

TOWNSHIP OF INDIANA

ALLEGHENY COUNTY
PENNSYLVANIA

ZONING ORDINANCE

#368

AN ORDINANCE OF THE TOWNSHIP OF INDIANA, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING ZONING ORDINANCE NO. 344, PROVIDING: BASIC ENACTMENT PROVISIONS; DEFINITIONS; NEW ZONING DISTRICTS AND USE REGULATIONS; PROVIDING FOR PERMITTED AND CONDITIONAL USES; REFERRING TO SEXUALLY-ORIENTED BUSINESSES; OFF-STREET PARKING; SIGN; ADMINISTRATION AND ENFORCEMENT; CONDITIONAL USES AND SPECIAL EXCEPTIONS; AND REPEALING AND/OR PRESERVING PRIOR ORDINANCES.

Whereas, the Board of Supervisors of the Township of Indiana have determined that it is appropriate to revise and update the Zoning Ordinance;

Now, therefore, BE IT ORDAINED AND ENACTED by the Board of Supervisors and it is hereby ordained and enacted that an Ordinance to be known as the Indiana Township Zoning Ordinance #368 is enacted as follows:

INDIANA TOWNSHIP ZONING ORDINANCE

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ARTICLE I
BASIC PROVISIONS

SECTION 100 - GENERAL:

The following are the basic provisions of the Indiana Township Zoning Ordinance:

SECTION 101 - TITLE:

This Ordinance No. 368 is the Indiana Township Zoning Ordinance.

SECTION 102 - EFFECTIVE DATE:

This Ordinance shall take effect ten days after the date of enactment.

SECTION 103 - THIS ORDINANCE:

This Ordinance is adopted in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as subsequently reenacted and amended, 53 P.S. § 10101 et seq. (PA MPC).

SECTION 104 - COMMUNITY DEVELOPMENT GOALS and OBJECTIVES:

The purpose of this Ordinance is to implement the goals and objectives found in the most recent Township Comprehensive Plan.

SECTION 105 - ZONING MAP:

A map entitled "Official Zoning Map" of Indiana Township, Allegheny County, Pennsylvania, dated 06-26-2007, as amended, is hereby adopted as part of this Ordinance. The Zoning Map shall be kept on file for examination in the Municipal Building. In addition the map shall be updated after any future zoning district boundary changes are made and enacted by the Board of Supervisors.

SECTION 106 - COMPLIANCE:

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

SECTION 107 - SEVERABILITY:

If any provision of this Ordinance or the application of any provision to particular circumstances is held invalid, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

SECTION 108 - INTERPRETATION:

In interpreting the language of zoning ordinances to determine the extent of the restriction upon the use of the property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the governing body, in favor of the property owner and against any implied extension of the restriction.

**ARTICLE II
DEFINITIONS**

SECTION 200 - PURPOSES:

Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and the plural the singular. The word "shall" is mandatory and not permissive.

SECTION 201 - DEFINITIONS:

ACCESSORY STRUCTURE: A structure subordinate to the main building on the same lot and used for purposes customarily incidental to those of the main building.

ACCESSORY USES: A subordinate use, which is clearly incidental and related to that of a main structure or main use of the land.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BOOKSTORE or ADULT VIDEO STORE: An establishment having a substantial or significant portion of its stock and trade in, or an establishment which as one of its principal business purposes, offers for sale, books, films, video cassettes or magazines and other periodicals which are distinguishable or characterized by their emphasis on matters depicting, describing or relating to specified sexual activities and, in conjunction therewith, has facilities for the presentation of adult entertainment for observation by patrons.

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

ADULT ENTERTAINMENT:

- i. An exhibition of any adult-oriented motion pictures, meaning those distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas.

- ii. A live performance, display or dance of any type which has as a significant or substantial portion of the performance any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas, removal of articles of clothing or appearing unclothed, pantomiming, modeling or any other personal services offered to customers.

ADULT ENTERTAINMENT EMPLOYEE: Any and all persons, including independent contractors, who work in or at or render any services directly related to the operation of an adult-oriented establishment.

ADULT ENTERTAINMENT OPERATOR: A person, partnership or corporation operating, conducting or maintaining an adult-oriented establishment.

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity of less than 50 persons which has a principal business purpose of exhibiting, presenting or selling material distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT MOTEL: A hotel, motel or similar commercial establishment which:

- i. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual, activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
- ii. Offers sleeping rooms for rent two (2) or more times in one calendar day.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of 50 or more persons which has a principal business purpose of exhibiting, presenting or selling materials distinguished or characterized by an emphasis on matters depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons.

ADULT-ORIENTED ESTABLISHMENT: Includes, without limitation, the following establishments when operated for profit, whether direct or indirect:

- i. Adult bookstores.
- ii. Adult motion picture theaters.
- iii. Adult mini-motion picture theaters.

- iv. Any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult oriented motion pictures or where an entertainer provides adult entertainment to a member of the public, patron or a member,
- v. An adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term of like import.

AGRICULTURAL OPERATIONS: An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops, nurseries and commodities.

The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

AMERICANS WITH DISABILITIES ACT (ADA): A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities, and services, and any amendments thereto heretofore or hereafter enacted.

APPLICANT: A landowner or developer, as herein defined, who has filed an application for development including his heirs, successors, and assigns.

APPLICATION FOR DEVELOPMENT: Every application, whether preliminary, tentative, or final, required to be filed and approved prior to the start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

AREA, LOT: Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

ASSISTED LIVING RESIDENCE: Any premises in which food, shelter, personal care, assistance or supervision and supplemental health care services are provided for a period exceeding twenty-four hours for four or more adults who are not relatives of the operator and who require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency or medication prescribed for self administration.

AUTHORITY: A body, politic and corporate, created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act."

AUTOMOBILE SALES: The use of any building, land area, or other premises for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.

AUTOMOBILE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use of the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

BANK: A place where general commerce, loans, exchange or issuance of money is conducted to the public. All banks must meet the design standards of the Zoning District in which they are located.

BAR: Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.

BASEMENT: A story underground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is five (5) feet or more or if the basement is used for business or dwelling purposes.

BILLBOARD: A permanent outdoor advertising sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or noncommercial messages not accessory to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

BOARD: Any body granted jurisdiction under a land use ordinance or under this Ordinance to render final adjudications.

BOARD OF SUPERVISORS: The Governing Body of the Township.

BUFFER AREA: A strip of land, which is planted and maintained in shrubs, bushes, trees, grass, or other landscaping material and within which no structure is permitted, except a wall or fence meeting Township standards. This includes open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances. Buffers are to be maintained by the property owner or homeowners association.

BUILDABLE AREA: The area of a lot remaining after the minimum yard and open space requirements of this Ordinance have been met.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter and housing of people and animals and the storage of property.

BUILDING AREA: The aggregate of the maximum horizontal cross-section areas of all buildings on a lot above the ground level, measured at the greatest outside dimensions, excluding cornices, eaves, gutters or chimneys projecting not more than eighteen inches (18"), bay windows not extending through more than one (1) story and not projecting more than five feet (5'), one (1) story open porches projecting not more than ten feet (10'), steps, and balconies.

BUILDING HEIGHT: The vertical distance measured from lowest finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

BUILDING LINE: A line parallel to the street right-of-way touching that part of a building closest to the street.

BUILDING MASS: ("Bulk") - The height, width, and depth of a structure.

BUILDING CODE OFFICIAL: The individual or outside contractor assigned by the Township to enforce the provisions of the Building Code.

BUILDING PERMIT: A document issued by the Building Code Official, or designee, prior to the commencement construction of a structure in compliance with the UCC and this Ordinance.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is located.

BUILDING SCALE: The relationship of a particular building, in terms of building mass, to other nearby and adjacent buildings. There are specific regulations regarding VR Districts and certain Conditional Uses within the Township.

BUILDING SETBACK LINE: The line within a property defining the required minimum distance between any building and the adjacent road right-of-way or property line. This includes sun parlors, front and covered porches whether enclosed or unenclosed (open), but does not include walks, steps, driveways, open porches or terraces.

1. Front Setback Line: The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of buildings and structures and the nearest right of way line.

2. **Side Setback Line:** The line nearest the side of and across a lot establishing the minimum open space to be provided between the side line of buildings and structures and the side lot line.

3. **Rear Setback Line:** The line nearest the rear of and across a lot establishing the minimum open space to be provided between the rear line of buildings and structures and the rear lot line.

BULK REGULATIONS: Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, floor area ratio, and yard requirements.

BUSINESS SERVICES: A commercial establishment principally providing services to individuals and other businesses.

CEMETERIES: Properties used for interring the dead.

CHILD-ORIENTED BUSINESS: A commercial establishment which, as one of its principal business purposes, serves, sells and/or caters food, apparels, goods, services, play and/or entertainment to children and their families.

CHURCH: A building or structure, or groups of buildings or structures that by design and construction are primarily intended (over ten percent (10 %) of Gross Floor Area) for conducting organized religious services. This does not include child or adult day care or schools.

CLINIC: Any establishment where human patients are examined and treated by doctors or any other medical personnel, licensed in the Commonwealth of Pennsylvania, but not hospitalized overnight.

COMMERCIAL RECREATION: A privately owned commercial facility operated for use by the general public and providing recreational facilities for a fee.

COMMON OPEN SPACE: A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development not including streets, off-street parking areas, and areas set aside for public facilities.

COMMUNICATIONS FACILITIES: Any communications tower and its associated structures (Antenna(e)) operated by any person, agency or corporation, not otherwise a public utility regulated by the Pennsylvania Public Utility Commission, who or which furnishes mobile domestic cellular radio telecommunications services, or other communications services, including commercial radio and television, of any type for public or private use.

CONDITIONAL USE: A use permitted in a particular Zoning District pursuant to the provisions in this Ordinance.

CONTRACTOR YARD: A commercial establishment storing and/or offering for sale building supplies, agricultural, horticultural, nurseries, steel supplies, contractor's equipment, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

CORNER LOT: A lot or parcel of land abutting upon two (2) or more streets at their intersection.

COUNTRY CLUB: Land area and buildings containing golf courses, recreational facilities, a clubhouse, and customary accessory uses, open only to members and their guests.

COUNTY: Allegheny County, Pennsylvania.

COUNTY COMPREHENSIVE PLAN: A land use and growth management plan prepared by the Allegheny County Department of Economic Development and adopted by the Allegheny County Council which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulations.

DECISION: Final adjudication of any board or other body having jurisdiction under any land use ordinance or the PA MPC to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealed to the Court of Common Pleas of Allegheny County and the jurisdictional district wherein the Township lies as provided by law.

DECORATIVE WALL: A wall built with the express purpose of acting as a barrier that may or may not hold back surcharge and is appealing to the eye.

DENSITY: The number of dwelling units per unit of land.

DETERMINATION: Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- (1) Board of Supervisors;
- (2) The Zoning Hearing Board; or
- (3) The Planning Agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivisions, all covenants related to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space and public facilities. The phrase "provisions for the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DWELLING: Any structure or building designed or used as the living quarters for one or more families.

DWELLING UNIT: One (1) or more living or sleeping rooms with cooking and sanitary facilities for one family.

ESCORT: A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person and who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

FAMILY: A group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. The occupants must share the entire dwelling unit and live and cook together as a single housekeeping unit. A unit in which various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family.

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas. See Article VI, Section 603.

FLOOR AREA: In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces.

FLOOR AREA, GROSS: Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

FLOOR AREA, NET: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking and loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

FLOOR AREA RATIO: The ratio obtained when the gross floor area is divided by the lot area.

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

FUNERAL HOME: A building used for the preparation of the deceased for burial and the display of the deceased and rituals connected therewith before burial or cremation.

GARDEN APARTMENT: A residential building containing three (3) or more dwelling units, having access to the outside by way of a common entrance or entrances and a common interior hallway. Individual dwelling units in the same building may have party walls on two (2) sides.

GENERAL RETAIL ACTIVITIES: Establishments providing services or entertainment, as opposed to products, to the general public for personal or household use including eating and drinking places, hotels, motels, finance, real estate, and insurance offices; personal services; theaters; amusement and recreation services; health; education, and social services; museums; and galleries (including banks with drive-through).

HEARING: An administrative proceeding conducted by a board pursuant to Section 909.1. of the PA MPC.

HOTEL: A structure or structures designed for occupancy primarily as the temporary abiding place of individuals who are lodged with or without meals, including auto courts, motels, motor hotels, motor lodges, tourist courts and the like, in which structure or group of structures there are more than six living or sleeping room units; all of the area devoted to residential use is in living or sleeping units, each with a private bathroom and none with cooking facilities, except for quarters for the resident manager or proprietor; the major portion of the floor area is devoted to living quarters, but incidental business may be conducted; and there may be meeting rooms, common dining facilities, swimming pools, tennis and similar ancillary recreational uses, as accessory uses or structures incidental to the hotel operation.

INTERNATIONAL BUILDING CODE (IBC): A compilation of building regulations prepared by the International Code Council, as amended from time to time, prescribing regulations for commercial and industrial developments and adopted by the UCC for use in Pennsylvania.

INTERNATIONAL RESIDENTIAL CODE (IRC): A compilation of building regulations prepared by the International Code Council, as amended from time to time, prescribing regulations for residential developments and adopted by the UCC for use in Pennsylvania.

KENNEL: A commercial establishment in which dogs or domesticated animals are housed, groomed, bred, boarded, trained, or sold, all for a fee or compensation.

LAND DEVELOPMENT: As defined in the Township's Subdivision and Land Development Ordinance and its amendments.

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

LIGHT MANUFACTURING: The assembly, processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes, but is not limited to, the production of the following goods: home appliances; electrical instruments; office machines; precision instruments; electronic devices; timepieces; jewelry; optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools, dies and gauges; ceramics; apparel; lightweight non-ferrous metal casings; film processing; light sheet metal products; plastic goods; pharmaceutical and medical goods; computer and similar high technology operations; and food products but not animal slaughtering, curing, or rendering of fats. Natural Gas Compressor Stations and Natural Gas Processing Plants shall be considered Light Manufacturing for the purposes of this Ordinance.

LOT: A designated parcel, tract or area of land established by a plat, subdivision, or as otherwise permitted by law, and to be used, developed or built upon as a unit.

LOT COVERAGE: The portion of a lot covered by buildings.

LOT, DEPTH OF: A mean horizontal distance between the front and rear lot lines.

LOT OF RECORD: Any lot which individually or as a part of a subdivision, has been recorded in the Allegheny County Department of Real Estate.

LOT, WIDTH : The mean width measured at right angles to its depth.

MEDIATION: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating, in a written agreement, which the parties themselves create and consider acceptable.

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

MOBILE HOME: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at the site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

MOBILE HOME PARK: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MULTIPLE FAMILY DWELLING: A residential structure containing three or more dwelling units, including but not limited to Garden Apartments, Quads, and/or Townhouses.

MUNICIPAL AUTHORITY: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945."

MUNICIPAL ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township, Township planning agency or joint planning commission.

MUNICIPALITY: Indiana Township, Pennsylvania.

NET AREA OF LOT (NET ACREAGE): The area of the lot excluding those features or areas that the Township's Subdivision and Land Development Ordinance excludes from the calculations.

NO-IMPACT HOME-BASED BUSINESS: A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. See Section 504 for criteria.

NOISE POLLUTION: Continuous or episodic excessive noise in the human environment.

NONCONFORMING LOT: A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance, but that fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

NONCONFORMING SIGN: A sign that was legally established before the effective date of this Ordinance and does not conform to the requirements set forth in Article VIII of this Ordinance.

NONCONFORMING STRUCTURE: A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in this Ordinance or amendment heretofore or hereinafter enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NONCONFORMING USE: Use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation. A use or activity that was lawful prior to the adoption, revision or amendment of the Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the Zoning District.

NUDE MODEL STUDIO: Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

NUDITY or a STATE OF NUDITY: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breasts.

OCCUPANCY PERMIT: A document issued by the Building Code Official, or designee, upon completion of the construction of a structure, or, with respect to industrial or commercial uses or structures, a change in use of a structure or parcel of land, or change of occupancy of a structure, and indicating that the use and structure are in compliance with the Ordinances of the Township having jurisdiction over the location of such use or structure, that, where applicable, all conditions attached to the granting of the Building Permit have been met, and the structure and land may be occupied and used for the purposes set forth in the Building Permit.

