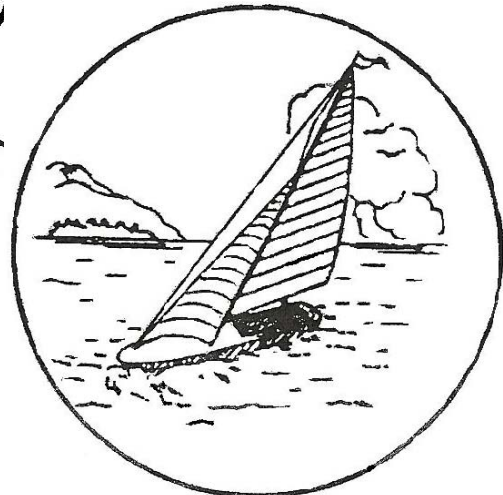
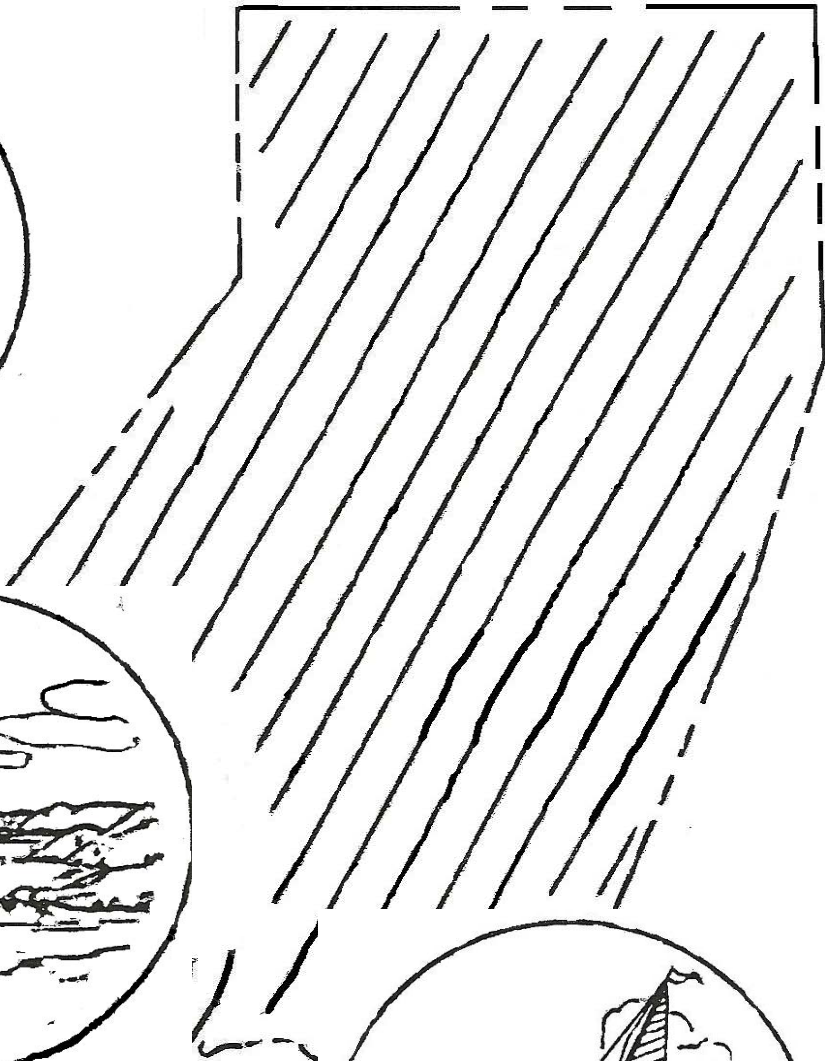
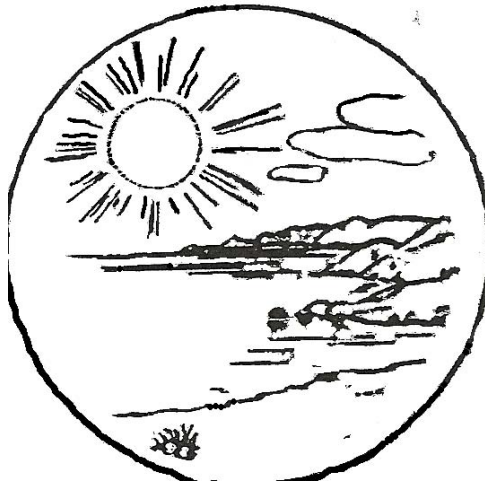
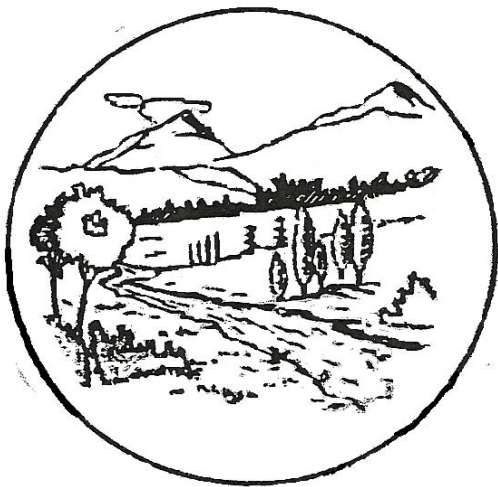


# SPECIAL RECREATION AND CONSERVATION ZONING ORDINANCE



**INDIANA COUNTY, PENNSYLVANIA**

Adopted June 23, 1973

Amended February 9, 1983

Amended June 22, 1994

Amended December 30, 2003

**SPECIAL RECREATION**  
**AND**  
**CONSERVATION**  
**ZONING ORDINANCE**

for

Indiana County, Pennsylvania

ADOPTED - June 23, 1973

AMENDED - February 9, 1983  
June 22, 1994  
December 30, 2003

INDIANA COUNTY PLANNING COMMISSION  
INDIANA COUNTY COURTHOUSE ANNEX  
INDIANA, PENNSYLVANIA 15701

The preparation of this Ordinance was financed in part through a SPAG grant from the Department of Community Affairs under the provisions of Act 3A approved July 1, 1989, as administered by the Bureau of Community Planning, Pennsylvania Department of Community Affairs. Contract 89-25

SPECIAL RECREATION AND CONSERVATION ZONING ORDINANCE

Indiana County, Pennsylvania

WHEREAS, THE PENNSYLVANIA LEGISLATIVE ACT 247 OF 1968 (AS AMENDED), OTHERWISE KNOWN AS THE "PENNSYLVANIA MUNICIPALITIES PLANNING CODE", EMPOWERS COUNTIES TO ENACT, AMIEND, AND REPEAL ZONING ORDINANCES, AND TO REGULATE IN ANY PORTION OF SUCH COUNTY WHICH DOES NOT LIE WITHIN A CITY, BOROUGH OR TOWNSHIP HAVING A ZONING ORDINANCE IN EFFECT, THE LOCATION, HEIGHT, BULK AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT WHICH MAY BE OCCUPIED, THE SIZE OF YARDS, THE DENSITY AND DISTRIBUTION OF POPULATION, AND THE USES OF BUILDINGS AND STRUCTURES; AND,

WHEREAS, IT IS THE DESIRE AND INTENT OF THE INDIANA COUNTY BOARD OF COMMISSIONERS TO ENACT SUCH REGULATIONS FOR THE PURPOSES OF PROMOTING AND PROTECTING THE PUBLIC INVESTMENT IN AND USE OF THE COUNTY PARKS AND YELLOW CREEK STATE PARK, CREATING BUFFER AND CONSERVATION ZONES BETWEEN THE PARKS AND NORMAL LAND USE PATTERNS, PROTECTING THE PARKS AGAINST ENCROACHMENT BY DETRIMENTAL LAND USES, DECREASING TRAFFIC AND ITS ACCOMPANYING CONGESTION AND HAZARDS, PREVENTING EXCESSIVE CONCENTRATIONS OF POPULATION AND SETTLEMENT, AND CREATING A STABLE PATTERN OF LAND USES FOR THE TOTAL ENHANCEMENT OF THE AREAS INVOLVED: AND,

WHEREAS, THE COUNTY OF INDIANA AND THE INDIANA COUNTY PLANNING COMMISSION HAVE DULY PREPARED AND ADOPTED A COUNTY COMPREHENSIVE PLAN, INCLUDING A PLAN FOR FUTURE LAND USE AND A PLAN FOR OPEN SPACE AND RECREATION, ALL IN ACCORDANCE WITH ACT 247, THE "PENNSYLVANIA MUNICIPALITIES PLANNING CODE:"

NOW, THEREFORE BE IT ORDAINED AND ENACTED, FOLLOWING PUBLIC HEARING, BY THE BOARD OF COMMISSIONERS OF INDIANA COUNTY, AS FOLLOWS:

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## ARTICLE I

### TITLE AND SCOPE OF REGULATIONS

#### 1.100 Title

An Ordinance having jurisdiction over that portion of any public or private property including and surrounding three County parks (Blue Spruce Park, Pine Ridge Park, and Hemlock Lake Park) and the Yellow Creek State Park, said parks located in Banks Township, in Rayne and Washington Townships, in Burrell Township, and in Brush Valley and Cherryhill Townships, in the County of Indiana, Pennsylvania. The Ordinance limits and restricts to specified Buffer (B) and Conservation (C) Zones, and regulates therein buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of uses of land; provides for the administration and enforcement of the provisions herein contained, fixes penalties for the violation thereof and adopts Zoning District maim of said areas showing boundaries of such Districts including and surrounding the above mentioned County parks and the Yellow Creek State Park.

#### 1.200 Short Title

This Ordinance shall be known and may be cited as the "Indiana County Special Recreation and Conservation Zoning Ordinance".

#### 1.300 Statement of Community Development Objectives

The Indiana County Development Objectives are stated in the "Future Land Use Plan Objectives" in the Indiana County Future Land Use Plan dated October, 1967, said Plan being a part of the Indiana County Comprehensive Plan duly prepared and adopted by the County Commissioners of the County of Indiana, Pennsylvania. The importance has been established to provide for park and open space uses of land that have a beneficial impact on the residents, to protect these existing land uses from the locating of detrimental uses in close proximity, to provide a selection of areas in which to recreate without the encroachment of uses in greater density, to design a county park system which minimizes encroachment, and to maintain and protect the rural environment of each park area, with water quality receiving particular attention.

#### 1.400 Scope of Regulations

This Ordinance and the Zoning District maps have been adopted in order to:

- a. Establish Zoning Districts and regulate therein the use of land; and,
- b. Regulate the location, height, bulk, and size of buildings and structures; the size of yards; the percentage of lots which may be occupied by buildings and structures; the density of population, and provide for additional supplementary regulations.

## ARTICLE 2

### ZONING DISTRICTS, ZONES, AND ZONING MAPS

#### 2.100 Zoning Districts

The location and boundaries of the Zoning Districts are hereby established as shown on the official Zoning District Maps of Indiana County. The Zoning District Maps, together with any map enlargements, amendments, notations or references shown thereon, are hereby made a part of this Ordinance as if the same were all fully described and set forth herein. The originals of said Zoning District Maps and the Zoning Ordinance, properly attested, are and shall remain on file in the Indiana County Office of Planning and Development; a certified copy in the Office of the Chief Clerk of the County; and a certified copy in the Indiana County Law Library.

#### 2.200 Designation of the Buffer (B) and Conservation (C) Zones Within The Zoning Districts

For the purpose of this Ordinance, those areas of Indiana County, Pennsylvania shown on the Zoning District Maps for each park are hereby designated as the Buffer (B) and Conservation (C) Zones.

