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**LIGONIER TOWNSHIP PLANNING CODE
ORDINANCE NUMBER 97-11**

AN ORDINANCE OF THE TOWNSHIP OF LIGONIER ADOPTING A ZONING ORDINANCE, SUBDIVISION ORDINANCE, AND GRADING ORDINANCE FOR THE TOWNSHIP AND REPEALING ORDINANCE 69-10 AND ALL AMENDMENTS THERETO.

AN ORDINANCE permitting, prohibiting, regulating, restricting, and determining: 1) use of land, watercourses, and other bodies of water; 2) size, height, bulk, location, erection, construction, repair, maintenance, alteration, razing, removal and use of structures; 3) areas and dimensions of land and bodies of water to be occupied by uses and structures, as well as areas, courts, yards, and other open spaces and distances to be left occupied by uses and structures; 4) density of population and intensity of use; 5) provisions for special exceptions and variances administered by the Zoning Hearing Board; 6) provisions for conditional uses to be allowed or denied by the Board of Supervisors after recommendations by the Planning Commission; pursuant to express standards and criteria set forth in these Ordinances; 7) provisions for the administration and enforcement of these land use ordinances; 8) provisions for the protection and preservation of natural resources and agricultural land and activities; 9) provisions for planned developments; 10) provisions regulating use and development in flood plains; 11) regulations for the subdivision and development of land for the purpose of sale or building development; 12) procedures for the presentation, approval, and recording of plats; 13) standards for the review of plats; 14) minimum improvements required; 15) the design, construction, maintenance, or alteration of grading excavations and fills and containing certain related provisions; and 16) such other provisions as may be necessary to implement the purposes of the land use ordinances.

WHEREAS the provisions of this Comprehensive Development Ordinance are designed to promote, to protect, and to facilitate public health, safety, morals, and general welfare; coordinated and practical community development; proper density of population; civil defense and disaster evacuation; airports; national defense facilities; provision of adequate light and air; police protection; vehicle parking and loading space; transportation; water; sewage; schools; public grounds, and other public requirements; and

WHEREAS the provisions of this Comprehensive Development Ordinance are designed to prevent overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life, or property from fire, flood, panic, or other dangers; and

WHEREAS the provisions of this Comprehensive Development Ordinance are designed to protect life and public health and to prevent property loss arising from periodic flooding.

BE IT HEREBY ORDAINED AND ENACTED by the Township of Ligonier as follows:

1. The Township of Ligonier hereby adopts a new ordinance officially entitled the Comprehensive Development Ordinance.

ARTICLE ONE: INTENT

101 SHORT TITLE: These Ordinances shall be known and cited as the "Ligonier Township Land Use Ordinance".

102 EFFECTIVE DATE: These Ordinances shall take effect on October 1, 1997. Land Development and structures completed before this date which do not conform to the standards of these ordinances, but which meet all standards and requirements in effect at the time of their installation shall be deemed to be legal. Any changes to such parcels, uses, or structures shall be subject to the provisions for Sections 207 and 505.

103 SPECIAL DEFINITIONS: Words used in a special sense in these Ordinances are defined in Article Twelve.

104 COMMUNITY DEVELOPMENT OBJECTIVES: The community development objectives which are the basis for the provisions of these Ordinances are set forth in the Comprehensive Plan as adopted and amended by the Supervisors. In addition to the Comprehensive Plan, the following is a supplementary statement of the purpose and intent of the Ligonier Township Land Use Ordinances. The objectives are adopted as a statement of legislative findings and may be used in evaluating any proposed additions or deletions to the Ligonier Township Land Use Ordinances.

104.1 The general objective for the management of growth in Ligonier Township is to provide a pleasant, attractive, healthy, safe, and convenient environment for living, working, education, shopping, and recreation. This objective shall be pursued by the creation and implementation of land use plans to:

- (a) Preserve and improve the natural environment;
- (b) Maintain a rural atmosphere;
- (c) Encourage and promote Tourism;
- (d) Increase property values, employment opportunities, and the economic base of the community;
- (e) Provide safe, adequate, and affordable housing;
- (f) Prevent losses from flooding; and minimize hazards from steep slopes, and soil limitations;

- (g) Provide the necessary infra-structure of utilities and vehicular and pedestrian transportation arteries;
- (h) Provide for recreational and community facilities; and
- (i) Provide for ongoing community planning and growth management.

104.2 The preservation and improvement of the environment shall be pursued by:

- (a) The elimination of visual and physical blight such as overhead utility lines, signs of excessive size, number and proximity, large expanses of unbroken pavement and dilapidated and deteriorated structures;
- (b) The preservation of natural topography, trees, streams and wooded slopelands, including the limiting of hillside development beyond a reasonable gradient, and the control of flood plains and water sheds;
- (c) The prevention of excess erosion, hazardous rock and soil slippage, sedimentation, and other soil and water management problems;
- (d) The regulation and control of the design, construction, quality of materials, use, location and maintenance of grading, excavation, and fill;
- (e) The reclamation of derelict land; and,
- (f) The acquisition by the Township of and the promotion of dedication of natural open space and wooded slopeland in order to link the existing and proposed park sites and neighborhoods and to prevent ecological problems resulting from extensive cut and fill necessary to develop wooded slopelands.

104.3 The maintenance of a rural atmosphere shall be pursued by:

- (a) Requiring the compatibility of new development with existing development, including the provision of buffers where necessary;
- (b) The regulation of high intensity lighting, noise and other incompatible features with a rural environment; and
- (c) The preservation of trees, farmlands and other natural features.

104.4 The encouragement and promotion of tourism shall be pursued by:

- (a) The creation of scenic byways through and around historic or natural features of regional interest;
- (b) The prohibition of billboards on scenic byways, and the use of tourist oriented destination signs;
- (c) The encouragement of compatible commercial and light industrial development, and
- (d) The preservation of historical landmarks.

104.5 The increase of property values, employment opportunities, and the economic base of the community shall be pursued by:

- (a) The improvement and diversification of the economic base of the community;
- (b) The promotion of balanced economic growth and employment opportunities;
- (c) The concentration of commercial and industrial uses in the areas where streets and utilities can provide the necessary services and where conflicts and other uses can be minimized through site design and appropriate buffering provisions; and,

104.6 The provision of safe, adequate, and affordable housing for the entire population of the community shall be pursued by:

- (a) The provision of a wide range of housing density alternatives and a mix of housing types, correlating residential density and housing type with topography, environmental conditions, and the capacity of and distance from existing and proposed utilities, streets, and community facilities;
- (b) The provision of housing for the elderly, and communal living arrangements for the elderly and disabled;
- (c) The provision of affordable housing, where possible, through the implementation of the other objectives set forth in this Ordinance;
- (d) The removal of dilapidated housing, the rehabilitation of deteriorating housing, the maintenance of sound housing, and the

development of new housing; and,

- (e) The provision of residential areas with adequate commercial, governmental, recreational, and educational facilities.

104.7 The creation and implementation of land use plans shall seek to achieve the foregoing objectives and to:

- (a) Avoid incompatible land use if possible and protect against the detrimental effect of incompatible land uses through planting, open space, and natural breaks in topography;
- (b) Concentrate development where possible to prevent sprawl, conserve open space, and make full use of utilities and services; and,
- (c) Provide site plan control.

104.8 The prevention of loss of life, disruption of commerce and governmental services, unnecessary expenditure of public funds for flood protection and relief, and the related impairment of the tax base shall be pursued by:

- (a) Regulation of uses and development in flood plains which, acting alone or in combination with other uses and development, may cause unacceptable increases in flood heights, velocities, and frequencies;
- (b) Restricting and prohibiting certain uses, activities, and development from locating within areas subject to flooding;
- (c) Requiring all those uses, activities, and developments that occur in flood plains to be protected and flood proofed against flooding and flood damage; and
- (d) Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

104.9 The provision of the necessary infra-structure of utilities and transportation arteries shall be pursued by:

- (a) The extension of the township improvements of water lines, storm and sanitary sewers, and roads and their improvement where economically feasible to guide and promote development;
- (b) The encouragement of public utilities to improve and extend services consistent with the objectives set forth herein; and,
- (c) Traffic planning and control which will provide safe, rapid, and convenient movement of people and goods within and through the Township, with a separation of through and local traffic, provision for pedestrians, and minimal disruption of existing and proposed development patterns and community integrity.

104.10 The provision of recreational and community facilities shall be pursued by:

- (a) The creation of outdoor and indoor recreational facilities to accommodate the existing and future population;
- (b) The promotion of schools and parks in close proximity to decrease duplication of services and to provide the greatest value for public expenditures;
- (c) The promotion of acquisition or dedication of natural open space for park and recreational purposes;
- (d) The promotion and acquisition of walking trails, and the preservation and enhancement of state parks within the Township;
- (e) The provision of residential areas with adequate commercial, governmental, recreational, and educational facilities; and,
- (f) The preservation of historical landmarks.

105 COMPLIANCE REQUIRED: Full compliance with all the provisions of these Ordinances and the lawful issuance of all permits required by these Ordinances shall be required before:

105.1 Any structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, or any structure or land be altered or used;

105.2 The subdivision or land development of any lot, tract, or parcel of land be made;

105.3 Any street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon;

105.4 Any lot, parcel, or tract in a subdivision be sold, transferred, leased, or otherwise conveyed;

105.5 Any grading, excavation, or fill be enlarged, altered, or repaired; or

105.6 Any sign be erected or altered as specified in this Ordinance.

106 PERMITS: To ensure compliance with the provisions of these Ordinances the following permits and plats are required:

106.1 A zoning permit shall be required before any person may construct, reconstruct, move, alter or enlarge any structure or building; or change the use of a structure or land to a different use; or change a non-conforming use or structure.

(a) No zoning permit shall be issued for the construction of a structure in a subdivision, land development or planned residential development until the final plat has been approved by the Supervisors and has been recorded as required in this Ordinance.

(b) No zoning permit shall be issued for any permitted, conditional or accessory use upon any lot except a one-family home until a Site Development Plan has been submitted, reviewed and approved in accordance with the provisions of these Ordinances except for existing structures where the occupancy is being changed without either change in use category or new construction or addition to structures and without change in the site.

106.2 A zoning occupancy permit shall be required prior to the occupancy of land or structure or any portion thereof, and to certify the validity of non-conforming uses or structures.

106.3 A sign permit shall be required before any person may hereafter erect or alter in any way any sign, except a name plate or temporary real estate sign as specified in this Ordinance.

106.4 A grading permit shall be required except for minor grading operations before any person may grade, excavate or fill any land, improve a street or install any public utilities. No grading permit shall be issued for any subdivision, land development or planned residential development until the proposed development plan has received preliminary approval by the Supervisors.

106.5 Every permit shall become null and void if the work authorized has not been commenced within two years or is not completed within three years from the date of issue. Prior to continuance of the activity for which the original permit was issued, a new permit must be obtained. The permit may be renewed by the Zoning Officer if there has been no change in applicable regulations, and if such renewal is requested within one month of the date of expiration of such permit. If applicable regulations have been changed, the full review and approval procedure required by these Ordinances shall apply. No permit issued by authorization of the Zoning Hearing Board shall be renewed except by authority of the Zoning Hearing Board.

106.6 Every permit shall be revocable where the Zoning Officer determines that the applicant or occupant is not complying with every condition required by the issuance of said permit.

107 INTERPRETATION: The provisions of these Ordinances shall be held to be the minimum requirements for the protection of the health, safety, morals, and general welfare of Ligonier Township.

108 DISCLAIMER OF LIABILITY: Neither the issuance of a permit under the provisions of these Ordinances, nor compliance with its provisions, nor conformance with conditions required by any such permit shall relieve any person from liability for damage resulting from any development activity, nor attach any liability upon the Township for damages to persons or property. The degree of flood protection sought by the provisions of these Ordinances is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These Ordinances do not imply that areas outside the flood plain districts, or that land uses permitted within such districts, will be free from flooding or flood damages. These Ordinances shall not create liability on the part of the Township or any officer or employee thereof for any flood damages that result from reliance on these Ordinances or any administrative decision lawfully made there under.

109 SEVERABILITY: Should any section, part, or provision of these Ordinances be declared by appropriate authority to be unlawful or unconstitutional, the remainder of these Ordinances shall continue in full force and effect as if the provision declared to be unlawful or unconstitutional had been omitted as of the effective date of these Ordinances.

110 REPEAL: All ordinances, including Ordinance 69-10 and all amendments thereto, or parts of ordinances inconsistent with the provisions of these Ordinances are hereby repealed.

ARTICLE TWO: LAND USE

201 DISTRICTS: The Township is divided into the District stated on Table 201 as shown by the District boundaries on the District Map.

202 ZONING MAP: A map entitled "Ligonier Township District Map" is hereby adopted as a part of these Ordinances. The District Map shall be kept on file for examination in the offices of the Township Building.

203 DISTRICT BOUNDARIES: District boundaries shown on the District Map which follow the lines of roads, streams, and transportation rights of way shall be deemed to follow their centerlines. Neither the vacation of roads nor the change of stream beds shall affect the location of such District boundaries. One set of the County Tax assessment maps for Ligonier Township shall be maintained in the offices of the Township Building showing district boundaries with respect to property lines. When the Zoning Officer cannot definitely determine the location of a District boundary by such centerlines, by the scale of dimensions stated on the District Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Zoning Hearing Board, upon appeal, shall interpret the location of the district boundary with reference to the scale of the District Map and the purposes set forth in all relevant provisions of these Ordinances.

