. Additionally, the purpose of this table is to indicate the permissible or not-permissible location of each building form by street type.

	 Permissible  Not Permissible	Street Type					
		S1 Arterial	S2 Collector	S3 Local	S4 Alley	S5 Way	S6 Lane
B1 Single		•	•	•	•		
B2 Twin		•	•	•	•		
B3 Row		•	•	•			
B4 Mansion		•	•	•			
B5 Mixed Residential		•	•	only between Essex St & Front and between Hull St & Bridge			
B6 Modular		•	•	•	•		•
on an individual (non-mobile home) lot-basis only							
B7 Flat		•	•	•			
B8 Shop		•	•	•			
B9 Single Story Business		•	•	•			•
B10 Multi-Story Business		•	•	only between Market St & Essex St between Hull St & Decatur St			•
B11 Civic		•	•	•			
B12 Outbuilding A			•		•	•	•
B13 Outbuilding B			•		•	•	•

Table 6: Lot Configurations and Dimensional Standards



Code			Street Type					
			S1	S2	S3	S4	S5	
A Depth (Min. Feet)			100'	100'	100'	100'	100'	
B Front Lot Width (Min. Feet)			See Table 4					
C	Setbacks	Principal Structure	Front	0'				
D			Max.	Avg. of adjacent lots				
E		Side	Min.	2'	0'	0'	2'	2'
F			Max.	NA	NA	NA	NA	NA
G	Rear	Min.	25'	25'	25'	25'	25'	
H	Parking	Setback	Front	5'	5'	5'	5'	5'
			Side	5'	5'	5'	5'	5'
			Rear	15	15	15	15	15

* In no instances for lot located on Street Types S1, S2 or S3 shall parking be permissible between the front lot line and the front building facade.

Table 7: Detailed Building Typology Summary

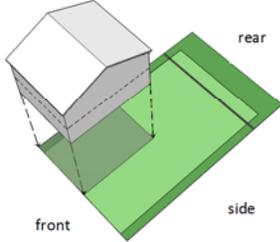
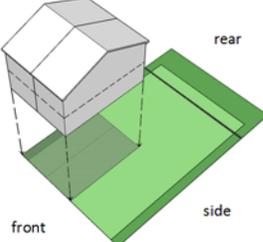
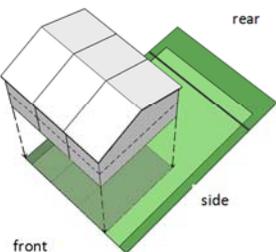
Building Type	District: Applicable Street Typologies	Preferred Building Features				Example Building in Marietta
		Stoops	Patio/Terrace	Porches	Summer Kitchens	
B1 Single 	Trail/Rail/River: S1, S2, S3, S4		side/rear yard only			
	Market West: S1, S2, S3, S4		side/rear yard only		side/rear yard only	
	Market Central: S1, S2, S3, S4		side/rear yard only			
	Market East: S1, S2, S3, S4		side/rear yard only			
	Residential A: S1, S3, S4	only east of N. Waterford	side/rear yard only			
	Residential B: S1, S2, S3, S4		side/rear yard only		side/rear yard only	
	Maker: S3					
B2 Twin 	Trail/Rail/River: S1, S2, S3, S4		side/rear yard only			
	Market West: S1, S2, S3, S4		side/rear yard only		side/rear yard only	
	Market Central: S1, S2, S3, S4		side/rear yard only			
	Market East: S1, S2, S3, S4		side/rear yard only			
	Residential A: S1, S3, S4	only east of N. Waterford	side/rear yard only			
	Residential B: S1, S2, S3, S4		side/rear yard only		side/rear yard only	
	Maker: S3					
B3 Row 	Trail/Rail/River: S1, S2, S3		side/rear yard only			
	Market West: S1, S2, S3		side/rear yard only		side/rear yard only	
	Market Central: S1, S2, S3		side/rear yard only			
	Market East: S1, S2, S3		side/rear yard only			
	Residential A: S1, S3	only east of N. Waterford	side/rear yard only			
	Residential B: S1, S2, S3		side/rear yard only		side/rear yard only	
	Maker: S3					

Table 7: Detailed Building Typology Summary – Continued

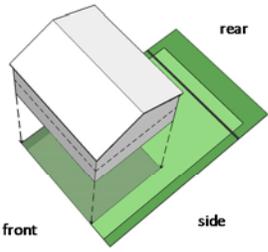
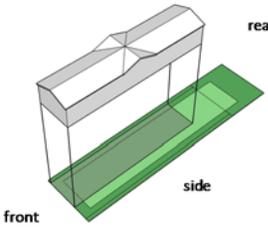
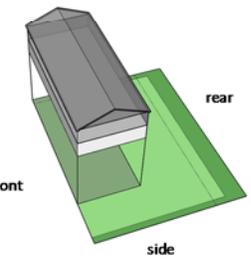
Building Type	District: Applicable Street Typologies	Preferred Building Features				Example Building in Marietta
		Stoops	Patio/Terrace	Porches	Summer Kitchens	
B4 Mansion 	Trail/Rail/River: S1, S2, S3		side/rear yard only			
	Market Central: S1, S2, S3		side/rear yard only		side/rear yard only	
	Market West: S1, S2, S3		side/rear yard only		side/rear yard only	
	Market Central: S1, S2, S3		side/rear yard only			
	Market East: S1, S2, S3		side/rear yard only			
	Residential A: S1, S3	only east of N. Waterford	side/rear yard only			
	Residential B: S1, S2, S3		side/rear yard only		side/rear yard only	
Maker: S3						
B5 Mixed Residential Combination of Various Residential Building Types *ONLY between Essex St. & Front St. between Hull St. & Bridge St.	Trail/Rail/River: S1, S2, S3*		side/rear yard only			Combination of Various Residential Building Types 
	Market Central: S1, S2, S3		side/rear yard only		side/rear yard only	
	Market West: S1, S2, S3*		side/rear yard only		side/rear yard only	
	Market Central: S1, S2, S3*		side/rear yard only			
	Market East: S1, S2, S3*		side/rear yard only			
	Residential A: S1, S3*	only east of N. Waterford	side/rear yard only			
	Residential B: S1, S2, S3*		side/rear yard only		side/rear yard only	
Maker: S3*						
B6 Modular 	Trail/Rail/River: S1, S2, S3, S4, S6*		side/rear yard only			
	Residential A: S1, S2, S3, S4, S6*		side/rear yard only			
	Maker: S1, S2, S3, S4, S6*		side/rear yard only			
* On street types S1, S2, S3, S4, said building typology shall only occur on an individual (non-mobile home) lot; on street type S6, said typology may occur within a mobile home park						
B7 Flat 	Trail/Rail/River: S1, S2, S3		side/rear yard only			
	Market West: S1, S2, S3		side/rear yard only		side/rear yard only	
	Market Central: S1, S2, S3		side/rear yard only			
	Market East: S1, S2, S3		side/rear yard only			
	Residential A: S1, S3	only east of N. Waterford	side/rear yard only			
	Residential B: S1, S2, S3		side/rear yard only		side/rear yard only	
Maker: S3						

Table 7: Detailed Building Typology Summary - Continued

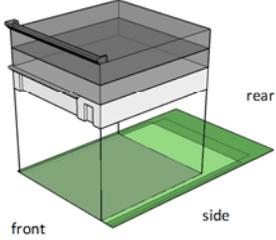
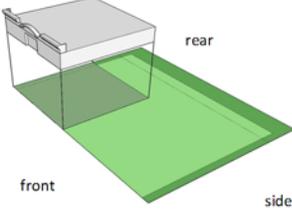
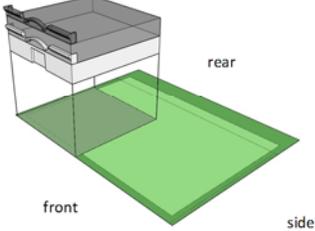
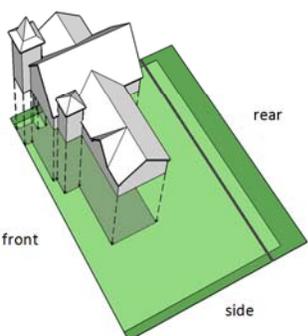
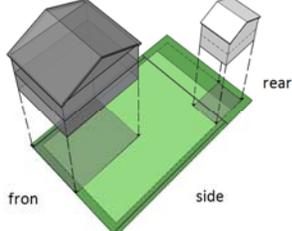
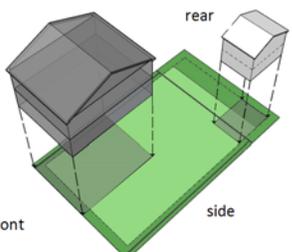
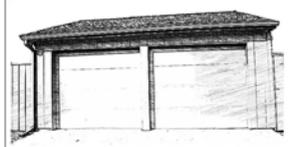
Building Type	District: Applicable Street Typologies	Preferred Building Features				Example Building in Marietta
		Stoops	Patio/ Terrace	Porches	Summer Kitchens	
B8 Shop 	Trail/Rail/River: S1, S2, S3		side/rear yard only			
	Market West: S1, S2, S3		side/rear yard only			
	Market Central: S1, S2, S3		side/rear yard only			
	Market East: S1, S2, S3		side/rear yard only			
	Residential A: S1, S3		side/rear yard only			
	Residential B: S1, S2, S3		side/rear yard only			
	Maker: S3		side/rear yard only			
B9 Single Story Business 	Trail/Rail/River: S1, S2, S3, S6		side/rear yard only			
	Market West: S1, S2, S3		side/rear yard only			
	Market Central: S1, S2, S3		side/rear yard only			
	Market East: S1, S2, S3		side/rear yard only			
	Residential A: S1, S3		side/rear yard only			
	Residential B: S1, S2, S3, S6		side/rear yard only			
	Maker: S3		side/rear yard only			
B10 Multi-Story Business  <p>* ONLY Between Market St. & Essex St. between Hull St. & Decatur St.</p>	Trail: S1, S2, *S3, S6		side/rear yard only			
	Market West: S1, S2, * S3		side/rear yard only			
	Market Central: S1, S2, * S3		side/rear yard only			
	Market East: S1, S2, *S3		side/rear yard only			
	Residential A :S1, *S3		side/rear yard only			
	Residential B: S1, S2, *S3, S6		side/rear yard only			
	Maker: *S3, S6		side/rear yard only			

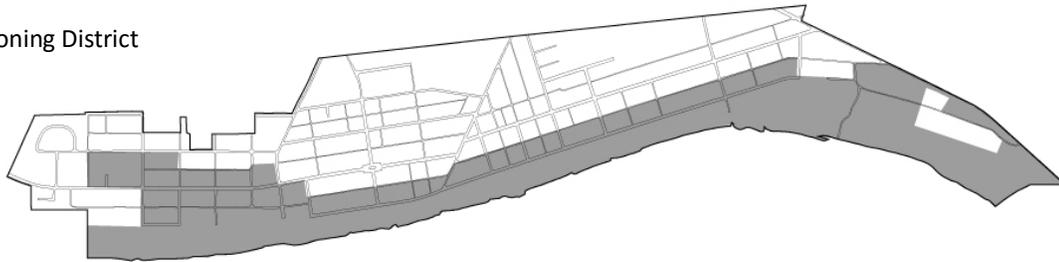
Table 7: Detailed Building Typology Summary - Continued

Building Type	District: Applicable Street Typologies	Preferred Building Features				Example Building in Marietta
		Stoops	Patio/ Terrace	Porches	Summer Kitchens	
B11 Civic 	Trail/Rail/River: S1, S2, S3					
	Market West: S1, S2, S3					
	Market Cental: S1, S2, S3					
	Market East: S1, S2, S3					
	Residential A :S1, S3					
	Residential B: S1, S2, S3					
	Maker: S3					
B12 Outbuilding A 	Trail/Rail/River: S2, S4, S5, S6	Not Applicable	Not Applicable	Not Applicable	Not Applicable	
	Market West: S2, S4, S5					
	Market Cental: S2, S4, S5					
	Market East: S2, S4, S5					
	Residential A: S2, S4					
	Residential B: S2, S4, S5, S6					
	Maker: S6					
B12 Outbuilding A 	Trail/Rail/River: S2, S4, S5, S6	Not Applicable	Not Applicable	Not Applicable	Not Applicable	
	Market West: S2, S4, S5					
	Market Cental: S2, S4, S5					
	Market East: S2, S4, S5					
	Residential A: S2, S4					
	Residential B: S2, S4, S5, S6					
	Maker: S6					

§204. Overview – Trail/Rail/River

The purpose of this Zoning District is to ensure a compatible mixture of uses within the vicinity of the Borough’s trail, rail and riverfront areas. General requirements for lots within the Zoning District include the following:

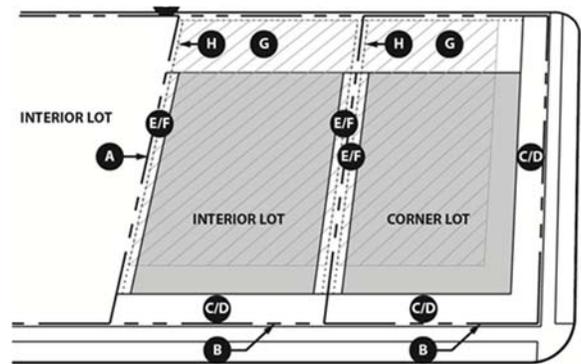
A. Zoning District



B. Lot Parameters

- Minimum Lot Size – 4,000 square feet
- Minimum Lot Width – 25’
- Maximum Impervious Surface Coverage – 50%

Code		Street Type					
		S1	S2	S3	S4	S5	
		Arterial	Collector	Local	Alley	Way	
A	Depth (Min. Feet)	100'	100'	100'	100'	100'	
B	Front Lot Width (Min. Feet)	See Above					
C	Principal Structure Setbacks	Front	0'				
D		Max.	Avg. of adjacent lots				
E	Side	Min.	2'	0'	0'	2'	2'
F		Max.	NA	NA	NA	NA	NA
G	Rear	Min.	25'	25'	25'	25'	25'
H	Parking Setback	Front	5'	5'	5'	5'	5'
		Side	5'	5'	5'	5'	5'
		Rear	5'	5'	5'	5'	5'



C. General List of Standards

Principal Uses Permissible by Right - Mixed Residential (Multiple Types on Master Planned Lot), Multi-Family Dwelling – Duplex, Multi-Family Dwelling – Townhouse, Single Family Dwelling, Artisan Workspace/Sales/Galleries, Automobile Services (Including Sales, Service), Bed and Breakfast, Brew Pub/Tap Room, Commercial Recreation, Community Center, Cultural or Civic Institution (Including School/Academy, Museum), Day Care Center (Youth/Adult), Day Care Home, Essential Services (Including Public Utility Facilities and Communication Antennae), Food Services, Sit Down (Including Restaurant), Forestry, Industry-Craft, Mixed Use (Non-residential at Street Level with Residential/Non-residential Upstairs), Office (Including Business, Professional, Medical, and Veterinary), Outdoor Park and Recreation Facility, Personal and Professional Service, Retail (Recreation Services), Retail (Small Scale), Spa/Salon, Studio, Theater

Principal Conditional Uses – None

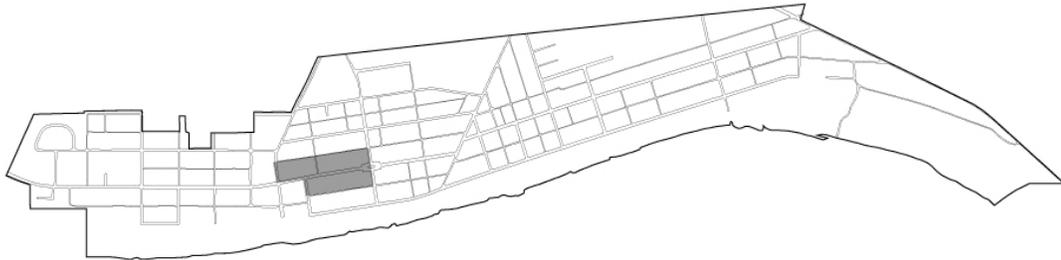
Principal Uses by Special Exception - Multi-Family Dwelling – Historic Residential Unit Conversion, Emergency Services, Food Services, Take-out/Fast food, Health/Fitness Club, Hotel/Motel, Parking Lot or Facility (Public), Parking Lot (Private), Place Assembly/Worship, Public Utility Building, Social Club/Hall, Tower (Non-Communication), Warehouse

Accessory Uses Allowed - Accessory Dwelling, Carport, Communications Antennae, Day Care (Youth/Adult), Electronic and Satellite Dish Antennae, Essential Services, Home-based Business, No Impact, Off-Street Parking, Public, Parking, Private Off-Street, Parking, Public Off-Street, Parking Facility, Private, Parking Space(s), Private Off-Street, Outdoor Cafes, Outdoor Entertainment (with restrictions set forth in Section 502.L *), Personal Support Services, Retail Business (<2,000sf), Sidewalk Cafes, Solar Collectors and Solar-related Equipment, Swimming Pools, Wind Energy Conversion Systems, Outdoor Wood Furnaces

§205. Overview – Market West

The purpose of this Zoning District is to ensure a compatible mixture of uses within the area generally referenced along West Market Street between Gay St. and Bridge Street. The general requirements for lots within the Zoning District include the following:

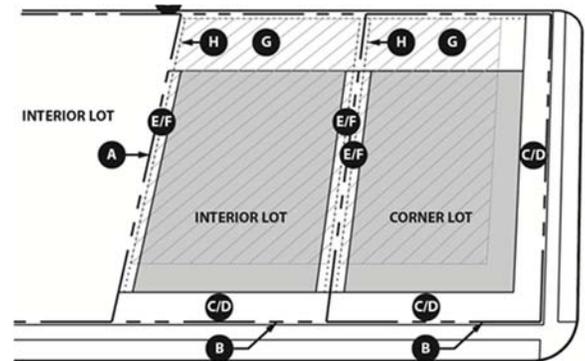
A. Zoning District



B. Lot Parameters

Minimum Lot Size – 4,000 square feet
 Minimum Lot Width – 25'
 Maximum Impervious Surface Coverage – 60%

Code		Street Type					
		S1	S2	S3	S4	S5	
		Arterial	Collector	Local	Alley	Way	
A	Depth (Min. Feet)	100'	100'	100'	100'	100'	
B	Front Lot Width (Min. Feet)	See Above					
C	Principal Structure Setbacks	Front	0'				
D		Max.	Avg. of adjacent lots				
E	Side	Min.	2'	0'	2'	2'	
F		Max.	NA	NA	NA	NA	
G	Rear	Min.	25'	25'	25'	25'	
H	Parking Setback	Front	5'	5'	5'	5'	
		Side	5'	5'	5'	5'	
		Rear	15'	15'	15'	15'	



C. General List of Standards

Principal Uses Permissible by Right - Single-Family Dwelling, Artisan, Workspace/Sales/Galleries, Bakery/Greener Grocer/Corner Store, Community Center, Cultural or Civic Institution (Including School/Academy, Museum), Emergency Services, Essential Services (Including Public Utility Facilities and Communication Antennae), Forestry, Funeral Home, Office (Including Business, Professional, Medical and Veterinary), Studio

Principal Conditional Uses - Group Home

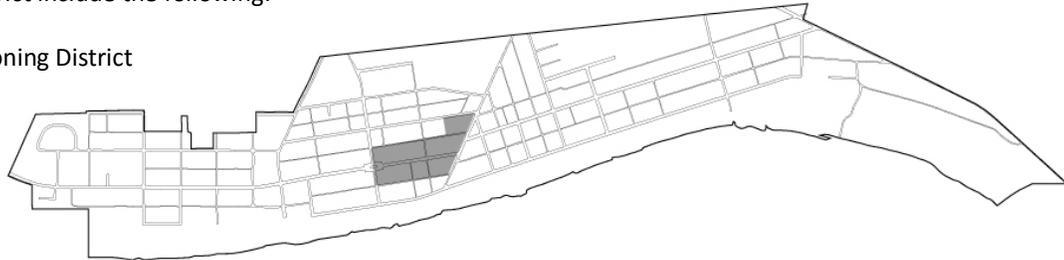
Principal Uses by Special Exception - Multi-Family Dwelling – Duplex, Multi-Family Dwelling – Historic Residential Unit Conversion, Multi-Family Dwelling – Flats, Bed and Breakfast, Food Services, Sit Down (Including Restaurant), Food Services, Take-out/Fast food, Mixed Use (Non-residential at Street Level with Residential/Non-residential Upstairs), Parking Lot or Facility, Public, Parking Lot, Private, Personal and Professional Services, Place of Assembly/Worship, Retail, Small Scale, Spa/Salon

Accessory Uses Allowed - Accessory Dwelling, Communications Antennae, Day Care (Youth/Adult), Electronic and Satellite Dish Antennae, Essential Services, Home-based Business, No Impact, Parking Facility, Private, Parking Space(s), Private Off-Street, Solar Collectors and Solar-related Equipment, Swimming Pools, Wind Energy Conversion Systems, Outdoor Wood Furnaces

§206. Overview – Market Central

The purpose of this Zoning District is to ensure a compatible mixture of uses within the area generally referenced along West Market Street between Gay St. and Waterford Avenue. The general requirements for lots within the Zoning District include the following:

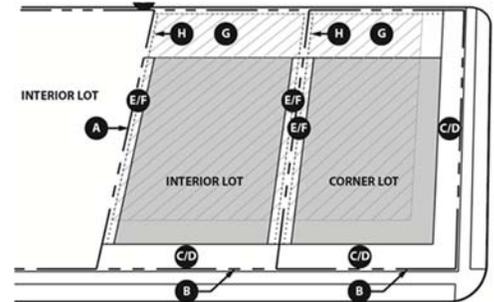
A. Zoning District



B. Lot Parameters

- Minimum Lot Size – 3,000 square feet
- Minimum Lot Width – 20'
- Maximum Impervious Surface Coverage – 100%

Code		Street Type					
		S1	S2	S3	S4	S5	
A	Depth (Min. Feet)	100'	100'	100'	100'	100'	
B	Front Lot Width (Min. Feet)	See Above					
C	Principal Structure Setbacks	Front	0'				
D		Max.	Avg. of adjacent lots				
E	Side Setbacks	Min.	2'	0'	0'	2'	2'
F		Max.	NA	NA	NA	NA	NA
G	Rear	Min.	25'	25'	25'	25'	25'
H	Parking Setback	Front	5'	5'	5'	5'	5'
		Side	5'	5'	5'	5'	5'
		Rear	0'	0'	0'	0'	0'



C. General List of Standards

Principal Uses Permissible by Right - Single Family Dwelling, Amusement Arcade, Artisan Workspace , Bakery/Green Grocer/Corner Store, Bed and Breakfast, Brewery/Distillery/Brew Pub/Tap Room, Community Center, Cultural or Civic Institution (Including School/Academy, Museum), Day Care Center (Youth/Adult), Day Care Home, Emergency Services, Essential Services (Including Public Utility Facilities and Communication Antennae), Financial Institution without Drive-thru, Food Services, Sit Down (Including Restaurant), Forestry, Government Operations (Including Post Office, Emergency Services and Municipal Buildings), Hardware Store, Health/Fitness Club, Industry-Craft, Mixed Use (Non-residential at Street Level with Residential/Non-residential Upstairs), Office (Including Business, Professional, Medical and Veterinary), Outdoor Park and Recreation Facility, Private, Personal and Professional Services, Pharmacy, Retail, Small Scale, Spa/Salon, Studio, Theater

Principal Conditional Use - Retail, Large Scale

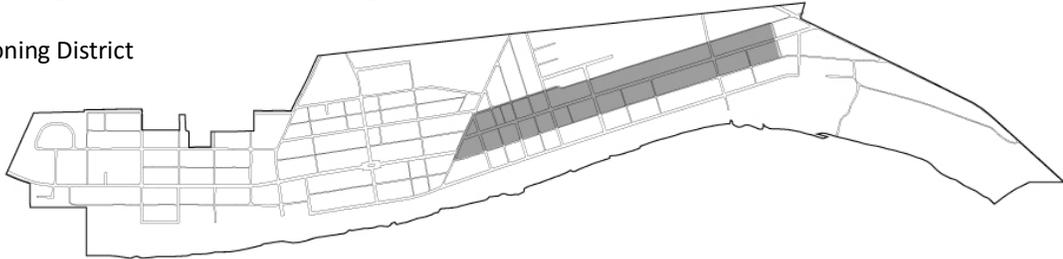
Principal Uses by Special Exception - Multi-Family Dwelling – Historic Residential Unit Conversion, Multi-Unit Dwelling – Flats, Multi-Family Dwelling – Townhouse, Banks and Financial Institution, Commercial School, Food Services, Take-out/Fast food, Funeral Home, Indoor Recreation Facility, Laundromat, Parking Lot or Facility, Public, Parking Lot, Private, Place of Assembly/Worship

Accessory Uses Allowed - Accessory Dwelling, Communications Antennae, Electronic and Satellite Dish Antennae, Essential Services, Home-based Business, No Impact, Parking, Private Off-Street, Parking, Public Off-Street, Parking Facility, Private, Parking Space(s), Private Off-Street), Outdoor Cafes, Outdoor Entertainment (with restrictions set forth in Section 502.L*) Personal Support Services, Sidewalk Cafes, Solar Collectors and Solar-related Equipment, Swimming Pools, Wind Energy Conversion Systems, Outdoor Wood Furnaces