OFFICE: A building used primarily for conducting the affairs of a business, professional service industry, government or like activity, and which may include ancillary services for office workers, such as restaurants, drug stores, dry cleaners, child care, coffee shops, and the like.

OFFICE PARK: A development on a tract of land that contains a number of separate office buildings, accessory and supporting uses, and open space, designed, planned and constructed and managed on an integrated and coordinated basis.

OFFICIAL MAP: A map adopted by ordinance pursuant to the PA MPC.

PENNSYLVANIA MUNICIPALITIES PLANNING CODE OR PA MPC: Act 247 of 1968 adopted by the General Assembly of the Commonwealth of Pennsylvania, and all amendments thereto presently existing and as hereafter enacted.

PERSONAL CARE FACILITY: A building facility licensed as such by the Commonwealth of Pennsylvania.

PERSONAL CARE HOME: Any premises in which food, shelter and personal assistance or supervision are provided for a period exceeding twenty-four hours for four or more adults who are not relatives of the operator, who do not require the services in or of an Assisted Living Residence but who do require assistance or supervision in such matters as dressing, bathing, diet, financial management, evacuation of a residence in the event of an emergency or medication prescribed for self administration.

PERSONAL SERVICES: A commercial establishment providing such personal services as hair dressing and cutting, clothes cleaning, laundering, shoe repair, tailoring and accounting.

PLANNED DEVELOPMENT (PD): A Planned Development as defined and regulated herein. A lot on which the development of more than one principal structure is sited and built in accordance with a unified site development plan, which may provide for a mix of industrial, recreation and open space, office and commercial uses and which is reviewed and approved in accordance with the provisions of this Ordinance.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and non-residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage, and required open space to the regulations established in any one district, created from time to time, under the provisions of this Ordinance.

PLANNING AGENCY: A planning commission, planning department, or a planning committee of the governing body. The Planning Commission of Indiana Township is a recommending body serving as the local planning agency.

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

PRESERVATION OR PROTECTION: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

PRIME AGRICULTURAL LAND: Land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture Natural Resource and Conservation Services County Soil Survey.

PUBLIC GROUNDS: Includes:

1. Parks, playgrounds, trails, paths, and other recreation areas and other public areas.
2. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
3. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency intended to inform and obtain public comment prior to taking action in accordance with this Ordinance.

PUBLIC MEETING: A forum (meeting) held pursuant to public notice, as required by the PA MPC.

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

QUADS: A residential building containing four (4) dwelling units but not including townhouse type.

RENEWABLE ENERGY SOURCE: Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

REPORT: Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

RESEARCH LABORATORY: A facility for applied research conducted within an enclosed structure where no goods are produced in quantity.

RESTAURANT: An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

RETAIL SALES: Establishments engaged in the selling of goods or merchandise to the general public for personal, family, or household consumption and undertaking sales incidental to the sale of such goods.

RIGHT-OF-WAY: The area of land acquired for or devoted to the provision of transportation or utilities.

SCHOOL: Any building or part thereof, which is designed, constructed, or used for education of students K-12, whether public or private, or instruction in any branch of knowledge.

SCREENING: Screening relative to this Ordinance shall mean a fence or barrier (living or not), evergreen hedge or decorative wall. The screening may consist of either one or several rows of bushes or trees or have a constructed fence or decorative wall as a method of visually shielding.

SEMI-NUDE: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SETBACK: An area measured from the front, sides, and/or rear boundary lines of a lot in which no structure may be constructed or erected.

SEXUAL ACTIVITIES: Does not include any of the following:

- i. Medical publications or films or bona fide educational publications or films.

- ii. Any art or photography publications which devote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography.
- iii. Any news periodical which reports or describes current events and which from time to time publishes photographs of nude or semi-nude persons in connection with the dissemination of the news.
- iv. Any publications or films which describe and report different cultures and which from time to time publish or show photographs or depictions of nude or seminude persons when describing cultures in which nudity is indigenous to the populations.

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- i. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- ii. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.

SEXUALLY ORIENTED BUSINESS: An adult arcade, adult bookstore or adult video store, adult motel, adult mini-motion picture theater, adult motion picture theater, escort agency, nude model studio, or sexual encounter center or any other adult-oriented establishment.

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

SINGLE FAMILY DWELLING: A building containing one (1) dwelling unit, which is not attached in any way to any other dwelling units and is surrounded by open space or yards.

SPECIAL EXCEPTION: A use permitted in a particular Zoning District pursuant to the provisions of the PA MPC and of this Ordinance.

SPECIFIED ANATOMICAL AREAS:

- i. Less than completely and opaquely covered:
 - a. Human genitals or pubic region;
 - b. Buttocks; or
 - c. Female breasts below a point immediately above the top of the areola.
- ii. Human male genitals in a discernible turgid state, even if completely opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Includes any of the following:

- i. Human genitals in a state of sexual stimulation or arousal;
- ii. Acts of human masturbation, sexual intercourse or sodomy;
- iii. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

STABLE, PRIVATE: A building, or part of a building, accessory to a farm or a single-family house, for housing horses or ponies. A stable conducted as a business is not an accessory use.

STORAGE FACILITY: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, way, drive, alley, and any other ways used or intended to be used for vehicular traffic or pedestrians whether public or private.

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

SUBDIVISION: The division or re-division 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.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS: The increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exists on the effective date of this Ordinance.

SWIMMING POOL: A water filled enclosure, permanently constructed or portable in ground or above ground, designed, used, and maintained for swimming and bathing for private use.

TOWER SITE: Any lot or parcel on which communications facilities are located or proposed to be located.

TOWNHOUSE: A residential building containing three (3) to eight (8) dwelling units attached to each other by a party or common walls where each dwelling unit has a separate front and rear entrance directly to the outside.

TOWNSHIP: The Township of Indiana, County of Allegheny, Pennsylvania.

TWO-FAMILY DWELLING: A building on a single lot containing two dwelling units, each which is totally separated from the other unit, however, connected by a party or common wall extending from ground to roof.

UNIFORM CONSTRUCTION CODE (UCC): A Code adopted by the Commonwealth of Pennsylvania to be adopted by municipalities for administration and enforcement of building construction regulations.

VARIANCE: Relief granted pursuant to the provisions of the PA MPC.

WINDMILL: A structure used to harness wind energy and is used to generate electricity or other functions.

ZONING HEARING BOARD: The Zoning Hearing Board of Indiana Township.

ZONING OFFICER: The Zoning Officer shall mean the person nominated by the Township Manager with the advice and consent of the Township Board of Supervisors to administer the Zoning Ordinance. Township Board of Supervisors may designate the Township Code Enforcement Officer of the Township or such other person from time to time to serve as the Zoning Officer. This includes any such temporary substitute as deemed appropriate by the Township Manager.

ZONING PERMIT: A document issued by the Zoning Officer prior to the commencement of a project outlined in this Ordinance. (I.E. Accessory Structures, Fences, etc.)

ARTICLE III
ZONING DISTRICTS AND USE REGULATIONS

SECTION 300 - PURPOSES:

The purpose of this section of this Ordinance is to regulate the land uses in the Township by Zoning District. The districts demonstrate the cohesive use of land within areas of similar environmental characteristics. Specific land uses based on a parcel-by-parcel basis will be discouraged as they may increase potential land use conflicts. This concept promotes the quality of life, cohesive neighborhoods and protection of the natural environment of the Township.

SECTION 301 - ZONING DISTRICTS:

The Township is divided into nine (9) Zoning Districts. While it is illustrated to have Greenways on the Future Land use Map as per the Comprehensive Plan dated 08-14-01, as amended, it is suggested that they be allowed to occur naturally through zoning to avoid potential "Takings Lawsuits". Environmental controls allow this to happen and become a reality thorough flood plain, slope, riparian buffers and setback requirements. Zoning Districts are described as follows:

A. AGRICULTURAL (AG) DISTRICT:

Agricultural land uses are generally characterized by farming type activities, including, but not limited to, the raising of animals, crops, horticultural activities, bee keeping, nurseries and forestry. These lands have very large parcels and generally little or limited access to public utilities.

B. RESIDENTIAL ESTATE (RE) DISTRICT:

This land use classification provides for the preservation of existing environmental features. The majority of land in this classification is sparsely populated due to environmental constraints such as topography, lack of public utilities, and lands used for agricultural purposes. This land use category promotes large lots suitable for upscale high-end housing.

C. LOW DENSITY RESIDENTIAL (LDR) DISTRICT:

This land use classification is designed to provide areas that preserve the existing characteristics of single-family dwelling units and is suburban in nature.

D. MEDIUM DENSITY RESIDENTIAL (MDR) DISTRICT:

This land use classification is designed to provide areas that preserve the existing characteristics of single-family dwelling units.

E. TRAILER RESIDENTIAL (TR) DISTRICT:

This land use category is designed to allow the accommodation of expected new mobile home housing as a different dwelling type and at appropriate densities to be affordable for households of all income levels. Densities are based on public utility service availability.

F. VILLAGE RESIDENTIAL (VR) DISTRICT:

This land use category provides for mixed and moderate density residential with a mix of single-family housing, duplex housing, townhouses, and "walkable neighborhoods". This land use technique allows for shorter blocks, grid and "Town Square" and public areas.

G. COMMERCIAL (C) DISTRICT:

This land classification will provide an area that allows for commercial activities that serve the needs of the Township's residents such as convenience and service retail activities.

H. OFFICE FLEX COMMERCIAL (O/C) DISTRICT:

This land classification is intended to promote professional office centers and commercial activity that are ancillary to the permitted uses within this District.

I. LIGHT INDUSTRIAL (LI) DISTRICT:

This land use classification provides for areas that allow green ways, commercial, nurseries, horticultural activities, and light manufacturing activities. These areas are designated to limit the commuter and truck traffic, stabilize township tax base, and preserve environmentally sensitive areas. Odor, noise, dust, point and non-point source pollution, and lighting are limited or prohibited in these areas.

SECTION 302 - ZONING DISTRICT USES/BULK AND AREA REQUIREMENTS:

- A. Table III-A sets forth the uses authorized in each zoning district by type: Permitted Uses, Conditional Uses, and Special Exception Uses.
- B. Table III-B sets forth the Bulk and Area Requirements for principal uses in each District.
- C. Any use not listed in Table III-A will be considered a Special Exception use as determined by the Zoning Hearing Board. Any lesser intense land use may be allowed as a Special Exception use as approved by the Zoning Hearing Board.
- D. Accessory Structures can only be located in the sides or rear yards. However, the side and rear yard setbacks for all residential zoning districts are allowed to be diminished by no more than 5' from the minimum setback requirement and a side or rear yard setback cannot be less than 5'.

**TABLE III-A
ZONING DISTRICTS/USES**

ZONING DISTRICT	PERMITTED USES	CONDITIONAL USES	SPECIAL EXCEPTION USES
Agricultural (AG)	Single-Family Dwelling Agricultural Operations Assisted Living Residence Church Country Club Forestry Mobile Home Personal Care Home Public Grounds Public Utility No-Impact Home Based Business Accessory Structure School	Cemeteries Commercial Recreation Kennel Communication-Facilities	Living Quarters in an Accessory Structure Windmill
Residential Estate (RE)	Single-Family Dwelling Agricultural Operations Assisted Living Residence Church Country Club Forestry Personal Care Home Public Grounds Public Utility No-Impact Home Based Business Accessory Structure School Planned Residential Development	Kennel Communication-Facilities	Living Quarters in an Accessory Structure Private Stable Windmill
Low Density Residential (LDR)	Single-Family Dwelling No-Impact Home Based Business Forestry Accessory Structure Planned Residential Development	Communication-Facilities	Living Quarters in an Accessory Structure Private Stable
Medium Density Residential (MDR)	Single-Family Dwelling Two-Family Dwelling Church No-Impact Home Based Business Public Grounds Public Utility Forestry Accessory Structure School Planned Residential Development	Cemeteries Communication-Facilities	Living Quarters in an Accessory Structure Private Stable
Trailer Residential (TR)	Mobile Home No-Impact Home Based Business Accessory Structure Forestry	Communication-Facilities	

Village Residential (VR)	Single-Family Dwelling Two-Family Dwelling Assisted Living Residence Church Forestry Multiple Family Dwelling No-Impact Home Based Business Personal Care Home Public Grounds Public Utility Accessory Structure School	Communication-Facilities	Living Quarters in an Accessory Structure
Commercial (C)	Assisted Living Residence Automobile Sales Automobile Service Station Bar Bank Business Service Church Clinics Club Forestry Funeral Home General Retail Activities Office Personal Care Home Public Grounds Public Utility Restaurant Retail Sales School Shopping Center Planned Development	Commercial Recreation Hotel Communication-Facilities	Windmill Billboard
Office Flex Commercial (O/C)	Assisted Living Residence Automobile Sales Automobile Service Station Bank Business Service Church Clinics Forestry General Retail Activities Office Office Park Personal Care Home Public Grounds Public Utility Restaurant Retail Sales School Shopping Center Ancillary Commercial Activities Planned Development	Commercial Recreation Hotel Communication-Facilities	Windmill Billboard

Light Industrial (LI)	Agricultural Operations-Nurseries Automobile Sales Automobile Service Station Automotive Salvage Brewery Church Clinics Contractor Yard Distribution Center Grain Elevator Light Manufacturing Forestry Office Public Grounds Public Utility Research Laboratory School Storage Facility Warehousing Accessory Uses Planned Development	Commercial Recreation Hotels Communication-Facilities	Windmill Billboard Sexually Oriented-Businesses
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**TABLE III-B
BULK AND AREA REQUIREMENTS
(FOR PRINCIPAL USES IN EACH DISTRICT)**

ZONING DISTRICT	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM FRONT YARD SETBACK	MINIMUM REAR YARD SETBACK	MINIMUM SIDE YARD SETBACK	MAXIMUM LOT COVERAGE
AG	3 Acres	200	50	30	30	25 %
RE	2 Acres	150	40	25	25	25 %
LDR	1 Acre	100	35	20	20	25 %
MDR	½ Acre	75	30	20	20	50%
TR	2500 Sq. Ft.	40	15	5	2	75%
VR	5,000 Sq. Ft.	30	15	10	5	50%
Town-houses	10,000 Sq. Ft.	150	15	10	5	75%
C	10,000 Sq. Ft.	50	20	10	10	50 %
O/C	20,000 Sq. Ft.	75	30	25	15	50%
LI	40,000 Sq. Ft.	100	50	25	20	60%

SECTION 303 - HEIGHT REGULATIONS:

A. MAXIMUM HEIGHT:

The maximum height for a structure for any permitted, conditional or special exceptions uses in any District is set at thirty-five (35') feet, and may be increased from thirty-five (35) up to a total height of forty-five (45') feet, if every required setback is increased by one foot for each additional foot of height.

B. MAXIMUM HEIGHT EXCEPTIONS:

Church spires, belfries, billboards, communication facilities, monuments, tanks, ornamental towers, chimneys, elevator bulkheads, windmills, smokestacks, silos and flagpoles may exceed the maximum height of the principal structure.

SECTION 304 - OFFICIAL ZONING MAP:

The boundaries of the Districts are illustrated upon the Township Zoning Map. The Official Zoning Map and all of the references and information shown thereon are part of this Ordinance and have the same force and effect as if the Zoning Map and all of the notations, references, and information shown thereon all fully set forth or described herein, the original of which Official Zoning Map is properly attested and is on file at the Township Office.

SECTION 305 - ZONING DISTRICT BOUNDARIES:

District boundaries shown on the lines of roads, streams, and transportation rights-of-way shall be deemed to follow the center lines. The vacation of roads shall not affect the location of such district boundaries. When the Zoning Officer cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the Official Zoning Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map, any evidence relating to the formation of the Zoning Districts, and the purposes set forth in all relevant provisions of this Ordinance.

SECTION 306 - COMPLIANCE WITH REGULATIONS:

No building shall be altered, converted, erected, or moved nor shall any building be used except as permitted in the District in which the building or land is located, and except as hereinafter provided and required. No building shall be altered, converted, erected, or moved nor shall any building be used except in conformity with the area regulations, minimum yard requirements and minimum off-street parking space requirements of this Ordinance for the District in which the building is located.

No part of a required yard or other minimum open space required to be provided for any building for the purpose of complying with the dimensional provisions of this Article shall be included as part of a required yard or other minimum open space similarly required for another building.

SECTION 307 - TEMPORARY USES:

Temporary structures and trailers used in conjunction with construction work shall be permitted uses in every Zoning District only during the period that the construction work is in progress.