204 PERMITTED USES: The permitted uses for each District are shown on Table 201. Uses not specifically listed as permitted uses in a district shall be prohibited in that district.

204.1 A permitted use shall be reviewed and approved as if it were a conditional use if the Zoning Officer determines that the use is: 1) within one hundred (100) feet of any natural or artificial body of water; 2) within two hundred (200) feet of the intersection of any arterial or collector road; 3) to be developed on a site having land exceeding a slope of twenty-five percent (25%) or having other recognized hazardous geologic conditions; 4) within a flood plain; or 5) of unique historic significance.

205 CONDITIONAL USES: The Board of Supervisors may authorize Conditional Uses as specified on Table 201 after recommendation by the Planning Commission in accordance with procedures set forth in Section 1003. A Conditional Use shall be approved if, and only if, it is found to meet the following criteria:

205.1 The proposed use shall conform to the district and Conditional Use Provisions and all general regulations of these Ordinances.

TABLE 201A PERMITTED USES, CONDITIONAL USES, YARD AND AREA REQUIREMENTS

	C-D CONSERVATION	R-A RESIDENTIAL	R-1 RESIDENTIAL	R-2 RESIDENTIAL
PERMITTED USES	Single-Family Dwelling Cemetery Farm, Agriculture Golf Course Nature Preserve <i>Nursery/Horticulture</i> Parks and Recreation School Accessory Uses	Single-Family Dwelling Cemetery Farm, Agriculture Golf Course Nature Preserve <i>Nursery/Horticulture</i> Parks and Recreation School Accessory Uses	Single-Family Dwelling Cemetery Farm, Agriculture Golf Course Nature Preserve <i>Nursery/Horticulture</i> Parks and Recreation School Accessory Uses	Single-Family Dwelling Cemetery Farm, Agriculture Golf Course Nature Preserve <i>Nursery/Horticulture</i> Parks and Recreation School Accessory Uses
CONDITIONAL USES	Bed and Breakfast <i>Civic Use</i> Kennel Mineral Extraction Public Building Ski Area Social/Recreation Two Family Dwelling	Bed and Breakfast <i>Civic Use</i> <i>Community Center</i> Kennel Mineral Extraction Public Building <i>Social/Recreation</i> <i>Two Family Dwelling</i> Veterinary Clinic	Bed and Breakfast <i>Civic Use</i> <i>Community Center</i> Mineral Extraction Public Building <i>Social/Recreation</i> <i>Two Family Dwelling</i>	Apartments, Garden Apartments Bed and Breakfast <i>Civic Use</i> <i>Community Center</i> Group Home Mineral Extraction <i>Nursing Home</i> Public Building <i>Social/Recreation</i> Townhouses Two Family Dwelling
PLANNED DEVELOPMENTS	PRD	PRD	PRD	PRD
MINIMUM LOT AREA Without Sewer and Water	3 ACRES	3 ACRES	40,000 SQ. FT.	40,000 SQ. FT.
With Sewer or Water	3 ACRES	3 ACRES	30,000 SQ. FT.	30,000 SQ. FT.
With Sewer and Water	3 ACRES	3 ACRES	14,500 SQ. FT.	9,000 SQ. FT.
MINIMUM LOT AREA PER FAMILY	3 ACRES	3 ACRES	14,500 SQ. FT.	9,000 SQ. FT.
MINIMUM LOT WIDTH	300 FEET	300 FEET	100 FEET	100 FEET
MINIMUM FRONTAGE	200 FEET	200 FEET	75 FEET	75 FEET
MINIMUM FRONT YARD	60 FEET	60 FEET	35 FEET	35 FEET
MINIMUM SIDE YARD	50 FEET	50 FEET	25 FEET	10 FEET
MINIMUM REAR YARD	75 FEET	75 FEET	50 FEET	50 FEET
MAXIMUM HEIGHT	35 FEET	35 FEET	35 FEET	35 FEET
MAXIMUM LOT COVERAGE	5 %	5 %	10 %	25%

TABLE 201B PERMITTED USES, CONDITIONAL USES, YARD AND AREA REQUIREMENTS

DISTRICT	C-1 VILLAGE COMMERCIAL	C-2 GENERAL COMMERCIAL	C-3 COMMERCIAL INDUSTRIAL
PERMITTED USES	Single-Family Dwelling Two-Family Dwelling Bed and Breakfast Child Care Center Church Parks and Recreation School Service Shop Accessory Uses Townhouses Apartments <i>Veterinary Clinic</i> <i>Fast Food Restaurant</i>	Single-Family Dwelling Amusement Park Apartments Appliance Sales/Service Auto Sales/Service Bank Bed & Breakfast Business Services Church/Cemetery Child Care Center <i>Civic Use</i> Commercial Garage Commercial School Contractor Supplies <i>Fast Food Restaurant</i> <i>Mini Storage</i> Parks and Recreation Personal Services Public Building Restaurant <i>Retail, Small</i> School Service Shop Townhouses <i>Veterinary Clinic</i> Accessory Uses	Amusement Uses Bank Bed and Breakfast Business Services <i>Civic Use</i> <i>Fast Food Restaurant</i> <i>Mini Storage</i> Motel/Hotel Offices Personal Services Public Building Public Use <i>Restaurant</i> <i>Retail, Small</i> <i>Retail, Large</i> School <i>Veterinary Clinic</i>
CONDITIONAL USES	Bank Business Services <i>Civic Use</i> Community Club Group Home Light Manufacturing Mineral Extraction <i>Nursing Home</i> Office Personal Care Home <i>Personal Services</i> Public Building <i>Retail, Small</i> Restaurant <i>Social/Recreation Club</i>	Amusement Uses Car Wash Drive-In Restaurant Funeral Home Garden Apartments Group Home Mineral Extraction Motel/Hotel <i>Nursing Home</i> Personal Care Home Recreation Club/Social Club <i>Retail, Large</i> Senior Day Care <i>Shopping Center</i> Two-Family Dwelling	Advertising Sign Apartments Garden Apartments Gas Station Light Manufacturing Mineral Extraction Senior Day Care <i>Shopping Center</i> Townhouses Utility Substation Accessory Uses
PLANNED DEVELOPMENTS	PRD	PRD	EDU
MINIMUM LOT AREA			
Without Sewer and Water	20,000 SQ. FT.	10,000 SQ. FT.	20,000 SQ. FT.
With Sewer or Water	20,000 SQ. FT.	10,000 SQ. FT.	20,000 SQ. FT.
With Sewer and Water	9,000 SQ. FT.	10,000 SQ. FT.	20,000 SQ. FT.
MINIMUM LOT AREA PER FAMILY	9,000SQ. FT.	2,400 SQ. FT.	20,000 SQ. FT.
MINIMUM LOT WIDTH	75 FEET	25 FEET	50 FEET
MINIMUM FRONTAGE	50 FEET	25 FEET	75 FEET
MINIMUM FRONT YARD	35 FEET	35 FEET	50 FEET
MINIMUM SIDE YARD	15 FEET	15 FEET	0 FEET
MINIMUM REAR YARD	35 FEET	20 FEET	30 FEET
MAXIMUM HEIGHT	35 FEET	35 FEET	35 FEET
MAXIMUM LOT COVERAGE	25%	25%	35%

205.2 The proposed use shall meet all special standards which may be applied to its class of Conditional Use as set forth in this Article.

205.3 The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of Section 302.

205.4 The proposed use shall be sited, oriented, and landscaped so that the relationship of its building and grounds to adjacent buildings and properties does not impair health, safety, or comfort, and does not adversely affect values of adjacent property.

205.5 The proposed use shall produce a total environmental effect which is consistent with, and not harmful to, the environment of the neighborhood, taking into consideration the physical relationship of the proposed use to the surrounding properties, the probable hours of operation, the activities to be conducted, and the number of people to be assembled or to use the premises at any one time.

205.6 The proposed use shall organize vehicular access and parking to minimize conflicting traffic movement on adjacent streets.

205.7 The proposed use shall promote the objectives of these Ordinances and shall be consistent with the Comprehensive Plan for Ligonier Township.

205.8 Major Excavation shall comply with all pertinent sedimentation and erosion control regulations, and shall not endanger structures or other improvements on any adjacent property.

205.9 Child Care Centers shall be at least 1,000 feet apart from each other, shall not be located on lots of less than 6,000 square feet, and shall provide outdoor recreational facilities suitable to the age groups being served.

205.10 Community Uses when located in or adjacent to a residential district shall provide proper separation and protection for abutting property.

205.11 Gas Stations shall not be located on lots of less than one acre, and shall not have any tank for the storage of flammable or otherwise hazardous material closer than thirty (30) feet to any property line.

205.12 Group Residences and Personal Care Facilities shall be at least five hundred 500 feet apart from each other, shall not be located on lots of less than one (1) acre. These uses shall have side yards of not less than fifteen (15) feet, and shall not be approved unless plans prepared by an architect or engineer are submitted which clearly indicate that adequate light, ventilation, and

fireproofing are provided, and that the dwelling facility and its accommodations shall be functional and convenient with regard to the specific needs of the group to be housed in the facility. Group Residences and Personal Care Facilities shall be approved only after the Board of Supervisors has found that plans and programs for management of the group residence or facility are adequate and appropriate to the population to be housed and that adequate provisions have been made to assure the safety and welfare of the residents of the facility and of the surrounding neighborhood.

205.13 Motels shall provide a lot area of not less than eight hundred (800) square feet per rental unit, and not less than one off-street parking space for each rental unit.

205.14 Public Buildings and uses shall provide proper separation and protection for abutting residential property.

205.15 Recreation Clubs shall not be located on lots of less than eight thousand (8,000) square feet, shall have yards of not less than ten (10) feet.

205.16 Utility Substations shall provide proper separation and protection for abutting property, and shall not require routine trucking movements on local streets.

205.17 Natural Resource Recovery shall be regulated by the provisions of State Act 147 (and its subsequent future amendments) the "Surface Mining Conservation and Reclamation Act", and shall be subject to the following requirements:

- (a) A six (6) foot fence shall completely enclose hazardous portions of the fills, cuts, pits, and water holes on the property where quarry operations are underway. The fence shall be constructed to have openings no larger than six (6) inches.
- (b) Provided, no stockpiles, waste piles, processing, or manufacturing equipment, and no part of the open excavation or quarrying pit shall be located closer than 200 feet from any property line nor closer than 300 feet from any public or private street, lane or road.
- (c) Hours of Operation. The Ligonier Township Supervisors may reasonably limit the hours of operation of the use, and any activities related to the use, including, but not limited to, trucking and blasting operations to protect and preserve the general health, safety and welfare of the residents of Ligonier Township. (Added by Ordinance No. 2006-OR-01)

205.18 Advertising signs shall not be larger than two hundred twenty five (225) square feet, shall be at least five hundred (500) feet from each other and not located on lots of less than fifteen hundred (1500) square feet, and shall be appropriately landscaped. Advertising signs shall not be placed so as to be a traffic hazard or nuisance, and lighted advertising signs shall not reflect on any adjoining residential property. All Advertising Signs erected pursuant to this section, 205.18., and approved as a Conditional Use, must also comply with the general requirements of 307, "Signs".

205.19 Commercial Kennels shall be completely enclosed with a chain link fence at least six (6) feet high, and animals maintained overnight shall be within a completely enclosed structure. Kennel buildings and runs shall be at least one hundred (100) feet from any property line and the premises shall be maintained in a sanitary manner at all times.

205.20 Bed and Breakfasts shall house no more than fifteen (15) overnight guests at any one time.

- (a) Outdoor activities such as, but not limited to, camping, swimming, horseback riding, boating, canoeing, golf and tennis are strictly prohibited unless authorized by the Ligonier Township Board of Supervisors.
- (b) Outdoor lighting shall not be permitted other than for normal spotlights or lighting associated with a single family residence.
- (c) No substantial traffic or congestion shall be permitted.
- (d) Noise shall not disturb adjoining property owners.

205.21 Oil and gas exploration, development and drilling for oil and gas shall be regulated by the provisions of Pennsylvania Act 13 of 2012, (and its subsequent and future amendments) and the applicable provisions of the Comprehensive Development ordinance for site plans and land development and shall be subject to the following:

- (a) The definitions in Chapter 32, section 3203 of Act 13 of 2012 are incorporated herein by reference as if the same were set forth at length herein.
- (b) Secure fencing satisfactory to the zoning officer shall be installed and maintained around any pond or holding area used in conjunction with hydraulic fracturing processes until the said ponds or holding areas are removed.

(c) An emergency response plan for blowouts, spills, discharges or accidents of any nature shall be prepared and filed with the Township Zoning Officer, together with regular updated information, and shall include:

1. Contact information for company executives, project manager and 24 hour emergency contact information; and
2. The permittee shall notify the Ligonier Township Chief of Police, the Chiefs of Waterford, Wilpen and Darlington Fire Departments and the local paramedics and ambulance departments of the issuance of the Conditional Use Permit for development of gas wells, and provide the 24 hours emergency contact to these entities. A copy of the Conditional Use Permit and/or emergency response plan must be provided to the emergency responders upon request.
3. A list of hazardous substances and chemicals being used on the site must be readily available for emergency responders in the event of an accident.

(d) The Board of Supervisors reserves the right to require coordination of operations involving hauling or use of trucks on Township roads during those time periods normally used for the busing of school children.

(e) Compliance with Township's ordinances relating to weight limits and bonding of roads to be used for any part of exploring, development or drilling operations for oil and gas, including, but not limited to, hauling of equipment or water in accordance with applicable law.