#### 2.300 Interpretation of Boundaries

Boundaries for the Buffer (B) Zone have been established through creating a zone extending five hundred feet (500') out from the boundaries of the park property.

Boundaries for the Conservation (C) Zone have been established by overlapping a drainage basin map for each park onto tax maps/property maps of the surrounding park areas, and establishing the Conservation (C) Zone boundaries to include all property which was originally zoned in 1973, and within which any part of the drainage basin is located. An exception to this determination occurs in the Yellow Creek Zoning District wherein, due to the physical extent of the drainage basins, it was not feasible to include all properties within which the drainage basins are located.

The source of information for mapping and determining all property lines is the Indiana County Tax Assessment Maps. Property measurements have not been verified by field surveys. Applicants may be required to provide property surveys prepared by a registered surveyor or engineer in order to verify all measurements.

Additionally, the source of information for mapping and determining the drainage basin for each park is the United States Geological Survey topographic and geologic maps, 7.5 minute quadrangle series. Applicants may be required to provide more accurate survey or engineering information on the exact location of the drainage basin lines in order to verify all measurements and locations.

## ARTICLE 3

### DEFINITIONS

#### 3.100 Construction of Ordinance

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Ordinance, and words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "used"- shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used; and the word "shall" is mandatory and not directory.

#### 3.101 Accessory Use/Structure

A use or structure subordinate to the principal use or structure on the same lot and serving a purpose customarily incidental to the use or structure.

#### 3.102 Adult Entertainment Establishment

A facility providing access to sexually-oriented entertainment and/or to movies, books, and paraphernalia characterized by an emphasis on sex.

#### 3.103 Agriculture

The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, Christmas tree farming, and the necessary accessory uses for farm homes, and packing, treating or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of normal agriculture activities, and excluding fertilizer plants or sales of fertilizer, feed stores, tanneries, and similar objectionable uses.

#### 3.104 Auto Services and Sales

A building or place of business where gasoline, oil and grease, batteries, tires and automobile accessories are supplied and dispersed directly to the motor vehicle trade at retail. The business may also provide for the repair and/or resale of vehicles.

#### 3.105 Barn

An agriculture building utilized for storage and sheltering of harvested crops, livestock, farm machinery, etc.

#### 3.106 Board (Zoning Hearing)

The Zoning Hearing Board of the County of Indiana, established for the purpose of administering and enforcing various provisions of the Indiana County Special Recreation and Conservation Zoning Ordinance.

#### 3.107 Board of County Commissioners

The Board of County Commissioners of Indiana County, Pennsylvania.



### 3.108 Campground

A facility designed and maintained for the temporary overnight accommodation of tent and/or recreational vehicle users. The facility shall not be intended for permanent residence, and a fee may or may not be charged for the occupancy of camping spaces.

### 3.109 Central Sewage and Water

An approved public or private sewage collection and treatment system, and water supply, storage, and distribution system designed to accommodate all sewage and water needs for a specified area or use with a single system for each purpose.

### 3.110 Church

A building established for the purpose of public worship.

### 3.111 Coal

The extraction by deep shaft or stripping methods of coal reserves, and all activities and structures necessary and incident to this operation.

### 3.112 Commercial

The buying and selling of goods, services, etc. for profit.

### 3.113 Commercial, Neighborhood

An establishment which provides for the sale of convenience goods and personal services (laundry, barbering, etc.).

### 3.114 Commercial, Regional

A facility designed to attract customers from a wide area with a variety of stores and/or merchandise. Stores in the regional shopping center might include a department store, clothing and shoes stores, general merchandise store, etc.

### 3.115 Community Clubs, Lodges, Fraternal Organizations, and Community Buildings

An establishment operated for social, recreational and/or educational purposes, open only to members and their guests.

### 3.116 County Subdivision Ordinance

The Indiana County Subdivision Ordinance as adopted and amended by the Indiana County Commissioners.

### 3.117 Drive-in Theaters

A facility designed to accommodate motor vehicles for the purpose of viewing motion pictures. A fast-food concession stand is generally located on-site.

### 3.118 Forest

The cultivation, cutting, and marketing of timber.

### 3.119 Garage, Private

An attached or detached structure on the same lot with the building to which it is accessory, for storage only, having no public shop or service in connection therewith, and in which no occupation, business or industry is conducted.

### 3.120 Gas and Oil Well Drilling

A drilling activity for the extraction of subsurface gas and oil deposits including the construction of a distribution piping system.

### 3.121 Home Occupation

Any occupation or activity conducted within a principal building by a person residing on the premises, provided that all the regulations in this Ordinance concerning home occupations are complied within the operation of the activity.

### 3.122 Hotels

A building designed for occupancy as the temporary residence of individuals who are lodged with or without meals and in which no provision is made for cooking in any individual room or suite.

### 3.123 Industrial, Heavy

Industrial uses which, because of the nature of the uses, are a potential detriment to the public park and users due to excessive noise, odors, traffic, vibration, glare levels, etc.

### 3.124 Industrial, Light

Industrial uses which are not classified as heavy industrial uses, and comply with the regulations detailed in Section 4.915 of the Ordinance.

### 3.125 Junkyards

Any lot, land or structure used primarily for the collection, storage, and sale of waste materials, metal or discarded materials, or for the collecting, dismantling, storage and salvage of machinery or vehicles not in operating condition; and for the sale of parts thereof.

### 3.126 Mobile Home

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

### 3.127 Mobile Home Park

A parcel of land under single ownership which has been designed or improved, or is intended to be used or leased for occupancy by two or more mobile homes.

### 3.128 Motels

A series of attached or semi-attached dwelling units, where each unit has convenient access to parking space for the use of the units' occupants. The units, with the exception of the manager's officer or caretaker's unit, are designed to provide sleeping accommodations for automobile transients or overnight guests.

### 3.129 Multi-Family Dwelling

A building designed and constructed for occupancy by three or more families with common walls separating the dwelling units, and with the number of families in residence not exceeding the number of dwelling units.

### 3.130 Nonconforming Lot

Any lot that is too small in total area or dimension to meet the requirements of this Ordinance, or as a result of subsequent amendments thereto.

### 3.131 Nonconforming Structure

A structure which does not conform to one or more of the applicable regulations of the District, either on the effective date of this Ordinance, or as a result of subsequent amendments thereto.

### 3.132 Nonconforming Use

Any use of land or structure which does not conform to the applicable use regulations of the District, either on the effective date of this Ordinance, or as a result of subsequent amendments thereto.

### 3.133 Nursery Schools and Day Care Centers

Facilities which are licensed by the State for the daytime care of preschool children.

### 3.134 Nursing and Convalescent Home

Any licensed premises with less than fifteen (15) sleeping rooms where persons are lodged and furnished with meals and nursing care.

### 3.135 Off-Street Parking

Any parking space or area located entirely off any street, alley, or sidewalk; either in an enclosed building or an open lot.

### 3.136 On-lot Sewage or Water

A private individual system for the treatment and disposal of sewage, or source of drinking water located on a single building lot.

### 3.137 Ordinance

The Special Recreation and Conservation Zoning Ordinance of Indiana County, Pennsylvania.

### 3.138 Planning Commission

The duly appointed and established Planning Commission of Indiana County, Pennsylvania.

### 3.139 Principal Use/Structure

An activity or structure conducted or located on or under a lot, which is the primary use of or structure on the lot.

### 3.140 Professional Offices

Offices for members of recognized professions, which are professional in character by virtue of the need for similar training and experiences as a condition for the practice thereof; such as services provided by doctors, dentists, lawyers, architects, engineers clergymen, etc.

### 3.141 Prohibited Uses/Structures

Uses and structures which may not be granted a Zoning Permit within the Buffer and Conservation Zones.

### 3.142 Public Uses

Uses owned, supported, and operated by a federal, state, county, township, or borough government unit or government agency for the benefit of the general public, including parks, governmental buildings, and road maintenance areas.

### 3.143 Quarries

Open-pit excavations utilizing cutting and/or blasting methods to extract stone for building, road construction, etc. purposes.

### 3.144 Recreational Facilities

Any activity which is generally related to the entertainment field, such as bowling lanes, roller skating rinks, miniature golf, commercial swimming pools, and related uses.

### 3.145 Recreational Facilities, Commercial

Those recreation facilities operated as a business and open to the general public-for a fee.

### 3.146 Recreational Facilities, Private

Group recreation facilities, other than commercial or public recreation uses, not operated for a profit and open only to its members.

### 3.147 Rental-Unit Storage Buildings

Structures which are constructed to provide individual units within the building for rent to the general public on a short or long term basis for storage of private property.

### 3.148 Residential Care Facility

Definition - A building or group of buildings containing semi-independent and dependent living units designed and administered to provide residents with a series of available services which may include housekeeping, meat preparation, educational facilities, laundry, a convenience store, transportation, recreation, and a health care component.

Uses permitted under this definition may include a personal care facility, intermediate care facility, nursing and convalescent homes, congregate care facility, rest homes, life care facility, senior citizen/retirement facilities with continuing care components, boarding/rooming houses, homeless shelters, and transitional housing.

### 3.149 Roadside Stands, Seasonal

A temporary facility established by or with the consent of a private landowner for the sale of seasonal fruits, flowers, and vegetables.

### 3.150 Rooming Houses

A building or part thereof, other than a motel, hotel, or restaurant, where meals and/or lodging are provided for compensation, and for not more than two (2) persons who are not transients.

### 3.151 Sanitary Landfills and Hazardous Waste Dumps

A site utilized for the disposal of garbage, rubbish, hazardous wastes, etc. by burying the materials under a shallow layer of ground in accordance with the regulations of the Pennsylvania Department of Environmental Resources.

### 3.152 Semi-public Uses

Uses of an educational, charitable, religious, and/or philanthropic nature including schools, colleges, churches, hospitals, libraries, cemeteries, etc.

### 3.153 Sewage Permit

A certificate from the proper sewage enforcement officials granting approval to construct a sewage disposal system in accordance with Pennsylvania Act 537.

### 3.154 Sign

An advertisement displayed outside a building, pertaining to a product, service, or name, relating directly to the permitted activity of the lot or structure on which it is placed.

### 3.155 Special Exception Uses/Structures

A use or structure which because of its unique characteristics requires individual consideration in each case by the Zoning Hearing Board.

### 3.156 Subdivision

The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose whether immediate or future, of conveyance, transfer of ownership, or sale; provided, however, that the division of land for agricultural purposes into parcels of more than ten acres, not including any new street or easement of access, shall be exempted.

### 3.157 Surface Coal

The extraction of anthracite and bituminous coal from the earth, or from waste or stock piles, or from pits or banks by removing the strata or material which overlies or is above or between them or otherwise exposing and retrieving them from the surface, including but not limited to strip, drift, and auger mining, dredging, quarrying, and leaching, and activities related thereto.

### 3.158 Zoning Hearing Board

The Zoning Hearing Board of Indiana County, Pennsylvania.

### 3.159 Zoning Officer

The Zoning Officer or his authorized representative, appointed by the Board of County Commissioners of Indiana County.

### 3.160 Zoning Permit

A certificate attesting that the proposal for development meets all requirements of this Ordinance and which allows such proposed development to commence.

## ARTICLE 4

### DISTRICT USES AND REGULATIONS

#### 4.100 Application

The Principal, Accessory, Special Exception and Prohibited Uses for the Zones are listed in the following sections, along with regulations that govern lot size, use, coverage, yard area, and building height. The terms used shall carry the meanings as listed in Article 3, or if not listed therein, shall be defined according to the common meaning of the term- The uses may be subject to supplementary regulations as noted in Article 6.