SECTION 308 - SPACING OF NON-RESIDENTIAL BUILDINGS:

For the purposes of safety, fire suppression and other emergency conditions, groups of non-residential structures shall be so spaced as to provide a minimum of twenty five (25) feet between buildings to permit fire fighters and other emergency personnel to safely approach the buildings from the side.

SECTION 309 - REQUIRED FRONT YARDS:

Lots that abut on more than one (1) street shall provide the required front yards along every street.

SECTION 310 - STRUCTURES:

a. All Structures, whether attached to the principal structure or not, and whether open or enclosed, including porches, balconies or platforms above normal grade level, shall not project into any minimum front, side, or rear yard; except that structures accessory to a principal residential structure may extend partly into required rear and side yards provided that required side and rear yards are not diminished by more than five feet and that no side or rear yard shall be less than five feet. All accessory structures that do not exceed 1,000 square feet will not require a Building Permit, but must obtain a Zoning Permit.

b. No multi-family dwelling shall have a maximum dimension greater than one hundred sixty feet (160'), and any structure having a dimension greater than forty eight feet (48') shall have architectural offsets to visually break up the building face at every two units.

SECTION 311 - NON-CONFORMING LOT:

Any adjoining non-conforming lots held in separate ownership prior to the date when it became non-conforming shall be exempt from the minimum lot area, depth, and width requirements, and may be used in accordance with the requirement of the ordinances in effect of at the time the lot was laid out. Any adjoining non-conforming lots held under Common Ownership prior to the date when it became non-conforming shall be presumed to merge as necessary in order to conform to this ordinance.

SECTION 312 - SEPTIC TANKS OR ON-LOT SEWAGE DISPOSAL SYSTEMS:

Septic tanks or on lot sewage disposal systems must be approved by the Allegheny County Health Department (ACHD) and/or PA Department of Environmental Protection (PA DEP).

ARTICLE IV
PLANNED RESIDENTIAL DEVELOPMENTS

SECTION 400 - PURPOSES:

In order to encourage innovations in residential development, to better meet modern housing demands, to create variety in the type, design and arrangement of housing units, to conserve and permit economies in providing public services and to reflect changes in the technology in land development and to relate the development of land to the specific site, a Planned Residential Development (PRD) may be approved under the provisions of this Ordinance if, and only if, they accomplish the foregoing purposes and they comply with all other ordinances and regulations of the Township or the County or State not inconsistent herewith, except as to procedure, and with the following standards and provisions. The requirements for approval of a Planned Residential Development plan under this Article shall be an exception to and in lieu of the provisions of the Subdivision and Land Development Ordinance No. 215, as the same may be amended.

SECTION 401 - APPLICATION AND REVIEW PROCEDURES:

A. APPLICATION FOR TENTATIVE APPROVAL:

The application for tentative approval shall include a preliminary development plan and other information as may be required by this Ordinance. The application shall be submitted to the Township with no less than seven (7) copies, six (6) to the Township one (1) to the Township Engineer, of the plans, traffic studies, Environmental Impact Statements (EIS), storm water drainage calculations and any other special studies associated with the development plan and shall be accompanied by the escrow deposit as determined by the Township Board of Supervisors.

The Planning Commission shall be the responsible review agency for the Township Board of Supervisors. However, all applications for approval (both tentative and final) will be acted on by the Township Board of Supervisors.

B. PRE-APPLICATION CONFERENCES:

Each applicant should confer with the Zoning Officer and Township Engineer in connection with the preparation of the PRD application and prior to the submission of such application. The purpose of pre-application conferences is to benefit the applicant by providing information and guidance before the applicant shall have entered into binding commitments or incurred any substantial expense in the preparation of plans, surveys, and other data.

C. DEVELOPMENT PLAN:

The preliminary development plan shall be an overall plan for the entire tract proposed for development, in the form of maps and written development narrative, setting forth the unique design features and methods of open space preservation and shall include:

1. A vicinity map with a North arrow and a graphic scale of one inch (1") equals two thousand feet (2,000') showing enough of the surrounding area to demonstrate the relationship of the development to adjoining uses is required;
2. The location, size and topography of the site and other pertinent natural features such as tree cover, existing gas, oil, and water wells, landslide prone areas, red clay soils and any type of mining activities;
3. The overall and net density of land use to be allocated to the specific areas of the tract to be developed must be illustrated and noted on the plan's zoning schedule;
4. The location and size of the open space and the form of organization proposed to own and maintain the open space;
5. The use and approximate height, bulk, and location of buildings and other structures must be illustrated and noted on the plan's zoning schedule;
6. The feasibility of proposals for the disposal of sanitary waste and storm water and the approval of the servicing municipal authority must be illustrated and noted on the plan's zoning schedule;
7. The substance of covenants, easements, or other restrictions proposed to be imposed upon the use of land, buildings, and structures, including proposed easements or rights of ways for public utilities;
8. The provisions for the parking of vehicles and the location of the width of proposed streets, alleys, and public ways must be illustrated and noted on the plan's zoning schedule;
9. The required modifications of land use regulations otherwise applicable to the subject property;
10. In the case of a development plan that calls for the development over a period of years, a schedule showing the proposed phases within which each application for final approval of all sections of the PRD are intended to be filed. This schedule must be updated annually, on the anniversary of its approval, until the project is complete and accepted by the Board of Supervisors; and
11. The application for tentative approval of a PRD shall include a written statement by the landowner setting forth the reasons why, in his opinion, a PRD would be in the public interest and would be consistent with the Township Comprehensive Plan for its overall land use development

D. REVIEW OF APPLICATION FOR TENTATIVE APPROVAL:

The Township Board of Supervisors or its designated assignee shall forward copies of the application for tentative approval to the Township's Planning Commission, its selected professional consultants, as deemed appropriate, and the township engineer. Applicant shall forward a complete set of plans to the Allegheny County Department of Economic Development.

The Township Board of Supervisors shall not approve the application for tentative approval until the reports from each of the reviewers and review agencies have been received or until the expiration of thirty (30) days from the date said reviewers and review agencies received the copies of the application for tentative approval.

E. PUBLIC HEARING:

The Township Board of Supervisors shall hold a public hearing following required public notice, within sixty (60) days of the filing of a complete application for tentative approval.

F. CRITERIA FOR TENTATIVE APPROVAL:

The Township Board of Supervisors may grant tentative approval to a proposed development plan when it is found to meet the following criteria:

1. The proposed PRD complies with all applicable community development objectives of Article I.
2. Where the proposed PRD provides standards varying from those in this Article and the subdivision regulations otherwise applicable to the subject property, a statement that such departure shall be in the public interest and will promote the health, safety, and general welfare of the public.
3. The proposal and methods for the maintenance and conversion of any proposed common open space are reliable, and the amount and extent of improvements of the remaining land are appropriate with respect to the purpose, use, and type of residential development proposed.
4. The physical design of the proposed development plan adequately provides for internal traffic circulation, and parking, light, air, recreation, and conservation of natural amenities, green ways, and open spaces.
5. The tract of the PRD is harmonious and consistent with the neighborhood in which it is located. The flexibility of design innovation and unique treatment of the site is consistent with the purpose of the Zoning District and adjacent land uses.

6. The proposed PRD will afford a greater degree of protection of natural resources such as slide prone areas, water courses, riparian buffers, flood prone areas and flood plains, dense vegetative cover, trees having calipers of eight inches (8") measured three feet (3') or higher above the ground, than if the property in question were developed in accordance with the Township Subdivision and Land Development Ordinance.

7. In the case of a PRD that proposes development over a period of years, the phased development schedule is sufficient to protect the interests of the public and of the residents of the PRD.

G. GRANT OR DENIAL OF TENTATIVE APPROVAL:

The Township Board of Supervisors shall render their decision no later than sixty (60) days after the conclusion of the public hearing or one-hundred and eighty (180) days of the filing of the application, whichever occurs first.

1. The decision of the Township Board of Supervisors shall be in writing and sent to the landowner personally or delivered by mail to the applicant at the last known address no later than five (5) days following the decision.

2. The Indiana Township Board of Supervisors may:

- a. Grant tentative approval of the development plan as submitted;
- b. Grant tentative approval subject to specific conditions not included in the development plan as submitted, or
- c. Deny tentative approval to the development plan.

3. The grant or denial of tentative approval shall include findings of fact related to the proposed development plan as submitted for approval, and the reasons for the decision of denial shall set forth exactly what particular circumstances of the development plan would or would not be in the best interests of the public, including, but not limited to, each of the criteria listed in this Article.

4. In the event that the development plan is granted tentative approval with or without conditions, the Township Board of Supervisors may set forth in the official written communication the time within which the application for final approval of the development plan shall be filed, or in the case of a development plan which provides for development over a period of years, the periods of time within which applications for final approval of each phase thereof shall be filed. Except upon consent of the landowner, the time so established between grant of tentative approval and an application for final approval shall not be less than three (3) months, and in the case of a development planned over a period of years, the time between

applications for final approval of each part or phase of the plan shall not be less than twelve (12) months.

SECTION 402 - STATUS OF PLAN AFTER TENTATIVE APPROVAL:

The official written communication provided for in this Article shall be certified by the Township Manager and shall be filed in his/her office, and a certified copy shall be mailed to the landowner. Where tentative approval is granted, it shall be deemed an amendment to the Zoning Map, effective on final approval, and the same shall be noted on the Township Zoning Map.

Tentative approval of a development plan shall not qualify a plat of the PRD for recording nor authorized development or issuance of any building permits. A development plan which has been given tentative approval as submitted or which has been tentatively approved with conditions which have been accepted by the landowner (and provided that the landowner has not defaulted nor violated any of the conditions of tentative approval) shall not be modified, revoked or otherwise impaired by the actions of the Township Board of Supervisors, provided that an application for the final approval is filed, or, in the case of a development over the course of years, provided that applications are filed, within the periods of time specified in the official written communication granting tentative approval.

In the event that a development plan is given tentative approval and thereafter, but prior to final approval, the landowner shall elect to abandon said development plan and shall so notify the Township in writing, or in the event the landowner shall fail to file an application for final approval within the required period of time, the tentative approval shall be revoked and all of the area included in the development plan for which final approval has not been given shall be subject to the Township ordinances otherwise applicable thereto as they may be amended from time to time, and the same shall be noted on the Township Zoning Map and in the records of the Township.

SECTION 403 - APPLICATIONS FOR FINAL APPROVAL:

An application for final approval may be for all the land in the proposed development plan, or to the extent set forth in the tentative approval, for a section thereof. Said application shall be filed with the Township within the time or times specified by the written communication following the grant of tentative approval. The Township Board of Supervisors may grant time extensions upon written request from the applicant. The application for final approval shall include all data required for final plan or plat approval as specified in the Township Subdivision and Land Development Ordinance, as well as any conditions set forth in the official written communication granting tentative approval.

SECTION 404 - GUARANTEES OF IMPROVEMENTS:

No development plan shall be given final approval unless a guarantee that the required improvements to be installed by the landowner is given to the Township Board of Supervisors in the form of a performance bond, certified irrevocable

letter of credit, certificate of deposit, or escrow held in an account that is equal to the amount of one hundred and ten percent (110%) of the cost of the improvements that may be required. Said guarantee shall provide security to the public for completion of any or all proposed improvements for the phase submitted for approval within the time period established from the date of final approval.

SECTION 405 - FINAL REVIEW:

The Township Board of Supervisors shall not approve the plans until comments from the Planning Commission and Township Engineer are received or until the forty-five (45) days from the date of the copies of the final application are filed.

SECTION 406 - FINAL APPROVAL:

A. In the event the application for final approval has been filed, together with all drawings, specifications and other documents in support thereof, and as required by this ordinance and the official written communication of tentative approval, the Township Board of Supervisors shall, within 45 days from the date of the Planning Commission meeting following the date the application is filed, grant such development plan final approval. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed.

B. In the event the development plan as submitted contains variations from the development plan given tentative approval, the Township Board of Supervisors may refuse to grant final approval and shall, within 45 days from the date of the regular meeting of the Planning Commission, following the date the application is filed, so advise the landowner in writing of said refusal, setting forth in said notice the reasons why one or more of said variations are not in the public interest. Provided, however, that should the next regular meeting occur more than 30 days following the filing of the application, the 45-day period shall be measured from the 30th day following the day the application has been filed. In the event of such refusal, the landowner may either:

1. Re-file his application for final approval without the variations objected; or
2. File a written request with the approving body that it hold a public hearing on his application for final approval.

If the landowner wishes to take either such alternate action he may do so at any time within which he shall be entitled to apply for final approval, or within 30 additional days if the time for applying for final approval shall have already passed at the time when the landowner was advised that the

development plan was not in substantial compliance. In the event the landowner shall fail to take either of these alternate actions within said time, he shall be deemed to have abandoned the development plan. Any such public hearing shall be held pursuant to public notice within 30 days after request for the hearing is made by the landowner, and the hearing shall be conducted in the manner described in this article for public hearings on applications for tentative approval.

Within 30 days after the conclusion of the hearing, the approving body shall by official written communication either grant final approval to the development plan or deny final approval. The grant or denial of final approval of the development plan shall, in cases arising under this section, be in the form and contain the findings required for an application for tentative approval set forth in this article. Failure of the Board of Supervisors to render a decision on an application for final approval and communicate it to the applicant within the time and in the manner required by this section shall be deemed an approval of the application for final approval, as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner or presentation of communication shall have like effect.

C. A development plan, or any part thereof, which has been given final approval shall be so certified without delay by the Township Board of Supervisors and shall be filed of record in the Allegheny County Department of Real Estate before any development shall take place in accordance therewith.

SECTION 407 - RECORDING:

The landowner shall record the approved plan in the Allegheny County Department of Real Estate within ninety (90) days of the date of final approval, or ninety (90) days after the date of delivery of an approved plat signed by the governing body following completion of conditions imposed for such approval, whichever is later, as required by §513(a) of the PA MPC, before any development shall take place in accordance therewith.

SECTION 408 - REVOCATIONS:

Please see the PA MPC.

SECTION 409 - DEVELOPMENT STANDARDS:

The site for any planned residential development plan shall meet the following requirements:

A. OWNERSHIP:

The developer shall control the entire site for the development.

B. MINIMUM SIZE:

The site shall not be less than ten (10) contiguous acres.

C. FRONTAGE:

The minimum frontage abutting a public right-of-way shall not be less than fifty feet (50').

D. ACCESS:

The site must provide for direct access from an arterial or collector street (as identified in the Township Comprehensive Plan) indicated on the development application for tentative approval in order to assure the proper convenient and safe access to the development plan without causing excessive congestion or pedestrian or vehicular traffic hazards on adjacent streets and intersections.

E. PERMITTED USES:

A mixture of residential dwellings, recreational facilities, open space, green ways, putting greens, swimming pools, and accessory uses incidental to residential may be permitted in a PRD, provided that their arrangement, design, landscaping, pedestrian circulation plan, construction and public utility requirements established in this Section are met and the facilities are intended to be used for and by the owners, tenants and guests only.

F. PERMITTED DENSITIES AND BULK REQUIREMENTS:

1. The Permitted Densities are defined in the following table (Table IV-A).

TABLE IV-A
PRD PERMITTED DENSITIES
(Dwelling Units/Acre)

	RE	LDR	MDR
Single Family Dwelling (SFD)	1	2	3
2 Family Dwelling	-----	2	6
Multiple Family Dwelling	-----	6	8

2. The Bulk and Area requirements are defined in the following table (Table IV-B).

**TABLE IV-B
PRD BULK AND AREA REQUIREMENTS**

	RE		LDR		MDR	
	Set Back	Feet	Set Back	Feet	Set Back	Feet
Single Family Dwelling (SFD)	Front	30	Front	25	Front	25
	Rear	15	Rear	15	Rear	10
	Side	15	Side	15	Side	15
2 Family Dwelling	-----		Set Back	Feet	Set Back	Feet
			Front	20	Front	20
			Rear	20	Rear	20
			Side	10	Side	10
Multiple Family Dwelling	-----		Set Back	Feet	Set Back	Feet
			Front	20	Front	20
			Rear	15	Rear	10
			Side	15	Side	10

G. COMMON OPEN SPACE:

No less than twenty percent (20%) of the Development shall be set aside for Common Open Space

H. COMMON OPEN SPACE MAINTENANCE:

Open space created by the application of the provisions of this Article are required to be dedicated or otherwise preserved and maintained as to always remain open. The land used for active and passive recreation must be acceptable according to the following provisions:

The land shall be deeded to an organization representing the property owners of the development; the organization shall covenant to operate and maintain the land or;

The land shall be dedicated to the Township for township park use, provided the Township accepts the same.