206 **ACCESSORY USES AND STRUCTURES:** The following provisions shall apply to accessory uses and structures:

206.1 Temporary structures and trailers used in conjunction with construction work may be permitted only during the period that the construction work is in progress. Permits for other temporary structures may be issued for sixty (60) day periods, but such permits shall not be renewed except as a special exception when approved by the Zoning Hearing Board.

206.2 Every private swimming pool shall be enclosed by an open type ornamental fence constituting a barrier to small children, four (4) feet in height and with a gate in said fence which shall be locked when the pool is not in use by

or under the supervision of the owner or other designated responsible person of the premises upon which it is installed. Private swimming pools of the above-ground type which have vertical walls of at least four feet from ground level and removable steps shall not be required to be fenced.

206.3 Utility Sheds of less than one hundred fifty (150) square feet may be located within five (5) feet of any side or rear property line. No zoning permit is necessary for the construction of such a shed.

206.4 One no-impact home-based business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery, or removal functions to or from the premises in excess of those normally associated with residential use, is permitted in all residential zones of the Township of Ligonier, provided that the business activity meets all of the following requirements:

- (a) It shall be compatible with the residential use of the property and surrounding residential uses;
- (b) It shall employ no employees other than family members residing in the dwelling;
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature;
- (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights;
- (e) It may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood;
- (f) It may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood;
- (g) It shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area;
- (h) It does not involve any illegal activity; and
- (i) The activity does not violate any deed restriction, covenant or agreement restricting the use of land, nor any master deed, bylaw

or other document applicable to a common interest ownership community.

206.5 Family Day Care shall be permitted as an accessory use to a single-family dwelling.

208 SPECIAL EXCEPTIONS: The Zoning Hearing Board may permit the following special exceptions in accordance with the standards stated and in compliance with this Ordinance. The Zoning Hearing Board may attach such conditions as they may deem necessary to implement the purposes of this Ordinance.

208.1 Dependent Dwelling: Living quarters in an accessory structure as an accessory use to a one-family house to accommodate close relatives of the residents of the principal structure.

208.3 Outside Storage Areas in Commercial and Industrial Districts, provided that such storage areas shall be buffered by fencing, planting, or topography so as to obviate adverse effect on neighboring property, and that no waste material shall be stored in such area, and such area will not eliminate the requirement for a waste handling facility as required in Section 303.9.

209 AGRICULTURAL REQUIREMENTS: Farms are a permitted use in all non-commercial districts. Certain operations, when initiated, shall comply with the following provisions.

209.1 Accessory Farm Business: An Accessory Farm Business is permitted as an accessory to an agricultural use, provided that the accessory business shall not be located on sites of less than forty (40) acres, and no operation shall be conducted closer than one hundred (100) feet to any adjoining property. No structure shall be erected unless it is compatible with a structure customarily accepted as an accessory to the agricultural operation conducted on the site.

209.2 Accessory Farm Dwellings: Accessory Farm Dwellings are permitted as an accessory use to house relatives or farm employees, provided that the overall density of the farm does not exceed one family dwelling unit for each ten acres.

209.3 Other Farm Requirements are as follows:

- (a) Horses, ponies, cattle, goats, sheep and grazing animals shall not be kept, corralled or stabled on lots less than two (2) acres in area. Any farm which keeps more than one (1) animal per acre must meet the requirements for intensively used feed lots, in subsection (e).

- (b) Fowl shall not be permitted on lots having an area less than two acres.
- (c) No vehicles or farm machinery shall be stored within twenty (20) feet of any public right-of-way.
- (d) Accessory farm buildings shall not be erected within one hundred (100) feet of a neighboring property. Accessory farm buildings such as barns and silos may exceed the maximum height requirements set forth in Section 503 to a maximum height of 35 feet provided that an agricultural use is actively conducted on that parcel and evidence of such use is provided to the Township. Such structures must only be used for agricultural purposes and not residential occupancy.
- (e) Intensively used feed lots, runs, or pens for more than fifty (50) animal or five hundred (500) fowl shall not be located within two hundred (200) feet of a neighboring property. Pastures or crop lands shall not be considered as feed lots in interpreting this provision.
- (f) No structure, run or pen intended for use as a shelter or for raising other than common domestic animals shall be permitted as an accessory use within any Residential district except where an agricultural use exists.

209.4 Roadside Stands: Roadside stands for the sale of agricultural products shall be permitted if:

- (a) They are erected at least twenty five (25) feet back from the cart way, and not within the right-of way;
- (b) They are used primarily for the sale of agricultural products grown in Ligonier Township.

ARTICLE THREE: LAND DEVELOPMENT STANDARDS

301 COMPLIANCE REQUIRED: No land development shall be approved except in conformance with the standards set forth in this Article; the application procedures required by Article Nine of these Ordinances; and the review procedures required by Article Ten of these Ordinances; and only if the land to be developed is of such character that it can be used for building purposes without danger to health or peril from flood or other hazard.

302 PERFORMANCE STANDARDS: All uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this Ordinance, the Supervisors may obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

302.1 Fire Protection: Fire prevention and fire fighting equipment acceptable to the Township Fire Official shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

302.2 Electrical Disturbances: No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

302.3 Noise: Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled. Fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

302.4 Vibrations: Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

302.5 Odors: No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

302.6 Air Pollution: No pollution of air by fly ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation, or other property.

302.7 Glare: Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

302.8 Erosion: No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

302.9 Water Pollution: No water pollution as defined by the standards established by the State and Federal Governments shall be permitted.

302.10 Hazardous Waste: Any person, partnership or corporation proposing to dump wastes or hazardous materials on any land within the Township must first obtain certificates from the United States Environmental Protection Agency and appropriate Pennsylvania and County agencies to certify that such wastes and materials shall not endanger the health, safety, and general welfare of the residents of the Township and the surrounding region. Outdoor storage of garbage, rubbish, trash, refuse, junk, or discarded articles is prohibited in every district unless stored pursuant to Section 303.9.

303 SITE PLAN REVIEW STANDARDS: All land developments shall comply with the following standards:

303.1 Screening: A planted visual barrier or landscape screen shall be provided and maintained on any property in a commercial or industrial district which is contiguous to any residential use or district, except where natural or physical barriers exist which are deemed to provide an adequate buffer by the Planning Commission; or where the owner of the adjacent residential use agrees to a waiver of this requirement. This screen shall be composed of plants and trees arranged to form both a low level and a high level screen, or an equivalent design by a registered landscape architect. The high level screen shall consist of trees planted with specimens no younger than three years in age and planted at intervals of not more than ten feet. The low level screen shall consist of shrubs or hedges planted at an initial height of not less than two feet, placed in alternating rows to produce a dense visual barrier. Any plant not surviving three years after planting shall be replaced. The landscape screen shall be planted within the growing season and shall be a minimum of twenty (20) feet wide.

303.2 Storage: Any article or material stored temporarily outside an enclosed building as an incidental part of the primary commercial or industrial operation shall be so screened by opaque ornamental fencing, walls, or evergreen planting, that it cannot be seen from adjoining public streets or adjacent lots when viewed by a person standing on ground level.

303.3 Landscaping: Any part or portion of the site which is not used for buildings, other structures, loading or parking spaces or aisles, sidewalks, and designated storage areas shall be planted with an all-season ground cover and shall be landscaped with trees and shrubs in accordance with an overall landscape plan and shall be in keeping with natural surroundings. Any off-street parking area with five or more spaces shall provide a landscaped perimeter for the parking area of not less than five percent of the parking area and not less than five feet in width, which shall be in addition to open area requirements of the

district. At least one tree per five parking spaces, or portion thereof, shall be provided. At a minimum, one tree per fifty feet of lineal frontage shall be provided.

303.4 Lighting: For all uses except farms, single family houses, town houses, and attached single family dwellings, all parking areas, driveways, and loading areas, entry ways, and pedestrian paths shall be provided with a lighting system which shall furnish an average minimum of 0.5 foot candles within such areas during hours of operation. All lighting shall be completely shielded from traffic on any public right of way and from any residential district.

303.5 Interior Circulation: The interior circulation of traffic in commercial areas shall be designated so that no driveway or access lane providing parking spaces shall be used as a through-street. If parking spaces are indicated by lines with angles other than 90 degrees, then traffic lanes shall be restricted to one way permitting head-in parking. No driveway or street used for interior circulation shall have traffic lanes less than ten feet in width.

TABLE 303.5 OFF-STREET PARKING DIMENSION

	45" feet	60" feet	90" feet	Parallel feet
Width of parking space	9	9	9	12
Length of parking space	20	18	18	24
Width of driveway aisle	14	17	26	14
Width of access driveway (one way traffic)	14	14	14	14

Parking spaces shall be indicated, and traffic direction delineated with Penn DOT approved roadway paint and appropriate signage where deemed necessary for the safe movement of vehicular and pedestrian traffic.

303.6 Access: Areas provided for loading and unloading of delivery trucks and other vehicles, and for the servicing of shops by refuse collection, fuel, and other service vehicles shall be adequate in size and shall be so arranged that they may be used without blockage, or interference with the use of public streets or sidewalks, other accessways, or automobile parking facilities.

303.7 Traffic Control: No design shall be approved which is likely to create substantial pedestrian or vehicular traffic hazards endangering the public safety. Safety requirements which may be imposed in such a review shall include traffic control devices, acceleration and deceleration lanes, turning lanes,

traffic and lane markings, walkways, and signs. The developer shall be responsible for the construction of any such traffic control devices.

303.8 Storm Water Management: Storm Water management shall comply with the Ligonier Township Storm Water Management Ordinance.

303.9 Waste Handling: All rubbish shall be stored in air-tight, vermin-proof, easily cleanable, damage resistant containers on the same lot as the principal use with sufficient capacity for storing the maximum volume of garbage, rubbish, and other waste material which may be generated on the site. For single-family attached or detached homes such containers shall be on the same lot as the principal structure. For all other uses such containers shall be stored on the same lot as the principal structure in a suitably buffered and landscaped area with concrete pads constructed with aprons below the frost line for vector control and having ready access for refuse trucks. Bulk refuse containers for food facilities shall be placed on concrete pads equipped with drains that permit frequent cleaning and disposal of waste water to a sanitary sewer.

304 GRADING: The following standards shall be the minimum standards for the issuance of a grading permit.

304.1 The maximum slope of an excavation shall not be greater than one and one-half (1 ½) horizontal to one (1) vertical, and maximum slope for fill shall not be greater than two (2) horizontal to one (1) vertical; provided, however, that the maximum cut may be increased to one horizontal to one vertical where a soils engineer certifies that the cut be into sedimentary rock or other material which is sufficiently durable to remain stable and maintain the cut without slippage.

304.2 No grading, excavation, or fill shall be performed so close to any property line as to endanger or damage any adjoining street or any other public or private property without supporting such property from settling, cracking, erosion, sedimentation, flooding, or any other physical damage or personal injury which might result.

304.3 Adequate provisions shall be incorporated to prevent erosion due to storm drainage. All drainage facilities shall be properly engineered and may be paved or planted swales, or gutters and piped storm sewers. All storm drainage facilities will be reviewed and approved by the Township Engineer.

304.4 Existing storm drainage shall not be diverted so as to alter the location of watercourses on any adjacent property.

304.5 No debris or other material shall be placed or allowed to be placed in any drainage ditch or structure in such a manner as to obstruct the free flow of surface water.

304.6 All trees in an area of extreme grade change shall be protected with suitable tree wells unless the necessity for removal is established. Trees shall not be removed unnecessarily.

304.7 Provisions shall be made for dust control as are deemed necessary and acceptable by the Township Engineer.

304.8 All fills shall be compacted to provide stability of fill materials and to prevent settlement or slippage. Any fill material to be used shall be tested by the owner to insure that its dry density shall not be less than ninety-five percent (95%) of maximum density as determined by ASTM D 1556.

304.9 Immediately upon the completion of grading, all areas not designated for building or paving shall be mulched and planted. Planting shall be appropriate to maintain slopes from erosion and subject to the approval of the Township. In general, planting may be rye grass, crown vetch, or honey-suckle. All seeding, mulching and planting shall be performed in accordance with the Westmoreland County Conservation District's Regulations and Best Management Practices (BMP's). Seeding, mulching and fertilizing shall be applied at approved application rates with appropriate methods.

304.10 Plans and specifications for every grading permit shall provide for both temporary and permanent erosion and sediment control. All Land Development projects involving any commercial or residential improvements shall submit plans, narratives and/or specifications to the Westmoreland County Conservation District for review and approval of Erosion and Sedimentation Controls (as required by State, County, or Local Regulations for disturbed areas) and Storm Water Management Provisions (if not excluded under the Storm Water Management Ordinance).

304.11 When needed for slope stabilization, benching shall be required. In general, slopes which exceed fifty (50) feet shall require benches.

304.12 In addition to the above, all fill and cut operations shall follow the Handbook for Earth Moving Activities and Erosion and Sedimentation Control for Westmoreland County.