#### 4.200 Intent of Buffer (B) Zone

The intent of the Buffer Zone is to strictly control the type, density and quality of development in the areas immediately adjacent to the parks. Land uses that demonstrate an obvious compatibility with the rural park setting, and which pose no appreciable potential for environmental nor aesthetic harm to the parks, shall be considered as permitted Principal, Accessory, or Special Exception Uses. This Zone shall protect the parks against immediate encroachment by uses that are, or have a potential to be, detrimental to the park operations or facilities, or which may distract from the recreational atmosphere of the park. It is further intended that decisions regarding development proposals within this Zone shall be monitored closely to ensure that the intent of this Ordinance is being maintained.

#### 4.300 Uses in the Buffer (B) Zone

The following pages list the permitted Principal, permitted Accessory, permitted Special Exception and Prohibited Uses/Structures in the Buffer Zone. An asterisk (\*) following a use indicates that the particular activity is exempt from obtaining a permit, provided minimum yard requirements are met.

#### 4.310 Permitted Principal Uses/Structures

Agricultural\*

Public Uses\*

Single-family Dwelling

Double-family Dwelling

Coal mining to the extent authorized by a permit issued by the Pennsylvania Department of Environmental Protection or its successor federal or state agency.

#### 4.320 Permitted Accessory Uses/Structures

Accessory uses and structures customarily associated with and incidental to a permitted principal residential use, including:

Home Gardening\*

Private Garage\*

Private Swimming Pools\*

Residential Storage Shed (maximum - 500 sq. ft.)\*

Accessory uses and structures customarily associated with and incidental to a permitted principal agricultural use, including:

Barns\*  
 Farm Sheds\*  
 Silos\*  
 Signs (Reference Article 5)

4.330 Permitted Special Exception Uses/Structures

Campgrounds  
 Forestry  
 Home Occupations  
 Nursery Schools & Day Care Centers  
 Recreation Facilities, Private  
 Residential Subdivisions containing 3 or more lots  
 Semi-public Uses

4.340 Prohibited Uses/Structures

Adult Entertainment Establishments  
 Auto Services and Sales  
 Boarding Homes  
 Commercial, Neighborhood and Regional  
 Community Clubs/Buildings  
 Drive-in Theaters  
 Gas and Oil Wells  
 Industrial, Light and Heavy  
 Junkyards  
 Mobile Home Parks  
 Motels and Hotels  
 Multi Family Dwellings  
 Outdoor Storage Areas  
 Professional Offices  
 Quarries  
 Reclamation Projects  
 Recreation Facilities, Commercial  
 Rental Unit Storage Buildings  
 Residential Care Facility  
 Roadside Stands, Seasonal  
 Sanitary Landfills and Hazardous Waste Dumps  
 Taverns

4.400 Residential Lot, Yard and Height Requirements

The following regulations shall apply to residential lots in the Buffer Zone:

4.410 Minimum Lot Requirements

|                            | Area   | Width* |
|----------------------------|--------|--------|
| Single-family dwelling     |        |        |
| Central sewage and water   | 1 acre | 100    |
| On-lot sewage and/or water | 1 acre | 100    |



|                            |          |     |
|----------------------------|----------|-----|
| Double-family dwelling     |          |     |
| Central sewage and water   | 1 acre   | 100 |
| On-lot sewage and/or water | 1½ acres | 150 |

\*As measured at minimum front yard building setback lines.

4.420 Area Requirements

The area of any lot shall not be reduced to less than the minimum required by this Ordinance; and if already less than the minimum required by this Ordinance, said area may be continued as a nonconforming lot and shall not be further reduced.

4.430 Minimum Yard Requirements

Front yard requirements shall be measured from the public or private road right-of-way line, and side and back yards shall be measured from the property line.

|                        | <u>Depth of:</u> |      |      |
|------------------------|------------------|------|------|
|                        | Front            | Back | Side |
| Single-family dwelling | 25               | 12   | 12   |
| Double-family dwelling | 25               | 12   | 12   |

4.431 Front Yard of Corner Lots

In the case of corner lots, a minimum front setback line of twenty-five feet (25') shall be applied from both street right-of-way lines.

4.432 Projection into Required Yards

Eaves, cornices, fire escapes, chimneys, bay windows, balconies, decks, and other architectural features may extend into the yard no more than five feet (5').

4.440 Maximum Lot Coverage by All Buildings

The maximum coverage by principal and accessory structures on each lot shall not be greater than twenty percent (20%) of the total lot area.

4.460 Maximum Height of Structures

The maximum height of any structure is thirty-five feet (35') excluding features such as antennas and chimneys which may extend to a maximum height of forty-five feet (45). Agricultural structures shall not be limited by this height restriction.

4.500 Special Exception Uses in Buffer Zone

Special exception uses shall be permitted only on authorization by the Zoning Hearing Board pursuant to Section 7.320, provided that such uses shall be found by the Board to comply with the following general

requirements and any applicable review standards set forth in this Article for the individual uses.

- a. That the use is permitted as set forth herein.
- b. That the use is so designed, located and proposed to be operated to insure that the intent of this Ordinance is not impaired, and that the public health, safety, and welfare will be protected.
- c. That the use shall be compatible with public park development and the proposed character of the zone where it is to be located.
- d. That adequate off-street parking and loading are provided, and access is so designed as to cause minimum interference with traffic on adjoining streets.
- e. That the use conforms with all applicable Supplementary District Regulations, as set forth in Article 5 of this Ordinance.
- f. Unless otherwise stated, the lot, yard, and height regulations set forth in Section 4.400 shall apply to all special exception uses.

#### 4.510 Campgrounds

The development and operation of campgrounds shall comply with the following:

- a. The parcel on which the campground is proposed to be operated shall contain a minimum of five acres of land;
- b. A minimum area per campsite shall be 2,000 square feet;
- c. The campground shall hold a valid permit from the Pennsylvania Department of Environmental Resources for the operation of a campground, as set forth Pennsylvania Department of Environmental Resources rules and regulations.

#### 4.520 Forestry

- a. This section covers the areas of forestry dealing with the cutting and/or harvesting of trees (excluding Christmas tree farming), such as logging, lumbering, pulpwood extraction, and other practices of forestry.
  1. It is the intent of this section to promote a reasonable amount of forest cover in the areas surrounding the parks.
  2. This section discourages the practice of dear cutting or the total clearing, of an area.
- b. The proposed timbering operation must be clearly demonstrated to be within the best management practices for the land and timber stand.
- c. Logging plans must be prepared by a qualified forester.

- d. The forestry practice of age management is strongly recommended. Plans may be prepared and reviewed for an age management operation which will be conducted over a number of years.
- e. Plans for the timbering operation shall be reviewed and approved by the Indiana County Conservation District, and any other regulatory agency.

#### 4.530 Home Occupations

A home occupation operated in a single dwelling unit may be permitted if it complies with all of the following conditions:

- a. The occupation must be within a single dwelling unit, and operated only by the person or persons occupying the dwelling, and not more than two additional persons shall be employed in the home occupation. No home occupation shall be conducted in any accessory building;
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and does not utilize more than twenty-five percent (25%) of the gross floor area of the dwelling unit;
- c. There shall be no change in the exterior appearance of the building or premises, nor other visible evidence of the conduct of such home occupation, except that one advertising sign shall be permitted in compliance with Section 5.400 Of this ordinance;
- d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off-street and other than in a required front yard; and,
- e. The home occupation must be compatible with public park development and the intent of this Ordinance.

#### 4.540 Nursery Schools and Day Care Centers

Nursery schools and day care centers must comply with all lot and yard requirements as set forth in Section 4.400, and must show evidence of holding a current licensing certification from the Pennsylvania Department of Education, Department of Public Welfare, and/or any other regulatory agency.

#### 4.540 Recreation Facilities, Private

Private recreation facilities shall comply with the following,

- a. Public address systems are prohibited;
- b. Parking areas shall be located no closer than 50' from any property line and shall be provided with a vegetative buffer of evergreens or shrubs to screen the facility from any public roadway and/or public park area; and,

- c. Minimum lot size shall be one and one-half (1½) acres.

4.560 Residential Subdivisions Containing Three (3) or More Lots

Residential subdivisions containing three (3) or more lots shall be governed by the procedures and standards listed in the Indiana County Subdivision Ordinance except that the following modifications shall apply;

- a. Minimum lot areas and widths shall be as noted in Section 4.410, herein;
- b. Minimum yard requirements shall be as noted in Section 4.430, herein; and,
- c. Plan designs shall encourage the preservation of existing vegetative buffers and trees.

4.570 Semi-public Uses

Semi-public uses in the Buffer Zone shall comply with the following:

- a. Any storage or parking area shall be provided with a vegetative buffer of evergreens or shrubs to screen the facility from any public roadway or public park area; and,
- b. Sufficient on-site parking shall be provided and be acceptable to the Indiana County Zoning Hearing Board.

4.600 Intent of Conservation (C) Zone

The intent of the Conservation Zone is to provide protection against the development of detrimental land uses within close proximity of the parks, particularly within and immediately beyond the identified drainage basins serving the parks. The drainage basins are geographically definable areas which not only provide a supply of water to the parks' lakes and streams, but also offer a degree of protection against air and noise pollutants which are generated beyond the drainage basin boundary. Additionally, the ridge line forming the basin boundary provides a natural visual barrier against activities which are not aesthetically compatible with the park environment. Because the lakes and streams are the focal points of each park, the primary concerns of the regulatory provisions are to ensure adequate protection for the quantity and quality of the park waters and to prohibit any use that poses a potential to degrade the park waters. Additional environmental concerns include air pollution in the forms of particular and noxious odor, noise pollution, and aesthetic incompatibilities, any one of which can destroy the rural park setting if allowed to operate at an abusive level.

4.700 Uses in the Conservation (C) Zone

The following pages list the permitted Principal, permitted Accessory, permitted Special Exception and Prohibited Uses/Structures in the Conservation Zone. An asterisk (\*) following a use indicates that the particular activity is exempt from obtaining a permit, provided minimum yard requirements are met.

#### 4.710 Permitted Principal Uses/Structures

- Agricultural\*
- Public Uses\*
- Single-family dwelling
- Double-family dwelling
- Coal mining to the extent authorized by a permit issued by the Pennsylvania Department of Environmental Protection or its successor federal or state agency.

#### 4.720 Permitted Accessory Uses/Structures

Accessory uses and structures customarily associated with and incidental to a permitted principal residential use:

- Home Gardening\*
- Private Garages\*
- Private Swimming Pools
- Residential Storage Sheds (maximum 500 square feet)\*

Accessory uses and structures customarily associated with and incidental to a permitted principal agricultural use, including:

- Barns\*
- Farm Sheds\*
- Silos\*

Signs (Reference Article 5)

#### 4.730 Permitted Special Exception Uses/Structure

- Auto Services and Sales
- Campgrounds
- Community Clubs/Buildings
- Forestry
- Gas and Oil Wells
- Home Occupations
- Hotels and Motels
- Light Industrial
- Multi-family Dwellings
- Neighborhood Commercial
- Nursery Schools and Day Care Centers
- Outdoor Storage Areas
- Professional Offices
- Reclamation Projects
- Recreation Facilities, Private and Commercial
- Rental-Unit Storage Buildings
- Residential Care Facility
- Residential Subdivisions of Three (3) or More Lots
- Semi-public Uses

4.740 Prohibited Uses/Structures

- Adult Entertainment Establishments
- Drive-in Theaters
- Heavy Industrial Junkyards
- Mobile Home Parks
- Regional Commercial
- Salutary Landfills and Hazardous Waste Dumps
- Taverns
- Quarries

4.800 Residential Lot, Yard and Height Requirements

The following regulations shall apply to residential lots in the Conservation Zone:

4.810 Minimum Lot Requirements

|                            | Area           | Width   |
|----------------------------|----------------|---------|
| Single-family dwelling:    |                |         |
| Central sewage and water   | 20,000 sq. ft. | 100 ft. |
| On-lot sewage and/or water | 1 acre         | 100 ft. |
| Double-family dwelling:    |                |         |
| Central sewage and water   | 30,000 sq. ft. | 100 ft. |
| On-lot sewage and/or water | 1 acre         | 100 ft. |

\*As measured at minimum front yard building setback lines.