I. BUFFER AREA:

A twenty-five foot (25') buffer of land around the perimeter of the development site in which no development may take place.

J. IMPERVIOUS COVERAGE:

The total combined building and impervious surface for the entire site may not exceed fifty percent (50%).

K. BUILDING GROUPING:

Each building used for multi-family dwellings and their accessory use buildings, shall be oriented in such a manner as to ensure proper air, light, and exposure for walls with windows. Each building shall be so arranged to avoid unnecessary exposure to large-scale parking and loading facilities and shall be so situated that there is privacy between buildings and audible privacy (noise) to and from adjacent lots. Any building used, as a dwelling unit shall be sited so emergency vehicles can access it.

L. MINIMUM BUILDING SPACING:

No structure shall be located closer than twenty-five feet (25') from any other structure in the development.

M. HOMEOWNERS ASSOCIATIONS:

1. In cases where the Township Board of Supervisors specifies that the municipality is not accepting open spaces or areas used for recreation and storm water detention and areas between buildings, the landowner shall provide an organization (complete with Articles of Incorporation and Bylaws), homeowner's association or trust for such maintenance. Before disposing of any of the property owned by the homeowner's association or trust, the Township must first be offered the opportunity to take the property in question by dedication before it is sold or transferred to a like agency.

a. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after establishment of the planned residential development fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township Board of Supervisors may serve written notice upon such organization or upon the residents of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be corrected within 30 days thereof, and shall state the date and place of a hearing thereon which shall be held within 14 days of the notice. At such hearing the Township Board of Supervisors may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected.

b. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days or any extension thereof, the Township, in order to preserve the taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one year. Said maintenance by the Township shall not constitute a taking of said common open space, nor vest in the public any rights to use the same.

c. Before the expiration of said year, the Township shall, upon its initiative or upon the request of the organization theretofore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned residential development, to be held by the governing body or its designated agency, at which hearing such organization or the residents of the planned residential development shall show cause why such maintenance by the Township shall not, at the option of the Township, continue for a succeeding year. If the Township Board of Supervisors shall determine that such organization is ready and able to maintain said common open space in reasonable condition, the Township shall cease to maintain said common open space at the end of said year. If the Township Board of Supervisors shall determine that such organization is not ready and able to maintain said common open space in a reasonable condition, the Township may, in its discretion, continue to maintain said common open space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.

d. The decision of the Township Board of Supervisors shall be subject to appeal to court in the same manner, and within the same time limitation, as provided for zoning appeals by the PA MPC.

e. The cost of such maintenance by the Township shall be assessed ratably against the properties within the planned residential development that have a right of enjoyment of the common open space, and shall become a lien on said properties. The Township at the time of entering upon said common open space for the purpose of maintenance shall file a notice of lien in the Allegheny County Office Department of Court Records, upon the properties affected by the lien within the planned residential development.

2. All provisions of the development plan shall run in favor of the residents of the planned residential development but only to the extent expressly provided in the development plan and in accordance with the terms of the development plan, and to the extent said provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf; provided, however, that no provisions of the development plan shall be implied to exist in favor of residents of the planned residential development except as to those portions of the development plan which have been finally approved and have been recorded.

3. All those provisions of the development plan authorized to be enforced by the Township under this section may be modified, removed, or released by the Township, except grants or easements relating to the service or equipment of a public utility, subject to the following conditions:

a. No such modification, removal or release of the provisions of the development plan by the Township shall affect the rights of the residents of the planned residential development to maintain and enforce those provisions, at law or equity, as provided in this section.

b. No modification, removal or release of the provisions of the development plan by the Township shall be permitted except upon a finding by the Township Board of Supervisors or the Planning Commission, following a public hearing thereon pursuant to public notice called and held in accordance with the PA MPC, that the same is consistent with the efficient development and preservation of the entire planned residential development, does not adversely affect either the enjoyment of land abutting upon or across the street from the planned residential development or the public interest, and is not granted solely to confer a special benefit upon any person.

Residents of the planned residential development may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, remove or release their rights to enforce the provisions of the development plan but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this section.

N. ROADS AND PARKING:

Access to any PRD shall be provided by a public street. The dimensions and construction of alleys, bikeways, roads, streets and parking areas provided within the PRD will comply with the standards of the Township at the time the application is approved whether the areas are dedicated to the Township or not. If a developer can justify the density of the development and the flow of its traffic, pedestrian and bikeways do not conform to such requirements, the Township Board of Supervisors may allow for lesser standards which shall not be contrary to the community goals and objectives (Article I, Section 104) and the Township Comprehensive Plan. Every single-family dwelling unit is required to have access to a street or public right-of-way.

O. HEIGHT LIMITATIONS:

All structures located within the PRD shall not exceed thirty-five feet (35') in height measured from the finished first floor elevation and the highest peak of the roof. Chimneys, spires, towers, tanks, or similar projections may exceed the prescribed height limitation by not more than ten feet (10').

P. PHASED DEVELOPMENT:

In no instance shall the density (dwelling units per acre) of any phase of the development exceed the allowable net density as permitted by this Article.

SECTION 410 - ENFORCEMENT AND AMENDMENT: To ensure the integrity of the development plan and guarantee that modifications in the plan do not have an adverse impact on the environment, the Township or its residents, the enforcement and modification of the development plan as finally approved, where those are recorded by plat, covenant, easement or otherwise legally permissible, shall be subject to the following provisions:

A. PROVISIONS IN FAVOR OF THE TOWNSHIP:

All provisions of the development plan relating to the use, bulk, and location of buildings and structures, the quantity and location of common open space, except as otherwise provided in this Article, and the intensity of the use or the density of residential units shall run in favor of the Township, and as provided by law, these provisions shall be enforceable by law or in equity without limitation on any powers of regulation otherwise granted by law.

B. PROVISIONS IN FAVOR OF RESIDENTS:

All provisions of the development plan shall run in favor of the residents of the PRD but only to the extent expressly provided in the development plan. Furthermore, these provisions, whether recorded by plat, covenant, easement or otherwise legally permissible, may be enforced at law or in equity by said residents acting individually, jointly, or through an organization designated in the development plan to act on their behalf. No provisions of the development plan shall, however, be implied to exist in favor of the residents of the PRD except as to those portions of the development plan, which have been finally approved and recorded.

C. RELEASE OF RIGHTS:

Residents of the PRD may, to the extent and in the manner expressly authorized by the provisions of the development plan, modify, move, or release their rights to enforce the provisions of the development plan, but no such action shall affect the right of the Township to enforce the provisions of the development plan in accordance with the provisions of this Article.

ARTICLE V
SUPPLEMENTAL REGULATIONS

SECTION 500 - PURPOSES:

The purpose of this Section of this Ordinance is to provide standards for issues that are unique and must be based on a case-by-case basis.

SECTION 501 - NONCONFORMING USES AND STRUCTURES:

In the event that a nonconforming use and/or nonconforming structure ceases to be used as such, for whatever reason, for a period of one (1) year, or is abandoned for any period such nonconforming use or nonconforming structure shall not be resumed.

A. NONCONFORMING USE:

1. A nonconforming use may be continued but may not be extended, expanded, or changed unless changed to a conforming use, except as permitted by the Zoning Hearing board in accordance with the following and with all other provisions of this Ordinance.
 - a. The new use will more closely correspond with the uses permitted in the district.
 - b. The changed use will be in keeping with the character of the neighborhood in which it is located.
2. When a nonconforming use takes place inside a structure, the floor area of the structure and the nonconforming use within it may be enlarged as approved by the Zoning Hearing Board.

B. NONCONFORMING STRUCTURE:

1. A nonconforming structure used or occupied by a permitted use may be enlarged or expanded if the expansion, considered independently of the original structure, complies with the off-street parking with review and approval by the Zoning Hearing Board, and such expansion does not otherwise increase the extent of the nonconformity.

SECTION 502 - OIL AND GAS DRILLING OPERATIONS:

It is hereby declared to be the purpose of this chapter to declare Oil and Gas Development a use permitted by Conditional Use in all Zoning Districts of the Township except for the "VR" (Village Residential) and "TR" (Trailer Residential) Districts. The Township of Indiana recognizes that the regulation of Oil and Gas Development is the primary responsibility of the regulatory agencies of the Commonwealth of Pennsylvania, but that the Township maintains its zoning powers as set forth in the Pennsylvania Municipalities Planning Code ("MPC") and through the Township of Indiana Zoning Ordinance. It is in the Township's best interest to have information concerning oil and gas exploration,

development, and production taking place within the Township and to ensure certain security and safety measures related to oil and gas well drilling are in place.

A. Definitions.

As used in this Chapter, the following terms shall be interpreted or defined as follows:

Oil and Gas Development or Development. The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil and Gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; and the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production and transportation of Oil and Gas other than Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities.

Township. Indiana Township, Allegheny County, Pennsylvania.

Oil and Gas. Crude oil, natural gas, methane gas, coal bed methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling a well of any depth into, through, and below the surface of the earth.

Operator. Any person, partnership, company, corporation or other entity, including their subcontractors and agents, who have an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas.

Protected Structure. Any residence, commercial business, school, religious institution or other public building located within 1,000 feet of the surface location of a well that may be impacted by noise generated from drilling or hydraulic fracturing activity at a Well Site. The term shall not include any structure owned by an oil and gas lessor who has signed a lease with the Operator granting surface rights to drill the subject well or whose owner or occupants have signed a waiver relieving the Operator from implementation of the measures established in Paragraph 10 of this Ordinance for the owners' or occupants' benefit.

Well Site. A graded pad designed and constructed for the drilling of one or more Oil and Gas wells.

Natural Gas Compressor Station. A facility designed and constructed to compress natural gas that originates from an Oil and Gas well or collection of such wells operating as a midstream facility for delivery of Oil and Gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural Gas Processing Plant. A facility designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets but not including facilities or equipment that are/is designed and constructed primarily to remove water, water vapor, oil or naturally occurring liquids from natural gas.

B. Zoning.

The Township of Indiana hereby declares that Oil and Gas Development may be permitted by Conditional Use in all Zoning Districts in the Township except for the “VR” (Village Residential) and “TR” (Trailer Residential) Districts, where said Development meets the following conditions:

1. Operator shall comply with any generally applicable bonding and permitting requirements for Township roads that are to be used by overweight vehicles and equipment for Development activities. For state roads located within the Township, Operator shall provide a copy of the Highway Occupancy Permit for overweight vehicles to Township.
2. Operator shall take the necessary safeguards to ensure that the Township roads utilized remain free of dirt, mud and debris resulting from Development activities and/or shall ensure such roads are promptly swept or cleaned if dirt, mud and/or debris occur.
3. Operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossing and/or adjacent to roadways (for example, persons waiting for public or school transportation). Where necessary and permitted, during periods of anticipated heavy or frequent truck traffic associated with Development, Operator will provide flagmen to ensure the safety of children at or near schools or school bus stops and include adequate signs and/or other warning measures for truck traffic and vehicular traffic.
4. Operator shall not clear brush or trees by way of burning, and shall chip, grind or remove all tree stumps from properties it clears for Development purposes. However, Operator shall be permitted to, consistent with any relevant outdoor burning ordinance(s), laws and regulations, burn any brush, trees, or stumps that have been removed from the ground and collected into a pile or piles on the properties where the Operator is engaging in Development.
5. Prior to Development, Operator shall provide to the Township’s Police Department and Fire Company ("First Responders") and to the Township Zoning Officer, a copy of its Preparedness, Prevention and Contingency (“PPC”) Plan, as well as a Data Sheet listing the chemicals to be used in the hydraulic fracturing process.

6. Before drilling, the Township shall ascertain whether the Township's police and fire departments have secured adequate information to deal with any potential dangerous conditions that may result due to Development activities. First Responders shall have on-site orientation and be provided adequate awareness information. Upon request from the Township, Operator will, prior to drilling of an Oil and Gas well, make available with at least thirty (30) days' notice, at its sole cost and expense, an appropriate site orientation for First Responders. Such site orientation shall be made available immediately after any substantial modification to the Development or Well Site, or not less than annually during the period when the Operator anticipates Development activities in the Township.
7. Operator shall take the necessary safeguards to ensure appropriate dust control measures are in place.
8. Recognizing that the specific location of equipment and facilities is an important and integral part of Oil and Gas Development, as part of the planning process, Operator shall make a good faith effort to locate its temporary and permanent operations so as to minimize interference with Township residents' enjoyment of their property and future Township development activities.
9. Recognizing that adequate and appropriate lighting is essential to the safety of those involved in the Development of Oil and Gas, the Operator shall direct site lighting downward and inward toward the drill site, wellhead, or other area being developed so as to minimize glare on public roads and adjacent buildings within three hundred (300) feet of the drill site, wellhead, or other area being developed.
10. At least two (2) weeks prior to drilling an Oil and Gas well or multiple Oil and Gas wells at a location, the Operator shall provide the following information to each resident within one thousand (1,000) feet of the planned surface location of the well(s):
 - a. A copy of the well survey plat showing the location(s) of the planned well(s),
 - b. A general description of the planned operations at the planned well(s) and associated equipment used in the Development of the well(s),
 - c. The contact information for the Operator, and
 - d. The availability of the Operator to hold a meeting with such residents to present Operator's plans for the well(s) and to allow for questions and answers. The meeting(s) shall be held prior to Well Site construction.

11. Upon the filing of an Application for Conditional Use under this Section, the Operator shall provide:
 - a. A map showing the planned access route to the Well Sites on public roads,
 - b. Information on the status of road bonding,
 - c. The Operator's Erosion & Sedimentation Plan,
 - d. The well survey plat showing the planned surface location(s) of the well(s), and
 - e. The contact information for the Operator.
12. At least ten days prior to commencement of drilling, the Operator shall provide to the Township Zoning Officer a copy of the drilling permit issued by the Pennsylvania Department of Environmental Protection ("DEP"). The Operator shall also provide a copy of the recorded subdivision plan or land development plan, as appropriate, indicating the size and location of the proposed drilling area.
13. In addition to the requirements in subsections 1 through 12 above, for any Oil and Gas well where the planned surface location of the well will be within one thousand (1,000) feet of a Protected Structure, the Operator shall:
 - a. Install temporary safety fencing, at least six (6) feet in height, around drilling and hydraulic fracturing equipment and install permanent fall protection fencing meeting OSHA requirements around any pits that contain or could contain water or other liquids at depths greater than two feet.
 - b. Install an adequate number of warning signs providing notice of the potential dangers at the perimeter of the Well Site.
 - c. Provide at least one security guard 24 hours per day/7 days per week when a drilling rig or hydraulic fracturing equipment is on the Well Site.
14. Prior to the commencement of drilling activities, no construction activities involving excavation of, alteration to, or repair work on any access road or Well Site shall be performed during the hours of 10:00 p.m. to 7:00 a.m.
15. Township recognizes and acknowledges that Oil and Gas Development is accompanied by inherent noise. However, the Operator shall take the following steps to minimize, to the extent practicable, the noise resulting from the Development:

- a. Prior to drilling of an Oil and Gas well, the Operator shall establish a continuous seventy-two (72)-hour ambient noise level at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure or, alternatively, and in lieu of establishing the above seventy-two (72)-hour ambient noise level, the Operator may assume and use, for the purposes of compliance with this ordinance, a default ambient noise level of 55 dBA. The sound level meter used in conducting any evaluation shall meet the American National Standard Institute's standard for sound meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
- b. The Operator shall provide documentation of any established, seventy-two (72)-hour evaluation relied upon to establish an ambient noise level greater than 55 dBA to the Township's Zoning Officer within three (3) business days of such a request from the Zoning Officer.
- c. The noise generated during construction, drilling and hydraulic fracturing activities when measured at the nearest Protected Structure property line or one hundred (100) feet from the nearest Protected Structure (as measured to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level (as determined by the seventy-two (72) hour evaluation) or default level, whichever is higher:
 - i. during drilling activities by more than seven (7) decibels during the hours of 7:00 a.m. to 10:00 p.m.;
 - ii. during drilling activities by more than five (5) decibels during the hours of 10:00 p.m. to 7:00 a.m.;
or
 - iii. by more than ten (10) decibels during construction or hydraulic fracturing operations.