305 OFF-STREET PARKING: Off-street parking spaces in commercial districts, when located in the front yard, shall not be closer than thirty five (35) feet to the front lot line. Off-street parking spaces shall be provided in accordance with the specifications in this Section whenever any new use is established, or existing use is enlarged:

TABLE 305 OFF STREET PARKING REQUIREMENTS

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Amusement Uses	One per two seats in main arena
Apartments, One bedroom:	One and one-half for each Dwelling Unit
Apartments, two or more bedrooms:	Two for each Dwelling Unit
Banks:	One for each 250 square feet of gross floor area
Bowling Alley	Six for each Alley
Business Services:	One for each 250 square feet of gross floor area
Church:	One for every four seats in the main meeting room
Duplex, Town House:	Two for each Dwelling Unit
Elderly Housing:	One for every three beds
Enclosed use not elsewhere classified:	One for every 500 square feet of gross floor area
Exterior use not elsewhere classified:	Two for every acre of land improved for public access
Fast Food Restaurant:	Three for every 100 square feet of gross floor area
Funeral Home:	Eight for each reposing room, 24 minimum
Gas Stations:	One for every 200 square feet of gross floor area, eight minimum
Group Housing/Personal Care:	One for every three beds
Light Manufacturing Spaces:	One for each 500 square feet of gross floor area
Manufacturing Plants, Warehouses	One for every 2000 square feet of gross floor area; one for every three employees; at a minimum
Motels:	One for every rental unit plus one per employee
Nursing Homes	One for every 300 square feet of gross floor area
Office, Clinics:	One for every 300 square feet of gross floor area
Personal Services:	One for every 250 square feet of gross floor area
Recreation Use	One per two seats in main meeting room
Restaurants, Clubs	One for every 100 square feet of gross floor area
Retail Stores and Shops:	One for every 175 square feet of gross floor area
School:	One per eight seats in main meeting room
Social Club	One for every five members
Single Family Dwelling:	Two for each Dwelling Unit
Tennis or Squash Courts	Three for every courts
Theater	One for every two seats
Vehicle Sales or Repair:	One for every 500 square feet of gross floor area

305.1 **Alternate Parking:** The Supervisors may require or approve alternate design standards for off-street parking in response to unusual conditions such as dead car storage, attendant parking, indoor parking, interaction between different abutting uses in the same development district, or a clearly documented difference between expected parking load and required parking spaces; provided any reduction in the number of required spaces so granted shall be off-set by a reserved area for future installation of a like number of spaces to be so improved at the discretion of the Township.

305.2 Every off-street parking space shall have a rectangular area of not less than nine feet by eighteen feet. If parking spaces are indicated by lines other than 90 degrees, then traffic lanes shall be restricted to one-way permitting head-in parking only.

305.3 Every off-street parking lot shall be graded for proper drainage and paved in accordance with township standards. Continuous six inch (6") curbing shall be installed to assure safe and efficient flow of traffic, prevent encroachment onto required yards and direct storm water, and such curbing shall be installed in compliance with an approved site plan. Parking aisle separators, sidewalks, and landscape plantings shall be provided as required and approved by the Supervisors. Parking perpendicular to the grade shall be permitted up to a grade of five (5%) percent; parking parallel to the grade shall be permitted up to a grade of seven (7%) percent; no parking shall be permitted on a grade in excess of seven (7%) percent.

305.4 Parking spaces suitable for the needs of the handicapped will be provided as approved on the site plan and signs, railings, and ramps will be provided as appropriate to the site.

305.5 Any lighting used to illuminate an off-street parking lot shall be arranged so as to reflect light away from adjoining premises in any "R", "C-D", or "R-A" District.

305.6 When determination of off-street parking results in a requirement of a fractional space, any fraction shall be counted as one parking space.

305.7 Off-street parking spaces shall be located on the same development lot as the principal use, or on an adjacent lot in the same development district.

Parking spaces shall be indicated, and traffic direction delineated with Penn DOT-approved roadway paint and appropriate signage where deemed necessary for the safe movement of vehicular and pedestrian traffic.

306 OFF-STREET LOADING: One off-street berth of not less than fifty (50) feet by ten (10) feet shall be provided for every new business or industrial use with a floor area of more than 2,500 square feet; and one additional berth shall be required for each additional 20,000 square feet of floor area over the first 20,000 square feet of floor area. Access and space to maneuver shall be sufficient so that no truck need back onto any public street not across any public sidewalk.

307 SIGNS: No sign shall be permitted in any District, except as an accessory use as provided in this Ordinance:

307.1 Permit: No sign, except a name plate or temporary real estate sign as specified in this Ordinance, shall hereafter be erected or altered in any way unless a sign permit has been issued by the Zoning Officer. An application for a sign permit shall include a sign proposal and shall be accompanied by such fee as may be required by resolution of the Supervisors. Such sign permit shall not obviate compliance with building permit requirements as required by the Building Code.

307.2 Conformance: No new sign shall be permitted on any property unless every sign on the property shall be in conformance with this Section. A sign which is not expressly permitted is prohibited.

307.3 Animation: No sign shall move, flash, or emit noise.

307.4 Traffic Hazard: No sign shall be constructed, located, or illuminated in any manner which causes undue glare, distraction, confusion, nuisance, or hazard to traffic or other properties or which obstructs free and clear vision of traffic flow.

307.5 Name Plate Sign: One name plate sign not exceeding two (2) square feet in surface area in the "C-D", "R-A" and "R" districts, and not exceeding four (4) square feet in surface area in "C-1", "C-2", and "C-3" districts, and which is not internally illuminated is permitted which announces the name, address, or professional activity of the occupant of the premises or the name of the building.

307.6 Multi-Family Name Plate Sign: One name plate sign for a multi-family structure not exceeding twelve (12) square feet in surface area is permitted which identifies the name of the structure for a multiple family dwelling, sanitarium, or tourist home.

307.7 Bulletin Board: One Bulletin Board, not illuminated except by

indirect light and not exceeding fifteen (15) square feet in surface area is permitted in connection with any church, school, country club, or similar public structure.

307.8 Temporary Sign: A temporary sign not exceeding thirty two (32) square feet in area may be permitted by the Zoning Officer for a period of two weeks or less provided the sign is safely installed and is consistent with the area where it is to be located. **No sign shall be placed in such a manner that will cause danger to traffic or obstruction of the line of sight.** Permitted temporary signs are listed as follows:

- (a) Temporary Real Estate Sign: One temporary real estate sign is permitted on any property being sold, leased, or developed if it is not illuminated, not less than ten feet from the curb, and is no larger in surface area than sixteen (16) square feet in any Conservation or Residential District, or fifty (50) square feet in any Agricultural, Commercial, or Industrial District. Such sign shall be limited to advertising the sale or lease of the premises on which it is located, or to providing pertinent information regarding the developers, builders, contractors, architects, engineers, and other agents responsible for the development. Such sign shall be promptly removed when the sale, lease, or development of the property has been completed.
- (b) Temporary Political Signs. Signs indicating support for a specific candidate which are erected no sooner than forty-five (45) days prior to a primary or general election and removed within seven (7) days following the election date. The total surface area of each sign shall not exceed thirty-two (32) square feet. In the case of double-sided signs, one side shall be used for calculation. Such signs must comply with all provisions of this Ordinance. All such signs shall be registered with the Township of Ligonier prior to erection of same.
- (c) Civic/Church Event Signs. Signs advertising Township or Ligonier area civic/church events may be erected subject to the following provisions:
 - 1. Sign permit must be applied for and approved by the Zoning Officer. The permit fee shall be paid at time of application and submitted along with a sign proposal. Permit fee will be reimbursed to the organization upon their request in writing if all signs are erected, maintained and removed in compliance with this ordinance.

2. The area of such sign shall comply with the ordinance provisions and shall not be illuminated or attached to any structure or pole, must remain freestanding, be constructed of durable material, maintained in good condition and not allowed to become dilapidated. The height of the sign shall not exceed six (6) feet measured from the ground.
3. No sign shall be placed in such a manner as to cause danger to traffic or obstruct the line of sight at any street, road, alley or traffic way in the Township
4. Signs may be erected no earlier than two weeks prior to the event.
5. Signs must be removed within 5 days of the expiration of the Sign Permit. If the signs are not removed within 5 days, the permit fee will not be refunded and the Zoning Officer or his/her designate may have the sign(s) removed.
6. Only signs advertising civic or church events being conducted by Ligonier Township or Ligonier area civic/church organizations within the Township or Ligonier area, at the discretion of the Zoning Officer, will be permitted under this subsection.
7. Signs may only be erected at the following locations or at other locations at the discretion of, or with the approval of, the Zoning Officer:
 - a. Route 30/Route 381 intersection
 - b. Route 30/Route 711 intersection
 - c. Route 271/Route 711 intersection (island area only)
 - d. W. Main Street/Route 30 cross-over including east and westbound
 - e. Route 259/Route 30 intersection (including east and westbound)
 - f. Route 711/Wilpen Road intersection
 - g. Route 30/Quarry Lane cross-over island area only
 - h. Route 711/Darlington-Rector Road intersection

307.9 Development Complex Signs.

1. Master sign plan required. All landlord or single owner controlled multiple occupancy development complexes, such as economic development unit(s), planned residential development(s), or developments containing more than one business or office, shall submit to the Township a master sign plan prior to issuance of new sign permits. The master sign plan shall establish standards and criteria for all signs in the complex that require permits and shall address, at a minimum, the following:
 - (a) Proposed sign locations.
 - (b) Materials.
 - (c) Type of illumination.
 - (d) Design of freestanding sign structures.
 - (e) Size.
 - (f) Quantity.
 - (g) Uniform standards for non-business signage, including directional and informational signs.
2. Development complex sign. In addition to the business identification signs otherwise allowed by this article, every multiple-occupancy development complex shall be entitled to one freestanding sign erected either on the ground or on a pole, to identify the development complex and list the names of all business occupants of the complex. A development complex sign shall be permitted provided it meets the following requirements:
 - (a) No freestanding ground sign exists or is proposed to be erected on the lot;
 - (b) The sign shall be non-illuminated, indirectly illuminated, or internally illuminated;
 - (c) The maximum height of the top of the pole sign shall be twenty (20) feet;
 - (d) The minimum height of the bottom edge of the sign shall be eight (8) feet;
 - (e) The maximum surface area, including all faces, of the

freestanding pole shall not exceed forty (40) square feet, if there is more than one business on the lot. Neither dimension of such sign shall be less than five (5) feet;

- (f) No portion of any sign shall project over any public right-of-way; and
 - (g) All freestanding signs or pole signs shall be set back at least ten (10) feet from every property line, except where property abuts on a public right-of-way, the sign shall be set back at least ten (10) feet from the right-of-way.
3. Compliance with master sign plan. All applications for sign permits for signage within a multiple-occupancy development or business complex shall comply with the master sign plan.
 4. Individual business signs within a development or business complex. One non-illuminated or indirect-illuminated wall sign may be permitted for each unit within a development or business complex, and shall not exceed twelve square feet in area.
 5. Any changes to the signs or master sign plan must have approval of the Township.

307.10 Business Signs: Signs on the premises occupied by any legal business or industry shall be permitted if:

- (a) No sign shall contain any information or advertising for any product not sold on the premises.
- (b) Business signs shall have an aggregate surface area including all faces not exceeding an area of one hundred (100) square feet, and need not be less than forty (40) square feet. The square foot area of a sign shall be computed as the total area of the face on which the sign appears. In the case of signs comprised of unmounted letters, objects, or of letters or objects placed, painted or in any way mounted on a surface, the square foot area shall be computed as the total area within the quadrangle formed by the straight lines connecting the outer limits of all portions of the sign.
- (c) No sign shall project over any public sidewalk.

- (d) Any sign attached permanently against a wall shall be not less than eight (8) feet above the sidewalk or ground if it is not illuminated and not less than twelve (12) feet if illuminated. Any such sign shall not project above the wall to which it is attached, shall not cover in part or in whole any wall opening, and shall not protrude more than twelve (12) inches from the wall to which it is attached.
- (e) Special Promotion, Event and Grand Opening Signs, except those expressly prohibited by this Ordinance, shall be permitted for a limited period of time in conjunction with special promotions, special events, grand openings and similar events for commercial uses, provided that:
 - (a) A permit must issued by the Zoning Officer for said sign;
 - (b) Only one sign or banner shall be permitted on any establishment at any one time;
 - (c) sign shall displayed for a period not to exceed thirty (30) consecutive days and shall be removed within three (3) days after the earlier of the end of the special event, promotion or grand opening or the expiration date of the permit issued.; and
 - (e) The total area of Special Promotion, Event and Grand Opening Signs shall not exceed thirty-two (32) square feet.

307.11 Additional Business Sign: The Board of Supervisors may authorize additional business signs after review and recommendation by the Planning Commission if:

- (a) The business fronts on more than one thoroughfare.
- (b) More than one business is located in one structure. In such instance, the combined total surface area of the business signs shall not exceed sixty-four (64) square feet.
- (c) The maximum permitted sign area may be divided between a maximum of two signs provided such signs are no less than one hundred (100) feet apart.

307.12 Logo Sign: In addition to a business sign, one single or double faced free-standing sign may be erected on a site occupied by any legal business or industry which has a lot area greater than one-half acre and on which all structures are set back forty feet or more from property lines if:

- (a) The sign displays nothing other than the logotype, trademark, or name of the company or commercial center on the premises.
- (b) The sign has a height no greater than fifteen (15) feet above basic grade and is no closer than ten feet to any property line.
- (c) The sign shall have an aggregate area including all faces no greater than thirty-two (32) square feet. The maximum permitted sign area may be divided between a maximum of two logo signs provided such signs are not less than one hundred (100) feet apart.
- (d) Where a property fronts on more than one public right-of-way, a logo sign or signs may be installed on only one right-of-way.