§207. Overview – Market East

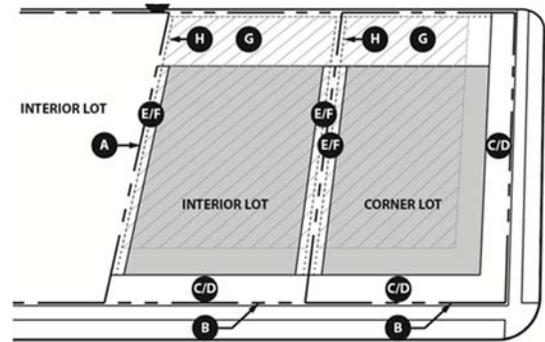
The purpose of this Zoning District is to ensure a compatible mixture of uses within the area generally referenced along East Market Street between Waterford Avenue and Roberts Avenue. The general requirements for lots within the Zoning District include the following:

A. Zoning District



B. Lot Parameters

- Minimum Lot Size – 3,000 square feet
- Minimum Lot Width – 20'
- Maximum Impervious Surface Coverage – 80%



Code		Street Type					
		S1	S2	S3	S4	S5	
A	Depth (Min. Feet)	100'	100'	100'	100'	100'	
B	Front Lot Width (Min. Feet)	See Above					
C	Principal Structure Setbacks	Front	0'				
D		Max.	Avg. of adjacent lots				
E	Side	Min.	2'	0'	0'	2'	2'
F		Max.	NA	NA	NA	NA	NA
G	Rear	Min.	25'	25'	25'	25'	25'
H	Parking Setback	Front	5'	5'	5'	5'	5'
		Side	5'	5'	5'	5'	5'
		Rear	5'	5'	5'	5'	5'

C. General List of Standards

Principal Uses Permissible by Right - Multi-Family Dwelling – Duplex, Multi-Unit Dwelling – Flats , Multi-Family Dwelling – Townhouse, Single Family Dwelling, Cultural or Civic Institution (Including School/Academy, Museum), Day Care Home, Essential Services (Including Public Utility Facilities and Communication Antennae), Forestry, Government Operations (Including Post Office, Emergency Services and Municipal Buildings, Outdoor Park and Recreation Facility

Principal Conditional Uses - None

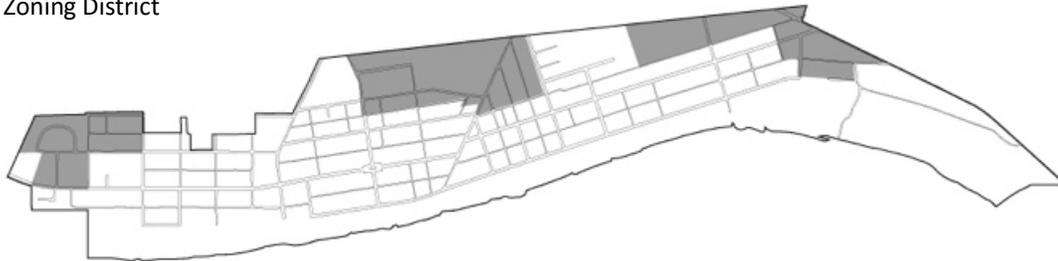
Principal Uses by Special Exception - Care Facility (Senior/Care Living), Mixed Residential (multiple types on master planned lot), Multi-Family Dwelling – Historic Residential Unit Conversion, Emergency Services, Home Occupation, Low Impact, Non-Commercial Greenhouse, Parking Lot, Private, Place of Assembly/Worship, Spa/Salon, Studio

Accessory Uses Allowed - Accessory Dwelling, Communications Antennae, Day Care (Youth/Adult), Electronic and Satellite Dish Antennae, Essential Services, Home-based Business, No Impact, Parking, Private Off-Street, Parking, Public Off-Street, Parking Facility, Private, Parking Space(s), Private Off-Street, Outdoor Cafes, Personal Support Services, Retail Business (<2,000sf), Sidewalk Cafes, Solar Collectors and Solar-related Equipment, Swimming Pools, Wind Energy Conversion Systems, Outdoor Wood Furnaces

§208. Overview – Residential A

The purpose of this Zoning District is to ensure a compatible mixture of uses within areas of the Borough that have generally been established with larger lot residential development. The general requirements for lots within the Zoning District include the following:

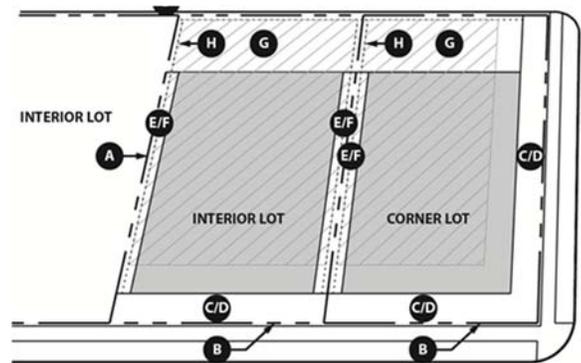
A. Zoning District



B. Lot Parameters

- Minimum Lot Size – 3,000 square feet
- Minimum Lot Width – 35'
- Maximum Impervious Surface Coverage – 50%

Code		Street Type						
		S1	S2	S3	S4	S5		
		Arterial	Collector	Local	Alley	Way		
A	Depth (Min. Feet)	100'	100'	100'	100'	100'		
B	Front Lot Width (Min. Feet)	See Above						
C	Principal Structure Setbacks	Front	Min. 0'					
D		Max.	Avg. of adjacent lots					
E	Principal Structure Setbacks	Side	Min.	2'	0'	0'	2'	2'
F		Max.	NA	NA	NA	NA	NA	
G		Rear	Min.	25'	25'	25'	25'	25'
H	Parking Setback	Front	5'	5'	5'	5'	5'	
		Side	5'	5'	5'	5'	5'	
		Rear	10'	10'	10'	10'	10'	



C. General List of Standards

Principal Uses Permissible by Right - Multi-Family Dwelling – Duplex, Multi-Family Dwelling – Townhouse, Single Family Dwelling, Day Care Home, Essential Services (Including Public Utility Facilities and Communication Antennae), Forestry, Non-Commercial Greenhouse, Outdoor Parking and Recreation Facility

Principal Uses by Special Exception - Multi-Family Dwelling – Historic Residential Unit Conversion, Cemetery/Mausoleum, Home Occupation, Low Impact, Place of Assembly/Worship

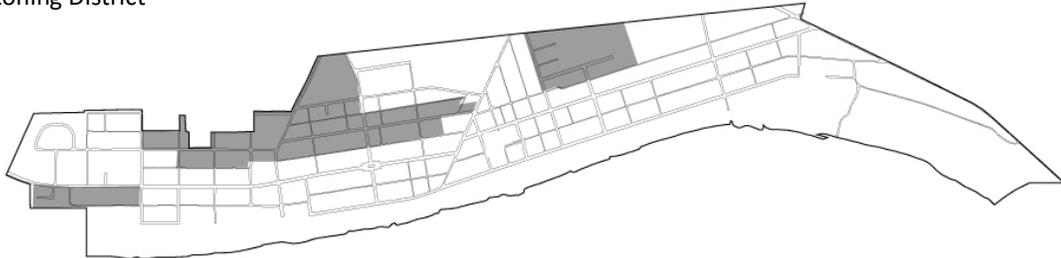
Principal Conditional Use - None

Accessory Uses Allowed - Accessory Dwelling, Carport, Communications Antennae, Day Care (Youth/Adult), Electronic and Satellite Dish Antennae, Essential Services, Home-based Business, No Impact, Parking, Private Off-Street, Parking Facility, Private, Parking Space(s), Private Off-Street, Personal Support Services, Solar Collectors and Solar-related Equipment, Swimming Pools, Wind Energy Conversion Systems, Outdoor Wood Furnaces

§209. Overview – Residential B

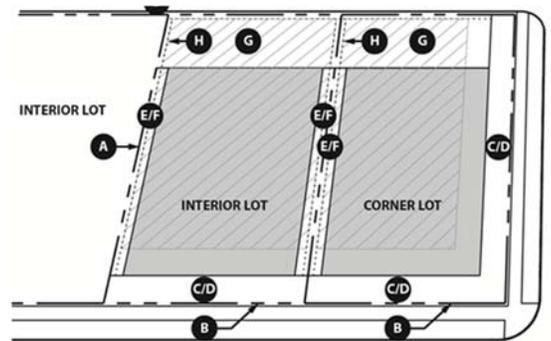
The purpose of this Zoning District is to ensure a compatible mixture of uses within areas of the Borough that have generally been established with smaller lot, neighborhood development. The general requirements for lots within the Zoning District include the following:

A. Zoning District



B. Lot Parameters

Minimum Lot Size – 2,000 square feet
 Minimum Lot Width – 20'
 Maximum Impervious Surface Coverage – 50%



Code		Street Type						
		S1 Arterial	S2 Collector	S3 Local	S4 Alley	S5 Way		
A	Depth (Min. Feet)	100'	100'	100'	100'	100'		
B	Front Lot Width (Min. Feet)	See Above						
C	Principal Structure Setbacks	Front	0'					
D		Max.	Avg. of adjacent lots					
E	Principal Structure Setbacks	Side	Min.	2'	0'	0'	2'	2'
F		Max.	NA	NA	NA	NA	NA	
G		Rear	Min.	25'	25'	25'	25'	25'
H	Parking Setback	Front	5'	5'	5'	5'	5'	
		Side	5'	5'	5'	5'	5'	
		Rear	5'	5'	5'	5'	5'	

C. General List of Standards

Principal Uses Permissible by Right - Multi-Family Dwelling – Duplex, Multi-Family Dwelling – Townhouse, Single Family Dwelling, Day Care Home, Essential Services (Including Public Utility Facilities and Communication Antennae), Forestry, Industry – Craft, Non-Commercial Greenhouse, Outdoor Park and Recreation Facility

Principal Conditional Use - Group Care Facility (Youth/Adult), Group Home, Mobile Home Park

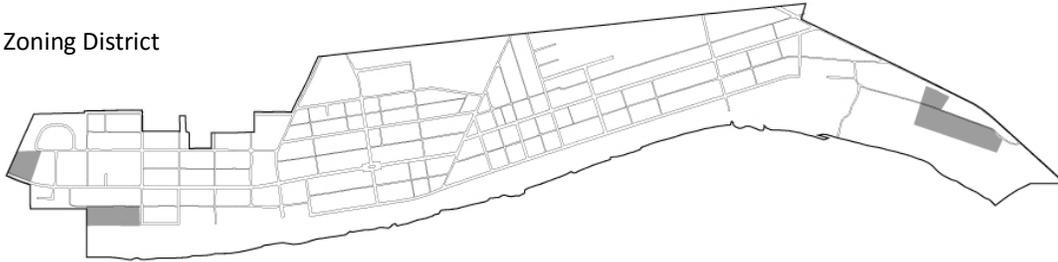
Principal Uses by Special Exception - All Other Residential Uses, Multi-Family Dwelling – Historic Residential Unit Conversion, Multi-Family Dwelling – Flats, Emergency Services, Home Occupation, Low Impact, Office (Including Business, Professional, Medical and Veterinary), Place of Assembly/Worship, Spa/Salon, Studio

Accessory Uses Allowed - Accessory Dwelling, Carport, Communications Antennae, Day Care (Youth/Adult), Electronic and Satellite Dish Antennae, Essential Services, Home-based Business, No Impact, Parking, Private Off-Street, Parking Facility, Private, Parking Space(s), Private Off-Street, Personal Support Services, Solar Collectors and Solar-related Equipment, Swimming Pools, Wind Energy Conversion Systems, Outdoor Wood Furnaces

§210. Overview – Maker

The purpose of this Zoning District is to ensure a compatible mixture of uses within areas of the Borough that have generally been established where uses have had limited compatibility with established neighborhoods and/or corridors. The general requirements for lots within the Zoning District include the following:

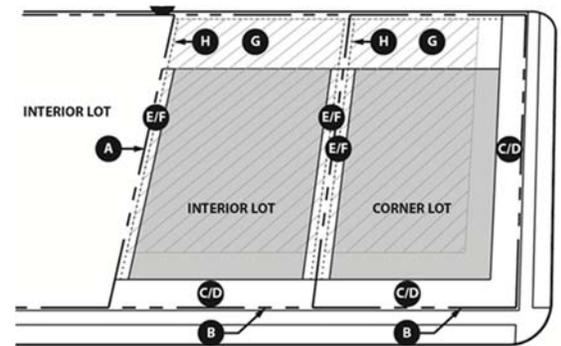
A. Zoning District



B. Lot Parameters

Minimum Lot Size – 15,000 square feet
 Minimum Lot Width – 75'
 Maximum Impervious Surface Coverage – 70%

Code		Street Type					
		S1 Arterial	S2 Collector	S3 Local	S4 Alley	S5 Way	
A	Depth (Min. Feet)	100'	100'	100'	100'	100'	
B	Front Lot Width (Min. Feet)	See Above					
C	Principal Structure Setbacks	Front	Min. 0'				
D		Max.	Avg. of adjacent lots				
E	Side Setbacks	Min.	2'	0'	0'	2'	2'
F		Max.	NA	NA	NA	NA	NA
G		Rear	Min.	25'	25'	25'	25'
H	Parking Setback	Front	5'	5'	5'	5'	5'
		Side	5'	5'	5'	5'	5'
		Rear	10'	10'	10'	10'	10'



C. General List of Standards

Principal Uses Permissible by Right - Animal Hospital, Automobile Services (Including Sales, Service), Brewery/Distillery, Commercial Recreation, Emergency Services, Essential Services (Including Public Utility Facilities and Communication Antennae), Forestry, Hardware Store, Industry – Craft, Industry – General, Industry – Outdoor (Including Maintenance/Storage/Service Yard and Building Materials/Lumber Yard), Outdoor Park and Recreation Facility, Parking Lot, Private, Private Garage, Public Utility Building, Research and Development Establishment, Retail, Large Scale, Warehouse, Wholesale Business

Principal Conditional Use - Adult-Oriented Establishment

Principal Uses by Special Exception - All Other Non-Residential Uses, Convenience Store, Fuel/Service Stations, Gas and Oil Well, Outdoor Advertising, Tower, Communication, Tower, Non-Communication

Accessory Uses Allowed - Carwash, Carport, Communications Antennae, Electronic and Satellite Dish Antennae, Essential Services, Parking, Private Off-Street, Parking, Public Off-Street, Parking Facility, Private, Parking Space(s), Private Off-Street, Retail Business (<2,000sf), Solar Collectors and Solar-related Equipment, Wind Energy Conversion Systems, Outdoor Wood Furnaces

§211: Heritage District Overlay

A. Applicability of Regulations

1. These regulations shall apply to the Heritage District Overlay (Overlay) area.
2. These regulations shall be administered by the Borough, with consultation of the Heritage District Committee.
3. Boundaries. The Heritage District Overlay shall conform to the boundaries shown on the Zoning Map. The Overlay includes each parcel containing one or more resource. An inventory of resources is available at the Borough Municipal Building.
 - a. All of the provisions of the applicable underlying zoning districts shall continue to apply in addition to the provisions of this Section. In the event of a conflict between the provisions of this Overlay and the underlying zoning district, the provisions of this Overlay shall apply.
 - b. Should the boundaries of the Overlay be revised as a result of legislative or administrative actions or judicial decision, the underlying zoning requirements shall continue to be applicable.
4. Covenants and Easements. It is not intended by this Section to repeal, abrogate or impair any existing easements, covenants or deed restrictions.

B. Purpose

The Heritage District Overlay follows the boundaries of Marietta's National Register Districts and is intended to promote the general welfare of Marietta Borough through the following goals:

1. To promote the retention of historic resources through preservation of local heritage by recognition and protection of resources.
2. To establish a clear process through which proposed changes affecting resources are reviewed by the Heritage District Committee and the Borough, overall.
3. To mitigate the negative effects of proposed changes affecting historic resources.
4. To encourage the continued use of historic resources and facilitate their appropriate reuse and/or adaptive reuse.
5. To discourage the demolition of historic resources and established heritage.
6. To implement the following sections of the Pennsylvania Municipalities Planning Code (MPC):
 - a. Section 603(b)(5) which states that zoning ordinances may permit, prohibit, regulate, restrict and determine protection and preservation of natural and historic resources;
 - b. Section 603(g)(2) which states that "zoning ordinances shall provide for protection of natural and historic features and resources";
 - c. Section 604(1) which states that "the provisions of zoning ordinances shall be designed to promote, protect and facilitate any or all of the following: ...preservation of the natural, scenic and historic values..."; and
 - d. Section 605(2)(vi) whereby uses and structures at or near places having unique historical, architectural or patriotic interest or value may be regulated.

C. General Provisions

1. Identification. The Inventory of Heritage Resources, as amended from time to time, shall be available on file at the Borough Municipal Building.
2. Criteria for Determination. A building, structure, object, site, or district is depicted as a heritage resource, due to the fact that it:
 - a. Is associated with events that have made a significant contribution to the broad patterns of our local, state, or national history; or
 - b. Is associated with the lives of people, local, state, or national, who were significant in our past;
 - c. It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (a neighborhood or village for example); or
 - d. It has yielded or may be likely to yield, information important in history or prehistory (archaeology).
 - e. Classifications
 - i. Buildings, objects, sites, or districts that are:
 - 1) Listed on or have received a Determination of Eligibility (DOE) to be listed on the National Register of Historic Places; or
 - 2) Resources within a district that contribute to a National Register listed or eligible district.
 - ii. Buildings, objects, sites, or districts that are resources that are deemed by the Borough to substantially meet one or more of the heritage criteria at the local level.

D. Demolition Process, Removal or Relocation of Resources

1. General Requirements: Demolition in whole or part, removal or relocation of resources identified as contributing to community heritage shall be regulated in accordance with the provisions of the Marietta Borough Subdivision and Land Development Ordinance.

E. Application Procedures/Review

1. Application Procedures: When the Zoning Officer receives a complete application, that application shall be forwarded to the Heritage District Committee.
2. Criteria for Review shall be in accordance with information to the extent which it fulfills requirements outlined on the Marietta Borough Overlay application form.
3. Review Procedure.
 - a. The Applicant shall be provided an opportunity to present their proposal to the Heritage District Committee at its scheduled meeting. The Zoning Officer shall attend this meeting to listen to the Applicant's presentation.

- b. The written recommendations of the Heritage District Committee shall be forwarded to the Borough Planning Commission. The Borough Planning Commission shall review said information and forward their recommendation to Borough Council. Permitting associated with any approvals shall be issued by the Borough. Recommendations shall consider the goals and objectives set forth in the Comprehensive Plan.

- 4. Associated Land Development Plan.
If the application is being requested to facilitate future development of the land, then said permit shall not be issued until the following additional requirements have been satisfied.
 - a. Approval of the land development plan by the Borough Council;
 - b. Issuance of any necessary zoning approvals; and
 - c. The recording of the approved subdivision or land development plan for the parcel where the Demolition, Removal or Relocation is proposed.

- 5. Denial.
If an application is denied, the applicant may appeal the Borough's decision to the Zoning Hearing Board.

§212: General Application Types/Submission Items

Applications for land use are available at the Borough Municipal Building. No application is complete without the applicable fee. Land Use application submissions to the Borough shall, at a minimum, contain:

- A. Residential land use applications
 - 1. Application Form
 - 2. Site Plan with utilities

- B. Non-residential land use applications
 - 1. Application Form
 - 2. Building Elevation (at street)
 - 3. Parcel map
 - 4. Site Plan with utilities
 - 5. Cross-section front yard to rear yard
 - 6. Copies of Highway Occupancy Permit, National Pollutant Discharge Elimination System submissions, as well as Department of Environmental Protection and Municipal Authority Application Submissions

Article III: Conditional Uses

§301: General Criteria for Evaluation of Conditional Use

- A. In evaluating an application for a Conditional Use, the Borough Council applies the guidelines and procedures associated with Conditional Uses as set forth in the Pennsylvania Municipalities Planning Code.
- B. The following criteria for Conditional Uses apply to all Conditional Uses:
 - 1. Building and parking setbacks must be consistent with existing building and parking setbacks of adjoining and neighboring lots on the block in which the development is located. The location and arrangement of parking on a lot will be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized.
 - 2. A landowner and /or developer must provide a plan for photometrics of the lot. Illumination, when measured at a lot line, will be zero (0) footcandles.
 - 3. Unless the landowner and/or developer can present a development alternative which demonstrates it is feasible that surface parking can only exist within a lot's yard which is adjacent to a street that serves as a main street (see Table 6) or to another corner lot, no surface parking will front on a street that serves as a main street or on a corner lot of said street.
 - 4. To protect and/or safeguard the character of existing development in the Borough of Marietta, for cases where there is the re-use of a residential structure or a lot on which a residential structure exists, the landowner and/or developer will maintain the characteristics, inclusive of but not limited to massing, heights and exterior historical features, of said residential structure with surrounding residential structures.
 - 5. Hours of operation for businesses will be scheduled to minimize negative impacts on the surrounding neighborhood.
 - 6. A traffic impact study acceptable to the Borough Engineer, may be required by the Borough to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.
- C. The consideration of a Conditional Use by the Borough Council upon review of the Borough Planning Commission's recommendations must be predicated on the Applicant's submission of written application containing all of the information required under this section, together with a site plan meeting the requirements of this Ordinance and any other Borough Ordinance as applicable.
- D. A written submission must demonstrate that the use for which the Conditional Use is sought:
 - 1. Will not endanger the public health and safety and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as prohibited by Article V of this Ordinance.
 - 2. Meets all other requirements of this Ordinance in the Zoning District where the use is proposed.

Article III: Conditional Uses

3. Is in general conformity with the Borough of Marietta Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
 4. Is an appropriate use on the proposed lot as a Conditional Use.
 5. If defined as part of any Conditional Use and will be completed with the identified timeframe. Also, the Borough Council may extend time for any completion date if the Applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified timeframe or extended completion period, the Conditional Use is not completed, and if no extension has been granted, the Conditional Use will become null and void.
 6. Upon Borough Council designating a new Conditional Use for a lot, any prior Conditional Use provision associated with a previous, different land use upon the same lot shall become null and void.
 7. Information including Applicant address, location of site, listing of landowners and/or developers who will receive notice of the zoning application, Zoning District and other relevant information as defined by the Borough of Marietta must be submitted.
- E. The Site Plan will show to scale the entire lot to be ultimately developed and indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed on the lot must also be submitted.
 - F. Conditional Uses will be subject to periodic inspections to insure compliance with the conditions of approval.
 - G. The Borough Council may attach additional conditions in order to protect the public's health, safety, and welfare. These conditions may include, but are not limited to, increased screening.

§302: Conditional Use Standards and Criteria

In addition to the general standards and criteria for Conditional Uses listed above, an application for any of the following uses which are listed in any Zoning District as a Conditional Use shall comply with the following applicable standards and criteria.

A. Residential Land Uses

1. Group Care Facility

- a. Whenever a party or parties seeks to occupy a dwelling or other building as a group care facility, the party or parties shall file a detailed statement of intent with the Borough Zoning Officer describing the proposed use of the dwelling or building. Such statement shall detail the proposed use of the dwelling or building. Such statement shall detail the proposed number of the anticipated occupants. The statement shall identify how said use satisfies demonstrative need and shall be conducted in a responsible manner without detriment to surrounding lots and neighborhood.
- b. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- c. Lot area shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than seven thousand

five hundred (7,500) square feet plus five hundred (500) square feet for every resident over ten (10) residents.

- d. A group care facility shall not be located within one thousand (1,000) feet of another group care facility. Said distance shall be measured from lot line of one facility to the near lot line of the other facility.
 - e. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust, and other disturbances.
 - f. For a use proposed to occupy and existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use. Such modifications shall not include enclosing of porches or modifications of doors.
2. Group Home
- a. The minimum area and bulk regulations for a Group Home or Care Facility shall be the same as those required for all uses in the Zoning District in which the facility is located.
 - b. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
 - c. Twenty-four (24) hour supervision shall be provided by staff qualified by the sponsoring agency.
 - d. Adequate open space opportunities for recreation shall be provided on the lot for the residents consistent with their needs. All open space areas shall be secured by a fence with a self-latching gate.
 - e. When applicable, certification or licensing by the sponsoring agency shall be prerequisite to obtaining a certificate of occupancy and a copy of an annual report with evidence of continuing certification shall be submitted to the Borough Zoning Office in January of each year.
3. Mobile Home Park
- a. An office manager shall reside within the Mobile Home Park.
 - b. Gross Lot Requirements. The following provisions shall apply to the overall development.
 - i. Gross Lot: Two (2) acres minimum.
 - ii. Gross Lot width (at street line):
 - 1) One hundred (100) feet for portions used for vehicular ingress/egress;
 - 2) Two hundred (200) feet for portions containing mobile home berths.
 - iii. Access points on streets: As specified in the Subdivision and Land Development Ordinance.
 - iv. Bufferyard: Each mobile home park shall be surrounded by a buffer area at least fifty (50) feet wide along the inside of the lot lines.