The Operator shall inform the Township of which level (average ambient noise level or default level) is being used.

d. Adjustments to the forgoing noise limits may be permitted in accordance with the following:

Permitted Increase (dBA)	Duration of Increase (minutes)*
5	15
10	5
15	1
20	1

*Cumulative minutes during any one hour.

e. If a complaint is received by the Township from any person, whether a resident or otherwise using the Protected Structure as defined herein for any lawful purpose, regarding noise generated during construction, drilling or hydraulic fracturing activities, the Operator shall, within twenty-four (24) hours of receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of:

- i. the complainant's Protected Structure property line nearest to the Wellsite or equipment generating the noise, or
- ii. one hundred (100) feet from the Protected Structure.

f. If the Operator engages in any noise testing as required by this Ordinance, it will provide preliminary data to the Township no later than five (5) business days following completion of the noise testing. Once the monitoring is complete, Operator will meet with Township representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set forth herein were exceeded.

- g. Exhaust from any internal combustion engine or compressor used in connection with the drilling of any well or for use on any production equipment or used in Development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.
- h. All workover operations shall be restricted to the hours of 7:00 a.m. to 10:00 p.m., except in the extent of an emergency, as reasonably determined by the Operator. "Workover operations" shall mean work performed in a well after its completion in an effort to secure production where there has been none, restore production that has ceased, or increase production.
- i. The noise restrictions contained in this Paragraph 15 shall also apply to Natural Gas Compressor Stations and Natural Gas Processing Plants.

16. Operator shall take all reasonable measures to prevent the emission of offensive odors from the Development and from Natural Gas Compressor Stations and Natural Gas Processing Plants.

SECTION 503 - SWIMMING POOLS , SPAS AND HOT TUBS:

Private Swimming Pools: A "private swimming pool," but not including lakes or ponds, shall be any pool not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than twenty four (24") inches. Private swimming pools shall be permitted in any Residential Zoning District as an accessory use in conformance with the following conditions and requirements:

A. PRIVATE SWIMMING POOLS:

The pool is intended and is to be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located. It shall not be located closer than the accessory use setback requirements found in Article III, Table III-C to any property line of the property on which located. Swimming pools shall comply with the following conditions and requirements, as set forth in the I.R.C., as amended:

- 1. A building permit will be required for all in-ground pools and also for above-ground, and on-ground swimming pools over twenty four (24") inches deep.

2. Definitions:

- a. Barrier: A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.
- b. Swimming Pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

3. A swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa, over twenty four inches (24") in height, shall be surrounded by a barrier which shall comply with the following:

- a. The top of the barrier shall be at least 48 inches above grade measured on the side of the barrier which faces away from the swimming pool.
- b. Openings in the barrier shall not allow passage of a 4-inch-diameter sphere.
- c. Access gates shall be equipped to accommodate a locking device. Access gates shall open outward away from the pool and shall be self-closing and have a self-latching device.
- d. Barrier exceptions: Spas or hot tubs with a safety cover that meets manufacturer's specification for the particular model, shall be exempt from the provisions of this ordinance.

B. COMMUNITY OR CLUB SWIMMING POOLS:

A "community or club swimming pool" shall be any pool constructed by an association of property owners, by a private club or business enterprise for use and enjoyment by members of the association or club, their families or guests. Community and club swimming pools shall comply with the following conditions and requirements:

- 1. The pool is intended for the enjoyment of the members, families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- 2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred feet (100') to any property line of the property on which it is located; and

3. The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than forty eight inches (48") in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees and maintained in good condition.

SECTION 504 - NO-IMPACT HOME BASED BUSINESS:

A. A home-based business shall be clearly incidental and secondary to the use of the dwelling unit for residential purposes. The following requirements are set forth in the PA MPC.

1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
2. The business shall employ no employees other than family members residing in the dwelling.
3. There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
4. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
5. The business activity may not use any equipment or process, which creates noise, vibration, glare, fumes odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
6. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
8. The business may not involve any illegal activity.

B. No-Impact home-based businesses may include, but are not limited to, studios, dressmaking, and professional offices of physicians, dentists, lawyers, engineers, architects, accountants, real estate offices, insurance offices, and teaching of musical instruments. However, a home-based business shall not be interpreted to include, for instance, commercial stables and kennels, catering and/or restaurants, or automotive repair services.

SECTION 505 - STEEP SLOPES AND SLIDE PRONE AREAS:

The purpose of this Section of this Ordinance is to attempt to prevent poor construction activities (commercial, industrial, and residential, etc) in areas of the Township that are known to have landslides. "Pittsburgh" Red Clay Beds or slopes that are excessively steep will cause the standards of this Section to apply. This Section of this Ordinance is intended to promote the general health, safety and welfare of the Township residents and eliminate potential environmental conflicts. These areas are found throughout the Township on a broad basis.

A. DESIGNATION OF AREA:

An area considered having steep slopes is defined as any part of or a whole tract of land that has an average slope of forty percent (40%) or more. This land area shall be designated as un-developable, unless, the following conditions are met:

1. All areas of the "Pittsburgh" Red Clay Beds are removed if any exist in the areas and those areas adjacent to those to be developed;
2. A Professional Geologist, Licensed in the Commonwealth of Pennsylvania, certifies that the land is stable and able to be built upon;
3. Land areas addressed under this Section are classified as landslide prone based on an environmental assessment, environmental impact statement, Allegheny County Soil Conservation District Report, or referenced in the Physiology Report for Allegheny County of 1968, must be indicated on a topographic conditions map of the Township provided by the applicant and made available to the public. An area considered having landslide prone areas is defined as any part a tract of land that may have slope stabilization issues due to the following criteria:
 - a. Proximity of rock layer to the surface;
 - b. Certain soil strata;
 - c. Rock fracturing;
 - d. Types of soil strata;
 - e. Steepness of slopes;
 - f. Spring seeps; and
 - g. Groundwater levels; and
4. Any other conditions that are recognized by a report from a Professional Geologist, Licensed in the Commonwealth of Pennsylvania

B. USE REGULATIONS:

The following land uses are permitted in steep slope and landslide prone areas:

1. Parks and recreational uses, as long they are with land in the following watersheds:

- a. Blue Run;
- b. Campbell Run;
- c. Cedar Run;
- d. Cunningham Run; ;
- e. Deer Creek;
- f. Little Deer Creek;
- g. Little Pine Creek;
- h. Long Run;
- I. Rawlins Run;
- j. Shafers Run; and
- k. Squaw Run.

2. FORESTRY: These uses must be in accordance with the conservation practices that protect the environment and assure that soil erosion will not result from the permission of these activities.

3. RESIDENTIAL BUILDINGS: These may be permitted in accordance with the Zoning District in which the activity is to occur, and the following conditions are met:

a. SLOPES: Slopes up to percent (40%) are allowable.

b. REPORT: A report from a Professional Geologist, Licensed in the Commonwealth of Pennsylvania, is provided stating that the steep slope in excess of 26% or a slope classified as a slide prone area endangers none of the buildings.

A report containing the following is provided:

i. A site plan of the property illustrating landslide-prone areas, submitted by a report from a Professional Geologist, Licensed in the Commonwealth of Pennsylvania, or a Professional Engineer. The plan must be based on U.S.G.S. Datum or State Plane Data and illustrate existing grades at two foot (2') foot intervals as well as grades proposed for the site;

ii. How cut and fill material will be handled;

iii. A limit of clearing line of existing vegetative cover;

iv. A landscaping plan illustrating the proposed impervious surfaces, storm water and public utilities, and any areas listed in the Allegheny County Biodiversity Study;

v. Architectural plans with basement, final floor elevations, and necessary cross sections; and

vi. A report signed and sealed by a Registered Architect or Professional Engineer, Licensed in the Commonwealth of Pennsylvania, documenting the methods used in addressing the construction of the building and the site-specific environmental conditions including steep slopes and landslide prone areas.

C. REVIEW PROCEDURES:

The Zoning Officer shall require the following additional information to be included with any development application for either a Building Permit for construction or other use within an area identified as an area of steep slopes or landslide prone:

1. A site plan of the property illustrating areas that are proposed for development or construction and illustrating the steep sloped or landslide prone areas on the entire site and adjacent properties if necessary.
2. The plan or plans must include both existing and proposed contours, the bulk and setback requirements of all structures, all streets, alleys, sidewalks, and impervious surfaces, storm water controls, utilities, soil conditions, and methods used to preserve the remaining steep slope and/or landslide prone areas.
3. A report signed and sealed by a Registered Architect, Professional Geologist, or Engineer, Licensed in the Commonwealth of Pennsylvania, documenting the methods used in addressing the construction of the building and the site-specific environmental conditions including the protection of watersheds as well as steep slopes and landslide prone areas.
4. For landslide prone areas, a report is required, signed and sealed by a Registered Architect, Professional Geologist, or Engineer, Licensed in the Commonwealth of Pennsylvania, documenting the subsurface conditions prior to development and if they have the potential to cause landslides on the site and if they will increase the potential for landslides.

5. If the area proposed for development or construction is in a steep slope or landslide prone area, a report signed and sealed by a Registered Engineer, Licensed in the Commonwealth of Pennsylvania, stating that the area proposed for development or construction is in a steep slope or landslide prone area but can be developed or constructed upon, without increasing the potential for landslides and the plan complies with all local, county and Commonwealth environmental regulations.

SECTION 506 - FLOOD PRONE AREAS:

The purpose of this Section of this Ordinance is to assure and promote all new construction within identified flood prone areas will be adequate enough to assure all construction and development plans within a flood prone area and all supporting infrastructure will minimize, reduce and prevent flood damage, for further information refer to the Flood Plain Ordinance No. 203.

A. REVIEW OF APPLICATION BY THE ALLEGHENY COUNTY CONSERVATION DISTRICT:

A copy of all applications for development within a flood prone area or having total gross site areas of over five thousand (5,000) square feet shall be submitted to the Allegheny County Conservation District for review and approval before the Township issues any Building or Grading Permits.

B. REVIEW OF APPLICATION BY THIRD-PARTY AGENCIES:

A copy of all applications for development within a flood prone area or having total gross site areas of over five thousand (5,000) square feet shall be submitted to the all applicable third-party agencies having jurisdiction for review and approval before the Township issues any Building or Grading Permits.

The following are the specific agencies that will be sent plans for review and comment if deemed appropriate by the Township Zoning Officer:

1. Township Engineer;
2. PA DEP;
3. PA DCNR;
4. PENN DOT;
5. Deer Creek Watershed Association;
6. Local Municipal Sanitary Authority;
7. Local Municipal Water Authority or supplier;
8. Sewage Enforcement Officer (SEO); and
9. Any others as deemed necessary on a case-by-case basis.

SECTION 507 - FARMS:

The development of farms in the Township shall comply with the following regulations:

- A. All of the requirements of the Township Subdivision and Land Development Ordinance and this Ordinance governing the development of farms are met, or proof of a design modification from Township requirements by the approving agency is given.
- B. Any residential dwelling units on a farm will conform to all of the requirements of the Township Subdivision and Land Development Ordinance and this Ordinance.
- C. In agricultural operations involving pig farms, the number of pigs is limited to one hundred (100) heads due to environmental affects in high quality watershed and biological diversity areas. The housing facilities for a pig farm shall not be located within five hundred (500) feet of a property line, street right of way or adjacent property line.
- D. Any grazing lands and horse pens are required to have a minimum fence height of four feet (4'), three feet (3') for electric fences.
- E. No manure storage may be allowed within one hundred feet (100') of a property line.
- F. Agricultural product displays are allowed provided that the following conditions are met:
 - 1. All provisions of the signs Section of this Ordinance are met.
 - 2. All sales of seasonal agricultural products shall be from a portable stand and be located no less than twenty-five feet (25') from any property line.

SECTION 508 - OFFICE PARKS:

The following regulations are hereby applied with respect to the development of Office Parks in the Township:

- A. All of the requirements of the Township Subdivision and Land Development Ordinance and this Ordinance governing the development of buffers, lighting, off-street parking and loading, signs, and all supplemental regulations are met; or proof of a design modification from Township requirements by the professional consultant is provided.
- B. Evergreen buffers are provided at a minimum height of six feet (6') at field planting.
- C. All plantings are guaranteed for one (1) year.

D. The evergreen row is a staggered row that has evergreens spaces at twenty foot on center.

E. Vertical buffers are allowed at the discretion of the Township.

F. All off-street parking and loading requirements as described in this Ordinance as well as drive-through requirements and pedestrian and vehicular circulation and separation plans shall be addressed in a traffic study report provided by the applicant. The report is to be reviewed and commented on by the Township Engineer and by an engineering firm that specializes in traffic studies and traffic calming.

G. The number of all off-street parking and loading spaces as well as handicapped spaces and expecting or new mother stalls shall be based on specified amounts identified in this Ordinance.

H. If requested, a temporary two (2) faced sign may be placed on the site if it is out of the right-of-way and follows buffer requirements. The sign may not be lighted. The sign shall not be more than thirty two square feet (32 sq. ft.) in gross area.

I. An agreement to develop public utilities, community facilities, recreational facilities, open spaces, etc. between the landowner or developer and the Township, approved by both the Township Solicitor and the Board of Supervisors, is established.

SECTION 509 - COMMUNITY SEWAGE DISPOSAL SYSTEMS:

The following regulations are hereby applied with respect to the development of Community Sewage Disposal Systems in the Township:

A. Any septic tanks, sand mound or other On-lot Sewage Disposal System must be approved by the Allegheny County Health Department (ACHD) and comply with all applicable county and Pennsylvania Department of Environmental Protection (PA DEP) regulations.

SECTION 510 - TRAFFIC IMPACT STUDY REQUIREMENTS:

A. WHEN REQUIRED:

A traffic impact study is required if a proposed development contains fifty (50) or more new dwellings units. A traffic study will be required for any new commercial or industrial developments that create fifty (50) or more trips during peak hours at the nearest intersection and those within one half-mile (.5 mi.) radius.

Traffic studies shall also be required as prescribed in the West Deer/Indiana Township Joint Impact Fee Program, Ordinance No. 360, as amended.

B. TRAFFIC STUDY MINIMUM REQUIREMENTS:

1. A traffic study must be included as part of the application for preliminary subdivision or site plan approval. Conditional use approval applications may necessitate a traffic study based on the determination of the Township.

2. A Licensed Professional Engineer, Licensed in the Commonwealth of Pennsylvania, who is qualified to conduct such studies, shall perform the study. The following is the minimum information required to be included in the study:

- a. A description of the proposed project by average daily traffic (ADT) estimates at A.M. and P.M. peak hours; and
- b. An inventory of the existing conditions on the site and in the area within a one half mile (.5 mi.) radius including the following:
 - i. Road network of proposed development;
 - ii. Traffic control methods used internally in the proposed development;
 - iii. The existing average daily traffic (ADT) estimates at A.M. and P.M. peak hours both pre- and post-development within a one half mile (.5 mi.) radius;
 - iv. Levels of Service (LOS) at all proposed intersections within the proposed development;
 - v. Levels of Service (LOS) both pre- and post-development at all proposed intersections at peak hours within a one-half mile (.5 mi.) radius;
 - vi. Deceleration Lanes;
 - vii. County required approvals and permits;
 - viii. PENN DOT required approvals and permits;
 - ix. Projected site generated trips;
 - x. Pedestrian Circulation Plans;
 - xi. Bike and multi-modal transit plans; and

xii. Any additional information as may be required by the Township as determined by the appointed Township consultants working as consultants to the Township.

C. TRAFFIC IMPACT FEES:

All applicable traffic impact fees must be paid to the Township pursuant to the West Deer/Indiana Township Impact Fee Program, Ordinance No. 360, as amended. Compliance with the requirements of the Impact Fee Program is a condition for approval of a traffic impact study under this Section.

SECTION 511 - CONDITIONAL USES:

A. CONDITIONAL USE PROCEDURES:

The purpose of Section 511.A is to set general guidelines and standards for conditional uses in the Township.