307.13 Tourist Oriented Destination Signs: A sign directing traffic to a major shopping center, industrial facility or tourist destination may be located at or near the intersection of public streets as a conditional use approved by the Board of Supervisors after recommendation by the Planning Commission, provided that:

- (a) The signs shall be limited to those businesses having regional prominence, or those facilities with special circumstances which make a directional sign essential for directing regional traffic.
- (b) The sign shall be no more than two (2) square feet in size.
- (c) The signs shall be set back ten (10) feet from the public right-of-way in such a manner that it does not obstruct the safety and vision of traffic or otherwise constitute a hazard to traffic. Appropriate permits from the appropriate authority having jurisdiction must first be obtained.

307.14 Non-Conforming Signs: Any non-conforming permanent sign legally existing on the effective date of this Ordinance may continue to exist, provided that signs which are structurally deteriorated to the extent that the cost of restoration would exceed fifty percent (50%) of the cost of replacing the structure shall be removed. Signs which are non-conforming because of flashing lights or intermittent illumination shall be brought into compliance within thirty days of the effective date of this Ordinance.

307.15 Prohibited Signs:

- (1) Signs attached to trees, telephone poles, light poles, or utility poles.
- (2) Signs which advertise activities, businesses, projects, or services no longer conducted on the premises, or which have not been conducted for a period of six (6) months
- (3) Signs erected off the property on which the activity is conducted.
- (4) Signs placed on parked vehicles or trailers where the apparent purpose is to advertise a product or to direct people to a business activity located on the same or a nearby property.
- (5) Signs painted directly on the surface of any building.
- (6) Banners and pennants, or inflatable structures of any kind, except when authorized as special promotion or event signs.
- (7) Signs containing information stating or implying that a property may be used for any purpose not permitted under the provisions of this Ordinance.
- (8) Roof-mounted and building-mounted signs that extend above the roof line.
- (9) Moving or flashing signs
- (10) Portable or wheeled signs

307.16 Advertising Signs. Advertising signs are conditionally permitted as a principal use after approval by the Supervisors and must comply with all provisions of this Ordinance.

307.17 Any sign erected in violation of Section 307, or any provisions of this Ordinance, may be removed and/or confiscated and destroyed by the Zoning Officer or his/her designee.

308 **MOBILE HOME OUTSIDE OF MOBILE HOME PARKS:** Individual mobile homes shall be considered as single-family dwellings and shall be permitted to locate outside of mobile home parks, provided:

308.1 The mobile home site complies with the respective land use regulations for the District and contains suitable water supply and approved septic system for the private use of one single-family dwelling.

308.2 The mobile home has a floor space of not less than six hundred

sixty (660) square feet excluding basements, garages, and carports, to permit compatibility with conventional single-family structures.

308.3 The mobile home shall be installed so as to conform with all front yard, side yard, and rear yard set back lines applicable to immobile housing in that district or zone.

308.4 The mobile home shall be installed upon, and securely fastened to, a frost-free foundation or footer, and in no event shall it be erected on jacks, loose blocks, or other temporary materials or structure.

308.5 Skirting shall be installed on all mobile homes within ninety (90) days of placement; otherwise the permit shall expire.

308.6 Any garage, utility shed, or other out-building constructed on the tract shall conform with the standards applicable to such structures as contained in any Township Building Ordinance, and this Ordinance.

308.7 Any single on-lot mobile home shall meet the specifications for manufacture of mobile homes as set forth in United States Standards Institute, Standards for Mobile Homes, USA Standard A 119.1-1969 NFPA No. 501 B-1968, and any subsequent modification or amendment of such Standards.

ARTICLE FOUR: OVERLAY DISTRICTS
(As amended by Ordinance 2011-OR-01, 2/01/11)

400 Statutory Authorization (§65-28)¹

The legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Board of Supervisors of the Township of Ligonier, does hereby order as follows:

400.1 Abrogation and Greater Restrictions (§65-28 A.)

This Article supersedes any other conflicting provisions that may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Article, the more restrictive shall apply.

400.2 Intent (§65-28 B.)

The intent of this Article is to:

- a) Promote the general health, welfare, and safety of the community.
- b) Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
- c) Minimize danger to public health by protecting water supply and natural drainage.
- d) Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
- e) Comply with federal and state floodplain management requirements.

¹ The Comprehensive Development Ordinance has been codified in the Code of the Township of Ligonier, Chapter 65, LAND USE AND DEVELOPMENT, 65-1 through 65-76. Ordinance 2011-OR-01 amends Chapter 65, Article IV, §65-28 through §65-33. Cross references to the Code of the Township of Ligonier can be found at the end of each section in these amendments to Township's floodplain regulations.

400.3 Applicability (§65-28 C.)

- a) It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a Permit has been obtained from the Floodplain Administrator.
- b) A Permit shall not be required for minor repairs to existing buildings or structures.

400.4 Severability and Ambiguities (§65-28 D.)

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect and, for this purpose, the provisions of this Ordinance are hereby declared to be severable. To the extent that any provisions of this Ordinance are ambiguous and/or inconsistent, any such ambiguities and/or inconsistencies shall be interpreted in favor of the Township.

400.5 Warning and Disclaimer of Liability (§65-28 E.)

The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Township of Ligonier or any officer, employee, and/or agent thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

401 Identification of Floodplain Areas (§65-29)

The identified floodplain area shall be any areas of the Township of Ligonier, classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated MARCH 17, 2011 and issued by the Federal Emergency Management Agency (FEMA) or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.

The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by the Township of Ligonier and declared to be part of this ordinance.

401.1 Description of Floodplain Areas: (§65-29 A.) The identified floodplain area shall consist of the following specific areas:

- (a) FW (Floodway Area) -- the areas identified as "Floodway" in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
- (b) FF (Flood-Fringe Area) -- the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
- (c) FA (General Floodplain Area) -- the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area that is nearest the construction site in question.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the Township.

401.2 Changes in Identification Area (§65-29 B.)

The identified floodplain area may be revised or modified by the Board where studies or information provided by a qualified agency or person

documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

401.3 Boundary Disputes (§65-29 c.)

Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Floodplain Administrator or other municipal officer so authorized and any party aggrieved by this decision may appeal to the Board as set forth elsewhere in this Ordinance. The burden of proof shall be on the appellant.

402 ADMINISTRATION OF FLOODPLAIN REGULATIONS: (§65-30)

The provisions of this Article for floodplain regulations shall be administered and enforced by a municipal officer, or other designee of the Board of Supervisors, who shall be designated as the Floodplain Administrator:

- (a) The Board of Supervisors (hereinafter referred to as Board) hereby appoints the current Ligonier Township Zoning Officer to act as Township's Floodplain Administrator upon adoption of this amendment to the Code of the Township of Ligonier.
- (b) The duly appointed Township Floodplain Administrator shall serve in this capacity until he/she/it resigns, is unable to serve, or until a replacement is appointed by the Board of Supervisors.
- (c) The Board may appoint a Floodplain Administrator at its annual organizational meeting, or at any other time throughout the year, by Motion duly adopted by the Board.
- (d) The compensation of the Floodplain Administrator shall be established by Motion of the Board at its annual organizational meeting, or at the time a successor is appointed to fill a vacancy in the position in the event that the appointed Floodplain Administrator is not a municipal officer.

402.1 Building Permits Required (§65-30 A.)

Building permits shall be required in all instances before any construction or development is undertaken within any designated floodplain area of the Township.

402.2 Issuance of Building Permit (§65-30 B.)

- (a) The Floodplain Administrator shall issue a building permit in accordance with applicable ordinances of Ligonier Township, only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
- (b) Prior to the issuance of any building permit, the Floodplain Administrator or other municipal officer so authorized shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act 166-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U. S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
- (c) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the Township and until all required permits or approvals have been first obtained from the Department of Environmental Protection (DEP).
- (d) The Federal Emergency Management Agency (FEMA) and the Pennsylvania Department of Community and Economic Development shall be notified by the Township prior to any alteration or relocation of any watercourse.
- (e) No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

402.3 Application Procedures and Requirements (§65-30 c.)

- (a) Application for such a building permit shall be made, in writing, to the Floodplain Administrator or other municipal officer so authorized on forms supplied by the Township. Such application shall contain the following:
 - (1) Name and address of applicant;
 - (2) Name and address of owner of land on which proposed construction is to occur;
 - (3) Name and address of contractor;
 - (4) Site location;
 - (5) Listing of other permits required;
 - (6) Brief description of proposed work and estimated cost; and
 - (7) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.

- (b) If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator or other municipal officer so authorized to determine that:
 - (1) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
 - (2) all utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 - (3) Adequate drainage is provided so as to reduce exposure to flood hazards.

- (c) Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information as may be obtained or required by any other section herein) as may be required by the Floodplain Administrator or other municipal officer so authorized to make the above determination:
 - (1) A completed Building Permit Application Form;

- (2) a plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (i) North arrow, scale, and date;
 - (ii) Topographic contour lines, if available;
 - (iii) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - (iv) the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
 - (v) The location of all existing streets, drives, and other accessways; and
 - (vi) The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.

- (3) Plans of all proposed buildings, structures and other improvements, drawn at suitable scale showing the following:
 - (i) The proposed lowest floor elevation of any proposed building based upon the North American Vertical Datum of 1988
 - (ii) The elevation of the one hundred (100) year flood;
 - (iii) if available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a one hundred (100) year flood; and
 - (iv) Detailed information concerning any proposed flood-proofing measures.

- (4) The following data and documentation:
 - (i) documentation, certified by a registered professional engineer or an architect, to show that the commutative effect proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood more than one (1) foot at any point.

- (ii) a document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the one hundred (100) year flood. Such statement shall include a description of the type and extent of flood proofing measures that have been incorporated into the design of the structure and/or the development.
- (iii) Detailed information needed to determine compliance with Section 403.4(f), Storage, and Section 403.5, Development Which May Endanger Human Life, including:
 - (1) The amount, location and purpose of any materials or substances referred to in Sections 403.4(f) and 403.5 hereof which are intended to be used, produced, stored or otherwise maintained on site.
 - (2) A description of the safeguards incorporated into the design of the proposed structure(s) to prevent leaks or spills of the dangerous materials or substances listed in Section 403.5 during a one hundred (100) year flood.
- (5) The appropriate component of the Pennsylvania Department of Environmental Protection's "Planning Module for Land Development."
- (6) Where any excavation or grading is proposed, a plan must be submitted meeting the requirements of the Department of Environmental Protection and Westmoreland County Conservation District for the implementation and maintenance of erosion and sedimentation control.

402.4 Review by Westmoreland County Conservation District (§65-30 D.)

A copy of all applications and plans for any proposed construction or development in any identified floodplain area shall be submitted by the developer to the Westmoreland County Conservation District for review and comment prior to the issuance of any building permit or, if the developer shall fail to so submit, by the Ligonier Township Floodplain Administrator or other municipal officer so authorized. The

recommendations of the Conservation District shall be considered by said municipal representative for possible incorporation into the proposed plan.

402.5 Review of Application by Others (§65-30 E.)

A copy of all plans and applications for any proposed construction or development in any identified floodplain area may be submitted by the Floodplain Administrator or other municipal officer so authorized, at his sole discretion, to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

402.6 Changes (§65-30 F.)

After the issuance of a building permit by the Floodplain Administrator or other municipal officer so authorized, no changes of any kind shall be made to the application, permit, or any of the plans, specifications or other documents submitted with the application without the written consent or approval of said municipal representative. Requests for any such change shall be in writing, and shall be submitted by the applicant to the municipal representative for consideration in accordance with the general application and review standards set forth herein.

402.7 Start of Construction (§65-30 G.)

Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator or other municipal officer so authorized. Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filling, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

402.8 Inspection and Revocation (§65-30 H.)

- (a) During the construction period, the Floodplain Administrator or other municipal officer so authorized shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
- (b) In the discharge of his duties, the Floodplain Administrator or other municipal officer so authorized shall have the authority to enter any building, structure, premises or development in the identified

floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.

- (c) In the event the Floodplain Administrator or other municipal officer so authorized discovers that the work being performed does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, said municipal officer shall revoke the building permit and report such fact to the Board for whatever action it considers necessary.
- (d) A record of all such inspections and violations of this ordinance shall be maintained as part of the official Township records.

402.9 Fees (§65-30 I.)

Applications for a building permit for construction or development in a flood prone area shall be the same as fees for other building permits issued by Ligonier Township pursuant to applicable ordinances, in accordance with a schedule of fees as may, from time to time, be adopted and amended by the Ligonier Township Board of Supervisors.

402.10 Enforcement (§65-30 J.)

- (a) Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the designated municipal representative shall give notice of such alleged violation as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time not to exceed a period of thirty (30) days for the performance of any act it requires; (d) be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of the Commonwealth of Pennsylvania; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- (b) Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses

to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Township of not less than Fifty Dollars (\$50.00) nor more than Six Hundred (plus costs of prosecution and reasonable attorneys fees. Each day during which any violation of this Ordinance continues shall constitute a separate punishable offense. In addition to the above penalties all other actions are hereby reserved including an action in equity for the proper enforcement of this Ordinance. The imposition of a fine or penalty for any violation of, or noncompliance with, this ordinance shall not excuse the violation or noncompliance nor permit it to continue and all such persons shall be required to correct or remedy such violations and non-compliances within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, altered, or relocated, in noncompliance with this Ordinance may be declared by the Board to be a public nuisance and abatable as such.

402.11 Appeals (§65-30 κ.)

- (a) Any person aggrieved by any action or decision of the Floodplain Administrator or other municipal officer authorized to act concerning the administration of the provisions of this Ordinance, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of said municipal representative.
- (b) Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than ten (10) nor more than thirty (30) days for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
- (c) The Secretary of Ligonier Township may postpone the date of the hearing for a reasonable time beyond such thirty-day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.
- (d) After the hearing held under this section, the Board of Supervisors shall make findings as to compliance with the provisions hereof and regulations issued hereunder and shall issue an order, in writing, sustaining, modifying or withdrawing the notice served as provided in Subsection A hereof.