Article III: Conditional Uses

- v. Side and rear yards of gross lot: Fifty (50) feet minimum from any mobile home berth to any lot line.
- vi. Minimum setback of all mobile homes and accessory structures. Seventy-five (75) feet from any road, street or alley right-of-way adjacent to the mobile home lot.
- c. Net Lot Requirements.
 - i. Berth Size:
 - 1) Shall meet the minimum lot size of the district as set forth by this Ordinance.
 - ii. Open Space: Four hundred (400) square feet per berth, not to be located in any required lot setback, bufferyard, or yard (berth) areas.
 - iii. Bufferyard and lot setbacks: As specified above.
 - iv. Distance between mobile homes: A total of twenty-eight (28) feet in both side yards, with a minimum of ten (10) feet per side.
 - v. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust, and other disturbances.
 - vi. Each mobile home shall be provided with a minimum of two (2) paved parking spaces which shall be located on the mobile home space. If on-street parking is not provided, one additional off-street parking space per unit shall be provided in a common visitor parking compound. Such visitor parking compounds shall be sized, arranged, and located so that the spaces are within three hundred feet (300') walking distance to those units served;
 - vii. Each mobile home shall be placed on a six (6) inch thick poured concrete pad over a six (6) inch stone base, the length and width of which shall be at least equal to the length and width of the mobile home it is to support;
- B. Non-Residential Land Uses
 - 1. Adult Oriented Establishment
 - a. The establishment shall not be located within one thousand (1,000) feet of any lot that is zoned residential.
 - b. The establishment shall not be located within five hundred (500) feet of the lot boundary of any existing school, day care center, hospital, group care facility, personal care boarding home, group home, public park or playground, place of worship or establishment which is licensed to serve and/or sell alcoholic beverages.
 - c. The establishment shall not be located within five hundred (500) feet of any other existing or proposed adult-oriented establishment.
 - d. Persons or land owners and/or developers who intend to operate an adult-oriented establishment shall obtain from the Borough the applicable license to operate such an enterprise and pay to the Borough an investigation fee as may be set from time to time by resolution of the Borough Council. Applications, requirements and renewals associated with licensing can be obtained at the Borough Planning Department and shall be filed with the Borough Zoning Officer.

- e. The establishment shall be initially licensed when it has met the requirements set forth in this Ordinance and Borough Ordinance No. _____.
2. Retail, Large-Scale
- a. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods.
 - b. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
 - c. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential Zoning District, shall be a maximum of one (1) foot candle. Lighting levels shall also be reduced by one-half ($\frac{1}{2}$) their standard operating power, between 11:00 pm and 6:00 am.
 - d. A traffic-flow plan acceptable to the Borough Engineer shall demonstrate adequate associated circulation areas do not conflict with existing Borough development and circulation patterns.

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Article IV: Special Exceptions

§401: General Criteria for Evaluation of Zoning

- A. In evaluating an application for a Use by Special Exception, the Borough Zoning Hearing Board applies the guidelines and procedures associated with Special Exceptions as set forth in the Pennsylvania Municipalities Planning Code. No Zoning Hearing Board application is complete without the applicable fee.
- B. The following criteria apply to all Uses by Special Exception:
 - 1. Building and parking setbacks must be consistent with existing building and parking setbacks of adjoining and neighboring lots on the block in which the development is located. The location and arrangement of parking on a lot will be designed and constructed so that general safety and circulation is optimized and so that the impact of vehicles and lighting on right-of-ways or residential activity in proximity to the lot is minimized.
 - 2. A landowner and/or developer must provide a plan for photometrics of the lot. Illumination, when measured at a lot line, will be zero (0) footcandles.
 - 3. Unless the landowner and/or developer can present a development alternative which demonstrates it is feasible that surface parking can only exist within a lot's yard which is adjacent to "that serves as a main street (see Table 6) or to another corner lot, no surface parking will front on a street that serves as a main street or on a corner lot of said street.
 - 4. To protect and/or safeguard the character of existing development in the Borough of Marietta, for cases where there is the re-use of a residential structure or a lot on which a residential structure exists, the landowner and/or developer will maintain the characteristics, inclusive of but not limited to massing, heights and exterior historical features, of said residential structure with surrounding residential structures.
 - 5. Hours of operation will be scheduled to minimize negative impacts on the surrounding neighborhood.
 - 6. A traffic impact study acceptable to the Borough Engineer, may be required by the Borough to be submitted where the proposed development, according to the Institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peakhour volumes.
- C. Consideration of a Use by Special Exception granted by the Borough Zoning Hearing Board, inclusive of any review or recommendations by the Borough Planning Commission, is predicated on the Applicant's submission of a written application containing all of the information required under §401.D. along with a site plan meeting the requirements of subsection §401.F.
- D. A written submission must demonstrate the Use by Special Exception will meet the primary criteria outlined below and:
 - 1. Will not endanger the public health and safety if located where it is proposed and will not deteriorate the environment or generate nuisance conditions such as, but not limited to, those outlined in Article V.
 - 2. Meets all other requirements of this Ordinance in the Zoning District where the use is proposed.

Article IV: Special Exceptions

3. Is in general conformity with the Borough Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
 4. Is an appropriate use on the proposed lot as a Use by Special Exception.
 5. If defined as part of any Special Exception approval, said Special Exception use will be completed with the identified timeframe.
 6. Upon approval of any Special Exception by the Zoning Hearing Board, any prior approved Special Exception for the same lot becomes null and void.
 7. Information including address of Applicant, location of site, listing of landowner and/or developers who will receive notice of such Application for a Use by Special Exception, Zoning District and other relevant information as defined by the Borough of Marietta are submitted.
- E. In requesting a Use by Special Exception, the Applicant has both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use satisfies the specific or objective requirements for the grant of a Use by Special Exception as set forth in this Ordinance.
 - F. The Site Plan must show to scale the entire lot to be ultimately developed and indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed must also be submitted.
 - G. The Zoning Hearing Board may attach reasonable conditions, in order to protect the public's health, safety, and welfare. These reasonable conditions may include, but are not limited to, increased screening. Conditions shall be enforceable by the Zoning Officer, and the failure to comply with any conditions shall constitute a violation of this Ordinance and shall be subject to the penalties and remedies described in Article XI.
 - H. If the Special Exception is granted or the issuance of a permit is approved, or other action by an Appellant is authorized, the necessary permit shall be secured and the authorized action begun within two (2) years after the date when the variance or Special Exception is finally granted, or the issuance of a permit is finally approved, or the other action by an Appellant is authorized, and the building or alteration, as the case may be, shall be completed within three (3) years of said date. If said use is not completed within said timeframe, the permit shall expire.
 - I. Approval of all Uses by Special Exception contained in this Ordinance is subject to periodic inspections by the Zoning Officer to insure compliance with the required conditions of approval. Such periodic inspections will be conducted annually while the use is conducting active operations.
 - J. As part of any application for Zoning Hearing Board review, the following Special Exceptions must submit an adequate traffic-flow and parking plan acceptable to the Borough Engineer that shall demonstrate associated parking and circulation areas do not conflict with existing Borough developments and circulation patterns:
 1. Care Facility (Senior/Care Living) - §402.A.2
 2. Mixed Residential (Multiple Types on a Master Planned Lot) - §402.A.4
 3. Multi-Family Dwelling – Duplex - §402.A.5
 4. Multi-Family Dwelling – Townhouse - §402.A.7

5. Cemetery/Mausoleum - §402.B.4
6. Convenience Store - §402.B.6
7. Food Services – Take-out/Fast food - §402.B.8
8. Funeral Home - §402.B.11
9. Indoor Recreation Facility - §402.B.16
10. Office (Including Business, Professional, Medical, and Veterinary) - §402.B.20
11. Place of Assembly/Worship - §402.B.25

§402: Uses by Special Exception Standards and Criteria

In addition to the general standards and criteria for Uses by Special Exceptions in §401, an application for any of the following uses which are listed in any Zoning District as a Use by Special Exception shall comply with the following applicable standards and criteria.

A. Residential Land Uses

1. All Other Residential Uses

- a. Parking shall be provided on the same lot upon which the dwelling unit is located and be no more than three hundred (300) feet from any one unit.
- b. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
- c. The means of a building's ingress and egress shall meet requirements as outlined in the Pennsylvania Uniform Construction Code (UCC).
- d. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- e. The maximum number of units per building shall not exceed twelve (12).
- f. The primary vehicular entrance to the residential development shall, at a minimum, have direct access to a collector road.
- g. Maximum height of lighting supports for outdoor parking areas and roadways shall be twenty-five (25) feet.
- h. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- i. Bufferyards between the residential development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the Borough's required bufferyard width. Landscaping,

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within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Borough Planning Commission.

- j. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
 - k. If the parking area for the residential development is adjacent to a single-family residential lot and contains more than ten (10) parking spaces, the following shall apply:
 - i. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
 - ii. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
 - iii. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.
 - l. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight feet if the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of eighty (80) percent.
 - m. The design and size of the residential use's living quarters shall conform to all applicable state and Borough standards/codes.
 - n. For any proposed use that will occupy an existing residential structure, exterior modifications shall be limited to occur in only rear and side as part of said reuse.
2. Care Facility (Senior/Care Living)
- a. Total site area shall be a minimum of forty thousand (40,000) square feet.
 - b. A useable open space area of one hundred (100) square feet per bed shall be provided exclusive of the front yard setback, buffer strip and parking area.
 - c. The lot shall be served by frontage on a public street and serviced by public sanitary sewers and public water.
 - d. Sidewalk gradients shall be constructed to comply with American with Disabilities Act requirements.
 - e. The facility shall be accessible for fire fighting purposes and evacuation at all levels and on all sides, otherwise the facility shall not be more than two (2) stories.
 - f. Safe vehicular access and areas for discharging and picking up guests shall be provided.
 - g. The location, orientation and lot circulation shall be coordinated with the Borough in order to minimize the disturbance of surrounding land uses.

- h. If the parking area for a life care community is adjacent to a single-family residential lot or development, any parking areas that contains more than ten (10) parking spaces, the following shall apply:
 - i. In addition to that setback which is required by the development, a ten (10) foot setback with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
 - ii. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
 - i. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four foot horizontal to one foot vertical (4:1) change in elevation. The mound shall be landscaped with plants that provide four seasons of interest not including turf grass. The landowner and/or developer shall coordinate lot drainage so that lot development and grading do not create any adverse effects on adjacent lots.
 - j. The facility shall meet all state requirements for life care or nursing/convalescent care facilities in addition to those defined in this Subsection.
 - k. See §401.J.
3. Mixed Residential (Multiple Types on Master Planned Lot)
- a. All dwelling units must conform to the bulk requirement and setback regulations as defined by this ordinance.
 - b. All dwelling units must be provided sufficient parking, either through off-street or on-street parking.
 - c. See §401.J.
4. Multi-Family Dwelling – Duplex
- a. Parking shall be provided on the same lot upon which the dwelling is located.
 - b. See §401.J.
5. Multi-Family Dwelling – Historical Residential Unit Conversion
- a. All dwelling units within the historical conversion shall contain at least four hundred (400) square feet of habitable floor area.
 - b. Any extensions or modifications to the external appearance of the building (except fire escapes) shall complement its residential character.
 - c. All floors above or below grade shall have a permanently affixed direct means of escape to ground level.
 - d. See also provisions associated with Historic Conversion (Article V).

6. Multi-Unit Dwellings – Flat
 - a. Parking shall be provided on the same lot upon which the dwelling unit is located and be no more than three hundred (300) feet from any one unit.
 - b. All parking spaces and driveways shall be surfaced with bituminous, brick, concrete or stone block paving material.
 - c. The means of a building's ingress and egress shall meet requirements as outlined in the Pennsylvania Uniform Construction Code.
 - d. A fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
 - e. The maximum number of units per building shall not exceed thirty-six (36).
 - f. The primary vehicular entrance to a multi-unit residential development shall, at a minimum, have direct access to a collector road.
 - g. Maximum height of lighting supports for outdoor parking areas and roadways shall be twenty-five (25) feet.
 - h. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
 - i. Bufferyards between a multi-unit residential development and any other adjacent residential lot shall be increased by ten (10) feet in addition to the Borough's required bufferyard width. Landscaping, within this additional width, shall be provided according to spacing, quantity and type of plants specified by the Borough Planning Commission.
 - j. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.
 - k. If the parking area for a multi-unit dwellings – flat is adjacent to a single-family residential lot and contains more than ten (10) parking spaces, the following shall apply:
 - i. An additional ten (10) foot bufferyard with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
 - ii. One and one-half (1.5) times the required number of plants for screening and buffering off-street parking and loading areas; or
 - iii. A mound, a minimum of three and one-half (3.5) feet in height at its peak, shall be constructed whereas the sides do not exceed a four-foot horizontal to one-foot vertical (4:1) change in elevation. The mound shall be landscaped in its entirety with plants that provide four (4) seasons of interest but shall not include turf grass. The landowner and/or developer shall coordinate site drainage so that site development and grading do not create any adverse effects on adjacent lots.
 - l. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped buffer yard, fence or wall with a minimum height of eight feet if

the dumpster has a peaked roof, and otherwise six feet, and a minimum opacity of eight (80) percent.

- m. The design and size of the multi-unit residential conforms to all applicable state and Borough standards/codes.

7. Multi-Family Dwelling – Townhouse

- a. Parking shall be provided on the same lot upon which the dwelling unit is located.
- b. See §401.J.

B. Non-Residential Land Uses

1. All Other Non-Residential Uses

- a. A non-residential use not expressly as a Permitted Use, Conditional Use, or Special Exception may be permitted as a Use by Special Exception upon the Applicant’s demonstration that the proposed use:
 - i. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
 - 1) The number of employees.
 - 2) The floor area of the building or gross area of the lot devoted to the proposed use.
 - 3) The type of products, materials, equipment and/or processes involved in the proposed use.
 - 4) The magnitude of walk-in trade.
 - 5) The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of this Ordinance.

2. Banks and Financial Institutions

- a. Drive-thru access shall permit the queuing of three (3) vehicles.
- b. All entrances and exits shall be placed and marked on the lot to minimize conflict with existing vehicular and pedestrian traffic patterns on and immediately surrounding the lot.

3. Bed and Breakfasts

- a. Guests shall be limited to a maximum length of stay of thirty (30) consecutive days in any sixty-(60) day period.
- b. No more than sixteen (16) guest sleeping rooms shall be available and/or utilized at any one time for the transient guests. Each guestroom may provide lodging for up to two (2) individuals, unless children under the age of sixteen (16) years are accompanying the guest. In no instance shall the total number of guests in the Bed and Breakfast exceed thirty-two (32) people.

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- c. No part of the facility shall be rented for social or business functions.
 - d. The lot shall meet all area and bulk regulations of the Zoning District in which it is located.
 - e. Not more than one (1) identification sign shall be permitted. The identification sign must conform to Article VI of this Ordinance.
 - f. All required parking spaces shall be provided on the lot and shall not be located in the front yard.
 - g. There shall be one (1) space provided for each room, one (1) space provided for each permanent resident and (1) space per full-time employee if this employee is not a permanent resident.
 - h. The driveway entrance and all parking areas shall be constructed of well-compacted stone or better and approved by the Borough Engineer.
 - i. A Bed and Breakfast expressly excludes alternative housing for criminal offenders, drug or alcohol rehabilitation, halfway house and similar uses.
4. Cemetery/Mausoleum
- a. The minimum size of a cemetery shall be ten (10) acres.
 - b. The land owner and/or developer shall provide a statement of guaranteed perpetual maintenance before approval is given.
 - c. No burial sites shall be within fifty (50) feet of any lot line or one hundred (100) feet of a street right-of-way and no crematorium shall be within two hundred (200) feet of any lot line.
 - d. Access drives shall be located to take maximum advantage of sight distances for motorists.
 - e. See §401.J.
5. Commercial School
- a. Required off-street parking for the school shall be clearly designated and shall be located within three hundred (300) feet of the entrance to the school.
 - b. All buildings shall be set back at least fifteen feet (15') from any adjoining land within a residential Zoning District.
 - c. Enrollment shall be defined as the largest number of students on the site at any one time during a seven (7) day period.
 - d. Student “drop-off” and “pickup” areas shall be provided and arranged so that students do not have to cross traffic lanes on or adjacent to the site.
6. Convenience Store
- a. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
 - b. Loading areas and docks shall be screened with either landscaping or fencing from neighboring uses.

- c. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.
 - d. Dumpsters shall be located in the rear of a lot and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a maximum height of eight (8) feet and a minimum opacity of eighty (80) percent.
 - e. Access driveways shall be a minimum of twenty-eight (28) feet wide and separated by one hundred (100) feet from one another, if located along the same frontage as measured from edge to edge.
 - f. The storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited.
 - g. See §401.J.
7. Emergency Services
- a. The minimum site required shall be one (1) acre.
 - b. Ingress and egress for police and fire stations shall be located so as to maximize sight distance along adjacent public streets.
 - c. Fire stations, police stations and municipal maintenance facilities shall be located on the site so that vehicles and equipment can be maneuvered on the site without interrupting traffic flow or blocking public streets.
8. Food Services, Sit Down (Including Restaurant)
- a. The food service establishment must designate at least 60% of its gross floor area accessible for patron use.
 - b. The total size of the establishment must not exceed 4,000 square feet.
 - c. Outdoor seating is permitted but will be included in the total gross floor area. Outdoor seating may not exceed 10% of the total gross floor area.
9. Food Services, Take-out/Fast Food
- a. Exterior trash receptacles shall be provided and routinely emptied so to prevent the scattering of litter. All applications shall include a description of a working plan for the cleanup of litter.
 - b. All drive-thru window-lanes shall be separated from the parking lot's interior driveways and shall provide at least one hundred feet (100') of on-site stacking per lane, preceding the food order location.
 - c. Any exterior speaker/microphone system shall be arranged and/or screened to prevent objectionable noise impact on adjoining lots.
 - d. All exterior seating/play areas shall be completely enclosed by a minimum three foot (3') high fence.
 - e. See §401.J.

10. Fuel/Service Stations

- a. All minor repair work, vehicle washing, lubrication and installation of parts and accessories shall be performed within an enclosed building.
- b. All automobile parts, dismantled vehicles and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence.
- c. All vehicles awaiting repair shall be stored on site in approved parking spaces and, under no circumstances, shall said vehicles be stored on or obstruct access to a public right-of-way.
- d. Canopies over gasoline pumps shall be subject to the requirements of Article VI of this Ordinance.
- e. Gasoline pumps shall be located at least thirty (30) feet from the edge of the right-of-way of a public street.
- f. All fuel, oil, or similar substances shall be stored at least twenty-five (25) feet from any lot line.
- g. The subject property shall be set back at least three hundred feet (300') from any lot containing a school, day-care facility, playground, library, hospital or nursing, rest or retirement home;
- h. All lighting shall be shielded and reflected away from adjacent lots, streets, and roadways.
- i. Bufferyards as defined by this ordinance shall be provided along all lines adjoining an existing residential use or Residential Zoning District.

11. Funeral Home

- a. Public sewer and water facilities shall be utilized.
- b. Sufficient off-street parking shall be provided to prevent traffic backups onto adjoining roads.
- c. Vehicular access to the site shall be from a main and side street, where possible.
- d. See §401.J.

12. Gas & Oil Well

- a. Applications for gas and oil well production must be accompanied by a site plan drawn by an architect, engineer or landscape architect showing the ingress and egress of all residential lots affected by the proposed use. The site plan shall reflect landscaping adequately so as to screen and buffer neighboring lots, and the availability of ingress and egress does not disturb residential dwellings. Gas and oil well production must be located a sufficient distance from inhabited structures so as to not disturb neighboring lots and in no event shall be located within two hundred (200) feet of any inhabited structure. Gas and oil production shall be limited exclusively to public parks within Marietta Borough.

13. Health/Fitness Club

- a. The establishment must be located on an arterial or collector street, including any provided off-street parking so as to not create parking and traffic issues upon any surrounding streets or residential developments.

14. Home Occupation, Low Impact

- a. The home occupation shall be carried on wholly within the principal or accessory structures.
- b. No more than fifteen (15) percent of the gross floor area of the principal dwelling and any accessory structures used shall be devoted to the conduct of the home occupation.
- c. Articles not produced on the premises shall not be sold on the premises.
- d. There shall be no display of merchandise available for sale on the premises; however, merchandise may be stored on the premise for delivery off the premises.
- e. Exterior displays or signs other than those permitted in this Ordinance, exterior storage of material and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
- f. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced. The use shall comply with the performance standards of this Ordinance.
- g. The use shall not significantly intensify vehicular or pedestrian traffic, which is normal for the residences in the neighborhood.
- h. The use shall not require internal or external alterations or construction features which are not customary to a dwelling or which change the fire rating of a structure.
- i. There shall be no use of materials or equipment except that of similar power and type normally used in a residential dwelling for domestic or household purposes.
- j. The use shall not cause an increase in the use of water, sewage, garbage, public safety or any other municipal services beyond that which is normal for the residences in the neighborhood.
- k. The use shall not cause a negative impact on lot values in the immediate neighborhood.
- l. The home occupation shall not involve the use of commercial vehicles for regular delivery of materials to or from the premises, and commercial vehicles shall not be permitted to be parked on the premises.
- m. The following uses shall not be considered home occupations and shall be restricted to the Zoning Districts in which they are specifically authorized as Permitted Uses or uses by Special Exception, including, but not limited to:
 - i. spa/salons containing more than two (2) chairs
 - ii. medical offices or care facilities
 - iii. veterinary offices and clinics
 - iv. social clubs
 - v. private instruction to more than five (5) students at a time
 - vi. restaurants
 - vii. automobile services (including service, sales)

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- n. Day Care Homes other than those defined in this Ordinance shall meet all of the foregoing requirements for a home occupation as well as the following additional requirements:
 - i. Adequate areas for outdoor recreation shall be provided and shall be secured by a fence with self-latching gate.
 - ii. A safe area shall be provided for the drop-off and pick up of children which does not obstruct the free flow of traffic on any public street.
 - iii. Off-street parking shall be provided in accordance with the requirements of this Ordinance.

15. Hotel/Motel

- a. Drop-off/temporary parking areas shall remain free and clear of obstructions for general safety and fire department access.
- b. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- c. Service of meals and/or beverages (alcoholic/non-alcoholic) must be secondary to the principal use of room or suite rental.
- d. Secondary eating establishments serving alcoholic beverages or secondary bars must be licensed by the Pennsylvania Liquor Control Board.
- e. The owner(s)/operator(s) of a hotel/motel shall be responsible for the conduct and safety of the renters and guests and shall be available to respond to inquiries and promptly quell any disturbances caused by renters or guests.

16. Indoor Recreation Facility

- a. There shall be one (1) parking space per projected visitor at peak hours plus one (1) space per employee working during peak hour.
- b. The structure's facade must conform to the essential character of the neighborhood or Zoning District in order to preserve the integrity of the surrounding community.
- c. All facility equipment must be stored within the main structure.
- d. All dumpsters must be fully enclosed and not visible from the right-of-way adjacent to the front yard.
- e. See §401.J.

17. Laundromat

- a. The use shall comply with all performance standards specified in this Ordinance.
- b. Public sewer and water shall be used.
- c. All activities shall be conducted within a completely-enclosed building.

- d. During operation or plant cleanup and maintenance, all windows and doors shall be kept closed.
 - e. Any exhaust ventilation equipment shall be directed upwards toward the sky.
 - f. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
 - g. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.
18. Mixed Use (Non-residential at street level with residential/non-residential upstairs)
- a. Dwellings shall be located on any floor except the floor at street level.
 - b. Entrance to all dwellings may be located on any floor except the floor at street level.
 - c. To preserve historically established character of the Zoning District, non-retail-oriented uses shall only be located on a floor not designated as the floor of the principal building at street level.
 - d. Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the Borough shall be complied with by the landowner and/or developer.
19. Non-Commercial Greenhouse
- a. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding open space.
 - b. Equipment storage shall be permitted to include man-operated or mechanical equipment or other machinery that is in operable condition. The storage of inoperable vehicles is prohibited for this use.
 - c. Site grading shall be completed to ensure that surface run-off is directed away from any and all material storage areas.
 - d. An eight (8) foot high screen shall be constructed around the perimeter of any storage areas if equipment and/or materials are not contained within an enclosed building/area. The screen shall be measured from the average grade of the adjacent ground, unless otherwise defined by the applicable Borough. The screen shall be eighty (80) percent opaque and composed of finished masonry, wood, or black or green vinyl-covered chain link fencing with eight (8) foot high evergreen plantings on the exterior side of the fence.
 - e. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted, with the exception of gasoline, diesel, fuel and oil for the operation and maintenance of motorized vehicles and equipment.
 - f. The ground surface of off-street parking shall be paved with bituminous, brick, concrete or stone block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances. Loading and equipment storage areas shall, at a minimum, be paved with crushed limestone aggregate.

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- g. No more than one (1) identification sign shall be permitted; said sign shall be a ground or a wall sign. The graphic area of the sign shall not exceed forty (40) square feet.

20. Office

- a. The location, orientation and lot circulation shall be such as to minimize the disturbance of the surrounding uses and adjacent traffic patterns
- b. Service areas shall be contained to the rear of the lot and screened from all surrounding residential activity.