4.820 Area Requirements

The area of any lot shall not be reduced to less than the minimum required by this Ordinance; and if already less than the minimum required by this Ordinance, said area may be continued as a nonconforming lot and shall not be further reduced.

4.830 Minimum Yard Requirements

Front yard requirements shall be measured from the public or private road right-of-way line, and side and back yards shall be measured from the property line.

|                        | <u>Depth</u> |      |      |
|------------------------|--------------|------|------|
|                        | Front        | Back | Side |
| Single-family dwelling | 25           | 12   | 12   |
| Double-family dwelling | 25           | 12   | 12   |

4.831 Front Yard of Corner Lot

In the case of corner lots, a minimum front setback line of twenty- five feet (25) shall be applied from both intersection right-of-way lines.

4.832 Projection into Required Yards

Eaves, cornices, fire escapes, chimneys, bay windows, balconies, decks, and other architectural, features may extend into the yard no more than five feet (5').

4.840 Maximum Lot Coverage by All Buildings

The maximum coverage by principal and accessory structures on each lot shall not be greater than thirty percent (30%) of the total lot area.

4.850 Maximum Height of Structures

The maximum height of any structure is thirty-five feet (35'), excluding features such as antennas and chimneys which may extend to a maximum height of forty-five feet (45'). Agricultural structures shall not be limited by any height restrictions.

4.900 Special Exception Uses in Conservation Zone

Special exception uses shall be permitted only on authorization by the Zoning Hearing Board pursuant to Section 7.320, provided that such uses shall be found by the Board to comply with the following general requirements and any applicable review standards set forth in this Article for the individual uses.

- a. That the use is permitted as set forth herein.
- b. That the use is so designed, located and proposed to be operated so that the intent of this Ordinance is not impaired, and that the public health, safety, and welfare will be protected.
- c. That the use shall be compatible with public park development and the proposed character of the zone where it is to be located.
- d. That adequate off-street parking and loading are provided, and access is so designed as to cause minimum interference with traffic on adjoining streets.
- e. That the use conforms with all applicable Supplementary District Regulations, as set forth in Article 5 of this Ordinance.
- f. Unless otherwise stated, the lot, yard, and height regulations set forth in Section 4.800 shall apply to all special exception uses.

4.901 Auto Services and Sales

Auto service and sales establishments shall comply with the following-

- a. Operations of the auto service facility shall be restricted to retail sale of gasoline, oil, and automobile accessories; and the repair and resale of vehicles;
- b. All repair operations and equipment shall be located inside the facility;

- c. The facility shall be limited to a single building with four service bays and an office and shall be located no closer than 50 feet from any property line.
- d. Vehicle access to a service station shall not be closer than fifty feet (50') to the intersection of any two street right-of-way lines;
- e. Any outdoor storage area must comply with all the applicable regulations in Section 4.912.
- f. Any off-street parking and service areas must be a stabilized mud free surface and provide for the orderly and safe flow of vehicles for service, repair, and storage. The parking area must provide an area for a minimum of five vehicles to be parked.
- g. There shall be adequate provisions for ingress and egress to the service facilities from adjoining public streets so as to not create a safety problem; and,
- h. No more than two inoperative vehicles shall be parked at any auto service establishment at any time, and said vehicles shall be buffered from view from any public roadway or public park area by means of fencing or vegetative screening.
- i. The number of vehicles offered for resale cannot exceed five. These vehicles must be marked within the approved off-street parking area.
- j. All other permits, licenses, and/or approvals must be secured prior to the issuance of zoning approval.

#### 4.902 Campgrounds

The development and operation of campgrounds shall comply with the following:

- a. The parcel on which the campground is proposed to be operated shall contain a minimum of five acres of land;
- b. A minimum area per campsite shall be 2,000 square feet; and,
- c. The campground shall hold a valid permit from the Pennsylvania Department of Environmental Resources for the operation of a campground, as set forth in Pennsylvania Department of Environmental Resources rules and regulations.

#### 4.903 Community Clubs/Buildings

The development of community clubs/buildings shall comply with the following:

- a. All buildings shall be a minimum of twenty-five feet (25') from any property line, except where greater distances are otherwise required herein;
- b. There may be included retail sales for members and guests only;
- c. All applications for such uses shall demonstrate that the proposed use will serve primarily the residents of the immediate area;



- d. One parking space shall be provided for each two hundred (200) square feet of floor area in the proposed structure(s); and,
- e. Any associated rifle and/or shooting ranges shall be so designed as to ensure the safety of the public in general, including neighboring properties, and shall be subject to extensive scrutiny by the Zoning Hearing Board.

4.904 Forestry

- a. This section covers the areas of forestry dealing with the cutting and/or harvesting of trees (excluding Christmas tree farming), such as logging, lumbering, pulpwood extraction, and other practices of forestry.
  - 1. It is the intent of this section to promote a reasonable amount of forest cover in the areas surrounding the parks.
  - 2. This section discourages the practice of clear cutting or the total clearing of an area.
- b. The proposed timbering operation must be clearly demonstrated to be within the best management practices for the land and timber stand.
- c. Logging plans must be prepared by a qualified forester.
- d. The forestry practice of age management is strongly recommended. Plans may be prepared for an age management operation which will be conducted over a number of years.
- e. Plans for the timbering operation shall be reviewed and approved by the Indiana County Conservation District and any other regulatory agency.

4.905 Gas and Oil Well Drilling

The following standards are established for land use activities which extract gas and/or oil from below the earth's surface;

- a. Prior to receiving a permit, the applicant shall prepare and have approved a Soil and Erosion Control Plan by the Indiana County Conservation District. The Plan shall include the well site, any access road to and/or from the well site, and any other adjacent land affected by the drilling operations.
- b. When removing timber from the site, the applicant shall remove only those trees that are absolutely necessary to allow safe drilling activities.
- c. At the completion of well drilling activities, the site shall be cleaned and be stabilized in accordance with the Soil and Erosion Plan. Felled trees shall be removed and any temporary improvement shall be removed in compliance with the Plan.
- d. Wells shall not be drilled closer than three hundred feet (300') to any body of water, any public park use areas, any existing or future public park building, or any public park access road, or within two hundred feet (200') of any residence.

- e. On completion of the drilling activities, and at the discretion of the Zoning Hearing Board, the applicant may be required to plant a vegetative buffer (evergreen or shrubs) which shall screen the well head and related equipment from view from the park area and from any public roadway. Additionally, the Zoning Hearing Board may require that the facility be secured with fencing.
- f. Each well shall be equipped with a properly operating and maintained blow-off tank.
- g. Site development or access roads shall be discouraged in steep slope areas (in excess of 15%).
- h. On County Park land, the County of Indiana may require a financial improvement guarantee from the driller to insure that the development site is properly stabilized and revegetated. Such guarantee shall be for one year from the date of completion and shall be in an amount sufficient to cover the cost of totally reclaiming the site, as determined by the County.
- i. Access roads shall be constructed to include adequate ditching, cross-culverts, and grade (not to exceed 15%); and shall adhere to the Soil and Erosion Plan. The use of construction fabric may be required, depending on site consideration.
- j. The location of the access road, and its point of intersection with a public road, shall be approved by the Board.
- k. The public road onto which the access road connects shall be kept mud-free and permanently passable.

#### 4.906 Home Occupation

A home occupation operated in a single dwelling unit may be permitted if it complies with all of the following conditions:

- a. The occupation must be within a single dwelling unit, and operated only by the person or persons occupying the dwelling, and not, more than two additional persons shall be employed in the home occupation. No home occupation shall be conducted in any accessory building.
- b. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and does not utilize more than twenty-five percent (25%) of the gross floor area of the dwelling unit.
- c. There shall be no change in the exterior appearance of the building, premises nor other visible evidence of the conduct of such home occupation, except that one advertising sign shall be permitted in compliance with Section 5.400 of this Ordinance.
- d. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation shall be met off-street and other than in a required front yard.

- e. The home occupation must be compatible with public park development and the intent of this Ordinance.

#### 4.907 Multi-family Dwelling

- a. Population densities shall not exceed sixty (60) persons per acre.
- b. A single structure shall not contain more than eight (8) dwelling units.
- c. Sewage treatment facilities shall be required.

#### 4.908 Neighborhood, Commercial

- a. Such commercial uses are intended to be of a neighborhood retail variety which sell basic convenience products or services.
- b. The maximum permissible total floor area shall be 2,500 square feet.
- c. Minimum yard areas shall be twenty-five feet (25') from any property line.

#### 4.909 Nursery Schools and Day Care Centers

Nursery schools and day care centers must comply with all lot and yard requirements as set forth in Section 4.800, and must show evidence of holding a current licensing certification from the Pennsylvania Department of Public Welfare, Department of Education, and/or any other regulatory agency.

#### 4.910 Rental Unit Storage Buildings

- a. No outdoor storage areas are permitted on the property
- b. All buildings must be set back a minimum of 50 feet from any property line.
- c. All other Federal, State and/or local permits must be secured.
- d. Access roads, parking and traffic areas shall be properly constructed and maintained. Construction must be to a mud free condition with sufficient base, surface treatment, and drainage.
- e. Sufficient area shall be provided for parking at each rental unit and for the safe flow of traffic around the building(s).
- f. No fuel sales, repair work, nor any other commercial activity shall be permitted in or surrounding the building(s). They are limited to storage.
- g. A maximum of two buildings are permitted on the property
- h. No single building may exceed 14,000 square feet.
- i. Minimum lot size shall be one acre for a single building and two acres for two buildings.

#### 4.911 Residential Care Facilities

a. Accessory Uses & Buildings Customarily Incidental to the Permitted Use May Include:

1. Laundry
2. Convenience. Store
3. Library
4. Medical Facilities
5. Pharmacy/Dispensary
6. Recreational Facilities
7. Dining Area
8. Educational Facility
9. Sheltered Workshop
10. Activity Area (Crafts, etc.)
11. Other small business activity conducted primarily as a service to residents

All accessory uses must be designed and constructed integrally with and managed as part of the complex, and be used primarily by residents of the complex. None of the accessory uses shall be advertised or marketed for use by the general public.

b. Minimum Development Area

5 Acres

c. Maximum Building Coverage

The total building area (the land area covered by buildings measured horizontally from the outside faces of the exterior walls at main grade level) shall not exceed thirty percent of the total development area (30% coverage) in the Conservation Zone.

d. Maximum Building Height

35'

e. Minimum Lot Width and Building Setback Requirements

Lot Width 250 Feet  
Front Setback 75 Feet  
Side Setback 50 Feet  
Rear Setback 50 Feet

f. Unit Types

A development area may be of a variety of living unit and building types (multifamily, duplex, and/or single family units). The units need not be distributed with uniform density throughout the complex.

g. Access and Circulation System

Each building shall be served by a public dedicated street, or a private street connected to a dedicated street at a location where the traffic can be effectively controlled. All public

streets proposed to be constructed within the development must be completed to local municipal specifications and accepted by the local municipality, or a financial guarantee posted with the local municipality to insure completion of the street prior to issuance of the zoning permit. Ownership and maintenance guarantees must be established for all private streets. Proof must be submitted that the proposed access and circulation system is satisfactory to all local emergency response groups (fire companies, ambulance, police, etc)

h. Parking (off-street)

1 Parking space for every three dependent living units  
1 Parking space for every semi-dependent living unit  
1 Visitor parking space for each 5 dwelling units  
1 Parking space for each employee of the daytime shift  
Plus spaces required by law for handicapped persons

i. Sewage Disposal

Evidence must be provided that the proper approval and/or permit has been issued for a sewage treatment system (on-lot or community treatment) with sufficient capacity to handle the development population.

j. Signs

The placement, type, and size of all signs must comply with the regulations outlined in Section 5.400 "Signs". Accessory uses shall not be advertised on any sign.

k. Other Agency Approvals

Proof must be submitted that all other federal, state, and local regulatory agencies have issued the appropriate approvals and/or permits for occupancy of the proposed development.

l. Open Space, Recreation and Landscaping Requirements

At least 50 percent of the total development area shall be devoted to unpaved, nonvehicular open space which shall be landscaped and well maintained with grass, trees, shrubbery, or other suitable landscape materials approved in site plan review. Additionally, a plan for the appropriate active and passive outdoor recreation facilities shall be presented for review and approval.