- (e) The proceedings of such hearing, including the findings and decision of the Board of Supervisors, a copy of every notice, and all other records relating thereto shall be entered as a matter of public record in the Township of Ligonier. However, a transcript of the hearing need not be transcribed unless judicial review of the decision is sought as authorized by this section.
- (f) Any person aggrieved by any decision of the Board may seek relief there from by appeal to any court of competent jurisdiction, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

403 TECHNICAL PROVISIONS (§65-31)

The following standards shall apply to all identified floodplain areas in Ligonier Township and development therein:

403.1 General Standards (§65-31 A.)

- (a) No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection
- (b) No encroachment, alteration, or improvement of any kind shall be made to any watercourse, unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
- (c) The Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
- (d) Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE.
- (e) Any new construction, development, uses or activities allowed within any identified floodplain area, shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations.

403.2 Special Requirements of Identified Floodplain Areas (§65-31 B.)

- (a) With any FW (Floodway Area), the following provisions apply:
 - (1) Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
 - (2) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection.

- (b) Within any FA (General Floodplain Area), the following provisions apply:
 - (1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection
 - (2) Any new construction or development, which would cause any increase in one hundred year flood heights, shall be prohibited within any floodway area.

- (c) Within any FF (Flood-Fringe Area), the following provisions apply:
 - (1) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environment Protection Regional Office.
 - (2) In any FF without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than one (1) foot.

403.3 Elevation and Flood proofing Requirements (§65-31 c.)

- (a) Residential Structures. Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation.

- (b) Non-residential Structures.
 - (1) Within any identified floodplain area, any new construction or

substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.

- (2) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 2) feet above the one hundred (100) year flood elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U. S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such flood proofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

(c) Space Below the Lowest Floor.

- (1) Fully enclosed space below the lowest floor (including basement) is prohibited.
- (2) Partially enclosed space below the lowest floor (including basement) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of floodwaters for the purpose of equalizing hydrostatic forces on exterior walls. The term "partially enclosed space" also includes crawl spaces. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (iii) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- (d) Accessory Structures. Structures accessory to a principal building need not be elevated or flood proofed to remain dry, but shall comply, at a minimum, with the following requirements:
- (1) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
 - (2) Floor area shall not exceed 600 square feet.
 - (3) The structure will have a low damage potential.
 - (4) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
 - (5) Power lines, wiring, and outlets will be at least one and one-half (1 1/2) feet above the 100 year flood elevation.
 - (6) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
 - (7) Sanitary facilities are prohibited.
 - (8) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic force. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (iii) Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

403.4 Design and Construction Standards (§65-31 D.)

The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

- (a) Fill. If fill is used, it shall:
- (1) Extend laterally at least fifteen (15) feet beyond the building line from all points;
 - (2) consist of soil or small rock materials only - sanitary landfills

- shall not be permitted;
 - (3) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - (4) be no steeper than on (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator or other municipal officer so authorized; and,
 - (5) Be used to the extent to which it does not adversely affect adjacent properties
- (b) **Drainage Facilities.** Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
- (c) **Water and Sanitary Sewer Facilities and Systems.**
- (1) All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
 - (2) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - (3) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
- (d) **Other Utilities.**
- All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
- (e) **Streets.**
- The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.

(f) Storage.

All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in Section 403.5 hereof shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.

(g) Placement of Buildings and Structures.

All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.

(h) Anchoring.

- (1) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
- (2) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.

(i) Floors, Walls and Ceilings.

- (1) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
- (2) Plywood used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
- (3) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
- (4) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other "water-resistant" material.

(j) Paints and Adhesives.

- (1) Paints and other finishes used at or below the Regulatory Flood

- Elevation shall be of "marine" or "water-resistant" quality.
- (2) Adhesives used at or below the Regulatory Flood Elevation shall be of a "marine" or "water-resistant" variety.
 - (3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.
- (k) Electrical Components.
- (1) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
 - (2) Separate electrical circuits shall serve lower levels and shall be dropped from above.
- (l) Equipment.
- Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
- (m) Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

403.5 Development Which May Endanger Human Life (§65-31 E.)

- (a) In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department as required by the Act, any new or substantially improved structure which:
- (1) Will be used for the production or storage of any of the following dangerous materials or substances; or,
 - (2) will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or,
 - (3) Will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:

1. Acetone
2. Ammonia
3. Benzene
4. Calcium carbide
5. Carbon disulfide
6. Celluloid
7. Chlorine
8. Hydrochloric acid
9. Hydrocyanic acid
10. Magnesium
11. Nitric acid and oxides of nitrogen
12. Petroleum products (gasoline, fuel oil, etc.)
13. Phosphorus
14. Potassium
15. Sodium
16. Sulphur and sulphur products
17. Pesticides (including insecticides, fungicides, and rodenticides)
18. Radioactive substances, insofar as such substances are not otherwise regulated.

- (b) Within any FW (Floodway Area), any structure of the kind described in Subsection A., above, shall be prohibited.
- (c) Within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- (d) Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be:
 - (1) Elevated or designed and constructed to remain completely dry up to at least one and one half (1½) feet above the one hundred (100) year flood and,
 - (2) Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry flood proofing contained in the publication "Flood-proofing Regulations" (U. S. Army

Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

403.6 Special Requirements for Manufactured Homes (§65-31 F.)

- (a) Within any FW (Floodway Area), manufactured homes shall be prohibited.
- (b) Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
- (c) Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
 - (1) Placed on a permanent foundation.
 - (2) Elevated so that the lowest floor of the manufactured home is one and one half (1½) feet or more above the elevation of the one hundred (100) year flood.
 - (3) Anchored to resist flotation, collapse, or lateral movement.
- (d) An evacuation plan indicating alternative vehicular access and escape routes shall be filed with the Township of Ligonier for manufactured-home parks and subdivisions, where appropriate.

403.7 Special Requirements for Subdivisions (§65-31 G.)

All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision. Submittal requirements and processing fees shall be the responsibility of the applicant.

403.8 Special Requirements for Recreational Vehicles (§65-31 H.)

Recreational vehicles in Zones A, A1-30, AH and AE must either:

- (a) Be on the site for fewer than 180 consecutive days
- (b) Be fully licensed and ready for highway use, or
- (c) Meet the permit requirements for manufactured homes in 403.6

404 Activities Requiring Special Permits (§65-32)

404.1 General. (§65-32 A.) In accordance with the administrative regulations promulgated by the Department to implement the Pennsylvania Flood Plain Management Act, the following activities shall be prohibited within any identified floodplain area unless a Special Permit has been issued by the Township:

- (a) The commencement of any of the following activities; or the construction, enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 - (1) Hospitals
 - (2) Nursing Homes
 - (3) Jails or Prisons
- (b) The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

404.2 Application Requirements for Special Permits (§65-32 B.): Applicants for Special Permits shall provide five copies of the following items:

- (a) A written request including a completed Building Permit Application form.
- (b) A small scale map showing the vicinity in which the proposed site is located.
- (c) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
 - (1) North arrow, scale and date;
 - (2) Topography based upon the North American Vertical Datum of 1988 showing existing and proposed contours at intervals of two (2) feet;
 - (3) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - (4) the location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - (5) the location of any existing bodies of water or watercourses,

- buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
- (6) the location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
 - (7) The location of all proposed buildings, structures, utilities, and any other improvements; and
 - (8) Any other information which the municipality considers necessary for adequate review of the application.
- (d) Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
- (1) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 - (2) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - (3) complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
 - (4) Detailed information concerning any proposed flood proofing measures;
 - (5) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
 - (6) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
 - (7) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
- (e) The following data and documentation:
- (1) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - (2) Certification from a registered professional engineer,

- architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the one hundred (100) year flood;
- (3) a statement, certified by a registered professional engineer, architect, landscape architect, or other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a one hundred (100) year flood, including a statement concerning the effects such pollution may have on human life;
 - (4) a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on one hundred (100) year flood elevations and flows;
 - (5) a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the one hundred (100) year flood elevation and the effects such materials and debris may have on one hundred (100) year flood elevations and flows;
 - (6) The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
 - (7) where any excavation or grading is proposed, a plan meeting the requirement of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
 - (8) any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
 - (9) An evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a one hundred (100) year flood.

404.3 Application Review Procedures (§65-32 c.): Upon receipt of an application for a Special Permit by the Township the following procedures shall apply in addition to those of Article III hereof:

- (a) Within three (3) working days following receipt of the application, a

complete copy of the application and all accompanying documentation shall be forwarded to the Westmoreland County Planning Commission by personal delivery, receipt requested, or by registered or certified mail for review and recommendations. Copies of the application shall also be forwarded to the Ligonier Township Planning Commission and the Township Engineer for review and comment.

- (b) If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient. No time deadlines imposed upon the Township by this Ordinance or any statutory provision shall begin to run until the Township shall determine the application to be complete.
- (c) If the Township decides to disapprove an application, it shall notify the applicant, in writing, stating in what respect the application is deficient.
- (d) If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
- (e) Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
- (f) If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
- (g) If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special Permit.

404.4 Special Technical Requirements (§65-32 d.):

- (a) In addition to the requirements of the foregoing sections, the following minimum requirements shall also apply to any proposed

development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 403 hereof or in any other code, ordinance, or regulation, the more restrictive provision shall apply.

- (b) No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - (1) Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - (i) The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
 - (ii) The lowest floor (including basement) elevation will be at least one and one half (1 2) feet above the one hundred (100) year flood elevation.
 - (iii) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
 - (2) Prevent any significant possibility of pollution, increased flood levels or flow, or debris endangering life and property.

All hydrologic and hydraulic analyses required hereunder shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by the Township and the Department of Community and Economic Development.

405 Existing Structures in Identified Floodplain Areas (§65-32.1)

405.1 Existing Structures (§65-32.1 A.): The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, if and when an improvement is made to any structure existing within the area of a defined floodplain, the provisions hereof shall apply.

405.2 Improvements (§65-32.1 B.): The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:

- (a) No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
- (b) No expansion or enlargement of an existing structure shall be allowed within any FF (Flood-Fringe Area), together with all other existing and anticipated development, that would increase the BFE more than one (1) foot at any point.
- (c) Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.

406 Variances (§65-32.2): If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

406.1 Variance Procedures and Conditions (§65-32.2 A.): Requests for variances shall be considered by the Township in accordance with the procedures contained in Section 402.10 hereof and the following:

- (a) No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
- (b) No variance shall be granted for any construction, development, use, or activity within any FF (Flood-Fringe Area) that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
- (c) Except for a possible modification of the one and one half (1 1/2) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section 404) or to Development Which May Endanger Human Life (Section 403.5).
- (d) If granted, a variance shall involve only the least modification necessary to provide relief.

- (e) In granting any variance, the Township may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Ordinance.
- (f) Whenever a variance is granted, the Township shall notify the applicant in writing that:
 - (1) The granting of the variance may result in increased premium rates for flood insurance; and
 - (2) Such variances may increase the risks to life and property.
- (g) In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
 - (1) That there is good and sufficient cause.
 - (2) That failure to grant the variance would result in exceptional hardship to the applicant.
 - (3) That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense, (ii) nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- (h) A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.
- (i) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

407 Definitions for Floodplain Provisions (§65-33): Certain words used in this Ordinance, Article Four, subsections 400 through 406.1, are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and plural the singular. The word "shall" is mandatory and not permissive.

BASE FLOOD: A flood that has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

BASE FLOOD ELEVATION (BFE): The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

BASEMENT: Any area of the building having its floor below ground level on all sides.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS) - The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN AREA: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or water course; and/or sandy area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPLAIN DISTRICT: A flood plain area for which no detailed flood profiles or elevations are provided, but where a one hundred year flood plain boundary has been approximated. Such areas are shown on the Flood Boundary and Floodway Map of the Flood Insurance Study.

FLOODPROOFING: Means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land

areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR AREA: In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club, or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

HISTORIC STRUCTURES: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
 - i. by an approved state program as determined by the Secretary of the Interior or;
 - ii. Directly by the Secretary of the Interior in states without approved programs.

IDENTIFIED FLOODPLAIN AREA: The floodplain area specifically identified in these ordinances as being inundated by the one hundred year flood.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area (including basement). An unfinished flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED HOME: A transportation, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arise at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles that are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MOBILE HOME: A prefabricated dwelling unit designed for transportation on streets and highways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy except for connection to utilities and minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

MOBILE HOME PARK: A Planned Residential Development that is to be occupied by two or more mobile homes.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after September 1, 1978, and includes any subsequent improvements thereto.

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

ONE HUNDRED YEAR FLOOD : A flood of such magnitude that has only a one (1) percent chance of occurring each year, although such flood may occur in any year.

RECREATIONAL VEHICLE: A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a

light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION: The one hundred year flood elevation plus a freeboard safety factor of one and one-half feet.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below water level.

SEDIMENTATION: The process by which sediment is deposited on stream bottoms.

SPECIAL FLOOD HAZARD AREA (SFHA): Means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.

SPECIAL PERMIT: A special floodplain management approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all or in a designation portion of a floodplain.

START OF CONSTRUCTION: Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STREAM: Any river, run, creek, or other drainage course draining surface water in which standing or flowing water is clearly visible throughout most of the year.