1. GENERAL CRITERIA AND SCHEDULE FOR CONDITIONAL USE:

a. Conditional uses are listed for each district in Article III of this Ordinance. All applications for conditional uses shall comply with the specific standards set forth in this Ordinance.

b. Standards: In addition to any express standards set forth in this Ordinance, a conditional use application must comply with the following:

i. The applicant will reduce any adverse impacts on existing uses to the maximum extent feasible, including but not limited to, developing measures that address lighting and glare, hours of operation, refuse storage and removal and other similar characteristics.

ii. The use can be accommodated on the site without design modifications or variances.

iii. Unless otherwise specified, buffer yards shall comply with Article VI of this Ordinance.

iv. At a minimum, areas of the property not covered by buildings or impervious surface shall be landscaped as per Article VI of this Ordinance.

v. The use has or provides off-street parking on the same property as the use and in compliance with Article VIII of this Ordinance.

vi. Primary access points to the property shall be located as far from the road(s) and intersection(s), and sight triangle areas, as required by Title 67 (PennDOT Specifications).

2. PROCEDURE FOR REVIEW:

a. An applicant requesting a conditional use shall submit seven (7) copies of the following materials, along with a complete application and prepaid fee, to the Zoning Officer.

b. The application shall include:

- i. A site plan at appropriate scale;
- ii. A complete zoning schedule noting the existing and proposed conditions of the site;
- iii. Property and setback lines;
- iv. Adjacent properties existing uses;
- v. Existing and proposed buildings on the site;
- vi. Parking plan and schedule;
- vii. Existing and proposed utilities, graded areas, ingress/egress points;
- viii. Landscaping plan;
- ix. Storm water plan; and
- x. Floodway Elevation Plan, if applicable

c. The Planning Commission shall review these applications and forward a recommendation to the Board of Supervisors in accordance with the PA MPC.

d. Within the time frame set forth in the PA MPC, the Planning Commission shall take one of the following options:

- i. Recommend approval to the Board of Supervisors as submitted;
- ii. Recommend approval to the Board of Supervisors with conditions or;

iii. Recommend denial to the Board of Supervisors of the application based on specific findings communicated to the applicant in writing.

e. The Board of Supervisors shall hold a public hearing pursuant to the PA MPC. Where the application is contested or denied, each decision shall be accompanied by findings of fact or conclusions based thereon, together with any reasons therefore. Conclusions based on any provisions of the PA MPC or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found.

f. Within the time frame set forth in the PA MPC, the Board of Supervisors shall take one of the following actions and; failure to take action within the prescribed time frame, including any extension(s), shall be deemed approval of the application as submitted:

i. Approve the application;

ii. Approve the application with conditions with the applicant's consent; or

iii. Deny the application based on specific findings communicated to the applicant in writing.

iv. In approving an application the Board of Supervisors may attach such reasonable conditions and safeguards, in addition to those expressed in this Article, as it may deem necessary to implement the purposes of this Article.

g. Where the Township Board of Supervisors fails to render the decision within the period required by the PA MPC or fails to commence, conduct or complete the required hearing as provided in section 908(1.2) of the PA MPC, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Township Board of Supervisors to meet or render a decision as herein above provided, the Township Board of Supervisors shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of the PA MPC. If the Township Board of Supervisors shall fail to provide such notice, the applicant may do so.

h. All construction, development and use shall be in accordance with the submitted plan, together with all its information as finally approved by the Board of Supervisors, and all conditions and stipulations attached by the Board. Any development contrary to the approved plan shall constitute a violation of this Article.

i. Failure of the applicant to apply for a Building Permit within one (1) year of receiving approval for the conditional use shall render the decision of the Board of Supervisors null and void.

j. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him no later than the day following the date of the decision.

k. The Board of Supervisors may grant an extension to the expiration of a Conditional Use and the Zoning Hearing Board may grant an extension to the expiration of a Variance or Special Exception when the applicant has submitted a written request for an extension at least fifteen (15) business days before the date of expiration of the Conditional Use, Variance or Special Exception.

B. CONDITIONAL USE CRITERIA:

1. COMMUNICATION FACILITIES:

The following provisions shall apply to communication facilities:

a. The minimum site area required for a single communication facility shall be one (1) acre for each 100 feet of height or a portion of 100 feet of height. A tower site proposed initially or cumulatively for two (2) or more towers shall require a minimum of five (5) acres and shall also meet the requirement of one (1) acre for each 100 feet of height. The tower site shall also be capable of meeting the requirement of subsection (E F) hereinafter set forth.

b. Any existing or proposed tower site shall not be located within two thousand (2,000) feet of any other existing or proposed tower site, measured from the nearest property line to the nearest property line.

c. For Communication Facilities, shared use of towers and tower sites shall be encouraged. If shared use of an existing or approved tower or an existing or approved tower site is not proposed, the applicant shall demonstrate that the proposed equipment cannot be accommodated on an existing or approved tower or an existing or approved tower site for the following reasons:

i. The proposed equipment would exceed the structural capacity of the existing or approved towers and reinforcement of the existing or approved towers cannot be accomplished at a reasonable cost.

ii. The proposed equipment will cause RF (Radio Frequency) interference with other existing or proposed equipment for that tower or that existing or approved tower site and the interference cannot be prevented at a reasonable cost.

iii. Existing or approved towers or the existing or approved tower sites do not have adequate space to accommodate the proposed equipment.

iv. Addition of the proposed equipment would result in NIER (Non-Ionizing Electromagnetic Radiation) levels that exceed any adopted local, State, or Federal emissions standards.

v. There are other valid reasons that make it impractical to place the proposed equipment on any existing or proposed tower or any existing or approved site.

d. Any approval of a Communication Facility shall be subject to the agreement of the applicant to construct the tower with the capacity to accommodate additional communication facilities which might be needed in the future by the applicant or by another party.

e. Shared use shall be conditioned upon the applicant's agreement to pay a reasonable fee and the cost of adapting existing facilities to the proposed use reasonably required to accommodate the shared use.

f. Communication facilities and their associated structures may exceed the height limitations of the Zoning District, provided they shall be set back from any property line or public street right-of-way a minimum distance of fifty percent (50%) of the tower height or greater, if necessary, to guarantee that in the event of a collapse, the structure shall not fall on any adjacent property and all ice fall or debris from the tower failure shall be contained on the Communication Facility property.

g. Unless the essential communications facility is located on the building, the tower structure shall be completely enclosed by a six (6) foot high chain link or similar fence with self-latching gate to limit accessibility by the general public, unless such a fence secures the entire property.

h. All guy wires and all guyed towers shall be clearly marked so as to be visible at all times. All guy wires shall be located a minimum of twenty-five (25) feet from the property line.

i. The applicant shall submit evidence that the tower and its method of installation has been designed by a registered engineer and is certified by that registered engineer to be structurally sound and able to withstand wind, earthquake and other loads in accordance with accepted engineering practice.

j. The tower shall be subject to any applicable Federal Aviation Administration (FAA) and airport zoning regulations.

k. No sign or other structure shall be mounted on the tower, except as may be required or approved by the FCC, FAA, or other government agency.

l. All lighting shall be shielded and reflected away from adjoining properties.

m. A minimum of two (2) off-street parking spaces shall be provided on the Communication Facility site plus one (1) additional off-street parking space for each on-site personnel.

n. Existing vegetation on site shall be preserved to the maximum extent possible, and the exterior of the fencing enclosing the tower structure shall be landscaped to buffer the visual impact of the tower base from adjoining properties.

o. A minimum twenty (20) foot easement or right-of-way for access shall be provided to the tower which is adequate to accommodate maintenance and emergency vehicles and which is improved with a dust free, all-weather surface sufficient to accommodate the weight of vehicles proposed to use the easement or right-of-way subject to approval by the Township Supervisors. The landowner or lessee shall maintain the right-of-way or easement.

p. If acreage of the site permits, a Communication Facility may be located on a lot or parcel of land devoted to another principle use.

q. The owner of the Communication Facility shall enter into an agreement with the Township providing, inter alia, that in the event the operation of the Communication facility shall cease, the owner shall remove the Communication Facility within one (1) year following the cessation of operations and shall be required to escrow the amount of money estimated to cover the cost of said removal to be used by the Township in the event of default by the owner.

2. CEMETERIES:

The following provisions shall apply to cemeteries:

- a. Must be a five (5) acre minimum.
- b. Must have a 25' buffer on sides and rear property boundaries.
- c. The applicant shall enclose the site with a wrought iron fence (or similar material) to deter vandalism. Such fence may be located in the buffer zone.

3. COMMERCIAL RECREATION:

The following provisions shall apply to commercial recreation:

- a. Must have a 25' buffer on sides and rear property boundaries.
- b. Hours of operation are to be set from 7:00 am - 11:00 pm.
- c. Must have a fence, decorative wall and/or hedges, which can be located within the buffer zone.

4. HOTELS:

The following provisions shall apply to hotels:

- a. Must be a five (5) acre minimum.
- b. Building coverage cannot exceed 40%.
- c. Must have a 50' buffer entirely around perimeter.
- d. Any structures cannot exceed three (3) stories from the lowest grade.

5. KENNELS:

The following provisions shall apply to kennels:

- a. Must have a valid Pennsylvania license for operation.
- b. Must be a two (2) acre minimum.
- c. Must have an 80' buffer from the actual kennel to the nearest lot line.
- d. Training and outdoor runs must have a 50' buffer from the training and outdoor runs to the nearest lot line.
- e. The kennel shall not open to the general public prior to 7:00 am and shall close by 10:00 pm.
- f. Training and outdoor runs shall not commence prior to 9:00 am and shall cease by 7:00 pm.

ARTICLE VI
BUFFER AREAS, WALLS AND FENCES

SECTION 600 - PURPOSES:

The purpose for this Section is to provide for buffering between conflicting land uses. Further, this Section provides standards for these buffers between conflicting land uses and Zoning Districts.

SECTION 601 - DETERMINATION OF BUFFER AREA REQUIRED:

Any use within any District may be required to provide a buffer area in accordance with the following general requirements.

A. GENERAL REQUIREMENTS:

1. A buffer area shall provide a year-round screening of the area. Buffers may consist of the following:
 - a. Evergreen plants of various species (a living fence). All of this type buffer shall be evergreen to remain consistent with year-round screening.
 - b. Natural landscapes, provided that such an area is preserved from future development by easement, deed restriction, covenant, or similar restriction.
 - c. A fence or decorative wall between four feet (4') and six feet (6') high with a majority of the surface being opaque.
2. When an evergreen or deciduous plant buffer is used, it shall conform to the following:
 - a. The buffer zone around a storm water basin shall consist of evergreen trees. Each tree should be a minimum of six feet (6') in height at the time of field planting;
 - b. The deciduous plant material shall be of varying heights with a maximum height not to exceed six feet (6');
 - c. All plantings should be guaranteed from the period of installation for a period of no less than one year from the date of installation; and
 - d. All plantings in sight triangle areas should not exceed twenty-four inches (24") in height.

3. The property owner shall be responsible for the maintenance of any and all buffer areas. This includes replacement of dead plant material and removal of all debris, rubbish, and tall grass.
4. No structure, parking area, loading area, storage area, and vehicular circulation area shall be allowed in a buffer area.
5. The buffer area shall be contiguous along property lines except for areas used for vehicular or pedestrian access or exiting.
6. The Board of Supervisors may authorize a modification in the otherwise applicable buffer area regulations, upon the recommendation of the Planning Commission, where it deems that:
 - a. The changes in elevation along the buffer area between properties demonstrates that little need is found for the buffer area and it may be interrupted as long as the lot to which the buffer area belongs is properly screened.
7. Existing buffers and screening are not to be removed unless replaced to the written satisfaction of the Board of Supervisors.

B. DETERMINATION OF BUFFERS: Any use in the category listed below must provide the following minimum buffers with an adjacent district:

**TABLE VI
BUFFER REQUIREMENTS**

ZONING DISTRICT	MINIMUM SPACE (FEET)
AGRICULTURAL (AG)	100'
RESIDENTIAL ESTATE (RE)	25'
LOW DENSITY RESIDENTIAL (LDR)	25'
MEDIUM DENSITY RESIDENTIAL (MDR)	25'
TRAILER RESIDENTIAL (TR)	15'
VILLAGE RESIDENTIAL (VR)	25'
COMMERCIAL (C)	50'
OFFICE FLEX COMMERCIAL (O/C)	50'
LIGHT INDUSTRIAL (LI)	100'

C. PLANTINGS AND STANDARDS:

Local indigenous plants should be used when developing landscaping plans for site plans and subdivisions. Plantings listed in Section 601.D.3, are recommended in large and small-scale retail, commercial, and office developments. All buffers referenced in Table VI are required to provide tree plantings at a spacing of ten feet (10') in a single row, with the exception of commercial, office/commercial, and light industrial, requiring a double row of tree plantings at a spacing of ten feet (10') staggered and centered within the buffer of any proposed district.

D. REQUIRED LANDSCAPING STANDARDS:

1. The names of the proposed plantings (both Botanical and Common) should be noted on the Landscaping Plan.
2. All plantings should be guaranteed from the period of installation for a period of no less than one year from the date of installation. This should be noted on the plans.
3. Recommended Plantings include, but are not limited to, the following:

Deciduous Trees

Pin Oak
White Oak
Red Maple
Sugar Maple
Mountain Maple
Flowering Dogwood
Crab Apple

Callery Pear
American Beech
Hawthorn
Honey Locust
Weeping Willow

Evergreen Trees

American Holly
Eastern Arborvitae
Austrian Pine
Eastern Hemlock
Scotch Pine

Red Spruce
Norway Spruce
Balsam Fir

Deciduous Shrubs

Blue Violet
Burning Bush
Daylily
Flame Azalea

Indian Paintbrush
Red Dogwood

Evergreen Shrubs

Beaberry
Dwarf Hinoki
Gaura "Whirling Butterflies"
Russian Sage

Saint John's Wart
Cypress
Mountain Laurel

SECTION 602 - EXTERIOR WALL SURFACES:

Exposed exterior walls of structures shall be composed of brick, stone, glass, metal or marble with wood used for trim only, except as provided herein.

Concrete block may be used for exposed, rear exterior walls in the O/C, C and LI Districts upon recommendation of the Planning Commission and approval of the Board of Supervisors where there is a finding that such rear wall will not be visible to passerby or to the general public.

The Board of Supervisors may approve alternative materials if, and only if, such material is determined to be of equal or superior quality and similar aesthetic character of the required materials.

The Board of Supervisors or Planning Commission may require full color architectural renderings before permitting any type of developments in any Zoning District.

SECTION 603 - FENCES, DECORATIVE WALLS AND HEDGES:

All fences, decorative walls, or hedges may be erected once a Zoning Permit has been issued and the following requirements are met:

- A. Front yard up to the front building line - maximum of four feet (4') in height, beyond the front building line, up to eight (8) feet in height;
- B. Side or rear yard - eight (8) feet in height;
- C. Fences, screening, or living vegetative fences up to ten (10') feet in height may be approved by the Zoning Hearing Board for any yard of a public school, recreational facility, public building, or residential property with unique characteristics;
- D. A fence, decorative wall, or living fence shall not be erected in a public or dedicated right-of-way;
- E. Fences, decorative walls, or living fences either publicly or privately owned shall not block the clear sight distance at street intersections or driveways;
- F. The finished side of fences or decorative walls shall always face the abutting street or property;
- G. Fences, decorative walls, or hedges must be in keeping with the surrounding area, and not hinder the appropriate development or use of adjacent buildings or impair their value for land uses that are of an adjacent Zoning District that may conflict with one another in intensity, and

H. Spite fence and/or Spite wall will be determined by its negative impact on the general public. A Spite fence and/or Spite wall will be prohibited throughout the Township. Examples of materials used for Spite fence or Spite Wall may include, but are not limited to:

- Concrete barricades
- Concrete slabs
- Deteriorated lumber
- Steel products (rebar, all thread, pipe, etc.)
- Downed or felled trees
- Wood or plastic pallets
- Barbed wire
- Electric Fences (unless on farms)

ARTICLE VII
OFF-STREET PARKING AND LOADING

SECTION 700 - PURPOSES:

For every use, activity, or structure permitted by this Ordinance and for all buildings or structures erected in accordance herewith, there shall be provided sufficient space for access of off-street standing, parking, circulation, unloading and loading of motor vehicles that may be expected to transport its occupants, whether as patrons, residents, customers, employees, guests, or bringing goods, materials, services, supplies or otherwise, to any establishment, activity, or place of residence at any time under normal conditions for any purpose. When a use is expanded, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion including bringing the area into compliance with the Township standards. No vehicle shall be parked in any one location for more than a two (2) week continuous period on any street or private driveways other than properly licensed vehicles and Recreational Vehicles (RV's) in residential zones, and no parking whatsoever shall be permitted on lawns or landscaped areas. Repair work or service work shall not be performed in open view on any vehicle or recreational vehicle for any period extending beyond three (3) days.