4.912 Outdoor Storage Area

Such uses shall not abut existing residential development in the Zone and the operation thereof shall be governed by the following provisions and any other conditions as may be required by the Zoning Hearing Board to protect the public health, safety, comfort, convenience, general welfare and especially with regard to abutting properties and the occupants thereof.

- a. Flammable and Explosive Liquids Flammable or explosive liquids, solids or gases shall be stored in accordance with all applicable regulations.

b. Fencing and Setbacks

All outdoor storage facilities shall be enclosed by a fence or vegetative screen adequate to conceal such facilities and the contents thereof from adjacent property. Such walls and fences shall be distant not less than ten feet (10') from any property line and shall be distant not less than twenty-five (25') from any public street.

c. Deposit of Wastes

No materials nor wastes shall be deposited on any premises in such form or manner that they may be transferred off the premises by natural causes or forces.

d. Other Hazardous Materials

All materials or wastes which might cause fumes or dust, or which constitute a fire hazard, or which may be edible by or otherwise be attractive to rodents or insects shall not be stored outdoors unless in closed containers.

4.913 Recreation Facilities, Private and Commercial

Private and commercial recreation facilities shall comply with the following,

- a. Public address systems are prohibited;
- b. Parking areas shall be located no closer than 50' from any property line and shall be provided with a vegetative buffer of evergreens or shrubs to screen the facility from any public roadway and/or public park area; and,
- c. Minimum lot size shall be one and one-half (1 1/2) acres.

4.914 Residential Subdivisions Containing Three (3) or More Lots

Residential subdivisions containing three (3) or more lots shall be governed by the procedures and standards listed in the Indiana County Subdivision Ordinance except that the following modifications shall apply:

- a. Minimum lot areas and widths shall be as noted in Section 4.810, herein;
- b. Minimum yard requirements shall be as noted in Section 4.830, herein; and,
- c. Plan designs shall encourage the preservation of existing vegetative buffers and trees.

4.915 Light Industrial

- a. Such industrial uses are intended to be characterized by low-volume traffic generation, non hazardous and non polluting processes which are fully contained within the structure.
- b. The maximum permissible total floor area shall be 15,000 square feet.

- c. There shall be no noxious external effect resulting from the operation.
- d. Any exterior storage areas shall be properly screened and kept in an orderly fashion, and comply with Section 4.912.
- e. Minimum lot size shall be three (3) acres.
- f. Minimum yard areas shall be seventy-five feet (75) from say property line.

#### 4.916 Professional Offices

Professional offices shall comply with the following:

- a. The minimum building setback dimensions shall be 50' on the front lot line, and 25' on all other lot lines; and,
- b. All areas not used for access, parking, circulation, buildings, and services shall be completely and permanently landscaped.

#### 4.917 Motels

Motels shall comply with the following:

- a. Any lot to be used for a motel shall not be less than one acre and shall contain not less than 2,000 square feet per sleeping unit. All building and structures shall be located at least 50' from a front lot line and at least 25' from the rear and side lot lines;
- b. All areas not used for access, parking, circulation, buildings, and services shall be completely and permanently landscaped; and,
- c. There shall be provided at least one on-site parking space per sleeping unit, plus additional spaces for any associated on-site activity such as restaurants.

#### 4.918 Semi-Public Uses

Semi-public uses in the Conservation Zone shall comply with the following:

- a. Any storage or parking area shall be provided with a vegetative buffer of evergreens or shrubs to screen the facility from any public roadway or public park area; and
- b. Sufficient on-site parking shall be provided and be acceptable to the Zoning Hearing Board.

## ARTICLE 5

### SUPPLEMENTARY DISTRICT REGULATIONS

#### 5.100 Coordination With Other Agency Requirements

Proof must be submitted to the Zoning Officer and/or Zoning Hearing Board that an applicant has complied with all other federal, state and local agency requirements applicable to the proposed structure or use. This proof must be in the form of an approval letter, permit, license, or any other form acceptable to the review agency. Additionally, this proof must be received prior to the issuance of a zoning permit for the proposed structure or use.

The following is a partial listing of other federal, state, and local agencies which, if applicable, must review, comment and/or approve the proposed structure or use prior to the issuance of a zoning permit under this Ordinance in both the Buffer and Conservation Zones.

#### 5.110 Pennsylvania Department of Transportation

Approval for driveway access to a state highway, any proposed work within a state highway right-of-way, and signs along U.S. Routes 422 and 22.

#### 5.120 Indiana County Conservation District

For review of soil and erosion control plans on proposals which involve earth moving activities. Approved plans must be completely implemented during the earthmoving phase of the proposed construction. Additionally, storm water control facilities must be reviewed and approved by the Conservation District.

#### 5.130 Pennsylvania Department of Environmental Resources

For applicable registrations, approvals, licenses, and/or permits to operate any use in the Zoning Districts which requires a Pennsylvania Department of Environmental Resources approval. These uses include, but are not limited to, land subdivisions, underground storage tanks, campgrounds, mining, gas wells, forestry, restaurants, commercial recreation facilities, light industry, public buildings, projects which involve a public water system, and sewage treatment.

#### 5.140 Pennsylvania Department of Labor and Industry

For review of proposed plans to construct any public use facility which may include day care centers, motels, hotels, professional offices, semi-public and public buildings, residential care facilities, restaurants, apartment buildings, and community buildings.

#### 5.150 Pennsylvania Department of Public Welfare

For residential care facilities which provide both dependent and independent levels of care to welfare recipients.

#### 5.160 Indiana County Sewage Enforcement

For receipt of the proper permit for proposed sewage treatment which may be on the site through an individual septic system, or through a community collection and treatment system.



#### 5.170 Local Municipal Officials

For compliance with local regulations concerning the review of proposed building plans and the issuance of a local building permit for the proposed construction.

#### 5.180 Lead Agencies

The Zoning Officer and/or Zoning Hearing Board will designate a lead agency or agencies which will be the ultimate owner(s) of proposed public improvements (streets, water systems, sewage treatment systems, etc.) within a development. The lead agency must review and approve the proposal, and submit proof that the applicant has installed all improvements to the satisfaction of and acceptance by the lead agency, or has posted a financial guarantee to insure the completion of all improvements.

#### 5.190 Other Agencies

The Zoning Officer and/or Zoning Hearing Board may stipulate other agencies which must review, comment and/or approve the proposed structure or use.

#### 5.200 Parking Requirements

The number of off-street parking spaces required shall be as set forth in the specific Special Exception Use regulations. Off-street parking shall be screened by providing fencing or a vegetative buffer of evergreens or shrubs, or by providing indoor parking facilities.

#### 5.300 Conversion of a Single-Family Dwelling to Double-Family

Conversion of a single-family dwelling to a double-family dwelling shall be permitted, provided that:

- a. There is compliance with the minimum lot, yard, and height requirements for the particular Zoning District as outlined in Article 4;
- b. One additional parking space shall be provided on the same lot; and
- c. Such structure shall contain not less than 1,700 square feet of living space and no dwelling unit therein shall contain less than 850 square feet of living space.

#### 5.400 Signs

Signs may be erected and maintained only in compliance with the following provisions:

##### 5.410 Construction and Maintenance

Signs shall be constructed of durable materials, be maintained in good condition, and not be allowed to become dilapidated.

##### 5.420 Height

No free standing sign shall project more than 15 feet from the ground to the highest point of the sign.

#### 5.430 Placement

- a. The placement of a sign shall not in any way create a traffic safety hazard.
- b. No signs shall be placed in the right-of-way of any pub#9 roadway without the permission of the governmental unit or agency having jurisdiction over the right of-way.
- c. No more than two (2) signs per parcel of land shall be permitted.
- d. Off-premise signs shall be permitted within the Zoning Districts provided the applicant owns, leases, or secures written approval from the current property owner for use of the site. Additionally, all other required approvals must be secured.

#### 5.440 Design

- a. No sign shall consist of lights which flash, or move, or appear to move.
- b. Single or double-faced signs shall be permitted.

#### 5.450 Size

Signs shall be limited to the following sizes:

- a. Buffer Zone - No sign shall exceed eight (8) square feet in single- surface area.
- b. Conservation Zone - No sign shall exceed 20 square feet in single- surface area.

#### 5.460 Permits Required

Zoning permits shall be required for the erection of any sign larger than eight square feet in surface area. Signs which are eight square feet or less in surface area, although exempt from obtaining a permit, must comply with-all other provisions set forth in this section.

#### 5.500 Mobile Homes

- a. A single mobile home may be situated on a single lot provided that the mobile home meets all requirements of this Ordinance for a single-family dwelling.
- b. Only one mobile home may be located on a lot. However, a mobile home may be located on a lot with an existing single-family dwelling provided that:
  1. The mobile home cannot be located closer than 50' to a single- family unit
  2. The lot must meet the requirements for a double-family dwelling lot.
  3. The combination of these two units must meet all requirements of the Pennsylvania Department of Environmental Resources regarding sewage and water.

### 5.600 Demolition Requirements

- a. Any building or structure which has been damaged beyond repair must be completely demolished and removed from the property within one year of the damaging incident. Disposal of materials must be in accordance with all applicable regulations.
- b. The property owner may file an appeal to the Indiana County Zoning Hearing Board for a variance from the one year requirement where compliance proves to be a hardship.

## ARTICLE 6

### NONCONFORMING BUILDINGS, LANDS, AND USES

#### 6. 100 Registration of Nonconforming Buildings, Lands, and Uses

The Zoning Officer shall identify and register nonconforming buildings, land, and uses. Additionally, the Officer shall record the reasons why they were identified as nonconformities.

#### 6.200 Intent

Any lawful building, lot of record, and/or use of any building or land existing on the effective date of this Ordinance may be continued, even though such building, lot, and/or use does not conform to the provisions of this Ordinance. Whenever a nonconforming building, lot, and/or use has been changed to conform to this Ordinance, such building, lot, and/or use shall not thereafter be changed back to a nonconformity. The nonconforming use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this Ordinance. No nonconforming building nor use of a building may be extended or enlarged unless authorized by the Zoning Hearing Board, which may permit one enlargement or extension up to 25% of the floor area of the structure as it existed at the time of adoption or amendment of this Ordinance.