STRUCTURE: a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however include either:

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;
- b. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

VIOLATION: Means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

ARTICLE FIVE: LOTS

501 **LOT AND YARD REQUIREMENTS:** The minimum lot area, minimum width of lot, minimum depth of front and rear yards, and minimum width of each side yard shall be as shown on Table 201.

501.1 Lots which abut on more than one street shall provide the required front yard along every street.

501.2 One and only one principal structure, together with permitted accessory structures, may be located on any lot, except that two or more principal structures may be permitted as a Planned Development after approval and recording of the Development Plan as required by these Ordinances.

501.3 No structure, whether attached to the principal structure or not, and whether open or enclosed, including porches, carports, balconies, and platforms above basic grade level, shall project into any minimum front, side, or rear yard, except as provided below:

- (a) Minor utility fixtures, unenclosed patios, and articles of decoration around a main building may be located in any required side or rear yard.
- (b) A buttress, chimney, cornice, pier, or pilaster extending no more than twenty-four inches (24") from the wall of the principal structure may be located in any required yard.
- (c) An unenclosed porch no more than one story or fifteen (15) feet in height and twelve feet in depth may be erected in the front or rear yard of a residential structure, but may not extend into a required side yard.
- (d) In an "R", "C-D" or "R-A" District, an unenclosed porch or stoop no more than one story or fifteen feet in height and four feet in depth may extend into a required side yard.

501.4 Trailers including utility, commercial, mobile homes, or living trailers and motorized recreational vehicles may not be stored in any required front yard.

501.5 Non-residential structures or uses in any District shall not be located or conducted closer to any lot line of any lot in any "R", "C-D", or "R-A" District than the distance specified in the following schedule:

TABLE 501.5 MINIMUM SIDE OR REAR YARD ABUTTING ANY LOT IN ANY "R" "C-D" OR "R-A" DISTRICT

Minimum Side or Rear Yard Abutting any Lot in any "R" "C-D" or "R-A" District	USE
20 feet	Off-street parking spaces, accessory signs, and access drives for non-residential uses
30 feet	Churches, schools, public or semi-public structures
60 feet	Recreational facilities, amusement facilities, motels, all business uses, and all industrial uses

501.6 The Zoning Officer may authorize the projection of a principal structure into a required front yard on a lot located between two structures which may be non-conforming with respect to the front yard, provided the resulting front yard shall not be less than the median front yard of the two adjacent structures.

501.7 Any portion of a lot once counted as a yard or as lot area per family in compliance with the area requirements of the District regulations of these Ordinances shall not be counted again as required yard or lot area per family for another building.

501.8 No required yard in any district shall be used for parking vehicles except on a driveway. In single-family developments, not more than twenty-five percent of the front yard may be devoted to driveway access. In single-family attached developments, not more than fifty percent of the front yard may be devoted to driveway access. In multiple family developments, not more than fifty percent of the front yard may be devoted to driveway access. In non-residential districts, driveway access shall be as permitted by site plan approval.

502 DENSITY OF DEVELOPMENT LIMITS: The minimum lot area for each dwelling unit and the maximum floor area ratio for residential uses shall be in conformance with the following schedules:

TABLE 502A MINIMUM LOT AREA PER FAMILY

	C-D	R-A	R-1	R-2	R-3	C-1	C-2	C-3
One Family House	130,680	130,680	40,000	14,500	9,000	6,000	10,000	20,000
Two Family House	**	**	**	**	5,000	4,000	6,000	**
Town Houses	**	**	**	**	**	4,000	**	6,000
Garden Apartment	**	**	**	**	**	3,600	**	**

TABLE 502B MAXIMUM FLOOR AREA RATIO:
(Ratio of enclosed Floor Area to Lot Area).

	C-D	R-A	R-1	R-2	R-3	C-1	C-2	C-3
One Story	0.15	0.15	0.25	0.40	0.40	0.50	0.40	0.40
Two Stories	0.20	0.20	0.30	0.50	0.50	0.65	0.50	0.50
Three Stories	0.25	0.25	0.35	0.60	0.60	0.75	0.60	0.60

502.1 In calculating lot area for density purposes, any areas having a slope greater than forty percent (40%) shall be subtracted from the lot area; and one-half of any areas having a slope of twenty-five percent (25%) or more, up to forty percent (40%) shall be subtracted from the lot area. For such calculations, the slope shall be measured between contours having vertical intervals no greater than twenty (20) feet.

503 **HEIGHT REGULATIONS:** No structure shall exceed the maximum height above basic grade specified in Table 201, provided:

503.1 No accessory structure shall exceed a height of fifteen (15) feet.

503.2 No residential use except townhouses where permitted or an apartment structure in the "C-2" District may exceed a height of thirty (30) feet or three (3) stories.

503.3 A structure for any permitted or conditional use in any District may exceed the maximum permitted height provided that 1) every required yard is increased by one foot for each additional foot of height, and 2) that the permit for such structure be reviewed and authorized as a Conditional Use as regulated in this ordinance.

503.4 The height regulations of these Ordinances shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water or fire towers, ornamental towers, spires, chimneys, elevator bulkheads, and smokestacks.

503.5 In determining the height of a structure in stories, a basement shall be counted as a story when more than sixty percent (60%) of its aggregate wall surface, measured between floor and ceiling, is or will be above grade as shown on construction plans.

504 **FENCES:** A fence may be erected into any required side or rear yard if the fence is no more than six (6) feet in height for residential uses. Every fence shall be so erected as to have its finished side facing the neighboring property. A fence which is at least fifty percent (50%) open as to construction and which is no more than three and one-half (3 ½) feet high may be erected in any required residential front yard.

504.1 A chain link type fence not more than ten (10) feet in height may be erected in any required yard for schools, playgrounds, or parks.

504.2 A fence of the chain link type no more than ten (10) feet high may be erected in any required yard for industrial uses or commercial uses. A solid fence no more than ten (10) feet high may be erected in any required commercial or industrial yard with the approval of the Zoning Officer.

505 **NON-CONFORMING LOTS OF RECORD:** Any non-conforming lot of record existing on the effective date of these Ordinances and then held in separate ownership different from the ownership of adjoining lots shall be exempt from the minimum lot area, depth, and width requirements provided they are used in accordance with minimum yard requirements, and that uses other than a one-family house conform to minimum lot area per family and floor area ratio requirements of this Ordinance.

ARTICLE SIX: SUBDIVISIONS

601 **GENERAL**: The Supervisors shall not approve any application for site plan development, conditional use, subdivision, land development, or planned residential development except in compliance with the standards set forth in this Article, and only if the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health, or peril from flood or other hazard.

601.1 **Modifications**: The Supervisors may grant a modification of the requirements of one or more provisions of the subdivision regulations if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, or when the alternative standard can be demonstrated to provide equal or better results, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved, and the maximum modification necessary. The request for modification may be referred to the Planning Commission for advisory comments. The Supervisors shall keep a written record of all action on all requests for modifications.

602 **NATURAL FEATURES**: Existing natural features which would add value to the subdivision and the Township, such as trees, steep slopes, watercourses, historic spots, and similar irreplaceable assets, shall be preserved, insofar as possible through careful design of the subdivision.

602.1 All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed, shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two weeks during the growing season and shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion and siltation to an absolute minimum.

602.2 On hillsides exceeding twenty-five percent in slope, no more than twenty percent by area of the natural vegetative cover may be removed for construction purposes or any other activity, unless a program approved by the Township for reforestation of disturbed areas is guaranteed by the developer.

602.3 No cutting, filling, or other disturbing of land and natural vegetation

is permissible within fifty feet of the edge of any flowing stream or creek except as permitted by action of the Supervisors. In such cases, permission may be granted provided special precautions are taken to insure against continuing erosion and siltation or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.

603 **STREETS**: The Supervisors shall not approve any plat unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the Township's Plan of streets. All streets shall comply with the applicable provisions of the Ligonier Township Road Ordinance. Where appropriate all streets shall be designed to the following standards:

TABLE 603 STREET STANDARDS

Street Type	Arterial	Collector	Minor Residential
Right-of-Way Width (feet)	60	60	50
Paving Width (feet)	32	32	28
Maximum Grade (%)	12	12	14
Angle for Intersection	80 degrees	80 degrees	70 degrees
Curb radius (feet)	25	25	14
Grade at Intersection	3 percent	3 percent	3 percent
Sight Triangle Legs (feet)	500/30	350/30	250/25
Horizontal Alignment (feet)	300	200	100
Vertical Curves (feet)	300	250	200

603.1 In the case of subdivisions for commercial, industrial, and public purposes, no street giving access upon an arterial street shall be located closer than 500 feet along the same side of such arterial street, to any other driveway, public or private street in the same or another subdivision.

603.2 Local streets shall be so planned as to discourage through traffic, but shall provide connections to adjacent developments wherever feasible.

603.3 Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley, to the prescribed width, shall be platted within the proposed subdivision.

603.4 Half streets shall not be provided, except where it is essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, or where it becomes necessary to acquire the remaining half by condemnation so it may be approved in the public interest.

603.5 Alleys shall not be permitted in residential districts but may be included in commercial and industrial areas where needed for loading and unloading or access purposes.

603.6 Right-of-way requirements may be increased where anticipated traffic flow warrants it, or if drainage easements should reasonably parallel such thoroughfares. Such increased width will be established by the Supervisors.

603.7 Minimum right-of-way widths, paving widths, angle of intersection, curb radius, distances along sides of sight triangles, horizontal alignments, vertical alignments, as well as maximum grades shall be in accordance with Table 603.

604 **BLOCKS**: Blocks shall ordinarily not exceed eight hundred feet in length.

605 **LOTS**: The lot and yard sizes shall conform with the requirements of these Ordinances and the lots shall be designed to accord with the following design standards:

605.1 Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private purposes and shall be served by a public or private street system, improved in accordance with these Ordinances and connected to the general street system.

605.2 Side lines of lots shall be approximately at right angles to straight streets and on radial lines on curved streets wherever feasible. Pointed or very irregular lots shall be avoided unless such variations shall improve the overall neighborhood design.

605.3 Double-frontage lots shall be avoided.

605.4 When a tract is subdivided into larger than required building lots and there is no covenant preventing re subdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and re subdividing with provision for adequate utility connection for each subdivision.

606 **EASEMENTS**: Easements for utilities and drainage shall have a minimum width of fifteen feet. Where a subdivision is traversed by a watercourse, there shall be provided a storm water easement or drainage right-of-way of width sufficient for the purpose.

607 **WATER AND SEWER SYSTEMS**: The water supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the Pennsylvania Department of Environmental Protection.

ARTICLE SEVEN: PLANNED DEVELOPMENTS

701 **PLANNED DEVELOPMENTS**: Economic Development Units and Planned Residential Developments may be allowed or denied by the Board of Supervisors after recommendation by the Planning Commission in accordance with the procedures set forth in these Ordinances.

701.1 **Findings of Fact**: A Development Plan for an Economic Development Unit or a Planned Residential Development shall be approved if, and only if, it is found to meet the following criteria:

- (a) **Comprehensive Plan**: The proposed Development Plan preserves the community development objectives of these Ordinances, and is consistent with the Ligonier Township Comprehensive Plan.
- (b) **Variations**: Where the proposed Development Plan departs from Development and Subdivision Regulations otherwise applicable to the subject property, such departures must be shown to be in the public interest and promote the health, safety, and general welfare of the public.
- (c) **Open Space**: The proposals for the maintenance and conservation of any proposed common open space are reliable, and the amount and extent of improvements of such open space is adequate with respect to the purpose, use, and type of development proposed.
- (d) **Infrastructure**: The physical design of the proposed Development Plan adequately provides for public services, pedestrian and vehicle traffic facilities and parking, light, air, recreation, and visual enjoyment.
- (e) **Neighborhood**: The total environment of the proposed Development Plan is harmonious and consistent with the neighborhood in which it is located.
- (f) **Environment**: The proposed Development Plan will afford a greater degree of protection of natural watercourses, topsoil, trees, and other features of the natural environment, and prevention of erosion, landslides, siltation, and flooding than if subject property were developed in accordance with the provisions of the Zoning and Subdivision Ordinances which otherwise apply.

- (g) Safety: The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the Performance Standards of Section 302.
- (h) Timing of Improvements: In the case of a Development Plan which proposes development over a period of years, the Development Plan will provide at each stage of development a sufficient proportion of open space, planned facilities and amenities, and other improvements and conditions as required in this Article and as intended to protect the interests of the public and of the residents of the Planned Residential Development in the integrity of the development plan.

702 **ECONOMIC DEVELOPMENT UNITS**: Economic Development Units may be approved under provisions of this Ordinance, if and only if, they comply with the following standards and provisions.

702.1 Ownership: The entire site for the Economic Development Unit shall be owned or controlled by the developer.

702.2 Minimum Size: The site shall not be less than two (2) acres.

702.3 Frontage: The minimum frontage abutting on a public right of way shall not be less than one hundred feet.

702.4 Access: The site must provide for access from arterial streets indicated in the Comprehensive Plan to assure convenient and safe access which will not cause undue congestion or hazard on local streets.

702.5 Safety: The site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard. Land containing or providing hazards to life, health, and property, such as quarries, open ditches, land subject to flooding, subsidence, landslide prone, or underground fires shall not be subdivided for commercial purposes until such hazards have been eliminated or adequate safeguards are provided under the Development Plan.

702.6 Permitted Uses: Permitted uses as specified in Table 201 for the zoning district in which a proposed Economic Development Unit is to be located may be permitted in the Economic Development Unit provided their design, arrangement, landscaping, construction, and relationship to

adjacent properties and uses meet all requirements set forth in this Ordinance.