SECTION 701 - PARKING OF TRACTOR AND/OR TRAILER:

No tractor and/or trailer shall be parked in open view in any residential zone at any time except for those engaged in the loading or unloading of goods or providing services to the residence.

SECTION 702 - PROCEDURE:

Every Building Permit application for a new, enlarged, or remodeled building, structure or use other than dwelling units shall include therewith, a land development plan, drawn to scale and fully dimensioned, showing any off-street parking or loading facilities and related site improvements and landscaping.

SECTION 703 - DECREASED PARKING DEMAND:

When a building or structure undergoes a decrease in the number of structures, gross floor area, seating capacity, number of employees, or other units of measurement specified hereinafter as a means for determining required off-street parking or loading facilities the parking requirements may also be decreased only when the parking or loading facilities remaining would at least equal or exceed the off-street parking or loading requirements resulting from application of the provisions of these standards to the entire building, activity, or structure as modified.

SECTION 704 - INCREASED PARKING DEMAND:

When any building or structure undergoes a change or expansion of use of unit measurement specified hereinafter as a means for determining required off-street parking or loading facilities, the off-street parking or loading facilities will be required to be increased to comply with the standards set forth in this Ordinance.

SECTION 705 - INGRESS AND EGRESS:

All entrances, exits, and loading areas from a public right-of-way shall be subject to specific recommended approval by the Planning Commission and/or the Board of Supervisors, and approval of appropriate outside agencies such as Allegheny County and/or PENN DOT in order to ensure the smooth and safe circulation of vehicles to and from the public street system. In no event shall parking in a loading space be provided in a manner requiring the backing out of vehicles into public rights-of-way.

SECTION 706 - LOCATION OF PARKING OR LOADING SPACE:

All required off-street parking or loading spaces shall be provided on the same lot or in the same Zoning District of a parcel of land to be occupied by the use or building to which it is appurtenant.

SECTION 707 - MODIFICATIONS IN THE REQUIRED NUMBER OF PARKING AND LOADING SPACES:

The number of parking and loading spaces to be constructed may be less than the number of spaces required herein in the event that the following conditions are met to the satisfaction of the Planning Commission and the Board of Supervisors and the Planning Commission and the Board of Supervisors are satisfied that such reduction is not detrimental to the general health, safety and welfare of the Township:

1. Evidence (a traffic study) is submitted firmly documenting that the special nature of the use, activity, or building proposed requires less parking area or spaces than required by this Ordinance for same.
2. In no event shall that portion of the required parking lot or loading area which is so designated but not constructed as provided herein be counted as open space or other non-paved area required by other provisions of this Ordinance.

SECTION 708 - DESIGN AND MAINTENANCE STANDARDS FOR PARKING AND LOADING AREAS:

All commercial and industrial parcels of land hereafter used as a public or private parking lot for three (3) or more vehicles or a loading area, shall be developed and maintained in accordance with the following requirements:

- A. Screening and landscaping: Off-street parking areas for three (3) or more vehicles and off-street loading areas shall be screened on the side or sides which adjoin residential properties at the same or substantially the same elevation.
- B. Minimum distances and setbacks: No off-street loading area or parking area or part thereof for three (3) or more vehicles shall be closer than ten feet (10') from any lot line.
- C. Surfacing: Any off-street parking areas shall be paved in accordance with the land development standards of this Ordinance and the Americans with Disabilities Act (ADA).

D. Lighting: Lighting used to illuminate any off-street parking or loading areas shall be arranged so as to reflect the light away from adjoining premises or the adjoining street; and off-street parking facilities for multi-family structures containing four (4) or more families shall be adequately lighted.

E. Drainage: Any off-street parking area and off-street loading areas shall be graded and drained so as to dispose of all surface water without detriment to surrounding land uses.

F. Striping: All parking lot markings and striping are required to meet Penn DOT and ADA specifications.

G: Sight Triangles: Clear sight triangles must be provided wherever a parking lot entrance road intersects with another entrance/ egress street.

SECTION 709 - LOCATION OF PARKING:

All parking and loading areas shall be properly screened and landscaped as set forth in Article VI.

SECTION 710 RETAINING WALLS AND EMBANKMENTS:

Retaining walls and embankments must be designed to comply with the Indiana Township Grading Ordinance.

When retaining walls, embankments, or similar types of earthen materials are necessitated adjacent to or within a parking area, they shall be kept in good repair or otherwise maintained to keep the parking area free of debris and dirt.

SECTION 711 - SCREENING OF REFUSE AREA IN OFF-STREET PARKING AREAS:

These areas adjacent to or within the parking area designated as refuse, storage and pickup areas shall be properly screened to prevent the unsightly display and the scattering of debris. The following minimum requirements shall apply:

A. The area shall be surrounded on at least three (3) sides by a solid uniform fence or a wall not less than five feet (5') nor more than eight feet (8') in height and maintained in good condition. The wall of an adjacent building may serve as one (1) side. Said fence shall be exempt from the provisions of any ordinance of the Township regulating the height of fences and requiring permits.

B. The opening in said screen wall or fence shall be located as to prevent the visual display of refuse from any adjacent parking area or street.

C. Any parking area designated as refuse, storage & pickup, shall be constructed to permit access around any dumpster placed therein for the purpose of cleaning up debris that falls from the dumpster.

SECTION 712 - SCREENING OF EQUIPMENT AND MACHINERY IN OFF-STREET PARKING AREAS:

A. When the effective operation of a building or structure, or equipment within a building or structure, necessitates placing machinery, motors, generators, or similar devices for cooling, heating or generating purposes outside or on top of any structure, it shall be screened from public view from a street or a residential property as the same may be seen from an elevation equal to that of the principle entrance to the building such equipment serves. Said screening notwithstanding any other provisions of this Article may consist of any of the following materials:

1. Densely planted evergreen shrubs, which shall grow to not less than five feet (5') after one (1) growing season;
2. A solid and uniform fence at least five feet (5') in height on four (4) sides of said equipment ;
3. A masonry wall at least five feet (5') in height on four (4) sides of said equipment; and
4. Any similar type of solid uniform screening, which will prevent exposure of such equipment to public view.

B. The above requirements shall not be construed to prevent an opening in any required screening for maintenance purposes. However, any such opening shall be made as inconspicuous as possible so as not to present a display of said equipment to public view.

SECTION 713 - MINIMUM OFF-STREET PARKING SPACES REQUIRED:

No building or structure shall be erected nor any major reconstruction or change in use made to an existing building or structure unless there already is existing upon the lot, or unless provisions are made for, off-street parking facilities providing adequate parking spaces on the basis of the following minimum requirements (TABLE VII Minimum Requirements for Off-street Parking):

**TABLE VII
MINIMUM REQUIREMENTS FOR OFF-STREET PARKING**

USE	PARKING SPACES REQUIRED
Single, Two and Multiple Family Dwellings	Two for each Dwelling Unit
Hotel	One per rental unit
Assisted Living Residence, Personal Care Home	One per two beds
Church	One for every four seats in largest meeting room
Shopping Center, Restaurant, Club	One for every 175 square feet of gross floor area
Funeral Home	Eight for every repose room; 24 minimum
Clinic	Four for every doctor or professional practitioner
Commercial Recreation	One for every three persons of facility's capacity
Business Services, Warehouses, Office	One for every 300 square feet of gross floor area
Automobile Sales and Automobile Service Station	One for every 500 square feet of gross floor area; eight minimum
Light Manufacturing	One for every two employees
Schools	One for every four students plus one for every teacher

SECTION 714 - OFF-STREET LOADING:

One off-street loading berth of not less than 35 feet by 10 feet shall be provided for every business and industrial use with a floor area of more than 5,000 square feet; with one additional berth required for each additional 25,000 square feet of floor area.

ARTICLE VIII
SIGNS

SECTION 800 - PURPOSES:

The purposes of this Article are the following: to encourage the effective use of signs as a means of communication in the Township; to maintain and enhance the Township aesthetic environment and its ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of this Article's provisions.

SECTION 801 - SIGN REQUIREMENTS:

A. No sign shall be erected or installed except upon issuance of a Building Permit and payment of a fee as determined by the value of the proposed sign.

B. No signs shall project above the roof line or the eave line of a roof or be within two (2) feet of property lines in the residential districts.

C. In any Residential District a sign not exceeding one square foot in surface size is permitted which announces the name, address, or professional activity of the occupant of the premises on which the said sign is located.

D. A bulletin board not exceeding thirty-two (32) square feet is permitted in connection with any church, school, or similar public structure.

E. A temporary real estate or construction sign of reasonable size is permitted on the property being sold, leased, or developed. Such signs shall be removed promptly when it has fulfilled its function.

F. Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements:

1. Signs shall not contain information or advertising for any product or service not sold on the premises.

2. Signs shall not have a combined aggregate surface size greater than one (1) square foot for each foot of frontage of the principle structure on the premise.

3. Signs shall not project over public right-of-way.

4. Signs and structures shall not be illuminated in any manner that causes undue distraction, confusion, or hazard to vehicular traffic.

5. Every sign shall be permanently affixed to a building or to the ground with a permanent foundation. Electric service to freestanding signs shall be underground.

6. Directional signs of reasonable size in conjunction with any legal business or industry provided they contain no information other than instructions for convenience of vehicular traffic in reaching such business or industry shall not exceed 24" x 24".

SECTION 802 - SIGNS THAT ARE EXEMPT FROM THE REQUIREMENTS OF THIS ARTICLE:

The following kinds of signs are exempt from the requirements of this Article:

- A. Any public notice or warning required by a valid and applicable federal, Commonwealth, or local law, regulation, or ordinance;
- B. Any sign that is inside a building, not attached to a window or door, or not legible from a distance of more than three feet (3') beyond the lot line of the involved lot or parcel;
- C. Works of art that do not include a commercial message;
- D. Signs on the scoreboard or outfield fence of an athletic field;
- E. Holiday lights and decorations with no commercial message; and
- F. Traffic control signs on private property, such as "STOP," "YIELD," and similar signs, the face of which meet the Pennsylvania Department of Transportation (PENN DOT) standards and which contain no commercial message of any sort.

SECTION 803 - PROHIBITED SIGNS:

All signs that are not expressly permitted under this Ordinance or exempted from its regulations by Section 802, "Signs that are Exempt from the Requirements of this Article," are prohibited in the Township. Such signs include, but are not limited to beacons, pennants, portable signs, and strings of lights that are not permanently mounted to a rigid background, inflatable signs, and tethered balloons.

ARTICLE IX
ADMINISTRATION AND ENFORCEMENT

SECTION 900 - PURPOSES:

This article shall set forth regulations regarding the administration and enforcement of the Indiana Township Zoning Ordinance.

SECTION 901 - BUILDING PERMITS:

No building or structure shall be erected, added to, or structurally altered until the Building Code Official has issued a permit therefor. No building permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Ordinance unless there is a written order from the Zoning Hearing Board.

SECTION 902 - OCCUPANCY PERMITS:

See applicable section of the International Building Code (IBC) and the International Residential Code (IRC).

SECTION 903 - ZONING PERMITS:

The Zoning Officer shall require a Zoning Permit before the commencement of building an Accessory Structure under one thousand (1,000) square feet or a fence, decorative wall. All other construction requires a building permit.

Requirements for a Zoning Permit:

1. A flat fee, as established by Resolution by the Board of Supervisors;
2. A plot plan showing the location of the planned work to be done and;
3. A description or brochure showing the material being used.

SECTION 904 - ILLEGAL USES:

If the Building or Zoning Officer shall find, upon reviewing the application for a Building Permit or Zoning Permit, the existing use is illegal or in violation of other ordinances or laws, or if the Building Officer finds that the building for which the permit is requested has been constructed or altered for the existing use or any other use without full compliance with the Township Building Code or this Ordinance in effect at the time of construction or alteration, he shall not issue the permit, but shall declare such use to be in violation of this Ordinance.

SECTION 905 - OFFICER UNDER THE DEPARTMENT OF CODE ENFORCEMENT:

For the administration of this Zoning Ordinance, a Zoning Officer, who may hold no other elected office in the Township, shall be appointed. The Zoning Officer shall administer this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction or any use or change of use, which does not conform to this Ordinance. The same individual may be appointed as Zoning Officer and Building Officer.

The Zoning Officer shall be responsible for:

- A. Maintaining all of the records relating to this Zoning Ordinance, including but not limited to all maps, amendments, special exceptions, variances, appeals, applications thereon and hearings thereon in accordance to the Municipal Records Act;
- B. Collecting fees which shall accompany applications for Zoning Permits, special exceptions, variances, administrative fees for the processing of subdivision and land development applications and all other permit and review fees required by Ordinance or Resolution of the Board of Supervisors;
- C. Receiving, filing and forwarding to the Township Board of Supervisors and the Planning Commission for action all applications or petitions for amendments to this Ordinance;
- D. Receiving, filing and forwarding to the Zoning Hearing Board all applications for special exceptions, appeals or interpretations, in accordance with the provisions of this Ordinance;
- E. The Zoning Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her job description; and
- F. The Zoning Officer is also responsible for the approval of zoning for Building Permits and Occupancy Permits.

SECTION 906 - ZONING HEARING BOARD:

A. CREATION OF BOARD:

The creation of the Zoning Hearing Board, the Membership of the Board, the Removal of Members, the Organization of the Board, the Expenditures for Services, the Hearings and all other matters relating to the Zoning Hearing Board are all as prescribed in Article IX of the PA MPC, as the same may be amended from time to time, which Article, as the same may be amended, is incorporated herein by reference thereto.

B. JURISDICTION:

1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters and as may be prescribed by Section 909.1 of the PA MPC, as the same may be amended:

a. Substantive challenges to the validity of any local land use ordinance, except those brought before the Township Supervisors pursuant to Sections 609.1 and 916.1(a)(2) of the PA MPC, Act 247, as amended.

b. Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.

c. Appeals from a determination by the Township Engineer or the Zoning Officer with reference to the administration of any flood plain or flood hazard ordinance or such provisions within a land use ordinance.

d. Applications for variances from the terms of the Zoning Ordinance and Flood Hazard Ordinance or pursuant to Section 910.2 of the PA MPC, Act 247, as amended.

e. Applications for special exceptions under the Zoning Ordinance or Flood Plain or Flood Hazard or such provisions with a land use ordinance or such provisions within a land use ordinance, pursuant to Section 912.1 of the PA MPC, Act 247, as amended.

f. Appeals from determination of any officer or agency charged with the Administration of any transfers of development rights or performance density provisions of the Zoning Ordinance.

g. Appeals from the Zoning Officer's determination under Section 916.2 of the PA MPC, Act 247, as amended.

h. Appeals from the determination of the Zoning Officer or Township Engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving Article V or VII applications from the PA MPC, Act 247, as amended.

C. VARIANCES:

1. The Board shall hear requests for variances where it is alleged that the provisions of the zoning ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application and may require preliminary application to the zoning officer. The board may grant a variance, provided that all of the following findings are made where relevant in a given case:

a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.

b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

c. That such unnecessary hardship has not been created by the appellant.

d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

2. In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the zoning ordinance.

D. SPECIAL EXCEPTIONS: The provisions of Section 912.1 of Article IX of the PA MPC, including standards and criteria for special exception shall be applicable.

The purpose of this Section is to set general guidelines and standards for special exception uses in the Township. The Procedures for Special Exceptions are as follows:

General Criteria for Special Exception Uses:

- a. All applications for special exception shall meet the following:
 - i. The proposed use will not endanger or threaten the public health, safety, and welfare of the environment, residents, or generate nuisance conditions.
 - ii. The use can be accommodated on the site without any variances required.
 - iii. The use is compatible with the uses on the adjoining properties.
 - iv. The site will not require extensive grading, revised uncontrolled draining patterns, or increase storm water run-off from the pre-developed rate of the site.
 - v. The use does not create excessive traffic congestion, and parking requirements meet those of Article VIII of this Ordinance.
 - vi. Areas of the property not to be covered by buildings, accessory structures, or paved parking areas are to be landscaped and maintained.
 - vii. Access points to the site/property are located as far apart as possible and maintained by the property owner or lessee.
 - viii. The Zoning Hearing Board may impose restrictions of access to the facility, storage of materials or vehicles, hours of operation and such other matters, as they deem necessary to insure that there are no adverse affects on the adjacent parcel, the site itself, and Zoning District.