#### 6.300 Nonconforming Buildings and Uses of Buildings

- 6.310 A nonconforming building, or use of a building, or portion thereof which is hereafter discontinued for a continuous period of five years, shall not again be used except in conformity with the regulations of the Zoning District in which such building is located.
- 6.320 Whenever the building or use of a building shall become nonconforming through a change in the Zoning Ordinance or in the District boundaries, such building or use may be continued.
- 6.330 A nonconforming building which has been damaged by fire, explosion, or other casualty to the extent of more than 60% of its replacement value at the time of damage, shall not be restored except in conformity with the regulations of the District in which it is located. When damaged by less than 60% of its replacement value, a nonconforming building may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are completed within two years of the date of such damage. For structures nonconforming only to yard spaces, the structure may be rebuilt in the yard space so long as the replacement structure is no closer to the yard boundary than the original structure.
- 6.340 Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by any official charged with protecting the public safety. This section applies strictly to the building as existing at the time of adoption or amendment of this Ordinance.

#### 6.400 Nonconforming Lands and Uses of Land

- 6.410 Only a single-family detached dwelling may be erected on a nonconforming lot of official record, the owner of which does not own any adjoining property which would create a

conforming lot if all or part of said property were combined with subject lot. No lot or lots in single ownership shall hereafter be reduced so as to create one or more nonconforming lots; and provided further, that on any nonconforming lot, no side yard shall be less than 4', no rear yard shall be less than 10', and no front yard shall be less than 15'. Such use is subject to the applicant complying with all other state or local building requirements.

- 6.420 No nonconforming use of land shall be moved, enlarged, or increased unless authorized by the Zoning Hearing Board, which may permit one enlargement or extension up to 25% of the land area as it existed at the time of adoption of this Ordinance. A nonconforming use of land which is discontinued for a continuous period of five years, shall not again be used except in conformity with the regulations of the Zoning District. No nonconforming building or use of building shall be erected in connection with such nonconforming use of land.

## ARTICLE 7

### ZONING HEARING BOARD

#### 7. 100 Establishment and Organization

##### 7. 110 Establishment and Grant of Power

A Zoning Hearing Board is hereby created and established for Indiana County for the purposes of administering and enforcing various provisions of this Ordinance, and assuring the fair and equitable application of the regulations. The Board shall perform all the, duties and have all the powers prescribed in the "Pennsylvania Municipalities Planning Code", Act 247 of 1968 (as amended, and as herein more particularly provided.

##### 7.120 Membership of Board

The Board shall consist of three members appointed by the Indiana County Board of Commissioners. Appointees to the Board must be residents of Indiana County, and shall hold no other public office in the County.

The terms of office of the Board members shall be three years and shall be so fixed that the term of office of one member shall expire in January of each year. At the expiration of a member's term, he shall remain in office until he is reappointed or replaced. Reappointments shall be made for, or successors appointed for, a three year term. The Board shall promptly notify the Board of County Commissioners of any vacancies which may occur. Appointments to file vacancies shall be only for the unexpired portion of the term.

##### 7.130 Removal of Members

Any Board member may be removed for just cause by a majority vote of the Board of County Commissioners. The member must receive a fifteen day, written, advance notice of the charges and the intent to take such a vote. A public meeting shall be held in connection with the vote if the member requests it in writing.

##### 7.140 Organization and General Operating Procedures of Board

The Board shall adopt rules in accordance with the provisions of this Ordinance and Act 247 (as amended). The Board shall elect officers from its own membership who shall serve annual terms and may succeed themselves.

##### 7.141 Meetings

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board or Zoning Officer may determine it necessary. All meetings of the Board shall be open to the public. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses. The Board may make, alter, and rescind rules and forms for its procedure, consistent with Ordinances of the County of Indiana and laws of the Commonwealth of Pennsylvania.

#### 7.142 Quorum and Vote

For the conduct of any board hearing and the taking of any board action, a quorum is required and shall not be less than the presence of two members of the Board, with consideration for the exception of a hearing officer as outlined in this Section and Section 7.230. The concurring vote of two members of the Board shall, be necessary to reverse any order, requirement, decision, or determination of any administrative office or officer; or to decide in favor of the appeal of any matter on which it is required to make a decision in accordance with the provisions of this Ordinance; or to effect any variation in this Ordinance.

Where two members are disqualified to act on a particular matter, the remaining member may act for the Board as a hearing officer appointed by the Board. The applicant and parties to the hearing may waive further action by the Board in this situation.

In exercising its powers, the Board may reverse, or affirm, wholly or partly, or modify any order, requirement, decision or determination as ought to be made; and to that end have all the power of the Zoning Officer.

The Chairman, or in the event of his absence from a hearing, the Vice-Chairman, and the Secretary shall sign all decisions, orders or instructions to the Zoning Officer.

#### 7.143 Minutes and Records

The Board shall keep full public records of its proceedings and decisions, showing the vote of each member on every application and/or appeal, or if absent or failing to vote, indicating that fact. Records shall indicate the Board's examinations and official actions, and be available to the public in the office of the Zoning Officer. A record of all variances granted pursuant to action of the Board under this Ordinance shall be maintained in the public files, and the location of such variances and special exceptions shall be marked on a copy of the Zoning District map. Said files and maps shall be available for public inspection. The Board shall submit a report of its activities to the Board of County Commissioners as requested by the Board of Commissioners.

#### 7.150 Expenditures for Services

Within the limits of funds appropriated by the Board of County Commissioners, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services. Members of the Board may receive for the performance of their duties, as may be fixed by the County Commissioners. This compensation may not exceed the rate of compensation authorized to be paid to the County Commissioners.

#### 7.200 Hearings

Hearings conducted by the Board and decisions arrived at in any such hearing must be in accordance with the following requirements of Act 247 (as amended).

#### 7.210 Public Notice

Notice shall be given to the public, and written notice shall be given to the applicant, the Zoning Officer, and to any person who has made a written request to the Board ten days prior to the hearing. Notice to the public shall be published once each week for two successive weeks in a newspaper of general circulation in Indiana County. Such notice shall state the time and place of

the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days nor less than seven days from the date of the hearing. The applicant shall be notified in writing by the Zoning Officer in accordance with the timings of the first public notice. In addition to the notice provided herein, notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.

#### 7.220 Parties

The parties to the hearing shall be the local municipality, any person affected by the application who has made a written request to the Board at least five days prior to the hearing, and any other person and/or organization permitted to appear by the Board. All persons who wish to be considered parties must enter appearance requests in writing to the Board.

#### 7.230 Conduct

The hearing shall be held within 60 days from the date of the filing of a complete application, unless the applicant has agreed in writing to an extension of time.

The hearings shall be conducted by the Board, or the Board may appoint any member as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board, but the parties may waive decisions or findings by the Board and accept the decision or findings of the hearing officer as final. The Chairman, or Acting Chairman of the Board, or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.

The parties shall, have the right to be represented by counsel and shall be afforded the opportunity to respond, present evidence, argue and cross-examine adverse witnesses on all relevant issues. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

The Board or the hearing officer shall not communicate, directly or indirectly with any party or his representatives in connection with any issue involved except on notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or the material so noticed other materials unless the parties are afforded an opportunity to contest and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representatives unless all parties are given an opportunity to be present.

#### 7.240 Record

The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer, or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases, the party requesting the original transcript shall bear the cost thereof.

#### 7.250 Decision

The Board or the hearing officer, as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within 45 days after the last hearing



before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefore. Conclusions based on any provisions of this Ordinance 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. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall, make his report and recommendations available to the parties within 45 days, and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings and the Board's decision shall be entered no later than 30 days after the report of the hearing officer.

Where the Board fails to render the decision within the period required by this section, or fails to hold the required hearing within 60 days from the date of the applicant's complete application for a hearing, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within 10 days from the last day it could have met to render a decision in the same manner as provided in Section 7.210. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this section shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

#### 7.260 Notice of Decision

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 not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

#### 7.300 Powers and Functions

The Board shall hear and decide appeals and shall have specific powers and functions in the following areas. Additionally, the Board may refer any zoning matter to the Indiana County Planning Commission for their timely review and recommendations.

#### 7.310 Appeals from Zoning Officer

The Board shall hear and decide appeals where it is alleged by the appellant that the Zoning Officer has failed to follow prescribed procedures, or has misinterpreted or misapplied any provision of this Ordinance or official map, or any valid rule or regulation governing the action of the Zoning Officer. This appeal may result from any order requiring an alleged violation to Stop, cease, and desist, made by the Zoning Officer in the enforcement of this Ordinance, the granting or denial of a permit; failure to act on an application; or the registration or failure to register any nonconforming use, building, or lot.

Such appeal shall be taken within 30 days from the action of the Zoning Officer, by filing with the Zoning Officer and the Board a notice of appeal specifying the grounds thereof the Zoning Officer shall forthwith transmit to the Board all papers constituting the record on which the appealed action was taken.

### 7.320 Approve Special Exception Uses

The Board shall hear and decide requests for special exception uses as enumerated in Article 4 in accordance with expressed standards and criteria set forth in Article 4.

In granting a special exception use permit, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the general objectives of this Ordinance and to protect the public park properties.

### 7.330 Grant Variances

The Board shall hear requests for variances and may authorize such variances, from the terms of the Ordinance as will not be contrary to public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship to the applicant. The Board shall prescribe the form of the application which shall be submitted to the Zoning Officer and Board. Every variance granted by the Board shall be based on, and be accompanied by all of the following specific finding or findings, supported by evidence at a public meeting, to the effect and where relevant in a given case:

- a. that there are unique 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 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 applicant;
- 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; and,
- 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.

Every variance granted by the Board may be made subject to such reasonable conditions and safeguards as the Board shall deem to be applicable to the particular case. All conditions and safeguards shall be designed by the Board to protect the public health, safety, and general welfare, and shall be further designed to provide for the protection of the public parks which are the subject of this Ordinance.

#### 7.340 Specific Limitations of Powers of the Board

The Board does not have the power to amend this Zoning Ordinance, to rezone any land, to declare this Ordinance or any amendments thereto invalid. The scope of the Board's functions and powers shall be limited to those permitted by Act 247 (as amended).

#### 7.350 Expiration of Appeal Decision

Unless otherwise specified by the Board, a decision on any appeal or request for a variance shall expire if the applicant fails to obtain any necessary zoning or building permit, or comply with the conditions of said authorized permit within six months from the date of authorization thereof.

### 7.400 Hearing Procedures

#### 7.410 Parties Appellant Before Board

Appeals under Section 7.310 may be filed with the Board in writing by the landowner affected, any officer or agency of the County, or any person aggrieved. Requests for variances and special exceptions are restricted to the landowner or any tenant with the written permission of such landowner.

#### 7.420 Stay of Proceedings

Upon filing of any proceeding referred to in Section 7.410 and during its pendency before the Board, all land development pursuant to any challenge to this Ordinance, any order or approval of the Zoning Officer, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate 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 Board or by the court having jurisdiction of zoning appeals.

When an application for development has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the courts to order such persons to post bonds as a condition to continuing the proceedings before the Board. The question of whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

## ARTICLE 8

### ZONING OFFICER

#### 8.100 Duties and Powers

The Zoning Officer is hereby given the duty, power, and authority to administer and enforce the provisions of this Ordinance. The Officer is authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his/her employment. The Zoning Officer shall meet qualifications established by Indiana County and shall be able to demonstrate the satisfaction of the County a working knowledge of municipal zoning. The Zoning Officer may not hold any elective office in Indiana County, and shall be appointed by the Board of County Commissioners.

The Zoning Officer shall receive and review applications for zoning permits; issue permits for the construction, alteration and enlargement of all structures or uses which are in accordance with the requirements of this Ordinance; maintain records of all applications for permits with accompanying plans and documents; make, inspections of properties within the Zoning Districts to determine compliance with the Ordinance; notify persons violating the Ordinance; maintain the official Zoning District Maps; accept applications and present facts at hearings before the Zoning Hearing Board; be the official custodian of all minutes, stenographic transcripts, records, and decisions of the Zoning Hearing Board; identify and register nonconforming uses and nonconforming structures; issue letters of compliance; and perform such other duties as the Board may determine by its rules. The Officer must provide a reason for the identification and registration of each nonconforming use and/or structure.