21. Outdoor Advertising

- a. Location.
 - i. Outdoor Advertising shall not be erected within five hundred (500) feet of the boundary line of any residential Zoning District or within five hundred (500) feet of any public or private school, place of worship or cemetery, said five hundred (500) feet being measured along the radius of a circle from the center-most point of the outdoor advertising structure extending in all directions.
 - ii. Outdoor advertising shall maintain a lateral minimum spacing between any existing or proposed outdoor advertising structures of one thousand (1,000) feet. Required spacing shall be measured along both sides of the same roadway frontage from the center-most point of the outdoor advertising structure along a line extending from the center-most point of the outdoor advertising that is parallel to the centerline of the roadway to which the outdoor advertising is oriented.
 - iii. The minimum front, side, and rear yard requirements applying to a principal structure as set forth within the Zoning District in which the outdoor advertising is to be located shall apply to each outdoor advertising structure.
 - iv. No outdoor advertising shall be erected in such a manner as to block the view from the road or street, of any existing business identification sign, residential or non-residential structure, or limit or reduce the light and ventilation requirements under the Pennsylvania Uniform Construction Code.
 - v. No outdoor advertising shall be constructed within the clear sight triangle of the public street or road on which it is situated and shall not in any case obstruct or impede traffic safety.
 - vi. No sign shall be erected over any sidewalk or public right-of-way.
 - vii. Outdoor advertisings shall not be part of a roof or wall nor shall they be mounted on the roof, wall, or other part of a building or any other structure.
- b. Size and Height. Outdoor advertising shall have a maximum allowable gross surface area of three hundred (300) square feet per sign face. This gross surface area shall be permitted, provided all of the following additional requirements are met:

- i. An outdoor advertising shall have no more than two (2) sign faces per outdoor advertising structure which may be placed back to back or in a V-shaped configuration having an interior angle of ninety degrees (90°) or less.
 - ii. The dimensions of the gross surface area of the outdoor advertising's sign face shall not exceed twenty (20) feet in total height or twenty-five (25) feet in total length, provided the total allowable gross surface area for the sign face is not exceeded.
 - iii. An outdoor advertising structure shall have a maximum height of forty (40) feet above the curb of the roadway from which it is intended to be viewed.
- c. Construction Methods. Outdoor advertising structures shall be constructed in accordance with applicable provisions of the Pennsylvania Uniform Construction Code and shall meet all of the following additional requirements:
- i. The entire base of the outdoor advertising structure parallel to the sign face shall be permanently landscaped with suitable shrubbery and/or ornamental grasses of a minimum height of three (3) feet. The shrubbery and/or ornamental grasses shall be placed in such manner as to screen the foundation of the structure.
 - ii. Required landscaping, as defined in Article II of this Ordinance, shall be maintained by the outdoor advertising structure owner in an attractive and healthy manner in accordance with the Borough's accepted best management/conservation practices.
 - iii. No bare cuts shall be permitted on a hillside.
 - iv. All cuts or fills shall be permanently seeded or planted.
- d. Lighting.
- i. An outdoor advertising with display lighting shall be constructed so that it does not glare upon an adjoining lot and shall not exceed a maximum of one (1) foot candle upon the adjoining lot.
 - ii. Display lighting shall not operate between 12:00 Midnight and 5:00 A.M., prevailing local time.
 - iii. No display lighting shall cause distractions, confusion, nuisance or hazard to traffic, aircraft or other lots.
 - iv. The use of colored lighting shall not be permitted; white light is the only Permitted Use.
- e. Appearance.
- i. No outdoor advertising structure, sign face or display lighting shall cause distractions, confusion, nuisance or hazards to traffic, aircraft or other lots.
 - ii. No sign face image shall contain parts that move, scroll, flash, glitter or emit noise.
 - iii. A sign face that rotates to display two (2) or three (3) separate sign face images shall be permitted providing that each image is displayed for at least thirty (30) consecutive seconds every time it is shown.

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- iv. A maximum of seventy-five (75) square feet of a sign face may be used to display a changeable copy sign. Lettering and other images on the changeable copy sign shall be displayed for at least thirty (30) consecutive seconds every time it is shown.
- f. Maintenance.
 - i. An outdoor advertising structure shall be entirely painted every three (3) years, unless constructed of an approved corrosive-resistant material.
 - ii. Every ten (10) years, the owner of the outdoor advertising structure shall have a structural inspection made of the outdoor advertising by a registered engineer and shall provide to the Borough a certificate from the engineer certifying that the outdoor advertising is structurally sound.
 - iii. The Borough reserves the right to perform annual inspections of the outdoor advertising structure to determine compliance with this Ordinance.
 - iv. Outdoor advertising found to be in violation of this Ordinance shall be brought into compliance or removed within thirty (30) days upon proper notification by the Borough.
 - v. Outdoor advertisings using removable paper or other materials shall be maintained in such condition as to eliminate loose or frayed material protruding or hanging from the structure. All loose paper and other waste materials shall be removed and disposed of properly within fourteen (14) days from when fraying begins.
- g. Liability Insurance.
 - i. The Applicant shall provide a Certificate of Insurance for public liability and lot damage which holds the Borough harmless. The amount of insurance to be maintained shall be determined by resolution of the Borough Council. The insurance certificate shall contain a clause stating that the insurance shall not be cancelled or reduced without first giving ten (10) days notice to the Borough.
- h. Permits.
 - i. Prior to submission of an application for a sign permit, the Applicant for outdoor advertising shall obtain and submit with the application, approvals from Lancaster County, and/or the United States Federal Aviation Administration (FAA) and the Pennsylvania Department of Transportation, when applicable.
 - ii. Approval of the Use by Special Exception shall be valid for six (6) months from the date of action by the Borough. If the Applicant fails to obtain a sign permit for the approved outdoor advertising within the six (6) month period, approval shall expire automatically, without written notice to the Applicant.
- i. Application Fees.
 - i. Said outdoor advertising application shall be accompanied by an application fee in an amount equal to that set from time to time by resolution of the Borough Council.

- j. Non-conforming Outdoor advertising.
 - i. Any outdoor advertising that does not conform to all the requirements of this section shall not be enlarged or moved.
 - ii. Any outdoor advertising that is damaged or destroyed by more than fifty-one (51) percent of its replacement value at the time of damage or destruction shall be reconstructed only in compliance with all provisions of this section.
22. Parking Lot or Facility, Public
- a. If the parking facility is accessory to the principal use of a lot, it shall be included in all impervious surface coverage calculations.
 - b. If a parking facility provides lighting, said lighting shall be illuminated at a maximum of 1 footcandle at the lot line for a lot constructed along Market Street. All other lots, if providing lighting, shall be illuminated with a maximum footcandle of 0.0 when measured at the lot line.
 - c. A parking facility shall not be located any closer to a right-of-way line or a lot line than what is permitted by the parking setbacks defined in this Ordinance.
 - d. The perimeter of a parking garage/structure shall be landscaped with inclusion of tree continuous canopy along the parking lot perimeter and understory plantings a mixture of 50% deciduous and 50% evergreen within the bufferyard area.
23. Parking Lot, Private
- a. Lot shall have a maximum of one (1) identification sign not exceed two (2) square feet per ingress/egress point.
 - b. Ingress/egress points must be designated so as not to impact surrounding development and traffic patterns.
 - c. A parking facility shall be illuminated at a maximum of 0.5 footcandle. The lot shall be illuminated with a maximum footcandle of 0.0 when measured at the lot line.
 - d. A parking facility shall not be located any closer to a right-of-way line or a lot line than what is permitted by the parking setbacks defined in this Ordinance.
 - e. The perimeter of a parking garage/structure shall be landscaped with inclusion of tree continuous canopy along the parking lot perimeter and understory plantings a mixture of 50% deciduous and 50% evergreen within the bufferyard area.
24. Personal and Professional Services
- a. The establishment must not exceed a gross floor area of 2,500 square feet.
25. Place of Assembly/Worship
- a. The minimum lot area shall be one-half (1/2) acre.
 - b. A place of assembly/worship's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.

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- c. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Borough Engineer to ensure employee and visitor safety.
- d. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- e. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- f. For parking contains more than three hundred (300) parking spaces, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- g. See §401.J.

26. Public Utility Building

- a. Front, side and rear yards shall be provided in accordance with the regulations of the Zoning District in which the facility is located.
- b. Height restrictions shall be as required by the Zoning District regulations.
- c. Unhoused equipment shall be enclosed within a fence constructed of materials present on the majority of adjacent principle structures. Said fence shall be a minimum of six (6) feet in height.
- d. Housed Equipment: When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the Zoning District in which the facility is located.
- e. The external design of the building shall be to the greatest extent possible in conformity with the design of the majority of buildings on the block, block face and adjacent lots of the subject lot.

27. Retail, Small Scale

- a. The establishment may not exceed a gross floor area of 2,500 square feet.
- b. The establishment must designate at least 60% of its gross floor area to the public display of merchandise or goods.

28. Social Club/Hall

- a. The hours of operation must be conspicuously posted at the business premises such that patrons are sufficiently apprised of the same.
- b. Such club shall not remain open and/or transact business between the hours of 2:00 a.m. and 8:00 a.m., prevailing time of each day. No club located within five hundred (500) feet of a residence or place of worship shall be open or operated on Sunday.

29. Spa/Salon

- a. Parking areas must be placed on the side or the rear of the structure as to not obstruct pedestrian pathways nor disturb traffic circulation through the primary roadway.
- b. Signage must conform to the regulations outlined in this ordinance.
- c. All waste must be discarded safely in trashcans that are entirely enclosed in a container to prevent hazardous waste leakage. Dumpsters will not be permitted.

30. Studio

- a. Retail sales shall occur on the lot.

31. Tower, Communication

a. Use Regulations

- i. A telecommunication tower with antenna that is attached to an existing communications tower, smoke stack, water tower, or other tall structure, is permitted as a Use by Special Exception in designated Zoning Districts. The height of the antenna shall not exceed the height of the existing structure by more than twelve (12) feet. If the antenna is to be mounted on an existing structure, a full site plan shall not be required
- ii. A telecommunication tower that is not mounted on an existing structure or that is more than twelve (12) feet higher than the structure in which it is mounted, is only permitted as a Use by Special Exception in designated Zoning Districts.
- iii. All other uses ancillary to the communication tower and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the communication tower unless otherwise permitted in the Zoning District in which the communication tower is located.

b. Standards of Approval

- i. The owner of the communication tower is required to demonstrate, using technological evidence that this tower must go where it is proposed, in order to satisfy its function in the company's grid system
- ii. If the communication tower owner proposes to erect a new tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one-mile radius of the site proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communication phone companies, other communications (fire, police, etc.), and other tall structures. The Borough may deny the application to construct a new tower if the Applicant has not made a good faith effort to mount the antenna on an existing structure.
- iii. Tower Height. The Applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. No communication tower that is taller than this minimum height shall be approved.

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- iv. Setbacks from the base of the communication tower support structure. If a new communication tower support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure and any lot line or street right-of-way shall be one hundred fifteen (115) percent of the tower's height with the minimum setback equal to twenty-five (25) feet.
- v. The communication tower must be erected to comply with manufacturer requirements and accepted engineering standards.
- vi. The communication tower shall be securely anchored in a fixed location on the ground, and the Applicant shall provide qualified documentary evidence that the proposed structure will withstand wind, snow, ice and other natural forces. The Applicant shall also demonstrate that the proposed tower and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, radio frequency, falling ice or other debris. The communication tower shall meet radio emission standards adopted by the Federal Communications Commission (FCC).
- vii. The communication tower, or the yard area containing the communication tower, shall be protected and secured to guarantee the safety of the general public. Fencing shall consist of galvanized chain link, eight (8) feet in height, and installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this Subsection. Associated supports and guide wires shall not be located within the required setbacks.
- viii. The Applicant shall submit to the Borough Planning Commission a site plan or survey of the lot certified by an Engineer, Landscape Architect or Architect. The Applicant must also submit a fencing and landscaping plan with the application for Use by Special Exception.
- ix. Only one (1) communication tower shall be permitted per lot.
- x. The communication tower in its operation will not endanger the health, safety and welfare of the public.
- xi. The Applicant will provide, at the Borough's request, copies of FCC licenses for all users of the facility. Use approval is contingent upon the maintenance of FCC licenses for all users of the communications facility. Any grant of Use by Special Exception hereunder will automatically expire if said license ever expires.
- xii. Communication tower owners shall be responsible for removing all communication towers whose licenses have expired. Removal of the tower shall occur within one (1) calendar year following the expiration date of the license.
- xiii. Landscaping: Outside of the required fencing, a landscaping screen of evergreen trees planted ten (10) feet on center and a minimum six (6) feet in height shall be required.
- xiv. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular phone companies, and police, fire and ambulance companies and other public and emergency management entities.
- xv. Communication tower and support structures fewer than two hundred (200) feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Where a communication tower and support structure are located within existing woodland, the communication tower and support structure shall be painted dark green.

- c. Additional Standards: In addition to the foregoing, the following standards shall also apply to communication towers and the applications for Use by Special Exception:
 - i. Inspection. The Borough Council may require periodic inspections of communication towers to insure structural integrity. Such inspections may be required by owners as follows:
 - 1) Monopole Towers - at least once every three (3) years;
 - 2) Self-Support Towers - at least once every three (3) years;
 - 3) Guyed Towers - at least once every three (3) years.
 - ii. Inspections shall be conducted by an Engineer licensed by the Commonwealth of Pennsylvania. The result of such inspections shall be provided to the Borough. Based upon results of an inspection, the Borough may require repair or removal of a communication tower.
 - iii. Equipment in a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The Applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise, or safety impact of such maintenance. Where the site abuts or has access to a collector and local street, access for maintenance vehicle shall be exclusively the means of the collector street. A surfaced and maintained driveway or with parking inside the fence boundaries must also be constructed.
 - iv. When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto a surrounding lot.
 - v. Prior to the site plan certification, the Applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard by the FAA or the authorized Lancaster County Department. Said Department shall review the communication tower application to determine if it is a hazard to any FAA flight paths.
 - vi. Applicants will be required to execute a Developers Agreement with the Borough Council.

32. Tower, Non-Communication

- a. The structure must be construct so that it is able to collapse upon itself.

33. Warehouse

- a. Every portion of the property used for warehouse uses shall be located not closer than two hundred (200) feet from any abutting property that is in a different Zoning District.
- b. All vehicular maneuvering shall be located on-site.
- c. Curb cuts shall be minimized to the maximum extent feasible in order to achieve access to the site.
- d. The Applicant shall provide a detailed description of the nature of the on-site activities and operations, the types of materials stored, the frequency of distribution and restocking, the duration period of storage of materials, and the methods for disposal of any surplus or damaged

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materials. In addition, the Applicant shall furnish evidence that the disposal of materials will be accomplished in a manner that complies with State and Federal regulations.

- e. The Zoning Heard Board shall determine that such use will not create detrimental impacts on the surrounding lots, taking into consideration the probable traffic generation, the physical relationship of the proposed use and structure to surrounding uses and structures, the emission of noise or glaring light, and proposed accessory uses, such as meeting facilities.
- f. Loading areas shall not be visible from a public right of way or an adjacent residence. A landscaped bufferyard a minimum of twenty-five (25) feet in width shall be provided adjacent to all existing residences. Bufferyards shall be landscaped with a combination of deciduous and evergreen trees, shrubs, ornamental grasses and groundcovers.
- g. Grass, sod, lawn or turf shall not be considered an acceptable plant for use within landscaped bufferyards.
- h. Outdoor storage of foods and/or materials shall not be permitted.
- i. The ground surface of off-street parking and loading spaces shall be paved with bituminous paving, brick, concrete or store block paving material to protect the surrounding neighborhood from inappropriate dust and other disturbances.
- j. The building height of a warehouse located within the Trail/Rail/River Zoning District shall be compatible with the building height of adjacent lots buildings.

Article V: Performance Standards and Supplementary Regulations

§501: Performance Standards

- A. Compliance Required.
- B. All uses must comply with the requirements of this Ordinance and the landowner and/or developer must demonstrate that a proposed use can comply with the standards below prior to the Borough of Marietta issuing approval and operation commencing on the lot. Compliance must be determined by the Zoning Officer with respect to Permitted Uses, by the Zoning Hearing Board with respect to Special Exceptions, and by the Borough Council with respect to Use by Special Exceptions. In order to determine whether a proposed use will conform to the requirements of this Article, Borough of Marietta may obtain a qualified consultant's report, whose cost for services will be borne by the Applicant.
 - 1. All uses that require new facilities or expansion of existing facilities, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, will obtain such approval as required by the agency providing such service prior to project approval. No availability of essential services is permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services will be by and at the cost of the landowner and/or developer, unless the jurisdiction agrees otherwise. All service extensions are to be designed and installed in full conformance with the jurisdiction's standards for such service, and be subject to review, permit and inspection as required by other policies or ordinances of the jurisdiction.
- C. Fire Protection. Fire protection and fire-fighting equipment, procedures and safety protocols acceptable to the Borough of Marietta Fire Standards and National Fire Protection Association must be readily available and followed where there is any activity involving the handling or storage of flammable or explosive material.
- D. Radioactivity and/or Electrical Disturbances. Unless otherwise permitted by the Borough of Marietta for medical purposes, no activity can emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.
- E. Noise. Unless otherwise identified and permissible as part of this Ordinance, see the Code of Ordinance of the Borough Chapter 65 – Noise. The sound level of any use within a Zoning District may not exceed, at any point along the boundary of the lot on which the use is to be undertaken, Federal standards or recommended decibel levels in the designated octave bands, except for emergency alarm systems. Sound levels can be projected in accordance with similar or identical operations or uses and be measured with a sound level meter and associated octave band analyzer manufactured according to standards prescribed by the American Standards Association. Measurements must be made using the same measuring system which may now or hereafter be utilized by the United States Government for this purpose.
- F. Vibrations. Except temporary vibration resulting from construction activity, vibrations detectable without instruments on any adjacent lot in any Zoning District will be prohibited.
- G. Dust, Fumes, Vapor, and Gas Control. The emission of dust, dirt, flash, fumes, vapors, or gases which cause any damage to human health, animals, vegetation, or other forms of property, or which can cause soiling or staining of persons or property at any point beyond the lot line of the use creating such emission is hereby prohibited. No emission of liquid or solid particulate from any chimney or stack or otherwise can exceed .03 grains per cubic foot of the covering gas at any point beyond the lot line of the use creating the emission. Identical processes or facilities may be compared to determine compliance with this subsection. For measurement for the amount of particles discharged as stated above, measurement procedures will follow those then employed by the Pennsylvania Department of Environmental Protection for similar or identical measurements.

§502. Supplementary Regulations.

- A. Automobile Services (including Sales, Service). The following regulations are applicable to any automobile establishment located or developed in permitted zoning districts.
 - 1. The site shall have frontage on and direct vehicular access to an arterial road as defined by this ordinance.
 - 2. The dealer shall provide an indoor showroom for the new equipment or vehicles.
 - 3. Only vehicles in "showroom condition" may be displayed on the property forward of the building setback line but no less than five (5) feet from a lot line.
 - 4. All vehicles not in "showroom condition" (including but not limited to: those received in trade, awaiting repairs, for lease, etc.) shall be stored behind the building setback line and screened from view from the right-of-way and from adjoining lots by a landscape screen or fence of appropriate design, as approved by the Borough Planning Commission.
 - 5. Any vehicle or equipment that fits the definitions of "junked vehicle" or "abandoned vehicle" as defined in this Ordinance is prohibited from the premises.
 - 6. The outdoor storage provisions of this Ordinance shall be waived for such dealerships provided the above conditions are met and that the development complies with the percentage of impervious surface.
 - 7. The area used for display of merchandise offered for sale and the area used for the parking of customer and employee automobiles shall be continuously paved and maintained in either concrete over a base of crushed stone compacted to not less than six (6) inches in depth or other surfacing of an equivalent or superior character, approved by the Borough Engineer.
 - 8. Landscaping within or along the perimeter of surface parking and loading areas shall be encouraged to minimize the impact of heat and glare from paving.
 - 9. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.

- B. Communications Antennae. The following regulations are applicable to communication antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets and are permitted in all Zoning District.
 - 1. The Applicant must provide a certification from a professional engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.
 - 2. The Applicant must provide detailed construction drawings indicating how the communications antenna(s) will be mounted for review by the Borough Engineer.
 - 3. Unless mounted on an existing utility pole, the minimum building setback requirements for the antenna must be five (5) feet from a lot line.

4. The antenna cannot be more than twelve (12) feet higher than the structure on which it is to be mounted and must be designed to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.
 5. The Applicant must provide authorization from the legal owner of the lot to install the communications antenna and any structure accessory to the communications antenna.
 6. The Applicant must provide agreements, easements, or rights-of-way necessary to ensure access for the purpose of installation and maintenance.
 7. Any existing or newly constructed free-standing light pole/standard or utility transmission pole may be constructed, reconstructed or altered for the purpose of accommodating the location and/or installation of communications antenna, provided that the height of the light pole/ standard or utility transmission pole, once constructed, reconstructed or altered, does not exceed sixty-five (65) feet.
 8. No communications antennas may cause interference with other communications antennas.
 9. If any accessory communications equipment building/cabinets are proposed for the operation of the communications antenna, the following regulations apply:
 - a. The communications equipment building/cabinets and associated equipment may be located at or near the base of any existing or newly constructed light pole/standard. If the communications equipment building/cabinets are proposed for a communications antenna located on a non-residential building or structure other than an existing or newly constructed light pole/standard such communications equipment building/cabinets may be located on the structure or building on which the communications antenna is located.
 - b. Screening must be provided at an opacity and height to obscure eighty-five percent (85%) of the proposed antenna base.
 - c. For communications antennas mounted on utility transmission poles, the communications equipment building/cabinets must be located within the utility easement or right-of-way and are not to obstruct sidewalks, streets and/ or driveways nor interfere with traffic sight distances.
 - d. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is equal to or less than one hundred (100) square feet will be subject to the height and setback requirements of the Zoning District for an outbuilding. Any communications equipment building/cabinets where the area encompassing the communication equipment building/cabinets is greater than one hundred (100) square feet will be subject to the height and setback requirements of the Zoning District for a primary building or structure.
- C. Drive-Thru Facility.
1. In addition to the parking spaces required for the principal use, a minimum of five standing spaces, in tandem, with a total length of one hundred (100) feet, in direct line with each window or stall shall be provided for vehicles to wait in line. The standing spaces shall not interfere with the use of any required parking spaces and shall not inhibit the free flow of traffic on the site. The standing spaces shall be designed so that waiting vehicles shall not stand in any right-of-way or overflow onto adjacent lots, streets or berms.
 2. Entrances, exits and standing spaces shall be adequately indicated with pavement markings and/or directional signs.

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3. Parking areas and circulation patterns shall be adequately striped and marked to facilitate traffic circulation on the site.

D. Dumpsters and Dumpster Enclosures.

1. Dumpsters existing as of the effective date of this Ordinance and dumpsters constructed subsequent to the effective date of this Ordinance shall comply with the following:
 - a. No dumpster or dumpster enclosure shall be located within a required landscape bufferyard and may be located within a required yard only if a street or dedicated alley separates the lot from any adjacent residential lot. Required enclosures shall be defined by the Borough based upon review of proposed dumpster location and service area access in relationship to public right-of-way, building locations and vehicular/pedestrian circulation routes.
 - b. Dumpsters shall be maintained free of jagged or sharp edges or inside parts that could prevent the free discharge of their contents and closed lids.
 - c. All dumpster pads shall be at least two (2) feet larger than the dumpster on all sides. Wheel stops or bollards shall be permanently affixed to the pad at least one foot inside the perimeter of the pad to prevent the dumpster from striking the enclosure during collection. The base of the enclosure must be poured concrete. The base shall extend three (3) feet beyond the front opening of the enclosure as an apron, and all concrete must be level with adjacent asphalt.
2. Businesses shall be encouraged to share dumpsters.

E. Fences, Walls and Screening

1. Within residential Zoning Districts, fences and enclosure walls may be erected provided:
 - a. A fence along the rear lot line shall not exceed six (6) feet in height;
 - b. A fence located along the side lot line shall not exceed (6) feet in height;
 - c. No fence higher than four (4) feet shall be erected between the principal building and the street line. All fences constructed within the front yard must include a point of access between the lot and the street.
 - d. All fence posts, rails or piers shall be so installed so that they face the interior of the lot of the one installing same.
 - e. Barbed wire, electrical or other hazardous fencing materials are prohibited.
2. Within residential Zoning Districts, Market West, Market Central, Market East and the Trail/Rail/River District, fences for a non-residential use located adjacent to a residential use shall be at maximum of four (4) feet high in a front yard and six (6) feet in any other yard.
3. In the Maker District, neither fence or wall shall be erected to a height of more than ten feet (10') in any yard. No fence shall block motorist view of vehicles entering or exiting the property. This section does not apply to fences used for enclosure of livestock;
4. The exterior side of a fence and/or wall must be oriented to the exterior of the lot on which it is erected or towards a public right-of-way.

5. Fences with may be placed on a front lot line so long as they possess a minimum of fifty (50) percent transparency. For each ten (10) percent of transparency less than 50% (e.g. 40, 30, 20, 10, 0%), the fence shall be placed an additional increment of six (6) inches from the lot line.
6. Upon the conversion of a historic structure.

F. General Landscaping

1. One (1) landscaped island for every seven (7) parking spaces must be provided within all non-residential parking areas. All landscaped islands shall contain one (1) tree a minimum of two (2) inches dbh; one (1) tree per residential unit or one (1) tree per 1,000 square feet of development in the Trail/Rail/River Zoning District is required on a lot.
2. For any Plan prepared and submitted as part of an Application that involves non-residential redevelopment, infill, construction, excavation or building expansion, it is recommended to include, and illustrate at scale, the location of trees, shrubs and groundcovers for the following:
 - a. All Borough required bufferyards with proposed plantings.
 - b. All Borough required planting independent of any bufferyard requirements.
 - c. Any planting in excess of the requirements of this Ordinance.
 - d. Any existing trees or vegetation which are to be preserved.
 - e. Any existing trees or vegetation which will be removed.
 - f. The location and species of all existing trees six (6) inches in dbh. Applicants are encouraged to maximize the retention of all healthy existing trees six (6) inches or more.

G. Height Exceptions.

1. The height limitations of this Ordinance do not apply to the following structures: Place of worship steeples or spires; steeples; chimneys; elevator bulk heads and other mechanical equipment that is part of a primary structure; conveyors; flagpoles; silos; standpipes; elevated water tanks; derricks; and public utility structures.
2. All buildings or structures are subject to all applicable Federal Aviation Administration (FAA) height and lighting restrictions.

H. Historic Conversion.

1. The Applicant shall provide expert evidence that any alterations, improvements, extensions, additions, or other modifications proposed to the historic structure will be accomplished in a manner that does not jeopardize the historic status and/or architecturally historic features of the structure.
2. The Applicant shall provide evidence of an approved means of water supply and sewage disposal.
3. The Applicant shall obtain any necessary land development approvals.
4. All off-street parking and/or loading areas shall be screened from adjoining residences and roads.