E. SPECIAL EXCEPTION CRITERIA:

1. **PRIVATE STABLE:** A private stable as an accessory use to a Single Family Dwelling in the RE, LDR and MDR Districts may be permitted as a Special Exception subject to the following standards and criteria:

- a. A private stable may be permitted only for parcels of land containing three acres or more.
- b. The proposed private stable or any enlargement or addition to an existing private stable shall be of substantial construction and shall be architecturally compatible with the neighborhood where it will be built. No private stable or corral shall be located at a distance of less than one hundred (100) feet from any lot or street line.
- c. The number of horses or ponies to be kept in the proposed private stable shall not exceed two (2) for every three acres in the lot or parcel, provided that not more than two (2) foals less than nine (9) months in age may be added to the number of horses or ponies derived from the above calculation. Unless the Zoning Hearing Board makes specific findings that the lot or parcel of land and the surrounding community can accommodate more, no lot or parcel shall stable more than twenty-five (25) horses or ponies.
- d. The applicant shall file a written agreement with the Township stating that he will remove, or completely remodel for another approved accessory use, the private stable if he ceases to maintain a horse or pony therein for a continuous period of three (3) years or for any forty (40) months in a four (4) year period.
- e. The Zoning Hearing Board shall take into consideration whether or not the lot or parcel where a private stable is proposed to be located has direct access to open space suitable for equitation, and whether or not the applicant has permission to use said open space for the purpose.
- f. In the event the property is subdivided, the foregoing requirements shall apply to each lot or parcel of land, and any private stable constructed with the approval of the Zoning Hearing Board as herein provided shall be removed from any lot not meeting the foregoing requirements.

2. BILLBOARDS: Billboards in connection with any legal business or industry may be approved for vehicular traffic, and shall:

- a. Face in the direction so to be visible to traffic on the Pennsylvania Turnpike only.
- b. Be adjacent to the Pennsylvania Turnpike road system (I-76) in Commercial (C), Light Industrial (LI), and Office Flex Commercial (O/C) Zoning Districts that borders that road system.
- c. Shall comply with the size, spacing and other specifications and requirements set forth in 67 Pa. Code § 445.4, as amended.

3. LIVING QUARTERS IN AN ACCESSORY STRUCTURE:

Any living quarters in an accessory structure shall:

- a. Be a separate dwelling or garage, neither which is attached to the primary structure.
- b. Only be for family members, guests or domestic employees of the primary residence.

4. WINDMILLS:

A windmill shall:

- a. Have a five (5) acre minimum Lot.
- b. Have property boundary distance equal to the total height of the structure including the propeller.
- c. Be fenced and screened around the structure.

5. SEXUALLY ORIENTED BUSINESSES:

- a. Permit Required.
 - i. Any person who operates a Sexually Oriented Business must obtain approval from the Zoning Hearing Board.
 - ii. An application for a permit to operate a Sexually Oriented Business must be made on a form provided by the Zoning Officer of the Township. The application must be accompanied by a sketch or diagram showing the floor plan and plot plan configuration of the premises, including a statement of the total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated

scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (6"). Parking facilities must be specifically identified and shall meet all Zoning Ordinance requirements. Nonconforming structures and those structures not having the required parking sites shall not be issued permits unless the Sexually Oriented Business was in existence as a lawful use prior to the effective date of this Section.

iii. The applicant must be qualified according to the provisions of this Section and the premises must be inspected and found to be in compliance with all applicable fire, safety and building codes by the Zoning Officer/Building Inspector and the Fire Marshal.

b. Permit Criteria.

The Zoning Hearing Board of the Township shall hear and decide requests for a Special Exception to operate a Sexually Oriented Business pursuant to the requirements set forth in the PA MPC. A special exception shall be granted unless it the Zoning Hearing Board finds one or more of the following to be true:

- i. An applicant is under eighteen (18) years of age.
- ii. An applicant is overdue in his payment to the Township of taxes, fees, fines, or penalties assessed against him or imposed upon him in relation to a Sexually Oriented Business.
- iii. An applicant has failed to provide information reasonably necessary for issuance of the Special Exception and permit or has falsely answered a question or request for information on the application form.
- iv. An applicant is residing with a person who has been denied a permit by the Township to operate a Sexually Oriented Business within the preceding twelve (12) months, or residing with a person whose license to operate a Sexually Oriented Business has been revoked within the preceding twelve (12) months.
- v. The premises to be used for the Sexually Oriented Business have been inspected and have been disapproved by either the Zoning Officer/Building Inspector or the Fire Marshal as not being in compliance with applicable laws and ordinances.
- vi. An applicant of the proposed establishment is in violation of, or is not in compliance with, any of the provisions of this Section as amended.

c. The Zoning Officer/Building Inspector and Fire Marshal shall complete their certification that the premises are in compliance or not in compliance within twenty (20) days of receipt of the application by the Zoning Officer/Building Inspector. The certification shall be promptly presented to the Zoning Hearing Board.

d. Location of Sexually Oriented Businesses.

i. A person is guilty of a violation of the Zoning Ordinance of the Township if he operates or causes to be operated a Sexually Oriented Business in any location in which a Sexually Oriented Business is not a permitted use. Sexually Oriented Businesses as defined herein shall be permitted only as a Special Exception in the Light Industrial District.

ii. A person is guilty of a violation of the Zoning Ordinance if he operates or causes to be operated a Sexually Oriented Business within five hundred (500') feet of the following institutions or residences, and a special exception shall not be granted and no permit will be issued for any such Sexually Oriented Business which intends to be located within five hundred (500') feet of the following:

- (A) A church;
- (B) A public or private pre-elementary, elementary, or secondary school;
- (C) A public library;
- (D) A child-care facility or nursery school;
- (E) A public park adjacent to any residential district;
- (F) A child-oriented business;
- (G) A residence; or
- (H) Another Sexually Oriented Business.

iii. For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a Sexually Oriented Business is conducted, to the nearest property line of the premises of a church, public or private pre-elementary, elementary, or secondary school, public library, child care facility, or nursery school; or to the nearest boundary of an affected public park or residence.

iv. For purposes this Section, the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

v. A person is guilty of a violation of the Zoning Ordinance of the Township if he causes or permits the operation, establishment, or maintenance of more than one Sexually Oriented Business in the same building, structure, or portion thereof; or an increase of floor area of any Sexually Oriented Business in any building, structure, or portion thereof.

e. Regulations Pertaining to Exhibition of Sexually Explicit Films or Videos.

i. A person who operates or causes to be operated a Sexually Oriented Business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, DVD or video cassette or similar media, or other video or other image production or reproduction which depicts specified sexually activities or specified anatomical areas, shall comply with the following requirements:

(A) The application for a permit to operate a Sexually Oriented Business shall be accompanied by a floor plan and plot plan diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all viewing rooms, partitions and doors and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (6"). The Zoning Hearing Board may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

(B) The application shall be sworn to be true and correct by the applicant.

(C) No alteration in the configuration or location of a manager's station may be made without the prior approval of the Zoning Hearing Board.

(D) It is the duty of the owners and operators of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.

(E) The interior of the premises shall be configured in such a manner so that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction or viewing equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.

(F) It shall be the duty of the owners and operators, and it shall also be the duty of any agents and employees present on the premises to ensure that the view areas specified this Section remain unobstructed by any doors, walls, merchandise, display racks or other materials at all times and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this Section.

(G) No viewing room may be occupied by more than one person at any time. No connections or openings to an adjoining viewing room shall be permitted.

(H) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot candle as measured at the floor level.

(I) It shall be the duty of the owners and operators and it shall also be the duty of any agents and employees present in the premises to ensure that the illumination described above is maintained at all times that any patron is present in the premises.

f. No Sexually Oriented Business, other than an adult motel, shall open to do business before 10:00 A.M., Monday through Saturday, prevailing time; and no Sexually Oriented Business, other than an adult motel, shall remain open after 10:00 P.M., Monday through Saturday, prevailing time. No Sexually Oriented Business, other than an adult motel, shall be open for business on any Sunday or on a legal holiday as set forth in the Act of May 31, 1893, P.L. 188, § 1, as amended, 44 P.S. § 11.

SECTION 907 - PROCEDURES FOR VARIANCE AND SPECIAL EXCEPTION:

An applicant proposing a Variance or Special Exception use shall submit three (3) copies of the following materials to the Zoning Officer:

A. A written statement supporting the general criteria outlined in this Section, and proposed use described in detail.

B. An accurate scaled illustrative site plan showing the arrangement of the proposed use on the site, setback lines, adjacent properties and structures by Zoning District and use, abutting streets, existing and proposed structures by location, size, and height, internal traffic circulation (both vehicular and pedestrian), a parking area layout and schedule, any signs on site (traffic, building, etc.), areas of grading with existing and proposed contours illustrated and referenced, storm water management plan, and any other requested information.

1. The Zoning Hearing Board shall call and hold a public hearing pursuant to public notice on the proposal within sixty (60) days of receipt of the required materials and a complete application, in the same manner as for any action requested by it.

2. The Board shall, within forty-five (45) days of the conclusion of the hearing, render a written decision on the proposal to either:

- a. Approve the use as submitted;
- b. Approve the use with conditions determined by the Board;
- c. Deny the proposal.

C. The applicant shall have thirty (30) days to notify the Board of its acceptance of any attached conditions. Failure to do so will render the decision null and void.

D. The Board shall authorize the Zoning Officer to issue a Zoning Permit or the Building Code Official to issue a Building Permit for any approved Variance or Special Exception use.

SECTION 908 - MEDIATION OPTION:

A. Parties to proceedings, authorized in this Article and the PA MPC, may utilize mediation as an aid in completing such proceedings. In proceedings before the Zoning Hearing Board, in no case shall the Board initiate mediation or participate as a mediating party. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting municipal police powers or as modifying any principals of substantive law.

B. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Township assures that, in each case, the mediating parties, assisted by the mediator as appropriate, shall develop terms and conditions for:

1. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.
2. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation;
3. Completing mediation, including time limits for such completion;
4. Suspending time limits otherwise authorized in the PA MPC, provided there is written consent by the mediating parties, and by an applicant or municipal decision making body if either is not a party to the mediation;
5. Identifying all parties and affording them the opportunity to participate;
6. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public; and
7. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in the other sections of this Ordinance and the PA MPC.

SECTION 909 - VALIDITY OF ORDINANCE:

Procedures and standards of review for substantive challenges to the Township Zoning Ordinance or Zoning Map shall be governed by the applicable portions of the PA MPC.

SECTION 910 - PARTIES APPELLANT BEFORE THE BOARD:

Appeals under Section 909.1(a)(1), (3), (4), (7), (8) and (9) of the PA MPC may be filed with the Board in writing by the landowner affected, any officer or agency of the Township person aggrieved. Requests for a variance under Section 910.2 of the PA MPC and for special exception under Section 912.1 of the PA MPC may be filed with the Board by any landowner or any tenant with the permission of such landowner.

SECTION 911 - TIME LIMITATIONS:

No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after any application for development, preliminary or final, has been approved by an appropriate Township officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that they had no notice knowledge, or reason to believe that such an approval had been given. If such person has succeeded to their interest after such approval, they shall be bound by the knowledge of their predecessor in interest.

All appeals from determinations adverse to the landowners shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

SECTION 912 - EXPIRATION OF CONDITIONAL USES, VARIANCES AND SPECIAL EXCEPTIONS:

A. EXPIRATION:

Whenever the Board of Supervisors shall grant a conditional use or whenever the Zoning Hearing Board shall grant either a variance or special exception in accordance with the terms and conditions of this Ordinance and in accordance with any other special conditions or requirements which are or may be set forth in said conditional use, variance or special exception, the applicant shall be duly notified at the time of notification of approval that said conditional use, variance or special exception shall expire at the end of one (1) year, or such other extended time period as the Board shall determine, from the date of notification of approval if:

1. The applicant has not secured the Building Permits or Occupancy Permits, as required, within said one (1) year period; or
2. The variance or special exception requires construction and the applicant has failed to begin construction within said one (1) year period; or
3. The variance, or special exception does not involve construction and no utilization of said variance, or special exception has been made within said one (1) year period.

In the event of such expiration, the conditional use, variance or special exception previously granted shall be null and void and the Zoning Officer shall revoke all permits, which may have been issued.

B. REQUEST FOR EXTENSION:

An applicant whose variance or special exception has expired under the provisions of Section 911 of this Ordinance, must submit a written request for an extension of said Variance or Special Exception to the Zoning Hearing Board. Such written request must be filed fifteen (15) business days before the date of expiration of the Variance or Special Exception.

C. STAY OF PROCEEDINGS:

1. Upon filing of any proceeding before the Board, and during its pendency before the Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action hereunder, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Hearing Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Zoning Hearing Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Zoning Hearing Board.

2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellant, but such waiver may be revoked if an appeal is taken from a final decision of the court.

3. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.

4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

SECTION 913 - REVIEW BY PLANNING COMMISSION:

The Planning Commission of the Township shall receive from the office of the Zoning Officer copies of all applications for amendments to this Ordinance and shall make findings and recommendations thereon, after which the Planning Commission shall forward such findings and recommendations to the Township Supervisors.

The Planning Commission may receive from the office of the Zoning Officer copies of all applications for special exceptions and may make recommendations thereon, after which the Planning Commission shall forward such findings and recommendations to the Zoning Hearing Board.

The Planning Commission may, furthermore, initiate, direct and review from time to time a study of the provisions of this Ordinance and make reports of its findings and recommendations to the Township Supervisors.

SECTION 914 - SCHEDULES OF FEES, CHARGES AND EXPENSES:

The Township Supervisors shall establish, by resolution, a schedule of fees, charges and expenses and a collection procedure for Zoning/Building Permits, Occupancy Permits, appeals and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Officer, and may be changed only by resolution of the Township Supervisors. No permit, special exception or variance shall be issued unless or until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proceedings before the Board unless or until preliminary charges or fees have been paid in full.

SECTION 915 - ENFORCEMENT NOTICE:

A. If it appears to the Township Zoning Officer that a violation of any zoning provision enacted under this Ordinance or prior enabling laws has occurred, the Zoning Officer shall initiate enforcement proceedings by sending an enforcement notice as provided in this Ordinance.

B. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

C. In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

D. Any filing fee paid by a party to appeal an enforcement notice to the Zoning Hearing Board shall be returned to the appealing party by the Township if the Zoning Hearing Board, or any court of competent jurisdiction, rules in the appealing party's favor.

E. An enforcement notice shall state at least the following:

1. The name of the owner of record and any other person against whom the Township intends to take action;
2. The location of the property in violation;
3. The specific violation with a description of the requirements, which have not been met, citing in each instance the applicable provisions of this Ordinance;
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed;
5. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within thirty (30) days of receipt of the notice; and
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

SECTION 916 - ENFORCEMENT REMEDIES:

A. Any person, partnership, corporation, or other entity who or which has violated or permitted the violation of the provisions of any Zoning Article enacted under this Ordinance or prior enabling laws shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, corporation, or an other entity violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth

(5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs, and reasonable attorneys' fees collected for the violation of the Zoning Ordinance shall be paid over to the Township.

B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

SECTION 917 - CAUSES OF ACTION:

In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of any ordinance enacted under the PA MPC, Act 247, as amended, or prior enabling laws, the Township Supervisors or, with the approval of Township Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Township Board of Supervisors. No such action may be maintained until such notice has been given.

SECTION 918 - AMENDMENTS:

The Zoning Ordinance may be amended in accordance with the applicable procedures of the PA MPC.

**ARTICLE X
REPEALER**

SECTION 1000 - REPEALER/CONFLICTS:

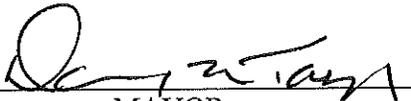
All ordinances and resolutions and parts thereof which conflict with this Ordinance are hereby repealed only to the extent of such conflict.

SECTION 1001 - EXISTING ORDINANCES:

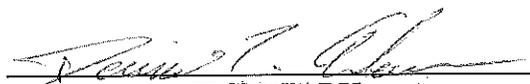
All existing ordinances that make reference to the Indiana Township Zoning Ordinance shall hereafter make reference to this Ordinance, and, if not in conflict with this Ordinance, shall continue in full force and effect.

ORDAINED AND ENACTED into law November 9, 2011.

TOWNSHIP OF INDIANA

BY: 
MAYOR

ATTEST:


SECRETARY
(Seal)

APPROVED AS TO FORM:


SOLICITOR