The Zoning Officer shall administer the Ordinance in accordance with its literal terms, and shall not have the power to permit any construction, use, or change of use which does not conform to the Zoning Ordinance, except that the Zoning Officer has limited power to determine "like" uses to those listed in the Schedule of Uses, and accordingly may grant or deny approvals based on the proposed use/activity being like those actually listed. He shall not have the power to waive nor tighten any requirements of the Ordinance.

All appeals from decisions of the Zoning Officer shall be taken in the manner prescribed in Article 7 to the Zoning Hearing Board.

## ARTICLE 9

### PERMITS, FEES, AND ENFORCEMENT

#### 9.100 Zoning Permits

##### 9.110 Purpose

To determine compliance with the provisions of this Ordinance, no person shall erect, alter, or convert any structure or building, or part thereof, nor alter the use of the land, subsequent to the adoption of this Ordinance, until a zoning permit has been issued by the Zoning Officer or Zoning Hearing Board.

##### 9.120 Applications for Zoning Permits

All applications for zoning permits shall be accompanied by duplicate plans, drawn to scale, showing the actual shape and dimensions of the lot to be developed, the exact size, use and location on the lot of any building; alterations, parking area; signs; and number of families, dwelling units, offices, employees, etc. for which the proposed building is designed to accommodate; the size, shape, and location of any existing or proposed land use activities; and such other pertinent information as may be necessary to determine compliance with this Ordinance. Property surveys prepared by a registered surveyor or engineer may be required in order to verify all measurements.

One copy of the plans shall be returned to the applicant when such plans have been marked either as approved or disapproved, and attested to same by the signature of the Zoning Officer. A second copy of all applications with accompanying plans and documents shall become public record in the office of the Zoning Officer after a zoning permit is issued or denied.

##### 9.130 Issuance of Zoning Permits

It shall be the duty of the Zoning Officer to issue a Zoning Permit, provided he is satisfied that the proposed structure, and/or the proposed use of the land conform with all requirements of this Ordinance, and that all other applicable reviews and approval actions have been secured.

One copy of the Zoning Permit shall be displayed conspicuously on the premises affected by the permit, and protected from the weather, whenever construction work is being performed thereon. No owner, contractor, workman, or other person shall perform any building operations unless an approved Zoning Permit has been displayed as required by this Ordinance, nor shall they perform any budding operations after notification of the revocation of said Zoning Permit.

##### 9.140 Denial of Permits

When the Zoning Officer is not satisfied that an application will meet the specific requirements of this Ordinance, he shall refuse to issue a Zoning Permit and the applicant may appeal to the Zoning Hearing Board for a review of the Zoning Officer's decision as described in Article 7.

##### 9.150 Renovation of Permits

If the work prescribed in any Zoning Permit has not been initiated within 180 days from the date of issuance thereof, said permit shall expire, it shall be cancelled by the Zoning Officer, and

written notice thereof shall be given to the original applicant and/or property owner. A new Zoning Permit must be issued prior to beginning construction again.

If the work prescribed in any Zoning Permit has not been substantially completed within two years from the date of issuance thereof, said permit shall expire; it shall be cancelled by the Zoning Officer, and written notice thereof shall be given to the original applicant and/or property owner. A new Zoning Permit must be issued prior to beginning and/or completing construction.

If it appears to the Zoning Officer that the application or accompanying plans are in any respect false or misleading, or that the work being done upon the premises differs from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the Zoning Permit. It shall be the duty of the person holding the Permit to, surrender it and all copies thereof to the Zoning Officer. After the Zoning Permit has been revoked, the Zoning Officer may, in his discretion before issuing a new Zoning Permit, require the applicant to file an indemnity bond in favor of the County with sufficient surety conditioned for compliance with this Ordinance and all building laws and ordinances then in force, and in a sum sufficient to cover the cost of removing the building/use if it does not so comply.

### 9.200 Fees

The Indiana County Commissioners may establish and/or amend by resolution a schedule of fees, charges and expenses, as well as a collection procedure for Zoning Permits, special permits, variances, amendments, and other matters pertaining to this Ordinance. Said fees shall be payable to the "County of Indiana" when an application is submitted to the Zoning Officer. A schedule of fees shall be posted in the office of the Zoning Officer.

### 9.300 Violations

#### 9.310 Complaints of Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a complaint in regard thereto. All such complaints must be in writing, stating fully the cause and basis thereof, and shall be filed with the Zoning Officer. The Zoning Officer shall properly record such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

#### 9.320 Enforcement Notice

If it appears to Indiana County that a violation of the Ordinance has occurred, the County shall initiate enforcement proceedings by sending an enforcement notice as provided in this section. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record. An enforcement notice shall state at least the following:

- (1) The name of the owner of record and any other person against whom the County 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 the Ordinance.

- (4) The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
- (5) That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time.
- (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.

#### 9.330 Causes of Action

In case any building, structure, or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Ordinance, Indiana County or, with the approval of the County Commissioners, an officer of the municipality, 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 on Indiana County at least 30 days prior to the time the action is begun by serving a copy of the complaint on the County Commissioners. No such action may be maintained until such notice has been given.

#### 9.340 Jurisdiction

District justices shall have initial jurisdiction over proceedings brought under this section.

#### 9.350 Enforcement Remedies

Any person, partnership or corporation who or which shall violate the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by Indiana County, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by Indiana County 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, Indiana County may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to Indiana County.

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

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

## ARTICLE 10

### AMENDMENTS TO ORDINANCE OR MAPS

#### 10.100 General

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of County Commissioners may amend, supplement, or change the regulations, Zoning District boundaries, or use classifications established by this Ordinance.

For the preparation of amendments to this Ordinance, the procedure set forth in Article 11 for the preparation of a proposed zoning ordinance shall be optional.

Before voting on the enactment of an amendment, the County Commissioners shall hold a public hearing thereon, pursuant to public notice. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the County at points deemed sufficient by the County along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

In the case of an amendment other than that prepared by the Indiana County Planning Commission, the Commissioners shall submit each such amendment to the Planning Commission at least 30 days Prior to the hearing on such proposed amendment to provide the Planning Commission an opportunity to submit recommendations.

If, after any public hearing held on an amendment, the proposed amendment is changed substantially, or is revised, to include land previously not affected by it, the Commissioners shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

Within 30 days after enactment, a copy of the amendment to the Zoning Ordinance shall be forwarded to the County Planning Commission.

#### 10.200 Procedure for Landowner Curative Amendments

A landowner who desires to challenge on substantive grounds the validity of the Ordinance or map(s) or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest may submit a curative amendment to the County Commissioners with a written request that his challenge and proposed amendment be heard and decided as provided in Section 10.400. The County Commissioners shall commence a hearing thereon within 60 days of the request as provided in Section 10.400. The curative amendment and challenge shall be referred to the Planning Commission as provided in Section 10.100, and notice of the hearing thereon shall be given as provided in Section 10.400 and Article 11.

The hearing shall be conducted in accordance with hearing regulations for the Zoning Hearing Board and all references therein to the Zoning Hearing Board shall for purposes of this section be references to the County Commissioners. If the County does not accept a landowner's curative amendment brought in accordance with this section, and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.

The County Commissioners which have determined that a validity challenge has merit may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which



will cure the challenged defects. The County Commissioners shall consider the curative amendments, plans and explanatory material submitted by the landowner, and shall also consider:

- (1) The impact of the proposal on roads, sewer facilities, water supplies, schools and other public service facilities;
- (2) If the proposal is for a residential use, the impact of the proposal on regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;
- (3) The suitability of the site for the intensity of use proposed by the site's soil slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
- (4) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
- (5) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

#### 10.300 Procedure For Municipal Curative Amendment

If Indiana County determines that this Ordinance, or any portion thereof, is substantially invalid, it shall take the following actions:

- (1) The County shall declare by formal action, this Ordinance or portions thereof substantively invalid and propose to prepare a curative amendment to overcome such invalidity. Within 30 days following such declaration and proposal the County Commissioners shall:
  - (i) By resolution make specific findings setting forth the declared invalidity of the Ordinance which may include:
    - (A) References to specific uses which are either not permitted or not permitted in sufficient quantity;
    - (B) Reference to a class of use or uses which require revision; or
    - (C) Reference to the entire Ordinance which requires revisions.
  - (ii) Begin to prepare and consider a curative amendment to the Ordinance to correct the declared invalidity.
- (2) Within 180 days from the date of the declaration and proposal, the County shall enact a curative amendment to validate, or reaffirm the validity of, this Ordinance pursuant to the provisions required by Section 10.100 in order to cure the declared invalidity of the Ordinance.
- (3) On the initiation of the procedures, as set forth in clause (1), the County Commissioners shall not be required to entertain or consider any

landowner's curative amendment filed under Section 10.200 nor shall the Zoning Hearing Board be required to give a report requested under Article 7 or Section 10.400 subsequent to the declaration and proposal based on the grounds identical to or substantially similar to those specified in the resolution required by clause (1) (a). On completion of the procedures as set forth in clauses (1) and (2), no rights to a cure pursuant to the provisions of Sections 10.200 and 10.400 shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of the unamended Zoning Ordinance for which there has been a curative amendment pursuant to this section.

- (4) The County, after having utilized the procedures as set forth in clauses (1), and (2), may not again utilize said procedure for a 36-month period following the date of the enactment of a curative amendment, or reaffirmation of the validity of this Ordinance, pursuant to clause (2); provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed on the County by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the County may utilize the provisions of this section to prepare a curative amendment to this Ordinance to fulfill said duty or obligation.

#### 10.400 Challenges To The Validity Of Ordinance On Substantive Questions

A landowner who, on substantive grounds, desires to challenge the validity of this Ordinance, or map, or any provision thereof which prohibits or restricts the use or development of land in which he has an interest shall submit the challenge either.

- (1) To the Zoning Hearing Board, or
  - (2) To the County Commissioners together with a request for a curative amendment under Section 10.200.
- (1) In challenges before the Zoning Hearing Board, the challenging party shall make a written request to the Board that it hold a hearing on its challenge. The request shall contain the reasons for the challenge. Where the landowner desires to challenge the validity of the Ordinance and elects to proceed by curative amendment under Section 10-200, his application to the County Commissioners shall contain, in addition to the requirements of the written request hereof, the plans and explanatory materials describing the use or development proposed by the landowner in lieu of the use or development permitted by the challenged Ordinance or map. Such plans or other materials shall not be required to meet the standards prescribed for preliminary, tentative or final approval, or for the issuance of a permit, so long as they provide reasonable notice of the proposed use or development and a sufficient basis for evaluating the challenged Ordinance or map in light thereof. Nothing herein contained shall preclude the landowner from first seeking a final approval before submitting his challenge.
  - (2) If the submission is made by the landowner to the County Commissioners, the request also shall be accompanied by an amendment or amendments to the Ordinance proposed by the landowner to cure the alleged defects therein.
  - (3) If the submission is made to the County Commissioners, the County Solicitor shall represent and advise them at the hearing or hearings.
  - (4) The County Commissioners may retain an independent attorney to present the defense of the challenged Ordinance or map on their behalf and to present witnesses on their behalf.