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5. One (1) sign shall be permitted which is no larger than six (6) square feet and is located at least ten feet (10') from all lot lines or affixed to the building.
 6. In the event that a Historic Conversion pertains to a restaurant, it shall not involve drive-thru restaurant operations, and must abide by the following regulations:
 - a. All restaurant seating shall be provided within the completely-enclosed building, except that limited exterior seating may be provided if:
 - i. Such seating is situated and designed so as not to adversely impact nearby residences.
 - ii. Such seating is accessory to the principal interior seating accommodations.
 - iii. During use, such seating is continuously supervised by an employee or owner of the restaurant.
 - iv. Any lighting or music systems serving such seating is designed and operated so as not to constitute a nuisance to adjoining lots.
 - v. The Applicant shall furnish and implement a working plan for the continuous cleanup of litter and debris that may result from such outdoor seating.
 - vi. If seating is situated on a front patio of the restaurant, such seating is screened from public view and surrounding uses during seasons when not in use.
 - b. Landscaped and/or constructed screening may be required and identified by the Borough in order to minimize the impact of the use on any surrounding residential lots.
 7. In instances where a building straddles or is proposed to straddle multiple lots or an alley, the landowner and/or developer is responsible for verifying with the Borough that no public easements or rights-of-ways exist.
 - a. If there is a recorded right-of-way, the Borough of Marietta reserves the right to determine if abandonment of the right-of-way for construction is appropriate in context of the Borough's community development objectives and the intent of this Ordinance. If abandonment is not appropriate, an application could be subject to denial.
 - b. If there is a public easement, the Borough of Marietta reserves the right to determine if construction is or is not appropriate to occur on the easement in context of the Borough's community development objectives and the intent of this Ordinance. If construction on said easement is not appropriate, an application could be subject to denial.
- I. Mixed Use (Non-Residential At Street Level With Residential/Non-Residential Upstairs)
1. When a number of different uses are proposed within a structure, facility or complex and when it can be demonstrated that one or more of such uses require parking needs at times other than normal business or operating hours, the Applicant may present for review and consideration a written report prepared by a professional traffic engineer or consultant, stating that a maximum combination of all such uses will not require that the total accumulative parking needs must be provided on the site. After review of the plan, if determined that a reduced overall parking requirement can satisfy the off- street parking needs of the combined facilities, the Applicant shall be permitted to reduce the parking spaces provided in accordance with the stipulated number of spaces by the appropriate reviewing body.

J. Outdoor Entertainment

1. Outdoor Entertainment as an Accessory Use may allow vocal, oratory, or instrumental performers to artistically entertain on the establishment's lot during normal business hours, but may not perform past the hours of 10 P.M. or the regular closing of the establishment, whichever is first: brewery/distillery, tap room, bed and breakfast, place of worship/place of assembly, commercial recreation, food services (sit-down), and hotel/motel.
2. Entertainment does not include any performances that may have adult-related contexts associated with the subject, adult-oriented materials involved, or be inappropriate for minors to view.

K. Outdoor Storage.

1. The Borough aims to provide a safe and healthy environment to its residents and businesses.
2. The following items associated with outdoor storage are considered public health or safety menaces which may endanger the health or safety of the public and, as such, are subject to Borough inspection. Such items cannot be stored on a lot:
 - a. Unsanitary or improper storage or disposal of trash, garbage, refuse, debris, other solid waste or hazardous waste;
 - b. Unburied dead animals;
 - c. Accumulation of water causing mosquito or other vector breeding or proliferation;
 - d. Rodent or insect infestation;
 - e. Accumulation of bees, fowl or animals in such a manner to create a condition that may be injurious to the public health or safety;
 - f. Uncovered woodpiles and woodpiles exceeding one hundred twenty (120) cubic feet;
 - g. Fuel sources and fire hazards stored freely out-of-doors;
 - h. Furniture typically intended/constructed for indoor use stored out of doors;
 - i. Inoperable appliances, vehicles and equipment;
 - j. Mechanical equipment not intended for traditional landscaping purposes stored between the front facade of a main building and the front lot line; and
 - k. Motorized, mechanical and other powered vehicles and equipment stored between the front facade of a main building and the front lot line that is not in concealed storage (that which exceeds 85% or greater opacity) or between rear or side facades and rear or side yards that is not screened from adjacent lot(s).
 - l. Any other condition or objects that may be injurious or cause adverse effects to public health or safety.
3. Except for retail/wholesale landscape plant (living) species which require outside storage of materials for growth within the environment, the storage and display of materials outside a completely enclosed structure shall not be permitted.
4. Any material or equipment stored outside an enclosed building shall be incidental to the principal use of the lot and shall be stored to the rear of the building or a location otherwise approved by

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the Borough which screens the display/storage area from public view from the street or from any adjacent residential use.

5. All organic rubbish and discarded materials shall be contained in tight, vermin-proof containers which shall be screened from public view by an opaque fence or hedge which is at least six(6) feet in height and achieves eighty-five percent (85%) opacity.

L. Parking & Driveways.

1. Unless otherwise permissible by this Ordinance, off-street parking shall be located upon the same lot as the use requiring such spaces in accordance with the provisions of this section prior to the occupancy of any building or use, so as to alleviate traffic congestion on streets. These facilities shall be provided whenever:
 - a. A building is constructed or a new use is established;
 - b. The use of an existing building is changed to a use requiring more parking facilities; and,
 - c. An existing building or use is altered or enlarged, so as to increase the amount of parking space required.
2. Parking for Single-Family Dwellings - The remaining regulations contained in this section do not apply to off-street parking facilities serving one (1) single-family dwelling.
3. Site Plan Approval:
 - a. Each application for a zoning permit (for a use for which parking spaces are required) shall include a drawing (site plan) showing the proposed layout of the lot. The drawing shall clearly indicate all of the design elements required below;
 - b. No zoning permit shall be issued for any use for which parking spaces are required, unless the site plan has been approved or necessary variances have been obtained.
4. Surfacing - All parking lots shall be constructed and maintained with a paved surface of concrete or bituminous materials, or another dust-free surface.
5. Separation from Streets and Sidewalks - Parking spaces shall be guarded by curbs or other protective devices, which are arranged so that parked motor vehicles cannot project into the streets, yards, or walkways.
6. Drainage - Parking lots shall be graded to a minimum slope of one percent (1%) to provide for drainage. Adequately-sized inlets and storm sewers shall be provided to discharge storm water, in accordance with a plan under the Subdivision and Land Development Ordinance.
7. Parking Space Sizes - The following lists required minimum space sizes, in feet:

Standard motor vehicle spaces:

Parallel	22 by 8
Nonparallel	20 by 9

Spaces for physically handicapped:

Parallel	22 by 12
Nonparallel	20 by 12

- 8. Design Standards For Handicapped Parking Spaces - Parking lots shall comply with the latest version of the Americans With Disabilities Act.
- 9. Driveways
 - a. Driveway access is regulated by the Street Typologies prescribed in this Ordinance.
 - b. All private garages and all off-street parking enclosed within a primary building must be connected directly to a public street or public alley by a private driveway no wider than twelve (12) feet. Where there are multiple off-street parking spaces in a private garage or enclosed within the principal building, the driveway may be widened to access said parking spaces.
 - c. The entire flare of any return radius on a driveway must fall within the right-of way.
- 10. Interior Driveway Widths:
 - a. Interior driveways between rows of parking spaces shall have the minimum widths indicated in the following table:

Angle of Parking	Width of Interior Driveway/ One-Way Traffic	Width of Interior Driveway/ Two-Way Traffic
90 Degrees	22 feet	22 feet
60 Degrees	18 feet	22 feet
45 Degrees	13 feet	22 feet
30 Degrees	12 feet	22 feet
Parallel	12 feet	22 feet

- b. Interior driveways in areas where there is no parking permitted shall be at least twelve feet (12') wide for each lane of traffic.
- 11. Marking of Parking Spaces and Interior Drives - All parking lots shall be adequately marked and maintained for the purpose of defining parking stalls and interior drives. As a minimum, the lines of all parking stalls and interior drives (including directional arrows, etc.) shall be solid white and four inches (4") in width. White paint for these lines shall conform to Federal Specification TT-P-115C, Type 1, for white non-reflective traffic line paint, or equivalent.
- 12. In the event parking lots are not marked as required by this section, the Borough may notify the landowner and/or in writing at least thirty (30) days in advance, at its option, perform or hire the said marking to be done and recover the cost thereof from the landowner and/or developer, or tenant, of said lot in a manner prescribed by law.
- 13. Not less than a four foot (4') radius of curvature shall be permitted for horizontal curves in parking areas.
- 14. All "dead end" parking lots shall be designed to provide sufficient back-up area for vehicles parked in all end spaces.

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- 15. Lighting - Adequate lighting shall be provided if the parking lot is to be used at night. The lighting shall be arranged so as not to reflect or glare on land used for residential purposes, or adjoining lots or streets.
- 16. Access Drive Requirements - Every parking lot shall be connected to a street by means of an access drive. This access drive shall be at least twelve feet (12') wide for each lane, exclusive of curb return and gutters.
- 17. Landscaping and Screening Requirements - The following landscaping and screening requirements shall apply to all parking lots:
 - a. Landscaped Strip: When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire streetline. If there is no building or other structure on the property, the parking lot shall still be separated from the street by the landscaped strip. This strip shall be measured from the street line. The strip may be located within any other landscaped strip required to be located along a street.

The following lists required width of landscape strips:

Number of Spaces In Parking Lot Including Joint Facilities	Landscape Strip Width in Feet Measured from Street R.O.W. Line
Less than 100	5
100 to 250	15
Over 250	25

- b. Unless otherwise indicated, all parking lots constructed in side or rear yards shall be set back according to the standards listed in the respective Zoning Districts. Such setbacks shall be used for landscape strips. Charging stations/portals for electric cars may be located within said landscape strips.
- c. Interior Landscaping: In any parking lot containing twenty (20) or more parking spaces (except a parking garage), five percent (5%) of the total area of the lot shall be devoted to interior landscaping. Such interior landscaping may be used, for example, at the end of parking space rows to break up rows of parking spaces at least every ten (10) parking spaces, and to help visually define travel lanes through or next to the parking lot. Landscaped areas situated outside of the parking lot, such as peripheral areas and areas surrounding buildings, shall not constitute interior landscaping. For the purpose of computing the total area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including all parking spaces and access drives, aisles, islands, and curbed areas. Ground cover alone is not sufficient to meet this requirement. Trees, shrubs, or other approved material shall be provided. At least one (1) shade tree shall be provided for each three hundred (300) square feet (or fraction) of required interior landscaping area. These trees shall have a clear trunk at least five feet (5') above finished-grade level. Parked vehicles may not overhang interior landscaped areas more than two and one-half feet (2½'). Where necessary, wheel stops or curbing shall be provided to insure no greater overhang; and, If a parking lot of under twenty (20) spaces is built without interior landscaping, and later additional spaces are added so that the total is twenty (20) or more, the interior landscaping shall be provided for the entire parking lot;
- d. Screening – Any parking lot shall be screened from the adjoining residential property.

- e. Speed Bumps:
 - i. Speed bumps, constructed as part of access drives or parking lots, shall be marked with permanent, yellow diagonal stripes;
 - ii. The speed bumps shall be in the form of mounds or depressions in the pavement and shall be designed to restrain motor vehicle speed;
 - iii. There shall be a warning sign posted at each entrance to a parking area having bumps; and,
 - iv. In no case shall the overall height (or depth) of speed bumps exceed two inches (2").
- 18. Joint Parking Lots - In shopping centers over two (2) acres in size, joint parking lots may be permitted. These joint facilities can reduce the total number of parking spaces required by a maximum of twenty percent (20%). Therefore, the resulting joint parking lot will be required to provide at least eighty percent (80%) of the total number of spaces required by the sum of all of the shopping center's tenants. Such reduced parking spaces must be appropriately distributed upon the lot to provide convenient walking distance between vehicles and each of the shopping center's stores.
- 19. Prohibited and Temporary Uses of Parking Lot - Motor vehicle parking lots are for the sole purposes of accommodating the motor vehicles of persons associated with the use which requires them. Parking lots shall not be used for the following and/or loading purposes:
 - a. The sale, display, or storage of motor vehicles or other merchandise,
 - b. Parking vehicles accessory to the use;
 - c. Performing services (including services to vehicles); and,
 - d. Required off-street parking space shall not be used for loading and unloading purposes except during hours when business operations are suspended;
- 20. To encourage vehicular circulation and avoid congestion on public streets, there shall be provided, at the time of the erection or increase by units or dimensions of any building or structure or at the time of creation or change of any use not involving a building or structure, minimum off-street motor vehicle parking spaces, plus adequate space for ingress, egress, and general vehicular circulation. Minimum off-street parking and other such provisions shall be provided in all Zoning Districts for the following listed uses:
 - a. For single- and duplex dwellings, two parking spaces for each family dwelling unit. As to one- and two-family dwellings, no vehicle parking shall be allowed in front yard areas or side yard areas except in an improved driveway.
 - b. For other multi-family dwellings, one parking space for each family dwelling unit, plus one additional parking space for every two dwelling units.
 - c. For community centers, outdoor commercial recreation enterprises and other indoor recreation-oriented facilities, one parking space for every four customers computed on a basis of maximum servicing capacity at any one time, plus one additional space for every two persons regularly employed during the peak shift on the premises.
 - d. For funeral homes, parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for every two persons regularly employed on the premises during peak shift and one space for every 100 square feet of floor area used in the conduct of the business.

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- e. For industrial activities and facilities, parking or storage space for all vehicles used directly in the conduct of such industrial use, plus one parking space for every three employees on the premises at maximum employment on the peak shift.
 - f. For schools, one parking space for every six seats available at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium or gymnasium, one parking space shall be provided for each person regularly employed at such school, plus two additional spaces for each classroom.
 - g. For offices, professional or public buildings, one parking space for every 500 square feet of office space.
 - h. For restaurants, breweries, and other eating and/or drinking establishments, one parking space for every six (6) seats plus one parking space for every two (2) employees on the peak shift. The applicant shall demonstrate how total occupancy can be accommodated as part of proposed parking.
 - i. For automobile service and repair stations, parking or storage space for all vehicles used directly in the conduct of the business, plus one parking space for each gas pump, three spaces for each grease rack or similar facility and one space for every two employees on the peak shift.
 - j. For theaters, places of assembly and places of worship, one parking space for every four seats available at maximum capacity.
 - k. For motels, hotels, group care facilities (youth/adult), care facilities (senior/care living) and the like, one parking space for each sleeping room offered for occupancy, plus two spaces for each dwelling unit on the premises, plus one additional space for every two persons regularly employed on the premises during the peak shift.
 - l. For any and all uses, buildings or structures not specifically provided for in the foregoing enumeration, one parking space for every 500 square feet of floor area.
- M. Temporary Construction Trailers or Sheds. Temporary construction trailers or sheds are permitted in all Zoning Districts subject to the following:
1. Temporary construction trailers or sheds are permitted only during the period that the construction work is in progress. A permit for the temporary structure must be obtained from the Zoning Officer prior to the commencement of construction and must be renewed every six (6) months.
 2. Temporary construction trailers or sheds must be located on the lot on which the construction is progressing and cannot be located within ten (10) feet of any lot line adjoining an existing residential use.
 3. Temporary construction trailers or sheds must be used only as temporary field offices and for storage of incidental equipment and supplies and cannot be used for any dwelling use.
 4. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center is five hundred (500) square feet. A permit for the temporary trailer must be obtained from the Zoning Officer.
 5. No combustible materials can be stored in temporary construction trailers or sheds.

N. Utilities.

1. All utilities for lots that have improvements or are redeveloped must be located underground unless otherwise approved by the Borough Council.
2. Utility connections such as gas meters, electric meters, phone, and cable must be located so as to minimize their visibility from the street.
3. HVAC condenser units must be located so as to minimize their visibility from the street.

O. Keeping of Animals.

1. Pets - Up to four (4) cats or dogs as pets may be kept on any lot in any zoning district within the Borough. Greater numbers of pets may be kept only on lots greater than one-half (0.5) an acre in area. The total number of additional cats and dogs as pets permitted on any lot that exceeds one-half (0.5) acre in lot area shall be computed according to the number of acres (listed below) required per animal. For example, three (3) dogs may be kept on a lot of up to one-half (0.5) acre. One-third (0.3) of one (1) additional acre is required for each additional cat and one-half (0.5) of one (1) additional acre is required for each additional dog.

Additional Required Lot Area for Additional Pets	
Dog	0.5 Acres
Cat	0.3 Acres

Pets not specifically listed above shall be judged based on animals of similar size, diet, temperament, and behavior. Small caged pets (including, but not limited to: fish, parakeets, canaries, frogs, hamsters, small reptiles, etc.) are not subject to these acreage requirements, and shall be permitted, provided that they are not kept for commercial purposes and provided that they do not create a nuisance of any kind, including objectionable odors, noise or straying onto other property.

2. Chickens and Rabbits - Up to four (4) chickens or rabbits at any one time can be raised or kept on lots measuring one-half (0.5) acres or greater in size, provided that the shelters, pens and cages for such chickens or rabbits shall be setback at least thirty (30) feet from all property and street right-of-way lines. The keeping of roosters shall be prohibited.
3. Livestock - Livestock may be kept only on lots greater than three (3) acres in size. Only one (1) such animal may be kept on a lot which is at least three (3) acres in size. The total number of additional animals permitted on any lot exceeding three (3) acres in lot area shall be computed according to the number of acres (listed below) required per animal. For example, one (1) horse may be kept on a lot of three (3) acres. Two (2) more acres are required for each additional horse. One (1) sheep may be kept on a lot of three (3) acres. One-half acre (0.5) is required for each additional sheep.

Additional Required Lot Area for Additional Livestock Animals	
Livestock Required Additional Lot Area	
Equine	2.0 Acres
Bovine	2.0 Acres
Swine	1.5 Acres
Sheep	0.5 Acres
Goat	0.5 Acres
Poultry and Fowl Other Than Chickens*	0.1 Acres
<i>Note: * Poultry or fowl such as but not limited to ducks, geese, turkeys, ostriches, emus, guinea fowl, pea fowl, and the like.</i>	

Article V: Performance Standards and Supplementary Regulations

Animals not specifically listed above shall be judged as animals of similar size, diet, temperament, and behavior.

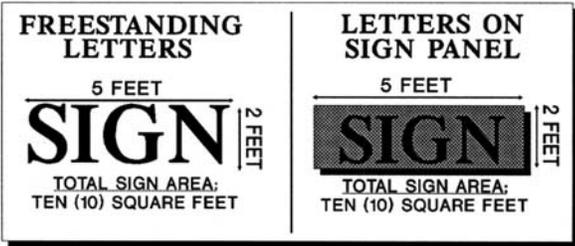
4. Wild, Dangerous, or Poisonous Animals - Wild, dangerous, or poisonous animals (including but not limited to: deer, skunks, raccoons, wolves, "wolf-dog hybrids", constricting or venomous snakes, alligators, crocodiles, bobcats, or lynxes) may not be kept within the Municipality for any purpose unless adequately confined in a facility operated by a licensed veterinarian for purposes of treatment.
 5. No animals shall be maintained or allowed to stray so as to create any health or safety hazards or obnoxious or foul odor or objectionable noise or behavior. Likewise, all manure shall be managed so as to prevent any odor from affecting other properties and from contaminating any stream or otherwise having an adverse impact on the neighborhood. All animals shall be properly immunized.
 6. Shelter and Fenced Area Requirements.
 - a. Every owner engaged in the keeping of animals shall provide facilities maintained with best management practices so as to be clean, maintained and avoid attracting vermin.
 - b. In addition to the criteria within the above subsections, sheltered area of a size sufficient for good sanitation practices and adequate and sanitary drainage according to the following minimum requirements:
 - i. All shelters shall have a roof and at least three (3) enclosed sides.
 - ii. Structures for the housing of livestock must be located not less than one hundred (100) feet from the lot line of the property. No such structures may be erected or maintained in a front yard or a side yard abutting a street.
 - iii. A shelter of one hundred and fifty (150) square feet shall be provided for each horse or cow.
 - iv. A shelter of one hundred (100) square feet shall be provided for each pony, mule, donkey, sheep, or goat.
 - v. A shelter for poultry or rabbits shall provide a minimum of ten (10) square feet per animal.
 - b. All pasture, grazing, and exercise areas shall be fenced with materials of sufficient height, strength, and density to adequately confine the animal in question. All such fencing must be in compliance with all other zoning regulations.
- P. Impervious Surface Requirements. (see Appendix)

Article VI: Signage

§601: General Regulations for All Signs

- A. Signs must be constructed of durable material and maintained in good condition.
- B. No sign shall be maintained within the Borough in such a state of disrepair so as to have the appearance of complete neglect, which is rotting or falling down, which is illegible, or has loose parts separated from original fastenings.
- C. Whenever a sign becomes structurally unsafe, or endangers the safety of the building or premise, or endangers the public safety, the Zoning Officer shall give written notice to the landowner and/or developer on which the sign is located that such sign be made safe or removed within five (5) days.
- D. Advertising painted upon or displayed upon a barn or other building or structure shall be regarded as a flat wall sign and the regulations pertaining thereto shall apply.
- E. Each sign shall be removed when the circumstances leading to its erection no longer apply.
- F. Signs may be interior lighted with non-glaring lights, or may be illuminated by floodlights or spotlights that are shielded, so there shall be no direct light transmitted to other lots of public rights-of-way.
- G. No sign shall be of the intermittent flashing or rotating type.
- H. No sign located within three hundred feet (300') of any traffic light shall be illuminated with red, green, or yellow lights or neon tubing.
- I. All electrically illuminated signs shall be constructed to the standards of the National Board of Fire Underwriters.
- J. Signs must be positioned so that they shall not interfere with any clear sight triangle.
- K. Determination of Size – The area of a sign shall be construed to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed, including any border framing or decorative attachments, but not including any supporting framework or bracing incidental to the display itself. Where the sign consists of individual letters or symbols attached to a building, wall or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all the letters and symbols.

Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign; provided, however, for a double face sign if the interior angle formed by the two (2) faces of the double-face sign is less than forty-five (45°) degrees and the two (2) faces are at no point more than three (3) feet from one another, the area of only the large face shall be included.



Article VI: Signage

- L. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner nor any other graphic illustration pertaining to specified sexual activities and/or specified anatomical areas.
- M. No sign shall be erected or located so as to prevent free ingress or egress from any window, door, or fire escape.
- N. No sign shall be placed in such a position that it will obscure light or air from a building, or which would create a traffic danger.
- O. No sign located within a floodplain as identified by Borough Ordinance shall exceed six (6) square feet of area per side.
- P. In the event that a symbol, trademark, or other such figure is used as a sign post or standard which could be construed to indicate or identify a particular use of business, that symbol, trademark, or figured is to be computed as part of the total allowable sign area.

§602: Permits

- A. All signs requiring permits as per the tables of Section 603, shall require the obtainment of a permit prior to the erection or installation of the sign.
 - 1. Application for permit shall be made in writing to the Zoning Officer and shall contain all information necessary for such Officer to determine whether the proposed sign, or the proposed alterations, conform to all the requirements of this Ordinance.
 - 2. All applications for sign permits shall be accompanied by scaled plans or diagrams showing the following:
 - a. Exact dimensions of the lot, including any right-of-way lines or building upon which the sign is proposed to be erected.
 - b. Exact size, dimensions and location of the said sign on the lot or building, together with its type, construction, materials to be used, and the manner of installation.
 - c. Any other lawful information which may be required of the Applicant by the Zoning Officer.
 - 3. No sign permit shall be issued, except in conformity with the regulations of this Ordinance, except upon order of the Zoning Hearing Board, granted pursuant to the procedures established for the issuance of a variance;
 - 4. Permits shall be granted or refused within fifteen (15) days from date of application, or within fifteen (15) days from the date of the Zoning Hearing Board's decision (where applicable).

§603: Specific Sign Requirements

The tables on the following pages tabulate requirements imposed upon permanent and temporary signs, as permitted within the Borough:

Table 8: Sign Requirements

PERMANENT SIGN REQUIREMENTS									
Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height & Minimum Required Setback from Near Property Line for Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Signs owned and associated with uses operated by the Borough. Official traffic signs.	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	All		No
Signs identifying public and semi-public uses (e.g., schools, churches, utilities, hospitals, libraries, parks, fire stations, post offices, and other similar uses).	2 per road frontage	20 sq. ft. per sign	10 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 ft., but no closer than 10 ft. from any lot line.	All		Yes
Residential nameplates identifying name of home, its occupant, or both, not including name listing on mailbox.	1 per dwelling unit	2 sq. ft.	5 ft.	10 ft.	Not Permitted	Not Permitted	All		No
Property control signs (e.g., "No Trespassing," "Private Property," "No Hunting or Fishing," "Posted," "Private Drive," or similar type signs).	1 per 25 lineal ft. of property line	2 sq. ft. per sign	5 ft.	Not Permitted	Not Permitted	Not Permitted	All	Spacing at no less than 25 ft. intervals.	No
Residential development/neighborhood signs. Such signs shall only list the name of the neighborhood/development and shall not list any names of contractors, realtors, or both.	1 per street entrance, but no more than 2 total	1 sq. ft. per dwelling, not to exceed 20 sq. ft. per sign.	15 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	10 ft., but no closer than 10 ft. from any lot line.	All	The applicant shall submit a written description of the maintenance responsibilities in a form satisfactory to the Borough Solicitor.	Yes
Individual business signs identifying the name and type of business, any trademark of the business conducted on the premises, or any combination thereof. This does not include businesses contained within planned centers, as defined herein.	1 per principal use	20 sq. ft.	15 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	20 ft., but not closer than 10 ft. from any lot line.	All	No flat wall sign, nor wall projecting sign shall be larger than 15% of the wall area to which the sign is attached.	Yes
On-site directional, entrance, exit, rest room, and other informational signs.	4 per building	2 sq. ft. per sign	5 ft.	10 ft.	Height of wall to which sign is attached.	2 ft.	All		No
Billboards	See Section 302 of this Ordinance								Yes

Article VI: Signage

Table 8 Sign Requirements – Continued

Sign Type	Maximum Permitted Number	Maximum Permitted Sign Area	Maximum Height & Minimum Required Setback from Near Property Line for Freestanding Signs	Maximum Height of Flat Wall Signs	Maximum Height of Wall Projecting Signs	Maximum Projection from Wall for Wall Projecting Signs	Permitted Zones	Other Requirements	Permit Required
Temporary signs of contractors, architects, mechanics, landscapers, and artisans, displayed only while actual on-site work is in progress.	1 per firm whose work is in progress	6 sq. ft.	5 ft.	Not Permitted	Height of wall to which sign is attached.	5 ft., but no closer than 5 ft. from any lot line	All	Should a sign be left on-site beyond allowable time period, the Borough may impound it and recover a fee from owner equal to cost of impoundment and storage.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing less than 3 acres.	1 per street frontage, maximum of 2 signs	6 sq. ft. per sign	5 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 ft., but no closer than 5 ft. from any lot line	All	All such signs shall be removed within 5 days of final sales transaction or upon rental occupancy, or be subject to Borough impoundment and a recovery fee.	No
Real estate sale, sold, or rent signs when placed upon the property (unit) to be rented or sold, containing more than 3 acres.	1 per street frontage, maximum of 2 signs	32 sq. ft. per sign	10 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 ft., but no closer than 5 ft. from any lot line	All	Same as above.	Yes
Proposed development signs for residential, office, or both, complexes.	1 per street frontage, maximum of 2 signs	1 sq. ft. per unit of occupancy, not to exceed 32 sq. ft.	10 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 ft., but no closer than 5 ft. from any lot line	All, but only after final plan approval	Such signs shall be removed upon completion of construction of final unit.	Yes
Proposed development signs for commercial uses, industrial uses, other non-residential uses, or any combination thereof.	1 per street frontage, maximum of 2 signs	20 sq. ft., plus 1 sq. ft. per 1,000 sq. ft. of gross leasable floor area, not to exceed 32 sq. ft.	10 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 ft., but no closer than 5 ft. from any lot line	LC, I, but only after final plan approval.	All such signs shall be removed upon completion of building construction.	Yes
Special event signs for businesses (e.g., grand openings, change of use or ownership, closeout sale, clearance sale, holiday sale, etc.).	1 per business per event	20 sq. ft.	10 ft.	Height of wall to which sign is attached.	Height of wall to which sign is attached.	5 ft., but no closer than 5 ft. from any lot line	LC, I	Such signs may only be used during two consecutive periods per calendar year, not exceeding 30 days total.	Yes
Garage/yard sale signs upon properties conducting such sales.	1	4 sq. ft. per sign	5 ft.	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All		No
Political signs.	Unlimited	12 sq. ft.	5 ft.	Height of wall to which sign is attached.	Not Permitted	Not Permitted	All	Such signs may only be displayed between 30 days prior to and 5 days after an election.	No

¹In no case shall the size of a flat wall sign exceed fifteen percent (15%) of the wall area on which the sign is placed.

Article VII: Non-Conformities

§701. Non-conformities

The provisions of this Section apply to buildings, structures, signs, lands and uses which would not be permitted as the result of the application of this Ordinance to their location or use in the Borough of Marietta, or as a result of the reclassification of the lot containing them, or of the adoption of other amendments to this Ordinance after the initial passage. This Article is concerned with lots of inadequate area and/or frontage, uses of land and/or structures for activities not permitted in the Zoning District and structures placed on a lot too close to lot boundary lines for compliance with standards of the Zoning District in which they are located.

A. Non-conforming Lots of Record.

1. Existing Lots of Record. Any lot of record existing at the effective date of this Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of a structure conforming to the use regulations of the Zoning District in which it is located, even though its dimensions are less than the minimum requirements of this ordinance. Where two or more adjacent lots of record each with less than the required area and width are held by one landowner and/or developer on or before the date of enactment of this Ordinance, the Borough shall require replatting to fewer lots so that the new lot complies with the minimum requirements of this Ordinance.
2. No provision of this Ordinance relating to side and rear yard requirements will prevent the reasonable use of a non-conforming lot of record. The Zoning Hearing Board may grant a reduction in the requirement for side yards and rear yards for lots of record which lack required lot width or depth.

B. Non-conforming Uses of Land and Structures.

1. Where at the effective date of adoption or amendment of this Ordinance, lawful use of land, or land and the structure or structures on it, exists and is made no longer permissible under the requirements of this Ordinance, as adopted or amended, such use may be continued indefinitely, so long as it remains otherwise lawful, provided the following conditions are applied.
 - a. No non-conforming use of land can be extended by acquisition of additional land to occupy a greater land area than was occupied at the effective date of adoption or amendment of this Ordinance.
 - b. No structure containing a non-conforming use but capable of being enlarged without violating setback or height requirements in the Zoning District where it is located may be increased in volume more than twenty-five percent (25%) over the volume of such structure at the time of adoption of this Ordinance or subsequent amendments that made the use non-conforming. A non-conforming use which occupies part of a structure may be extended throughout the structure it occupied at the time of adoption of this Ordinance or subsequent amendment that made the use non-conforming, but the expansion under such circumstances may not be extended to occupy land outside the original structure.
2. If any such non-conforming use of land or use of land and structures in combination ceases or is abandoned for any reason, including destruction of buildings, for a period of at least eighteen (18) months, any subsequent use of such land, or land and structures in combination, must conform to the regulations for the Zoning District where such land is located, except that where a hardship to the operator of the non-conforming use clearly exists as a result of financial, health or other calamity, the Zoning Hearing Board may grant an extension of the eighteen (18) month limit consistent with the hardship, but not more than one (1) additional year.

3. The non-conforming use of a structure or a lot shall be changed only to a conforming use unless:
 - a. The Applicant demonstrates a hardship in converting the use to a conforming use; or
 - b. The new use will be in keeping with the character of the neighborhood in which it is located and will have an equal or lesser impact on the neighborhood than the existing non-conforming use. However, this requirement does not preclude an owner from selling a non-conforming use to a succeeding owner to operate as it was operated prior to the sale.
 - c. A new non-conforming use replaces the existing non-conforming use based upon the Zoning Hearing Board granting a Use by Special Exception in accordance with the following criteria and limitations:
 - i. The proposed use shall be permitted in the district in which the non-conforming use would be a permitted use or in a more restrictive zoning district than a district in which the non-conforming use would be permitted.
 - ii. The proposed use shall not generate more traffic than the existing non-conforming use.
 - iii. The proposed use, if non-residential in nature shall not have longer hours of operation than the existing non-conforming use.
 - iv. The proposed use shall not generate higher levels of noise, smoke or glare off the lot than the existing non-conforming use.
 - v. The proposed use shall be not more detrimental to the neighboring lots and uses than the existing uses.
 - vi. No new principal conforming uses may be established within a building in addition to the proposed non-conforming use. If a new principal conforming use is established within a building, the non-conforming use must be eliminated.
 4. The non-conforming use of a structure and/or land, or combination of structure and land may be superseded by a use permitted in the Zoning District where the lot is located and the use of the premises must conform to the regulations of the Zoning District.
 5. Where a non-conforming use of structure and premises exists in combination, removal of the structure and/or use in the structure terminates the non-conforming use of the premises.
 6. The maintaining or strengthening to a safe condition of any non-conforming structure may not be interpreted as being denied by any portion of this Article.
- C. Non-Conforming Structures.
1. A structure that exists on a lot at the effective date of this Ordinance or any amendment to it and does not conform to the requirements regarding height or minimum setbacks from adjacent streets or lot lines, such structure may remain indefinitely subject to the following provisions.
 - a. Any replacement of a non-conforming structure must be made in compliance with the regulations governing development for the Zoning District in which the lot is located, except that if a hardship is alleged by the owner, the owner may request a variance of the Zoning Hearing Board which may approve replacement on the same foundation that supported the structure to be replaced, but in no case a location that was less conforming than the original location.

- b. If a non-conforming structure is moved, it must conform to requirements of this Ordinance regarding location on the lot.
- D. Record of Non-Conforming Uses.
 1. The Zoning Officer must keep the data current by the addition of non-conforming uses as amendments to this Ordinance are adopted and by the deletion of non-conforming uses as they are eliminated.
 2. The record may be kept by map or written documentation.

Article VII: Non-Conformities

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Article VIII: Rezoning

§801. Purpose of Rezoning.

Rezoning can be initiated to protect the safety, capacity and efficiency of the Borough of Marietta's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Borough of Marietta Comprehensive Plan. See also the Pennsylvania Municipalities Planning Code §609.

§802. Rezoning Application Forms.

Rezoning applications are completed on the official forms provided by the Zoning Officer. All Applicants submitting rezoning applications are required to prepare a series of plans, analyses and reports as enumerated in §804 to demonstrate the compatibility of a rezoning proposal.

§803. Review of Rezoning Applications.

- A. The Zoning Officer:
 - 1. Will perform a review of the application and packet for completeness. An incomplete or insufficient application and packet will be returned to the Applicant. A completed application and packet will be forwarded to the Borough Planning Commission for review.
 - 2. Will provide the Applicant a letter within seven (7) business days stating that the application has been submitted with all required information attached.
- B. As part of the rezoning approval process, the Borough Planning Commission and Borough Council can consider the motivation and implications of each plan, analysis and report.
- C. The Borough Planning Commission:
 - 1. Will consider any projected beneficial and/or detrimental effects on the Borough of Marietta and may hold a public hearing on the application, if they deem it applicable.
 - 2. Will submit a written recommendation either in favor or not in favor of the rezoning proposal including a specific statement as to whether or not the proposed rezoning is in accordance with the objectives of the Borough of Marietta Comprehensive Plan.
 - 3. Will forward Borough Council a recommendation for the nature of action regarding rezoning.
- D. The Borough Council will hold a public hearing on the application and compose a brief summary explanation of its decision and forward the decision and explanation to the Applicant. Upon rezoning approval, the Zoning Officer will update the Zoning Map accordingly.
- E. The Lancaster County Planning Commission should also review such requests and provide comments as necessary.

§804. Application Criteria.

- A. Application Requirements. The plans and reports that a landowner and/or developer are to submit shall include:
 - 1. Sketch Plan.
 - 2. Estimated infrastructure (sanitary sewer and potable water) demands (gallons per day).
 - 3. Off-street parking projections (number of parking spaces) available on site.

Article VIII: Rezoning

4. A summary of anticipated impacts on adjoining lots including but not limited to noise, vibration, night-time lighting, service area locations and visibility, hours of operation.
5. Depending upon the location of lot access, infrastructure service/demands and impacts identified in §804.A.4. on adjoining lots, the Borough Council may require a landowner and/or developer to prepare other potential related studies. The Borough Planning Commission and the Borough Council reserve the right to request additional information as part of the rezoning review and approval process in order to evaluate the applicability of the rezoning.

Article IX: Permits

§901: Building Permits

- A. Building permit information regarding application, review and issuance is available from the Borough.

§902: Occupancy Permits

- A. Occupancy permit information regarding application, review and issuance is available from the Borough.

§903: Temporary Use Permit

- A. The purpose of a Temporary Use Permit is to ensure compatibility of the temporary use with surrounding lots.
- B. A Temporary Use is only procurable through an application process.
- C. A Temporary Use Permit application is available from the Borough Zoning Officer. Temporary Uses shall be issued by the Borough Zoning Officer.
- D. A Temporary Use is only permitted for up to 6 months.
- E. The permit may be renewed upon recommendation from the Planning Commission and approval from the Borough Zoning Officer.
- F. The Borough Zoning Officer reserves the right to request a site plan diagram to illustrate the location and scale of the Temporary Use in relation to the overall lot and the principal use of said lot.
- G. Areas to be reviewed as part of the permit process may include, but not be limited to, traffic circulation, parking, signs, and any other special operating characteristics.

§904: Zoning Certificate

- A. A Zoning Certificate is required prior to the establishment, change or alteration of any use, or the construction, enlargement, expansion or alteration of any structure.
- B. A Zoning Certificate application is available from the Zoning Officer.

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Article X: Amendments

§1001: Enactment of Zoning Ordinance Amendments

The Borough Council may amend, supplement, or repeal any of the regulations and provisions of this Ordinance as set forth in the Pennsylvania Municipal Planning Code.

- A. The Borough Council will conduct hearings and make decisions in accordance with the Pennsylvania Municipal Planning Code. Before voting on the enactment of an amendment, the Borough Council will hold a public hearing, pursuant to public notice.
- B. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council will submit each amendment to the Borough Planning Commission to provide the Borough Planning Commission an opportunity to submit recommendations.
- C. Prior to the public hearing on the amendment by the Borough Council, the amendment shall be forwarded to Lancaster County for recommendations.

§1002: Procedure for Landowner Curative Amendments

- A. A landowner and/or developer who desires to challenge on substantive grounds the validity of this Ordinance or the Zoning Map or any provision thereof, which prohibits or restricts the use or development of land in which the landowner and/or developer has an interest may submit a curative amendment to the Borough Council with a written request that his challenge and proposed amendment be heard and decided as provided in §916.1 of the PA MPC, 53 P. S. §10916.1. See also §609, §610 and §916.1 of the PA MPC, 53 P. S. §10609, 10610, and 10916.1.
- B. The Borough Council will conduct hearings and make decisions in accordance with the PAMPC.
- C. The Borough Council, if it determines that a validity challenge has merit, may adopt landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Borough Council will consider material submitted by the landowner and also consider:
 1. The impact of the proposal upon roads, sewer facilities, water supplies, school and other public service facilities;
 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of this Ordinance or Zoning Map;
 3. The suitability of the lot for the intensity of use proposed by the lot's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
 4. The impact of the proposed use on the lot's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts.

§1003: Procedure for Borough Curative Amendments

- A. If the Borough of Marietta determines that this Ordinance, or any portion hereof, is substantially invalid, it can take the following actions:

Article X: Amendments

1. The Borough of Marietta can declare by formal action, this Ordinance or portions hereof, substantially invalid and propose to prepare a curative amendment to overcome such invalidity. Within thirty (30) days such declaration and proposal the Borough Council will:
 - a. By resolution make specific findings setting forth the declared in validity of this Ordinance which may include:
 - i. References to specific uses which are either not permitted or not permitted in sufficient quantity;
 - ii. Reference to a class of use or uses which requires revision; or,
 - iii. Reference to this entire Ordinance which requires revisions.
 - b. Begin to prepare and consider a curative amendment to this Ordinance to correct the declared invalidity.
2. The Borough Council will conduct hearings and make decisions in accordance with the PAMPC.

§1004. Content of Public Notice

- A. Public notices of proposed zoning ordinances and amendments include either the full text thereof, or a brief summary setting forth the principal provisions in reasonable detail, and a reference to a place within the Borough of Marietta where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing. If the proposed amendment involves a Zoning Map change, notice of said public hearing shall comply with PA MPC §609(2)(i).

Article XI: Administration and Enforcement

§1101: Administration

- A. Borough Council. Under this Ordinance, the Borough Council has the duty to:
 - 1. Consider and adopt or reject proposed amendments or the repeal of this Ordinance as provided by law. Borough Council cannot hear and decide questions of enforcement that may arise.
 - 2. Appoint and remove members of Borough Planning Commission, Zoning Hearing Board and the Zoning Officer.
 - 3. Receive and consider Borough Planning Commission's ordinance-related recommendations.
 - 4. Ask for recommendations of the Borough Planning Commission on the adoption or amendment of this Ordinance and for these matters specified in §303(a) of the PA MPC, as amended.
 - 5. Advertise and host a public hearing before adopting a zoning ordinance or any of its amendments.
 - 6. Establish fees for the issuance of land development, building, occupancy and sign permits in accordance with PA MPC §617.3(e).
 - 7. May prescribe fees for processes outlined in PA MPC §617.3(e).
- B. Borough Planning Commission. Powers and duties of Borough Planning Commission are those outlined in §209.1 and Article III of the PA MPC, as amended.
- C. Zoning Hearing Board. Powers and duties of the Zoning Hearing Board are those outlined in Article IX of the PA MPC, as amended, in addition to the provisions of this Ordinance.
 - 1. Membership
 - a. There shall be a Zoning Hearing Zoning Hearing Board which shall consist of three (3) members who shall be appointed by resolution by the Borough Council.
 - b. The membership of the Zoning Hearing Board shall consist of residents of the Borough. Their terms of office shall be three (3) years and shall be so fixed that the term of office of one member shall expire each year.
 - c. The Zoning Hearing Board shall promptly notify the Borough Council of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term.
 - d. Members of the Zoning Hearing Board shall hold no other office in the Borough.
 - e. Any member of the Zoning Hearing Board may be removed for malfeasance, misfeasance, or non-feasance in office or for other just cause by a majority vote of the Borough Council taken after the member has received fifteen (15) days advance notice of the intent to take such a vote.
 - f. A hearing shall be held in connection with the vote if the member shall request it in writing.
 - g. The Borough Council may appoint by resolution at least one (1) but no more than three (3) residents of the municipality to serve as alternate members of the Zoning Hearing Board.
 - h. The term of office of an alternate member shall be three (3) years.

2. Variances

- a. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Ordinance inflict unnecessary hardship upon the Applicant. The Zoning Hearing Board may, by rule, prescribe the form of application to the Zoning Officer. The Zoning Hearing Board may grant a variance, provided that all of the following findings are made where relevant in a given case:
 - i. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or zone in which the property is located.
 - ii. That because of such physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a variance is therefore necessary to enable reasonable use of the property.
 - iii. That such unnecessary hardship has not been created.
 - iv. That the variance, if authorized, will not alter the essential character of the zone or neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, not be detrimental to the public welfare.
 - v. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulations in issue;
 - vi. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance.

D. Zoning Officer.

- 1. Duties generally involve:
 - a. The day-to-day administrative procedures of this Ordinance.
 - b. Receiving, reviewing, and issuance of building and zoning permits and certificates of occupancy, maintaining records of applications and permits, performing inspections to determine compliance with this Ordinance.
 - c. Notify persons violating this Ordinance.
 - d. Keeping this Ordinance and map up-to-date.
 - e. Accepting applications for and presenting facts at hearings before the Zoning Hearing Board.
- 2. Borough Council may amend the duties of the Zoning Officer as deemed necessary for the health, safety, and welfare of residents.

3. The Zoning Officer:
 - a. Must administer this Ordinance by its literal terms.
 - b. Does not have any discretionary power and can neither waive nor tighten any requirement of the Ordinance.
 - c. Is required to meet qualifications established by the Borough of Marietta and the Pennsylvania MPC and must be able to demonstrate a working knowledge of the municipal zoning.
 - d. May also serve as the Building Inspector.
- E. Building Inspector
 1. The Building Inspector enforces this Ordinance by issuing building permits and occupancy permits for only such structures and uses that comply with the provisions of this Ordinance. The Building Inspector conducts all inspections necessary to determine compliance with the Ordinance and maintains records thereof.
 2. The Building Inspector is responsible for:
 - a. Maintaining all of the records of this Ordinance including, but not limited to, all maps, amendments and variances, nonconforming uses appeals and applications.
 - b. Collecting fees that accompany applications for building and occupancy permits and variances.
 - c. Receiving, filling and forwarding to the Borough Council and the Borough Planning Commission for action all applications for amendments to this Ordinance.
 - d. Receiving, filing and forwarding to the Zoning Hearing Board all application for variances and appeals.
 3. The Building Inspector may also serve as the Zoning Officer.

§1102: Enforcement Remedies

- A. Enforcement Notice
 1. If it appears to the Borough of Marietta that a violation of this Ordinance has occurred, the Borough of Marietta will initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.
 2. The enforcement notice must be sent to the owner of the lot on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that lot, and to any other person requested in writing by the owner of record.
 3. An enforcement notice shall state at least the following:
 - a. The name of the landowner and any other person against who the Borough of Marietta intends to take action.
 - b. The location of the lot in violation.

Article XI: Administration and Enforcement

- c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within the timeframe as defined by the enforcement notice.
 - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.
- B. Remedies
1. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Ordinance must, upon being found liable in a civil enforcement proceeding commenced by the Borough of Marietta, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough of Marietta as a result thereof. No judgment may commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor appeals the judge in a timely manner, the Borough of Marietta may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues constitutes a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this Ordinance to have believed that there was no such violation, in which event there can be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues will constitute a separate violation. All judgments, costs, and reasonable attorney fees collected for the violation of this Ordinance must be paid to the Borough of Marietta. The appropriate officers, their agents of the Borough, are hereby authorized to seek equitable relief, including injunction, to enforce compliance with the Ordinance.
 2. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgments.
 3. Nothing contained in this Section can be construed or interpreted to grant to any person or entity other than the Borough of Marietta the right to commence any action for enforcement pursuant to this Section.

Article XII: Definitions

ABANDONED - A land use for which proof exists that the landowner 1) has not allowed for and/or paid taxes based on the property being assessed as the use for which it is being identified and 2) has not continuously negotiated for the sale or lease of the lot.

ABANDONED VEHICLE - A vehicle that does not bear a current license plate unless said vehicle is stored within a completely enclosed building or unless it is stored on a bona fide sales lot and is in satisfactory operating condition.

ABUTTING - Having a common border with or being separated from such common border by an alley or easement.

ACCESS - A means of approach or entry to or exit from a lot, a site or parcel.

ACCESSORY DWELLING – A structure on the same lot as the principal land use, detached or attached, and is subordinate and customarily incidental to the use of the principal land use.

ADJACENT - Within proximity to or sharing a common boundary.

ADULT ORIENTED ESTABLISHMENT: A business or entity that engages in one (1) or more of the following areas of sales, services or entertainment:

1. **Adult Bath House:** An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, during which specified anatomical areas are displayed or specified sexual activity occurs. This definition shall not apply to hydrotherapy treatment practiced by, or under the supervision of, a medical practitioner. A medical practitioner, for the purpose of this Ordinance, shall be a medical doctor, physician, chiropractor or similar professional licensed by the Commonwealth of Pennsylvania.
2. **Adult Body Painting, Tattoo and Body Piercing Parlor:** Any establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the human body when specified anatomical areas are exposed.
3. **Adult Videostore/Bookstore:** Any establishment which has a substantial or significant portion of its stock in trade:
 - a. Books, films, videos, magazines or other periodicals, or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas;
 - b. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.
4. **Adult Cabaret:** A theater, bar or other establishment which features live or media representations of performances by topless or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.
5. **Adult Massage Establishment:** Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, unless operated by a medical practitioner, chiropractor, professional physical therapist, or massage therapist who is both nationally certified in the therapeutic massage by the National Certification Board for Therapeutic Massage and Bodywork, and who is a professional member with active

Article XII: Definitions

status in good standing of the American Massage Therapy Association. This definition shall not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

6. Adult Motion Picture Theater: An enclosed or unenclosed building used for presenting any form of audio or visual material, and in which a substantial portion of the total presentation time, measured on an annual basis, is devoted to the showing of material which is distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
7. Adult Model Studio: Any place where, for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, except that this provision shall not apply to any "figure studio" or "school of art" or similar establishment which meets the requirements established in the Education Code of the Commonwealth of Pennsylvania for the issuance or conferring of, and is in fact authorized thereunder, to issue and confer a diploma.
8. Adult Motel: A motel or similar establishment offering public accommodations for any consideration, which provides patrons with accommodations for less than an overnight stay.
9. Adult Motion Picture Arcade: Any place to which the public is permitted or invited where in coin or slug-operated, or electronically or mechanically controlled, still or motion picture machines, projectors, or other image producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depiction or description of specified sexual activities or specified anatomical areas.
10. Adult Newsrack: Any machine or device which dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas.
11. Adult Outcall Service Activity: Any establishment or business which provides an outcall service which consists of individuals leaving the premises upon request or by appointment to visit other premises for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs.
12. Adult Sexual Encounter Center: Any business, agency, or person who, for any form of consideration or gratuity, provides a place where two (2) or more persons, not all members of the same family may congregate, assemble or associate for the purpose of engaging in specified sexual activity or exposing specified anatomical areas, excluding psychosexual workshops, operated by a medical practitioner, as defined in Section 112.C.1., licensed by the Commonwealth, to engage in sexual therapy.
13. Adult Theater: A theater, concert hall, auditorium or other similar establishment, either indoor or outdoor in nature, which regularly features live performances which are distinguished or characterized by an emphasis on specified sexual activities or by exposure of specified anatomical areas for observation by patrons.
14. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

AIRPORT HAZARD AREA - Any land mass which penetrates a transitional, horizontal, or conical surface of an airport, airport approach, or airport overlay as defined by regulations of the Federal Aviation Administration.

ALL OTHER NON-RESIDENTIAL USES - Any land use not specified in the Principal Land Use Table.

ALL OTHER RESIDENTIAL USES – Any residential land use not specified in the Principal Land Use Table.

ALLEY - A functional service way providing a secondary public means of access to abutting lots.

ALTERATION - Any change in a structure that increases or diminishes exterior dimensions or modifies openings in the exterior walls.

AMENDMENT - A refinement to this Ordinance which includes revisions to the zoning text and/or the Zoning District Map by resolution of the Borough Council.