- (5) Based on the testimony presented at the hearing or hearings, the County Commissioners or the Zoning Hearing Board, as the case may be, shall determine whether the challenged Ordinance or map is defective, as alleged by the landowner. If a challenge heard by the County Commissioners is found to have merit, the Commissioners shall proceed as provided in Section 10.200. If a challenge heard by the Zoning Hearing Board is found to have merit, the decision of the Zoning Hearing Board shall include recommended amendments to the challenged Ordinance which will cure the defects found. In reaching its decision, the Zoning Hearing Board shall consider the amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - (i) The impact of the proposal on roads, sewer facilities, water supplies, schools and other public service facilities;
  - (ii) If the proposal is for a residential use, the impact of the proposal on regional housing needs, and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;
  - (iii) The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, floodplains, aquifers, natural resources and other natural features;
  - (iv) The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, floodplains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
  - (v) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
- (6) The County Commissioners or the Zoning Hearing Board, as the case may be, shall render its decision within 45 days after the conclusion of the last hearing.
- (7) If the County Commissioners or the Zoning Hearing Board, as the case may be, fails to act on the landowner's request within the time limits referred to in paragraph (6), a denial of the request is deemed to have occurred on the 46th day after the close of the last hearing.

The Zoning Hearing Board or County Commissioners, as the case may be, shall commence its hearings within 60 days after the request is filed unless the landowner requests or consents to an extension of time.

Public notice of the hearing shall include notice that the validity of the Ordinance or map is in question and shall give the place where and the times when a copy of the request, including any plans, explanatory material or proposed amendments may be examined by the public.

The challenge shall be deemed denied when:

- (1) The Zoning Hearing Board or County Commissioners, as the case may be, fails to commence the hearing within the established time limits,
- (2) The Commissioners notify the landowner that they will not adopt the curative amendment;

- (3) The Commissioners adopt another curative amendment which is unacceptable to the landowner, or
- (4) The Zoning Hearing Board or County Commissioners, as the case may be, fails to act on the request within 45 days after the close of the last hearing on the request, unless the time is extended by mutual consent by the landowner and municipality.

Where a curative amendment proposal is approved by the grant of a curative amendment application by the County Commissioners or a validity challenge is sustained by the Zoning Hearing Board or the court acts finally on appeal from denial of a curative amendment proposal or a validity challenge, and the proposal or challenge so approved requires a further application for subdivision or land development, the developer shall have two years from the date of such approval to file an application for preliminary or tentative approval. Within the two year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. Where the proposal appended to the curative amendment application or the validity challenge is approved but does not require further application under any subdivision or land development ordinance, the developer shall have one year within which to file for a building permit. Within the one year period, no subsequent change or amendment in the zoning, subdivision or other governing Ordinance or plan shall be applied in any manner which adversely affects the rights of the applicant as granted in the curative amendment or the sustained validity challenge. During these protected periods, the court shall retain or assume jurisdiction for the purpose of awarding such supplemental relief as may be necessary.

## ARTICLE 11

### COUNTY POWERS, INTERPRETATION, PUBLICATION, FINANCES, EXEMPTIONS, AND VALIDITY

#### 11.100 County Powers

The powers of the Indiana County Commissioners to enact, amend and repeal zoning ordinances shall be limited to land in those, municipalities, wholly or partly within the County, which have no zoning ordinance in effect at the time a zoning ordinance is introduced before the County Commissioners, and until the municipality's zoning ordinance is in effect. The enactment of a zoning ordinance by any municipality, other than the County, whose land is subject to County zoning shall act as a repeal protanto of the County zoning ordinance within the municipality adopting such ordinance.

#### 11.200 Interpretation

In the interpretation and application of the provisions of this Ordinance, they shall be held to be the minimum requirements necessary for the promotion of the State and County Parks in Indiana County, Pennsylvania. It is not intended by this Ordinance to interfere with, abrogate, or annul any ordinance, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law, relating to the use of buildings, premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with, abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance requires a greater width or size of yards, courts or other open spaces, or requires a lower height of buildings, or smaller number of stories, or requires a greater percentage of lot to be left unoccupied, or imposes other greater standards than are required in or under such other resolution, agreements or statute, the provisions of this Ordinance shall govern. Whenever the provisions of any other ordinance or statute requires a greater width or size of yards, courts or open surfaces, or requires a greater percentage of lot to be unoccupied, or imposes other higher standards than are required by this Ordinance, the provisions of such ordinance or statute shall govern.

In interpreting the language of this Zoning Ordinance to determine the extent of the restriction on 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 Indiana County, in favor of the property owner and against any implied extension of the restriction.

#### 11.300 Publication, Advertisement, and Availability

Proposed zoning ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The governing body shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the municipality nor more than 60 days nor less than 7 days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the County Solicitor and setting forth all the Provisions in reasonable detail. If the full text is not included:

- (1) A copy thereof shall be supplied to a newspaper of general circulation in the municipality at the time the public notice is published.

- (2) An attested copy of the proposed ordinance shall be filed in the County law library or other county office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.

In the event substantial amendments are made in the proposed ordinance or amendment, before voting on enactment, the governing body shall, at least ten days prior to enactment, readvertise, in one newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Zoning ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

#### 11.400 Finances and Expenditures

The Indiana County Commissioners may appropriate funds to finance the preparation of zoning ordinances and shall appropriate funds for administration, for enforcement and for actions to support or oppose, on appeal to the courts, decisions of the Zoning Hearing Board.

The Board of Commissioners shall make provision in its budget and appropriate funds for the operation of the Zoning Hearing Board.

The Zoning Hearing Board may employ or contract for and fix the compensation of legal counsel, as the need arises. The legal counsel shall be an attorney other than the County Solicitor. The board may also employ or contract for and fix the compensation of experts and other staff and may contract for services as it shall deem necessary. The compensation of legal counsel, experts and staff and the sums expended for services shall not exceed the amount appropriated by the governing body for this use.

For the same purposes, the Board of Commissioners may accept gifts and grants of money and services from private sources and from the County, State and Federal Governments.

The Commissioners may prescribe reasonable fees with respect to the administration of this Ordinance and with respect to hearings before the Zoning Hearing Board. Fees for these hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.

#### 11.500 Exemptions

##### 11.510 Agricultural Uses

Except for compliance with minimum yard requirements, nothing in this Ordinance shall prohibit the use of any land for agricultural purposes, nor the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located. The only commercial activity which shall be exempt as part of a farming operation is the sale of items which are directly produced by the farmer (on-site, or at another owned or leased property), and other items which are customarily associated with the operation of a dairy store or farm market.

### 11.520 Public Utility Uses

This Ordinance shall not apply to any existing or proposed building, or extension thereof, used or to be used by a public utility corporation, if, on petition of the corporation, the Pennsylvania Public Utility Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public. It shall be the responsibility of the Pennsylvania Public Utility Commission to ensure that both the corporation and Indiana County have notice of the hearing and are granted an opportunity to appear, present witnesses, cross-examine witnesses presented by other parties and otherwise exercise the rights of a party to the proceedings.

### 11.600 Validity

If any article, section, subsection, sentence, clause, or phrase of this Ordinance or the location of any Zoning District boundary shown on the Zoning District Maps that forms a part, hereof, is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not, affect the validity of the remaining portions of this Ordinance nor Zoning District Maps. Any failure to include every city, borough, and township, or any portion thereof, within this Ordinance, likewise shall not affect its validity. The Board of Commissioners of the County of Indiana hereby declare that it would have passed this Ordinance and each section or part thereof, irrespective of the fact that any one or more sections or parts thereof might be declared invalid.

ARTICLE 12


REPEAL AND EFFECTIVE DATE

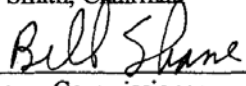
All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.


12.200 Effective Date

This Ordinance ordained and enacted on the twenty-third (23rd) day of June, 1973, by the Board of Commissioners, is hereby amended this 30th day of December, 20 03, said amendments to become effective immediately,

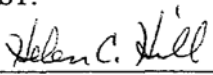
INDIANA COUNTY BOARD OF COMMISSIONERS

  
\_\_\_\_\_  
Bernie Smith, Chairman

  
\_\_\_\_\_  
Bill Shane, Commissioner

  
\_\_\_\_\_  
Randy Degenkolb, Commissioner

ATTEST:

  
\_\_\_\_\_  
Helen C. Hill, Chief Clerk



APPENDIX A  
SCHEDULE OF USES

SCHEDULE OF USES

BUFFER ZONE

|                                     |  |
|-------------------------------------|--|
| Permitted Principal Uses/Structures | Agricultural *<br>Public Uses*<br>Single-family Dwelling<br>Double-family Dwelling   |
| Permitted Accessory Uses/Structures | Permitted Accessory Home Gardening*<br>Uses/Structures Private Garage*<br>Private Swimming Pools*<br>Residential Storage Shed (maximum. - 500 sq. ft.)*<br>Barns*<br>Farm Sheds*<br>Silos*<br>Signs (Reference Article 5)  |
| Special Exception Uses/Structures   | Special Exception Campgrounds<br>Uses/Structures Forestry<br>Home Occupations<br>Nursery Schools & Day Care Centers<br>Recreation Facilities, Private<br>Residential Subdivisions containing 3 or more lots<br>Semi-public Uses  |
| Prohibited Uses/Structures          | Prohibited Uses/Structures Adult Entertainment Establishments<br>Auto Services and Sales<br>Boarding Homes<br>Coal Mining<br>Commercial, Neighborhood and Regional Community Clubs/Buildings<br>Drive-in Theaters<br>Gas and Oil Wells<br>Industrial, Light and Heavy<br>Junkyards<br>Mobile Home Parks<br>Motels and Hotels<br>Multi-family Dwellings<br>Outdoor Storage Areas<br>Professional Offices<br>Quarries<br>Reclamation Projects<br>Recreation Facilities, Commercial<br>Rental Unit Storage Buildings<br>Residential Care Facility<br>Roadside Stands, Seasonal<br>Sanitary Landfills and Hazardous Waste Dumps<br>Taverns |

An asterisk (\*) following a listed use indicates that the particular activity is exempt from obtaining a permit, provided minimum yard requirements are met.

SCHEDULE OF USES

CONSERVATION ZONE

|                                     |   |
|-------------------------------------|---|
| Permitted Principal Use/Structures  | Agricultural*<br>Public Uses*<br>Single-family dwelling<br>Double-family dwelling   |
| Permitted Accessory Uses/Structures | Home Gardening*<br>Private Garages*<br>Private Swimming Pools<br>Residential Storage Sheds (maximum 500 square feet)*<br>Barns*<br>Farm Sheds*<br>Silos*<br>Signs (Reference Article 5)   |
| Special Exception Uses/Structures   | Auto Services and Sales<br>Structures Campgrounds<br>Coal Mining, Surface<br>Community Clubs/Buildings<br>Forestry<br>Gas and Oil Wells<br>Home Occupations<br>Hotels and Motels<br>Light Industrial<br>Multi-family Dwellings<br>Neighborhood Commercial<br>Nursery Schools and Day Care Centers<br>Outdoor Storage Areas<br>Professional Offices<br>Reclamation Projects<br>Recreation Facilities, Private and Commercial<br>Rental-Unit Storage Buildings<br>Residential Care Facility<br>Residential Subdivisions of Three (3) or More Lots<br>Semi-public Uses |
| Prohibited Uses/Structures          | Adult Entertainment Establishments<br>Coal Mining, Deep<br>Drive-in Theaters<br>Heavy Industrial<br>Junkyards<br>Mobile Home Parks<br>Regional Commercial<br>Sanitary Landfills and Hazardous Waste Dumps<br>Taverns<br>Quarries  |

An asterisk (\*) following a listed use indicates that the particular activity is exempt from obtaining a Permit, provided minimum yard requirements are met.