AMUSEMENT ARCADE - An establishment or business which provides, as a principal use, amusement devices and/or games of skill or chance (e.g., pinball machines, video games, skeeball, electronic or water firing ranges and other similar devices). This definition does not include the use of two (2) or fewer such devices as an accessory use. This use shall not include adult-related uses, as defined herein.

ANIMAL HOSPITAL - A business establishment operated by a veterinary medical doctor(s), certified in the Commonwealth of Pennsylvania, for the medical or surgical treatment of domestic, agricultural or zoological animals.

APPLICANT - A landowner and/or developer who has filed an application for development, including his heirs, successors and assigns.

APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including but not limited to an application for zoning approval, for the approval of a subdivision or land development, or for the approval of a development plan. Every application for development must include the form designated by the Zoning Officer, the appropriate site plan and all other information required by this Ordinance.

APPLICATION FOR FINAL APPROVAL - The application for development for final approval of a planned development to be submitted by a landowner and/or developer to the Zoning Officer.

APPLICATION FOR TENTATIVE APPROVAL - The application for development for tentative approval of a planned development to be submitted by a landowner and/or developer to the Zoning Officer.

APPLICATION, PRELIMINARY - The preliminary application of a development to be submitted by a landowner and/or developer to the Borough.

APPROVAL, FINAL - The ultimate approval of a planned development by Borough Council which follows tentative approval and filing of the final development plan.

APPURTENANCE - The visible, functional or ornamental objects accessory to and part of a structure.

ARTISAN WORKSPACE/SALES/GALLERIES - A business establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art and where classes may or may not occur as an accessory use.

AUTOMOBILE SERVICES (INCLUDING SALES, SERVICE) - Any building or land devoted to the retail sales of motor vehicles, including accessory service and repair facilities, if such service and repair are conducted within a completely-enclosed building and/or the retail repair, servicing, maintenance and reconstruction of motor vehicles, but not including car washes per se and/or a use whereby motor vehicles are stored awaiting transport to a different location.

BAKERY - A business establishment engaged in the production and/or sale of baked goods including, but not limited to, pastries, cakes and breads.

Article XII: Definitions

BANK - A business licensed as such in which money is kept for saving or commercial purposes, invested, supplied for loans or exchanged.

BASEMENT - The space enclosed by the foundation or ground floor walls of a building partly or wholly below the average level of the adjacent ground. A basement shall not be counted as a story for purpose of height measurements unless one-half (1/2) or more of its height is above the finished lot grade level.

BED AND BREAKFAST - A business which occupies a single-family dwelling where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g. such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual sleeping rooms which do not contain cooking facilities.

BERM - A bank of earth generally intended to screen activity on a lot from activity on an adjacent lot(s) or vice versa or public way.

BEST MANAGEMENT PRACTICES - Conservation practices or systems of practices and management measures that:

1. Control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxins, and sediment;
2. Minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of wetlands; and (c) includes allowing proper use and storage of fertilizers/pesticides.

BLOCK - An area bounded by streets, right-of-ways, streams or other similar natural features.

BLOCK FACE - The contiguous facades of buildings along one (1) side of a street between two (2) intersecting streets. A corner lot shall have two (2) block faces.

BOARD – Any body granted jurisdiction under the Pennsylvania Municipalities Planning Code or a land use ordinance which has the authority to render final adjudications.

BOROUGH – Borough of Marietta, Lancaster County, Pennsylvania.

BOROUGH COUNCIL - The governing body of the Borough of Marietta, Lancaster County, Pennsylvania.

BOROUGH MANAGER/BOROUGH SECRETARY - The duly appointed Borough official designated to administer the regulations, programs and services of the Borough of Marietta.

BOUNDARY - A line which may or may not follow a visible feature that defines the limits of a geographic entity such as a block, a block numbering area, a census tract, a county, a municipality, a lot, a Zoning District, a property or a place.

BREW PUB - A business establishment which provides on-site alcoholic beverage sales for drinking on the premises, where food is served, where live entertainment (not including adult entertainment) may also be provided, and where minors are not admitted unless accompanied by a parent or guardian.

BREWERY/DISTILLERY – A facility that brews ales, beers, meads, and/or similar beverages or distills alcohol on-site.

BUFFERYARD - An area of land together with trees, grass, ground cover, shrubs, bushes, or other natural landscaping material, walls, berms or fences thereon, located between different land uses to minimize potential conflicts between them.

BUILDING, ACCESSORY - A detached, subordinate building, the use of which is clearly incidental to the principal structure or use of the lot.

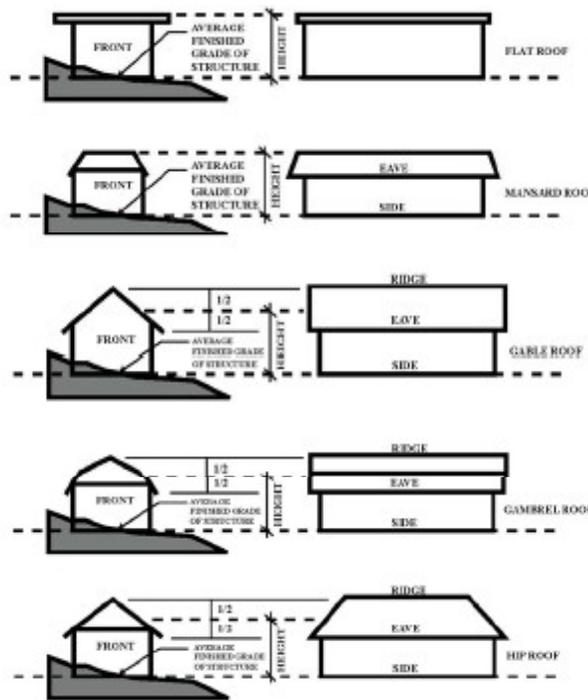
BUILDING COVERAGE - That percentage of the lot area covered by the buildings. In determining building coverage, cornices, eaves and gutters shall be excluded.

BUILDING HEIGHT - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the following points:

Flat Roofs: The highest point of the roof. Pitched Roofs:

Mansard Roofs: The top of the roof.

Gable Roofs: The mean height between the eaves and ridge; Hip Roofs: The mean height between the eaves and ridge; Gambrel Roofs: The mean height between the eaves and ridge; Other Types of Roofs: The highest vertical point.



BUILDING-INTEGRATED SYSTEM - A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such a system is used in lieu of a separate mechanical device, replacing or substituting for an architectural or structural component of the building or structure that appends or interrupts the uniform surfaces of walls, window openings and roofing. A building integrated system may occur within vertical facades, replacing view glass, spandrel glass or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems.

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BUILDING LENGTH - The longest dimension of a building, measured to the outside walls at ground level.

BUILDING LINE - A line parallel to and a distance from the lot lines in accordance with the requirements of this Ordinance.

BUILDING LINE, FRONT - A line parallel to the front lot line, a distance from the front lot line in accordance with the front yard or setback requirements of this Ordinance.

BUILDING LINE, REAR - A line parallel to the rear lot line at a distance from the rear lot line in accordance with the rear yard or setback requirements of this Ordinance.

BUILDING LINE, SIDE - A line parallel to the side lot line in accordance with the side yard or setback requirements of this Ordinance.

BUILDING MATERIAL YARDS OR ESTABLISHMENTS - The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours. A building, structure or lot where processed wood timbers and products are stored for bulk and retail sale. The term lumber yard does not include the sawing, shaving, chipping, stripping or otherwise processing of logs and wood timbers.

BUILDING, NON-CONFORMING - A lawfully existing building or other structure which contains a conforming use, but which does not comply with the applicable lot size requirements, impervious surface coverage limitations, off-street parking requirements or other requirements related to the characteristics of the structure or its location on the lot, may be continued so long as it remains otherwise lawful.

BUILDING PERMIT - A document issued by the Borough which allows construction to proceed.

BUILDING, PRINCIPAL - The building housing the principal use of the lot on which it is located.

CARE FACILITY (SENIOR/CARE LIVING) - A multi-family facility for health care and/or the transitional residency of senior and/or persons in need of such health care, providing for a progression of residential living types such as from independent living in single-family units to assisted and/or congregate living and culminating in a full health and continuing care nursing home facility where any portion of the facility may include common dining and recreation areas and which provides supportive services, not primarily medical in nature, to facility residents for activities of daily living. A care facility/senior living center may include a licensed adult day care program; such facility shall comply with all applicable federal, state and local laws, ordinances and regulations relating to housing for the elderly. This term shall not include a group facility.

CARPORT - A permanent roofed structure permanently open on at least two sides, designed for or occupied by private motor vehicles.

CELL - The smallest basic solar electric device which generates electricity when exposed to light.

CEMETERY/MAUSOLEUM - Land used or intended to be used for the burial of the deceased, including columbariums, crematoria, mausoleums, and mortuaries when operated in conjunction with the cemetery and within the boundaries thereof.

CO-LOCATION - The mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.

COMMERCIAL SCHOOL - A school that may offer a wide range of educational or instructional activities (excluding vocational-mechanical trade schools as defined below) that may, or may not, be operated as a gainful business by

some person or organization other than the public school district. Examples include, but are not limited to, ballet, karate, painting, photography, computer training, and dance schools.

COMMUNITY CENTER - A civic-run establishment generally intended for use by all ages that provides recreation or entertainment.

COMMERCIAL RECREATION - A combination of recreation-related services and/or activities, including but not limited to a restaurant, entertainment, campground area, storage and outfitter operations geared toward recreation customer use and attraction.

COMPREHENSIVE PLAN - The Official Comprehensive Plan of the Borough of Marietta, as amended from time to time, adopted pursuant to the provisions of Article III of the Pennsylvania Municipalities Planning Code.

CONDITIONAL USE- See USE, CONDITIONAL.

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

CONTERMINOUS - Having a common boundary or abutting.

CONTINUING CARE RETIREMENT COMMUNITIES – See Care Facility (Senior/Care Living)

CONVENIENCE STORE - A business which specializes in the retail sales and/or rental of household products and foods. Convenience stores may also include any of the following, provided that each use has obtained the necessary respective approvals, and it operates as an accessory use to the convenience store:

1. Retail sales or rental of books, magazines, videos, software, and video games, provided that adult-related uses are expressly prohibited;
2. Restaurants, including drive-thru or fast-food operations, subject to the requirements of Section 412 of this Ordinance, and provided that rest rooms are made available to the public;
3. Accessory amusement devices with no more than two (2) such devices;
4. Automatic bank teller machines;
5. Film development drop-off sites;
6. Laundry, dry cleaning and tailoring drop-off sites;
7. Lottery sales counters and machines;
8. Propane fuel sales with no larger than twenty (20) pound tanks, which must be stored outside of the building at all times;
9. Dispensing of motor vehicle fuels, oils, compressed air, kerosene, washer fluid, and other motor vehicle-related items, subject to the requirements of this Ordinance;
10. Car washes, subject to the requirements of this Ordinance; and,
11. Post offices and other parcel delivery drop-off sites.

Article XII: Definitions

CORNER STORE - A small store that stocks a range of everyday items such as groceries, snack foods, candy, toiletries, soft drinks, tobacco products, and newspapers.

COUNCIL - The Borough Council of the Borough of Marietta.

COUNTY - Lancaster County, Pennsylvania.

CULTURAL OR CIVIC INSTITUTION - See School/Academy and/or Museum

DAY CARE CENTER (ADULT) - Any premises that is licensed by Pennsylvania Department of Welfare as a "day care center" where care is provided for any number of adults, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24) hour day.

DAY CARE HOME - A day-care facility that is operated as an accessory use to a single-family dwelling, that is registered by the Commonwealth of Pennsylvania, and offers care and supervision to no more than four (4) persons during any calendar day.

DAY CARE CENTER (YOUTH) - A business establishment that is licensed by the Pennsylvania Department of Welfare as a "day care center" where care is provided for twelve (12) or more children under sixteen (16) years of age for less than twenty-four (24) hours per day.

DBH - Diameter at Breast Height

DECIBEL - A unit for measuring the relative intensity of sounds based on an expressed a ratio of two (2) amounts of acoustic signal power equal to ten (10) times the common logarithm of this ratio.

DENSITY - The measurement of compactness of residential development as to the number of dwelling units per one (1) acre or forty-three thousand five hundred sixty (43,560) square feet.

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

DEVELOPMENT - The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any buildings; any use or change in use of any buildings or land; or extension of any use of land, for which permission may be required pursuant to this Ordinance.

DEVELOPMENT PLAN - The provisions for development, including a planned development, 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.

DEVELOPMENT PLAN, FINAL - A development plan which has been submitted for final approval of a planned development to Council.

DEVELOPMENT PLAN, PRELIMINARY - The written and graphic material describing provisions for development of a planned development, including a plan; the name of the planned development; all covenants relating to use, location, size, height and bulk of buildings and other structures; intensity of use or site density; parking areas; location and size of common areas; and uses submitted for tentative approval.

DISABLED - "Handicapped" as defined according to the Fair Housing Act Amendments of 1988, 42 U.S.C. § 3602(h), and any amendments thereto.

DISTURBANCE - Grading, excavation, construction and similar activities that have occurred or may occur on a lot.

DISTRIBUTED ANTENNA SYSTEMS (DAS) - Network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

DRAINAGE FACILITY – a system of man-made structures designed to collect, convey, hold, divert, or discharge stormwater.

DRIVE-THRU FACILITY – An establishment accommodating the patron’s automobile from which the occupants may receive a service or in which products purchased from the establishment may be consumed.

DRIVEWAY - An improved cartway serving no more than two (2) single-family dwelling units where said cartway is designed and constructed to provide vehicular movement between a public road and tract of land.

DUMPSTER - A container that temporarily stores rubbish or materials to later be dumped into a sanitation truck.

DUMPSTER ENCLOSURE - A structure that surrounds a dumpster in order to prevent visibility of the dumpster.

EASEMENT - Authorization by a lot owner of the use by another and for a specified purpose of any designated part of his lot.

ELECTRONIC NOTICE - Notice given by the Borough through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

EMERGENCY SERVICES - An institution or organization providing medical services for emergency related events for the general public.

ENGINEER - An individual licensed and registered to engage in the practice of engineering. A professional engineer may not practice land surveying unless licensed as set forth in P.L. 534, No. 230; however, a professional engineer may perform engineering land surveys.

ENGINEER, BOROUGH - A licensed and registered professional engineer in Pennsylvania designated by the Borough to perform the duties of engineer as herein specified.

ERECTED - Anything built, constructed, reconstructed or moved on or upon anylot.

ESSENTIAL SERVICES - The erection, construction, alteration or maintenance of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings. Communication towers shall not be considered essential services for the purposes of this Ordinance.

FACADE - The exterior walls of a building that can be seen by the public.

FAMILY - An individual, or two (2) or more persons related by blood, marriage, or adoption or foster child care, including domestic servants or gratuitous guests thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or not more than five (5) persons living together in a group living arrangements with supervision, provided that the group living arrangements meets all of the following criteria:

1. It provides non-routine support services, including supervision, personal care, social or counseling services and transportation, to persons who need such assistance in order to use and enjoy a dwelling or to avoid

Article XII: Definitions

being placed within an institution, because of a physical disability, old age, mental disability, or other handicap or disability as defined by the Fair Housing Act and the Americans with Disabilities Act.

2. It provides for the joint occupancy of a dwelling unit where the residents maintain a common household and practice, on a permanent or long term basis, a joint economic, social and cultural life;
3. Does not involve the housing of persons on a non-permanent basis;
4. Does not involve the housing or treatment of persons accepted for residence in the group living arrangement on the basis of their status as criminal offenders, juvenile offenders or delinquents, or who would otherwise qualify for residence by virtue of having been found by any governmental tribunal, court agency to be a danger to society or are on release or under the jurisdiction of the criminal justice system, a government bureau of correction or similar institution;
5. Family shall not include persons living together in a Group Care Facility, Group Care Home, Boarding House, Personal Care Home, as defined herein or any other supervised group living arrangement for persons not protected by the Fair Housing Act or the Americans with Disabilities Act or any persons who constitute a direct threat to others or their physical lot.

FCC - Federal Communications Commission.

FENCE - An artificially constructed barrier of specified material or combination of materials erected to enclose or screen areas of land or portions of buildings or structures. A fence is considered as accessory structure.

FILL - Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. Fill also can refer to the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

FINAL DRAWINGS - Drawings submitted for final approval of a planned development.

FINANCIAL INSTITUTION - Any establishment, excluding a licensed banking, where the principal business is the receipt, disbursement, or exchange of funds and currencies such as savings, loans, credit unions or check cashing establishments.

FINANCIAL INSTITUTION WITHOUT DRIVE-THRU - Any establishment, excluding a licensed banking, where the principal business is the receipt, disbursement, or exchange of funds and currencies such as savings, loans, credit unions or check cashing establishments, and which does not provide a drive thru.

FLOOR AREA, GROSS - The sum of the gross horizontal areas of all of the floors of a building and its accessory buildings on the same lot, excluding cellar and basement floor areas but including the area of roofed porches and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FOOD SERVICES, SIT DOWN - A restaurant geared toward consumption of food and drink on-site with table service as the primary manner in which food is ordered and/or where consumed.

FOOD SERVICES, TAKE-OUT/FAST FOOD - A restaurant that generally serves prepared food typically ordered at a counter and generally packaged in paper wrappers and/or disposable plates and containers. Such food can be consumed either on or off of the site.

FOOTCANDLE - Unit used to measure the amount of light falling on a surface at a point on a surface which is one foot from, and perpendicular to, a source of illumination that produces one (1) uniform candela.

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.

FRONTAGE - The portion of a lot between the facade and the lot line that fronts the thoroughfare or a civic open space or the privately held portion between the facade of a building and the lot line.

FUEL/SERVICE STATIONS - Any area of land, including structures thereon, that is used for the sale of gasoline or any other motor vehicle fuel and oil and other lubricating substances, including any retail sales of motor vehicle accessories, which shall not include major repairing, body and fender work, painting, vehicular sales, nor rental or automatic car washes.

FUNERAL HOME - A use which prepares the remains of deceased humans for burial and cremation. This use may also conduct funeral services.

GARAGE - A building or structure part thereof, used or intended to be used for the parking and storage of motor vehicles.

GAS AND OIL WELL - Any well drilled, to be drilled, or used for the intended or actual production of gas and/or oil.

GOVERNING BODY - The Borough Council of the Borough of Marietta, Lancaster County, Pennsylvania.

GOVERNMENT OPERATIONS - A facility owned, operated, or controlled by a governmental agency (Federal, State, or local, including a corporation created by law for the performance of certain specialized governmental functions.)

GRADE, ESTABLISHED - The elevation of the center line of the streets, as officially established by the Borough.

GRADE, FINISHED - The proposed or completed elevations of the land surface, including the surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GREEN GROCER - A business establishment that sells produce, dry goods, meats, baked goods, dairy items, frozen foods and/or the like. The term green grocery store includes corner stores, food stores, dairies, delicatessens, but does not include convenience stores.

GROUND FLOOR - The floor of a building nearest in elevation to the exterior grade at the front of the building.

GROUND-MOUNTED SYSTEM - A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

GROUP CARE FACILITY (YOUTH/ADULT): A facility licensed and/or approved by the Pennsylvania Department of Public Welfare that provides shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, family or school adjustment problems, or past correctional offenses require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.

GROUP HOME - A facility licensed by the Pennsylvania Department of Public Welfare which houses six (6) to nine (9) residents and provides twenty-four (24) hour supervision and rehabilitation services for developmentally disabled individuals (mental disability, autism, cerebral palsy, epilepsy or other similar conditions).

Article XII: Definitions

HABITABLE SPACE - The area of a building for living, sleeping, eating or cooking and comfort facilities.

HARDWARE STORE - A business establishment conducted entirely for the primary purpose of selling small- scale tools for use in construction, building and/or lot improvement.

HEALTH/FITNESS CLUB - An establishment that offers active recreational and/or fitness activities only to club members and their guests. Such facilities do not include golf courses, non adult-related uses, as defined herein.

HISTORIC CONVERSION - The conversion of a designated historic residence for residential or nonresidential uses.

HISTORIC FEATURE – A structure or portion of land that displays significant cultural, aesthetic or historical markers of noteworthy past periods in the Borough.

HOME-OCCUPATION, LOW IMPACT: A business or commercial activity carried on entirely within a building whose principal use is a single family dwelling whose impacts exceed those of a no-impact home-based business. The business or commercial activity must satisfy the requirements of the identified provisions of this Ordinance.

HOTEL/MOTEL: A business establishment inclusive of a building or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. Individual rooms may contain kitchen and dining rooms. Accessory shops and services catering to the general public can be provided. The structure may include a restaurant as an accessory use. Kitchens not located in rented rooms shall not be accessible to occupants. Supervision is provided in shifts by on-site management.

HVAC - Equipment used to heat, cool or ventilate a structure.

IMPERVIOUS SURFACE - Any material that prevents, impedes, or slows infiltration or absorption of stormwater directly into the ground at the rate of absorption of vegetation-bearing soils, including building, asphalt, concrete, gravel and other surfaces.

IMPERVIOUS SURFACE COVERAGE - The portion of the lot area covered by impervious surfaces; impervious surface coverage shall be measured as a percentage of the total lot area. The use of pervious/porous materials that are utilized in order to promote the infiltration of water into the ground shall not be considered impervious surface coverage under the Zoning Ordinance. However, the use of such pervious/porous materials shall be subject to the requirements of the Borough's Stormwater Management Ordinance and the establishment of recorded legal document(s) that establish(es) the maintenance and long-term performance of the materials in order to ensure the intended function as pervious/porous coverage.

IMPERVIOUS PAVING OR IMPERVIOUS PAVEMENT - Pavement designed to prevent percolation or infiltration of stormwater through the surface into the soil below where the water is naturally filtered and pollutants are removed.

IMPROVEMENTS FOR DEVELOPMENT (IMPROVEMENTS) - Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, swales, detention/retention basins, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

INDOOR RECREATION FACILITY - A type of recreational use that is used principally for indoor active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use, and similar uses.

INDUSTRY-CRAFT - A lot or portion of a lot used by a craftsman, general contractor or builder where equipment and materials are stored or where a contractor performs craft, shop or assembly work but does not include a construction site or any establishment otherwise defined or classified herein.

INDUSTRY-GENERAL - A business establishment that produces finished products or parts, predominantly from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

INDUSTRY- OUTDOOR - See Maintenance/Storage/Service Yard and Lumber Yard

INFILL - Development of vacant or remnant lands within an existing neighborhood.

JUNKED VEHICLE - Any motor vehicle, trailer, or semitrailer that is inoperable and which, by virtue of its condition, cannot be economically restored to operable condition.

KILOWATT (KW) - A unit of electrical power equal to one thousand (1,000) Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. One thousand (1,000) kW is equal to one (1) megawatt (MW).

LAND DEVELOPMENT - 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 nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building on a lot or lots regardless of the number 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.
3. A subdivision of land Development in accordance with Section 503(1.1) of the Pennsylvania's Municipalities Planning Code and the Borough Subdivision and Land Development Code.

LANDOWNER - The legal or beneficial owner or owners of a lot, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee (if he is authorized under the lease to exercise the rights of the landowner) or other persons having a proprietary interest in the lot.

LANDSCAPE ARCHITECT - An individual licensed and registered under the laws of the Commonwealth of Pennsylvania to engage in the practice of landscape architecture.

LANDSCAPING, GENERAL – The modification of the landscape for an aesthetic or functional purpose. It includes the preservation of existing vegetation and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.

LAUNDROMAT - A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

LEED CERTIFIED BUILDING - Shall mean a building certified, under the Leadership in Energy and Environmental Design (LEED) program of the United States Green Building Council that meets LEED standards for either New Construction and Major Renovation Projects or Core and Shell Projects.

LOADING BERTH/SPACE - An on- or off-street area for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

LOT - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law, not including any part of a public right-of-way, and to be used, developed or built upon as a unit. A site or parcel may include more than one lot, but a lot cannot include more than one site.

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LOT AREA - The total area of a lot measured on a horizontal plane bounded by the front, side and rear lot lines of the lot.

LOT, BUILDABLE AREA OF - That lot area in which the principal structure may be located and which is bounded by the front, rear and side building lines of the lot.

LOT, CORNER - A lot situated at and abutting the intersection of two (2) or more streets. A corner lot has neither a rear yard nor a rear lot line.

LOT DEPTH - The mean horizontal distance between the front lot line and the rear lot line measured within the lot boundaries.

LOT, INTERIOR - A lot other than a corner lot with only one (1) frontage on a street.

LOT LINE - A line that bounds a lot.

LOT LINE, FRONT - That lot line which extends along a private or public street.

LOT LINE, REAR - That lot line which is most distant from and is most nearly parallel to the front lot line, except for corner lots and three-sided lots, which have no rear lot line.

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

LOT, THROUGH - A double frontage lot, the front lot line and rear lot lines of which abut streets, alleys or ways.

LOT WIDTH - The distance between the side lot lines measured along the front building line of the lot.

LOT, NON-CONFORMING - A lot consisting entirely of a tract of land that:

1. Has less than the prescribed minimum lot size, width, depth, or any combination thereof, for the Zoning District in which it is located.
2. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot such size, width, depth, or any combination thereof, at such location would not have been prohibited by any Zoning Ordinance.
3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the applicable Zoning Ordinance.

LUMBER YARD - A building, structure or lot where processed wood timbers and products are stored for bulk and retail sale. The term lumber yard does not include the sawing, shaving, chipping, stripping or otherwise processing of logs and wood timbers.

MAILED NOTICE - Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MAINTENANCE/STORAGE/SERVICE YARD - An area of land used for the storage of materials, supplies, etc.

MAJOR STREET - A street that predominantly serves through traffic.

MIXED RESIDENTIAL (MULTIPLE TYPES ON MASTER PLANNED LOT) – The development of a lot or tract of land, equal to or greater than one (1) acre in size, that contains several types of residential dwellings within the development boundaries, such as multi-family dwellings and single-family dwellings.

MIXED USE (NON-RESIDENTIAL AT STREET LEVEL WITH RESIDENTIAL/NON-RESIDENTIAL UPSTAIRS) - A lot or building on or in which various land uses, such as office, commercial, institutional and/or residential are combined with non-residential at street level and residential or non-residential on upper floor(s).

MOBILE HOME - Any structure intended for or capable of permanent human habitation, with or without wheels, and capable of being transported or towed from one place to the next, in one (1) or more pieces, by whatsoever name or title it is colloquially or commercially known, but excluding transport trucks or vans equipped with sleeping space for a driver or drivers, and travel trailers. Mobile homes placed in parks shall meet the requirements for mobile home parks listed in Section 302.A.3 of this Ordinance. Mobile homes placed on individual lots shall be considered "dwellings," and be bound by the requirements there-imposed. For the purposes of Section 302.A.3 of this Ordinance, any travel trailer, as defined herein, that is contained on the same parcel for more than one hundred eighty (180) days in any calendar year shall be considered a mobile home.

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.

MOBILE HOME PARK - A parcel or contiguous parcels of land which have been so designated and improved to contain two (2) or more mobile home lots for the placement thereon of mobile homes.

MULTI-FAMILY - A building and lot are occupied by more than one family.

MULTI-FAMILY DWELLING - DUPLEX - A new construction or redevelopment of an existing freestanding building containing two (2) dwelling units for two (2) families, arranged in a side-by-side or over-and-under configuration.

MULTI-UNIT DWELLING - FLATS - A building containing three (3) or more dwelling units, at least one (1) of which must be located above or below the remaining units.

MULTI-FAMILY DWELLING - HISTORICAL RESIDENTIAL UNIT CONVERSION - The conversion of a designated historic residence for multi-family residential use.

MULTI-FAMILY DWELLING - TOWNHOUSE - A building containing between three (3) and eight (8) dwelling units, arranged in a side-by-side configuration with two (2) or more common party walls.

MULTI-USE/PURPOSE TRAIL - A way designed for and used by a variety of equestrians, pedestrians, and cyclists using non-motorized bicycles.

MUSEUM - A business establishment or institution primarily engaged in creating, acquiring, studying, interpreting and/or exhibiting items for public instruction and enjoyment.

NET METERING AGREEMENT - An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generated by certain renewable energysystems.

NON-COMMERCIAL GREENHOUSE - A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for personal enjoyment.

NON-CONFORMING STRUCTURE - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions of this Zoning Ordinance 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 reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

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NON-CONFORMITY- A use, whether of land or of structure, which does not comply with the applicable use provisions of this 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.

OBSCENE MATERIALS - Any literature, book, magazine, pamphlet, newspaper, story paper, paper, comic book, writing, drawing, photograph, figure, image, motion picture, sound recording, article, instrument, or any other written, visual media or printed matter which depicts or describes in a patently offensive manner sexual conduct, sexual excitement or sadomasochistic abuse or (in the case of articles or instruments) is designed or intended for use in achieving artificial sexual stimulation; and taken as a whole, appeals to the prurient interest; and taken as a whole, does not have serious literary, artistic, political or scientific value.

OBSTRUCTION - Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth by this Ordinance.

OCCUPANCY - The physical possession upon, on or within any lot or structure for a use.

OCCUPANCY PERMIT - The written authorization issued by the Borough of Marietta's Zoning Officer for use of land or buildings.

OFFICE - As defined herein, office shall be limited to the following:

1. **BUSINESS OFFICE -** a business establishment which generally operates on a first-come, first-served basis and which has relatively high pedestrian or customer traffic throughout the entire year, including utility payments, etc.
2. **PROFESSIONAL OFFICE -** a business establishment which generally serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of accountants, architects, attorneys, consultants, designers, engineers, insurance agents, medical professionals, realtors, financial advisors and the like.
3. **MEDICAL / VETERINARY OFFICE -** a use where at least one (1) licensed or professionally certified medical professional provides diagnostic health, medical, surgical, psychological and/or psychiatric services and/or treatment diagnosis and treatment to the general public or animals without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses of access only from the interior of the building or structure.

OUTDOOR ADVERTISING - Any sign, billboard, statuary or poster that directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

OUTDOOR ENTERTAINMENT – An accessory use for sit down food service establishments which allows live instrumental, vocal, or oratory artistic entertainment on the lot. Outdoor entertainment does not include any entertainment related to adult-oriented subjects or materials.

OUTDOOR PARK AND RECREATION FACILITY - A lot or portion of land specifically defined or set aside for use by and for active and/or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of parkland.

OUTDOOR STORAGE - The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.

OUTDOOR WOOD FURNACE - a freestanding vessel or pit in which a contained outdoor fire is made.

OWNER - The person or persons having the right of legal title to, beneficial interest in or a contractual right to purchase a lot or parcel.

PARCEL - Any designated piece or tract of land located in the Borough established by a plat or otherwise as permitted by law.

PARKING, PRIVATE OFF-STREET – A portion of a lot that provides parking spaces for the residents of said lot.

PARKING, PUBLIC OFF-STREET – A site or portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and providing vehicular access to a public street.

PARKING SPACE(S), PRIVATE OFF-STREET – A portion of a lot devoted to the off-street parking of private vehicles of the residents of said lot.

PARKING FACILITY, PRIVATE – An accessory structure whose primary purpose is to provide sheltered parking space(s) for motor vehicles for the residents of the principal structure on the lot.

PARKING FACILITY, PUBLIC – Any facility that is provided by the public sector for the purposes of providing access to parking spaces on the parcel.

PARKING LOT, PUBLIC - A principal use provided by the public sector for the purposes of providing access to parking spaces on the parcel.

PARKING LOT, PRIVATE - A privately held parking lot, including parking aisles and access drives that provide access to parking spaces but excluding any streets that provide access to the parking lot.

PARKING SPACE, OFF-STREET - An area wholly outside any public right-of-way, constructed to accommodate the storage of a vehicle as required by this Ordinance and, which is connected to a public street by a driveway.

PARKING SPACE, ON-STREET - An area wholly within a public street right-of-way constructed to accommodate the storage of a vehicle as required by this Ordinance.

PARTY WALL - A vertical divider or partition between adjoining structures owned in common or in severalty or by one owner alone and providing mutual rights of support for the respective adjacent buildings or structures.

PATIO/TERRACE - A paved, raised and/or level area adjacent to or near a building that is used typically used for dining or recreation

PEDESTRIAN-ORIENTED - Development which is designed with a primary emphasis on the street sidewalk and on pedestrian access to the site and building, rather than on vehicle access and parking areas.

PEN – A fenced in area for animals where said fencing is primarily for the purpose of containment not from the protection of weather events.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC) - The Pennsylvania Municipalities Planning Code, Act 247 as amended, which is an Act that empowers municipalities to plan their growth and development as well as to govern the same by zoning, subdivision and land development ordinances, by official maps, to promote conservation of energy; to establish Planning Commissions [Agencies], Planning Departments and Zoning Hearing Boards.

PERSON - An individual(s), partnership(s), co-partnership(s), association(s), corporation(s), limited liability company(ies), limited liability partnership(s), and any and all other entities.

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PERSONAL SERVICES - A business establishment providing domestic commodities and services pertaining to the person, their apparel or personal effects including, but not limited to, shoe repair, tailoring, clothes cleaning, watch repairing, barbershops, beauty parlors, massage therapy establishments and related activities.

PERFORMANCE STANDARD - A criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, glare, heat or solid waste generated by or inherent in uses of land or buildings.

PERMITTED USE BY RIGHT - An authorized use, which, upon an application for development, may be granted in accordance with the provisions of this Ordinance.

PERVIOUS SURFACE – Any material/surface that allows water to pass through at a rate equal to or greater than Natural Ground Cover.

PETS AND LIVESTOCK, DOMESTIC - Any animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic pets and livestock.

PHARMACY - A business establishment substantially devoted to the sale of sundries and pharmaceutical items, supplies and equipment such as prescription drugs.

PHOTOVOLTAIC (PV) - A semiconductor based device that converts light directly into electricity.

PLACE OF ASSEMBLY - A building and/or lot that is designed for the assembly or collection of persons, for civic, political, religious, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities. A place of assembly does not include a private club.

PLACE OF WORSHIP - A building use and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

PLAN - A survey of a lot upon which is shown the location of existing and/or proposed structures; existing contours and proposed grading; location and dimensions of yards; proposals for the disposition of sanitary waste and stormwater; indications of zoning compliance; name of Applicant and landowner and/or developer; area location map; dates of preparation and revisions; and evidence of preparation by a registered architect, landscape architect or engineer.

PLANNING COMMISSION - The Borough Planning Commission of the Borough of Marietta.

PLAT - The map or plan of a subdivision or land development, whether preliminary or final.

PLAT, FINAL - The final map of the land development or subdivision that is submitted for community approval and which, if approved, is filed with the County Recorder of Deeds.

PLAT, PRELIMINARY - A preliminary map of the proposed land development or subdivision that is submitted for Borough consideration.

PORCH - A covered area adjoining an entrance to a building and usually having a separate roof.

PRIVATE - Belonging to or concerning an individual person, company or interest independent from federal, state or local government agency.

PRIVATE GARAGE - An accessory use which is attached to or an integral part of a residential building or dwelling unit or an accessory structure used for the storage of motor vehicles and other personal property owned and used by the residents of the residential building or dwelling unit and in which no occupation, business or service for

profit is carried on. A private garage may be used for the storage of not more than one (1) commercial vehicle owned or used by the landowner and/or developer or tenant of the residential building or dwelling unit and for the storage of not more than three private noncommercial vehicles owned or used by persons other than the landowner and/or developer or tenant of the residential building or dwelling unit.

PROFESSIONAL SERVICES - A business enterprise that provides services by any professional including, but not limited to, attorney, accountants, actuaries, financial planners, insurance agents, medical occupations, engineer, surveyor, architect, landscape architect, planner or similar type, etc. entitled to practice under the laws of the Commonwealth of Pennsylvania.

PUBLIC - Owned, operated or controlled by a government agency, federal, state or local.

PUBLIC HEARING - A formal meeting held pursuant to public notice by Borough Council or the Planning Commission, intended to inform and obtain public comment prior to taking action in accordance with this Ordinance.

PUBLIC IMPROVEMENTS - All streets, walkways, gutters, curbs, sewers, water lines and other utilities or related facilities to be dedicated to or maintained by the public.

PUBLIC MEETING - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."

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

PUBLIC UTILITY BUILDING - A building, structure, lot or portion of a lot, which under public franchise or other lawful relationship provides the public with transmission and communications services, electric distribution or other similar facilities or services.

RAILROAD - A public or private right-of-way on which tracks for trains are constructed.

RAIN GARDEN - A Rain Garden (also called Bio-retention) is a stormwater BMP consisting of an excavated shallow surface depression planted with specially selected native vegetation to treat and capture runoff and underlain by a sand or if needed gravel infiltration bed.

RECREATION FACILITY - A business establishment generally intended for use by all ages that provides recreation or entertainment including but not limited to swimming pools, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range and indoor archery range.

1. COMMERCIAL – A said establishment typically owned by a private-sector entity(ies).
2. NOT-FOR-PROFIT PRIVATE – A said establishment typically owned by a not-for-profit entity(ies).
3. PUBLIC – A said establishment owned and/or operated by a Borough entity or representative of the Borough.

REDEVELOPMENT - The act of improving by renewing and restoring; the act or process of rehabilitating or rejuvenating a blighted area or accommodating new development within the context of existing streets and buildings.

REGISTERED HISTORIC LOTS – Structures listed either individually or within a listed district on the National Register of Historic Places or by the Pennsylvania Historic & Museum Commission.

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REPLACEMENT - The act of removing an existing building/structure and constructing a new building/structure.

RESEARCH AND DEVELOPMENT ESTABLISHMENT - An establishment which carries on investigation in the natural, physical or social sciences or engineering and development as an extension of such investigation with the objective of creating end products and which may include the initial manufacturing of developed product as an accessory use.

RESTAURANT - A business establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics: customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or a cafeteria-type operation where food and beverages generally are consumed within the restaurant building.

RETAIL, LARGE SCALE - A business, two thousand (2,000) gross square feet or more in area, whose primary activities involve the display and retail sales and/or rental of goods and products. This term shall not include adult-related facilities as defined herein.

RETAIL, RECREATIONAL SERVICES - A business whose primary activities involve the display and retail sales and/or rental of goods and products related solely to recreational activities. Additionally, services may extend to include the repair of recreational activity equipment, such as bike repair.

RETAIL, SMALL SCALE - A business, less than two thousand (2,000) gross square feet, whose primary activities involve the display and retail sales and/or rental of goods and products. This term shall not include adult-related facilities as defined herein.

RIGHT-OF-WAY - That portion of land dedicated to public use for street or utility purposes.

RIVER - The Susquehanna River.

ROOF LINE - The top ridge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

SCHOOL/ACADEMY – An institution providing full time instruction and including accessory facilities traditionally associated with a program of study which meets the requirements of the laws of the Commonwealth of Pennsylvania.

SEMIPUBLIC USES – Places of worship, places of assembly, schools, and other similar institutions of an educational, religious, charitable or philanthropic nature.

SETBACK - The minimum distance from a lot line required by the Ordinance where a building or structure may be built.

SETBACK (LINE), FRONT - The line extending the full width of the lot and situated at the minimum dimension defined from a front lot line.

SETBACK (LINE), REAR – The line extending the full width of the lot and situated at the minimum dimension defined from a rear lot line.

SHED - An accessory structure uses primarily for storage purposes on the same lot as the principal structure.

SIDE YARD - The line extending the full width of the lot and situated at the minimum dimension defined from a side lot line.

SIGN - Any letter, word, model, banner, flag, device, structure, representation or device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, including the following types:

1. ADA SIGN - Any sign needed for a facility or building to achieve compliance with the requirements of the American Disabilities Act.
2. BULLETIN BOARD - A non-electronic structure constructed with flat face(s), used for posting notices.
3. CANOPY - Any rigid structure, made of cloth, metal or other materials with the frame attached to a building and generally supported by the ground, extending over areas intended for pedestrian traffic, and the structure is primarily for purposes of shelter rather than advertising.
4. DIRECTIONAL SIGN - A sign directing traffic but bearing no advertising matter.
5. FLAG - A piece of cloth or bunting varying in size, color and design, used as a symbol, sign, signal, emblem or advertisement.
6. GROUND (MONUMENT) SIGN - Any sign supported by uprights or braces placed upon the ground and not attached to any building or the structure, having no more than two (2) faces.
7. HOME OCCUPATION SIGN - A sign permitted in association with an occupation conducted on the premises within a dwelling unit occupied by the operator of the business.
8. ILLUMINATED SIGN - Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.
9. MARQUEE - Any permanent roof-like structure extending from the wall of a building, but not supported by the ground, constructed of durable material such as metal or glass, extending over areas intended for pedestrian and/or vehicular traffic, and the structure is primarily for purposes of shelter rather than advertising.
10. POLE/PYLON SIGN - A freestanding sign erected on a lot on a pole or pylon, the bottom edge of which is high enough to provide visibility for motorists and allow for safe pedestrian circulation underneath it.

SINGLE FAMILY DWELLING - A freestanding residential use containing one (1) dwelling unit for one (1) family. Mobile homes can be considered single-family detached dwellings if, in addition to the requirements listed for all dwellings, the mobile home is securely anchored to the permanent foundation, and all of the apparatuses used to transport the unit shall be removed, including the towing hitch. Recreational vehicles shall not be construed as dwellings. Modular homes can be considered single-family detached dwellings, so long as they comply with the general requirements of a dwelling.

SITE - A parcel of land located in the Borough, established by a plat or otherwise as permitted by law, which is the subject of an application for development. A site may include more than one (1) lot.

SITE AREA - The total area of the lot or lots comprising a site.

SITE PLAN - A plan prepared by a registered surveyor, engineer, landscape architect or architect for a use authorized by right which contains the following:

1. Name of Applicant and landowner and/or developer;
2. Name of development, if any;

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3. Evidence of preparation by a licensed architect, landscape architect or engineer; Graphic and written scale; North arrow;
4. Dates of preparation and revision of site plan;
5. A site location map;
6. A site plan drawn to no greater than one hundred (100) foot scale upon which is delineated and clearly identified the location, extent and area in acres, if applicable, of the following: Lot lines for the site and adjacent parcels;
7. Site area;
8. Proposed bufferyards;
9. Location and dimensions of existing and proposed public and private roads, streets, driveways, walks and paths;
10. Existing and proposed structures with proposed site density and approximate height of structures indicated for each proposed type of structure and use;
11. Proposed location and dimensions of all yards and open spaces; Existing contours and proposed grading plan;
12. General proposals for the disposition of stormwater runoff; and
13. Proposals for the disposition of sanitary wastes and the provision of water supplies;
14. All applicable areas or uses regulated or mandated by this Ordinance, including but not limited to off-street parking, exterior lighting, signs and outdoor storage.

SOCIAL CLUB/HALL - An organization catering exclusively to members and their guests, or premises or buildings for social, recreational and administrative purposes which are not conducted for profit, provided there are not conducted any vending stands, merchandising or commercial activities except as required for the membership of such club. Clubs shall include, but not be limited to, service and political organizations, labor unions, as well as social and athletic clubs. Private clubs shall not include adult-related uses, as defined herein.

SOLAR-BASED ARCHITECTURAL ELEMENT- Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

SOLAR PHOTOVOLTAIC (PV) RELATED EQUIPMENT- Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

SOLAR PHOTOVOLTAIC (PV) SYSTEM - A solar collection system consisting of one or more building-and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage and distribution of solar energy for electricity generation. A solar PV system is a generation system with a nameplate capacity of not greater than 50 kilowatts if installed at a residential service or not larger than 3,000 kilowatts at other customer service locations and do not produce excess on-site energy greater than currently permitted by Pennsylvania Public Utility Commission guidelines.

SPA/SALON - A business establishment, which employs cosmetologists and/or therapists licensed as such by Pennsylvania. Food service, retail and health/beauty-related consultation/ application may also be provided as additional services.

STOOP - A small staircase ending in a platform and leading to the entrance of a building.

STORMWATER MANAGEMENT - The collecting, conveyance, channeling, holding, retaining, detaining, infiltrating, diverting, treating, or filtering of surface water, ground water, and/or runoff, together with applicable managerial (nonstructural) measures.

STREET - A street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways, whether public or private, used or intended to be used by vehicular traffic or pedestrians.

STREET GRADE - The officially established grade of the street upon which a lot fronts or, in its absence, the established grade of the other streets upon which the lot abuts, at the midpoint of the frontage of the lot thereon. If there is no officially established grade, the existing grade of the street at such midpoint shall be taken as the street grade.

STREET LINE - The right-of-way line of a street.

STREET WALL - A general reference as to how and where the parts of buildings that face the street line up to define the perceived boundaries of public and private space.

STREET WIDTH - The distance between street lines measured at right angles to the centerline of the street.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

STUDIO - A business establishment used by an artist, photographer, or artisan or used for radio or television broadcasting.

SUBDIVISION - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, That the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUMMER KITCHEN - A rectangular, one-to-two-story, usually gable-roofed structure that is closely related to the main house, commonly as a wing or semi-detached, and that is used as a kitchen in warm weather.

SURVEY - A precise legal description of a lot and the graphic delineation of precise lot boundaries; lot dimensions and areas; all easements and public and private rights-of-way; and North point and graphic scale affecting the lot, prepared by a professional land surveyor licensed and registered in the Commonwealth of Pennsylvania. The survey shall be on sheets of twenty-four (24) inches by thirty-six (36) inches.

SWIMMING POOL - Any body of water or receptacle for water having a depth at any point greater than two (2) feet or a surface area greater than two hundred fifty (250) square feet, used or intended to be used for swimming and constructed, installed or maintained outside any building.

THEATER - A building or structure operated as a not-for-profit or business establishment, inside a completely enclosed building devoted to showing pictures and/or live dramatic or musical performances. A theater may

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contain an auditorium in addition to other performance-related facilities. Adult theaters are excluded in this definition.

TOWER, COMMUNICATION - Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a communications antenna or similar apparatus above ground.

TOWER, NON-COMMUNICATION - Any tower not otherwise defined as a Communication Tower.

TRACKING SYSTEM - A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, either with a single-axis or dual-axis mechanism.

TRANSPARENT - The condition/state of being clear, unobstructed by signage, interior graphic elements, reflective coating, translucent or textured finish, racking or any type of fixed furniture that can be seen through from both the interior and exterior of the structure.

TRANSPARENCY - The degree to which something is transparent.

UNDEVELOPED LAND - Any lot or portion of a lot which has not been graded, improved or prepared for the construction of a building, structure or improvement.

UNREGULATED YARD AREA - Area not within a building and not in a defined setback or yard area.

USE - An activity, business or purpose for which any lot or structure is utilized.

USE, ACCESSORY - A use customarily incidental and subordinate to the principal use of the lot.

USE, AUTHORIZED - Any principal use or accessory use allowed by this Ordinance as a Permitted Use by right, Conditional Use, use by planned development or Use by Special Exception.

USE BY SPECIAL EXCEPTION - An authorized use which may be granted only by the Zoning Hearing Board in accordance with express standards and criteria and pursuant to the provisions associated with special exceptions in Article VI and IX of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.

USE, CONDITIONAL - a use permitted in a particular Zoning District by the Borough Council upon satisfaction of all criteria enumerated in Part III of this Ordinance and pursuant to the provisions associated with Conditional Use in Article VI of the Pennsylvania Municipalities Planning Code, 53 P. S. §10601 et seq.

USE, NONCONFORMING - A use, whether of land or of structure, which does not comply with the applicable use provisions in this Ordinance or an amendment hereafter enacted, where such use was lawfully in existence prior to the enactment of this Ordinance or amendment.

USE PERMITTED BY RIGHT - An authorized use which, upon an application for development, may be granted by the Zoning Officer in accordance with the provisions of this Ordinance.

USE, PRINCIPAL - The main purpose or activity for which a lot is used or for which a structure or part of a structure or lot is used.

USE, TEMPORARY – A use requiring utilities, established for more than seven (7) but less than one hundred (100) consecutive days with the intent to discontinue upon the expiration of a specified time period.

VARIANCE - Relief granted pursuant to the provisions of Articles VI and IX of the Pennsylvania Municipalities Planning Code.

WALL – A constructed solid barrier of concrete, stone, brick, tile, wood, or similar type of material that closes, marks, or borders a field, yard, or lot, and that limits visibility and restricts the flow of air and light.

WAREHOUSE - A building used primarily for the storage of goods and materials awaiting sale on another lot or location. Incidental sales may occur on the lot.

WBCA - Pennsylvania Wireless Broadband Co-location Act (53 P.S. §11702.1 et. seq.)

WCF – Wireless Communications Facility.

WHOLESALE BUSINESS - A business establishment primarily engaged in selling merchandise, dry goods and food stuffs to retailers, institutional, commercial or professional business customers or other wholesalers, not to the general public. The activities may include the merchandise warehousing and distribution.

YARD - A required open space unoccupied and unobstructed by any principal structure or portion of a principal structure; however, accessory structures, parking areas and driveways are permitted in yards in accordance with the requirements of this Ordinance.

1. **FRONT YARD** - A yard extending across the full lot width and abutting the front lot line. The required minimum depth measurement of the front yard shall be the horizontal distance between the front lot line and a line parallel thereto at a distance from the front lot line in accordance with the yard requirements set forth in each Zoning District in this Ordinance.
2. **REAR YARD** - A yard extending between the side yards of the lot and abutting the rear lot line. The required minimum depth measurement of the rear yard shall be the horizontal distance between the rear lot line and a line parallel thereto at a distance from the rear lot line in accordance with the yard requirements set forth for each Zoning District in this Ordinance.
3. **SIDE YARD** - A yard abutting a side lot line, extending between the rear line of the front yard and the rear lot line. The required minimum width measurement of the side yard shall be the horizontal distance between the side lot line and a line parallel thereto at a distance from the side lot line in accordance with the yard requirements set forth for each Zoning District in this Ordinance.

ZONING APPROVAL - Approval under the provisions of this Ordinance certifying that an application for development or application for occupancy permit has fulfilled the requirements of this Ordinance.

ZONING DISTRICT - A geographical area with boundaries that includes surface areas as indicated on the Zoning Map.

ZONING HEARING BOARD - A board appointed by Borough Council to examine appeals for relief from strict conformance to application of this Ordinance, to consider Special Exceptions and to hear testimony regarding the validity of any regulations upon development in the Borough and to perform those other functions which this Ordinance directs it to perform.

ZONING MAP, OFFICIAL - The map of the Borough that indicates the Zoning Districts and other relevant information thereon and shall be a part of this Ordinance by reference.

ZONING OFFICER - The administrative officer appointed by Borough Council who shall administer and enforce the provisions of this Ordinance in accordance with its literal terms. The Zoning Officer shall have all the powers and be subject to all the provisions set forth in the MPC with respect to Zoning Officers.

ZONING OVERLAY - Regulations to be applied over and above the zoning district regulations otherwise applicable to a lot, as enabled by the Pennsylvania Municipalities Planning Code.

APPENDIX

Please see:

The Marietta Borough Stormwater Management Ordinance, Ordinance Number 2014-01, adopted 4/8/2014, as well as any revisions or amendments adopted thereafter.