702.7 Open Space Requirements: Not less than fifteen (15%) percent of the total site area shall be set aside for open space, and such open space shall be landscaped in a manner suitable for the uses intended for development.

702.8 Building Spacing: The requirements determining the spacing of buildings shall be flexible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air, and emergency access.

702.9 Building Groupings: Structures shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.

702.10 Off-Street Parking and Loading: Off-street parking spaces shall be provided at the minimum ratio of one space for every two-hundred (200) square feet of gross floor area for retail uses, office uses, and amusement uses. All other uses shall provide parking in accordance with Section 305. Five off-street loading berths shall be provided for the first 100,000 square feet of gross floor area, and one additional berth shall be provided for each additional 100,000 square feet.

703 PLANNED RESIDENTIAL DEVELOPMENTS: Planned Residential Developments may be approved if, and only if, it meets the following standards and provisions:

703.1 Ownership: The entire site for the Planned Residential Development shall be owned or controlled by the developer.

703.2 Minimum Size: The site shall not be less than ten (10) acres.

703.3 Frontage: The minimum frontage abutting on a public right of way shall not be less than two hundred feet.

703.4 Access: The site must provide for access from arterial streets indicated in the Comprehensive Plan to assure convenient and safe access which will not cause undue congestion or hazard on local streets.

703.5 Safety: The site shall be of such a character so as to avoid danger to health or peril from fire, flood, or other hazard. Land containing or providing hazards to life, health, and property, such as quarries, open ditches, land subject to flooding, subsidence, landslide prone, or underground fires shall not be subdivided for residential purposes until such hazards have been eliminated or adequate safeguards are provided under the Development Plan.

703.6 Permitted Uses: The following uses may be permitted in a Planned Residential Development provided their design, arrangement, landscaping, relationship to adjacent properties and uses, and construction meet the requirements set forth in this Ordinance:

- (a) In the "C-D" -Conservation District: one-family houses, mobile homes, elderly housing, recreation facilities, and accessory uses.
- (b) In the "R-A" - Agricultural District: one-family houses, mobile homes, elderly housing, recreation facilities, and accessory uses.
- (c) In the "R-1" - Rural Residential District: one-family houses, recreation facilities, and accessory uses.
- (d) In the "R-2" - Neighborhood Residence District: one-family houses, two-family houses, town houses, garden apartments, recreational facilities, and accessory uses.
- (e) In the "C-1" Village Commercial District: one-family houses, two-family houses, town houses, garden apartments, recreational facilities, and accessory uses.
- (f) In the "C-2" General Commercial District: one-family houses, two-family houses, town houses, garden apartments, recreational facilities, and accessory uses.

703.7 Permitted Density: In calculating lot area for density purposes, any areas having a slope greater than forty percent (40%) shall be subtracted from the lot area; and one-half of any areas having a slope of twenty-five percent (25%) or more up to forty percent (40%) shall be subtracted from the lot area. For such calculations the slope shall be measured between contours having vertical intervals no greater than twenty (20) feet.

703.8 Open Space Requirements: Not less than fifteen (15%) percent of the total site area shall be set aside for open space, and not less than fifty (50%) percent of such open space shall be developed for recreational purposes to a degree commensurate with its location and probable usage. The Common Open Space shall be so dedicated or otherwise preserved and maintained so as to always remain open and available for use by the occupants of the Planned Residential Development. The Common Open Space, including all improvements and facilities, shall be either:

- (a) Dedicated for public use to a public body which agrees to operate and maintain the dedicated land and/or facilities, but no public body shall be so obligated by the terms of these Ordinances to accept such dedication; or
- (b) Deeded to an organization representing the property owners of the development, which organization shall covenant to operate and maintain such land and/or facilities. Such organization may not be dissolved nor shall it dispose of the Common Open Space unless the maintenance of the Common Open Space is otherwise guaranteed to the satisfaction of the Board of Supervisors.

703.9 Common Open Space Maintenance: If the organization established to own and maintain Common Open Space, or any successor organization, fails to maintain such Common Open Space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents of the Planned Residential Development setting forth the maintenance deficiencies, requiring correction of deficiencies within thirty days, and stating the date and place of a hearing thereon which shall be held within fourteen days of the notice. At such hearing the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies so set forth shall not be corrected within the specified time limit, the Township, in order to preserve the taxable values of the properties within the Planned Residential Development and to prevent the Common Open Space from becoming a public nuisance, may enter upon and maintain the Common Open Space for one year. This maintenance shall not constitute a taking nor vest in the public any rights to use the Common Open Space. Before the expiration of the year, the Supervisors shall set a public hearing where such organization or residents of the Planned Residential Development may show cause why maintenance by the Township should not continue for another year. If the Supervisors determine that such organization is ready and able to maintain said

Common Open Space in reasonable condition, the Township shall cease to maintain said Common Open Space at the end of said year. If the supervisors shall determine that such organization is not ready and able to maintain said Common Open Space in a reasonable condition, the Township may, in its discretion, continue to maintain said Common Open Space during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter. The cost of such maintenance by the Township shall be assessed ratably against the properties within the Planned Residential Development that have a right of enjoyment of the Common Open Space, and shall become a lien on said properties. The Township at the time of entering upon said Common Open Space for the purpose of maintenance shall file with the County a notice of lien upon properties affected.

703.10 **Minimum Building Setback:** No structure shall be located closer to any boundary of the site than forty feet. Any structure exceeding thirty-five feet in height shall be set back one additional foot for every two feet of height exceeding thirty-five feet.

703.11 **Building Spacing:** The requirements determining the spacing of buildings shall be flexible so as to encourage imaginative site design. The spaces between buildings shall guarantee adequate light, air, and emergency access. The minimum distance between the nearest points of any exterior building walls shall be not less than twenty (20) feet.

703.12 **Maximum Size of Structure:** No structure shall have a length or width greater than 250 feet. No town house shall have a height greater than three stories, or 35 feet. No garden apartment shall have a height greater than three habitable stories, or 35 feet. No high-rise apartment shall have a height greater than seven stories. Chimneys, spires, towers, tanks, or similar projections may exceed the prescribed height limitation by not more than twenty-five percent.

703.13 **Building Groupings:** Structures used for dwelling units shall be oriented so as to ensure adequate light and air exposures for walls containing main window exposures or main entrances. Each structure shall be so arranged so as to avoid undue exposure to concentrated loading or parking facilities.

703.14 **Staging Development:** The density of development within various portions of the Planned Residential Development may vary, provided that at every point during construction the completed portion of the Development Plan will meet all requirements of this Ordinance. It is

further required that programs for the construction of areas of greater density concentration than permitted on the entire tract will be offset by site improvements which, because of their size or cost, are in proportion to the number of dwelling units to be constructed in each stage. As an alternative to part or all of the site improvements required to offset development densities in excess of the overall permitted density, the Township may require the reservation of open space by grant, easement, or covenant in favor of the Township in an amount and location necessary to balance the excess development density of each stage.

704 **REQUIRED IMPROVEMENTS:** The following improvements shall be completed in connection with every Planned Development and Planned Residential Development.

704.1 Off-street parking spaces shall be provided in accordance with the provisions of Section 305.

704.2 Areas should be provided for bus loading areas and bus shelters within one quarter mile of each residential concentration. The bus loading area shall be large enough for a bus to pull out of the flow of traffic.

704.3 Where street lights are provided, the cost of installation, operation, and maintenance shall be born by the home owners, the home owners' association or by such other person who is responsible for the maintenance and upkeep of the Planned Development.

704.4 Proposed streets shall be related to street plans or parts thereof as have been officially adopted by the Board of Supervisors. Proposed streets shall conform to the requirements of this Ordinance as well as to any other plans, statute, ordinance, law or regulation applicable thereto. Streets shall be logically related to the topography in order that usable lots and reasonable grades shall be produced. Minor streets shall be so laid out as to discourage through traffic, but provisions will be required for street connections into and from adjacent areas.

704.5 Where a Planned Development abuts or contains an existing or proposed major traffic street, the Board of Supervisors may require marginal access streets, rear service alleys, reverse frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with major streets, and separation of local and through traffic.

704.6 Suitable drainage structures, culverts, storm sewers, ditches, and related installations shall be provided to insure adequate drainage of all points along the streets.

704.7 Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the Planned Development. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, and at all angles and property lines of lots and at all other lot corners.

704.8 Pedestrian interior walks shall be required where necessary to assist circulation or provide access to community facilities. Such interior walks shall have a paved width of not less than four feet.

704.9 When topsoil has been removed from the surface on a slope where erosion may cause a displacement of loose material, the area shall be seeded or otherwise treated as soon as possible to prevent damage to adjacent property or streets.

704.10 All utilities located within a Planned Development shall be located underground.

704.11 Surety bonds to ensure satisfactory completion of required improvements and maintenance, inspection procedures, and acceptance of any public rights-of-way shall conform to the requirements of Article Nine of this Ordinance.

704.12 If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the Planned Development, the developer shall present evidence to the Board of Supervisors that the planned development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificated of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate shall be acceptable evidence.

ARTICLE EIGHT: REQUIRED IMPROVEMENTS

801 **GENERAL:** All of the required improvements specified in this Article shall be constructed in accordance with Township standards for construction and all other acceptable Township, County and State regulations.

802 **MONUMENTS AND MARKERS:** Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.

803 **STREETS:** Streets shall be graded to the grades and dimensions shown on plans and profiles approved by the Board of Supervisors and shall include the following improvements:

803.1 Suitable drainage structures, culverts, storm sewers, ditches, and related installations shall be provided to insure adequate drainage of all points along the streets.

803.2 Street and underground construction shall comply with Standard Specifications, which by reference is made a part hereof, as if attached hereto.

803.3 The curbs, base depth, and surface depth shall be in conformance with Table 603.

803.4 All streets shall be constructed on a prepared subgrade conforming to Pennsylvania, Department of Highways, Standards and Specifications as found in Form 408, as may be amended from time to time.

803.5 Paving shall be required on all streets.

804 **STORM DRAINAGE:** The construction of a storm drainage system shall conform to the following requirements:

804.1 Storm water retention facilities shall be provided in accordance with standards established by the Township.

804.2 Drainage ditches or channels shall have a minimum gradient of one percent.

804.3 Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.

804.4 When topsoil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose material, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulating on street surfaces.

805 **WATER SUPPLY:** The developer shall construct a system of water mains with a connection for each lot utilizing public water supply.

806 **SEWERS:** The developer shall provide where feasible the subdivision with a complete sanitary sewer system to be connected to the Township sanitary system.

807 **UTILITIES:** Every lot in a subdivision shall be capable of being served by utilities, and the necessary easements shall be provided. Electric, gas, and other utility distribution lines shall be installed within public rights-of-way or within properly designated easements. To the fullest extent possible, underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas except at intersections and, in any case, shall be placed in conduit which has been installed prior to the placement of any paving.

808 **STREET TREES:** Shade trees of an approved variety and having a caliper not less than one and one-half inches may be required on the developer's side of any existing street, and on both sides of every new street in the subdivision. The number of trees planted shall not be less than that required by a uniform spacing of the trees of sixty feet apart for each side of the street.

809 **STREET SIGNS:** Street name signs of a type adopted or approved by the Board of Supervisors shall be installed at each street intersection by the developer on a location specified by the Township Engineer.

810 **SIGHT TRIANGLE FOR INTERSECTIONS:** On a corner lot or any point of entry on a public road, nothing shall be erected, placed, planted, or allowed to grow in such a manner which obscures vision between the height of one and one-half feet and ten feet above ground level as

measured from the centerline grades of the intersecting streets and within the area bounded by the street lines of such corner lots and a line joining points on these street lines of such corner lots twenty-five feet from their intersection along the lot lines.

811 **INSPECTION**: When the plans of streets and other improvements have been approved as provided in this Ordinance, the subdivider shall first notify the Engineer of his intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least ten working days before any such construction or installation shall commence so as to give the Engineer an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed. In order to defray a part of the costs incurred by the Township in inspecting the installation of the improvements required by the Ordinance, the developer shall, before he proceeds with any construction or installation, present a certified check or money order made payable to the Supervisors in an amount equal to one and one half percent of the Engineer's estimate of the cost of the improvements.

812 **MAINTENANCE**: Prior to any street or other improvement being accepted by the Township as hereinafter provided, the developer shall post a Maintenance Bond and/or other security, naming the same Township as Obligee in an amount set by the Township Engineer and in terms acceptable to the Township Solicitor, to insure maintenance of said improvements for a period of not less than twenty-four months from the date of acceptance by the Township.

813 **ACCEPTANCE**: After streets and improvements have been installed and constructed pursuant to the requirements contained in this Ordinance, and in the event that the developer desires to have the Township accept said streets or improvements, the developer shall notify the Township Engineer that the construction or installation has been completed, and shall supply the Township with one reproducible copy of the as-built plan on which the street or improvement in question has been constructed or installed. The reproducible copy shall show thereon the signatures of all agencies and individuals who have approved the plan and contain a notice thereon as to where and when the plan was recorded in the Office of the Recorder of Deeds of Westmoreland County.

813.1 The portion of street or improvement which the developer desires to have the Township accept shall be identified on the copy of the plan which plan shall also clearly designate the number of linear feet of said street or

improvement which the subdivider desires to be accepted by the Township.

814 **GUARANTEE OF IMPROVEMENTS**: No subdivision, land development or planned development shall be finally approved unless all public improvements required by law have been installed in strict accordance with such law, or unless a guarantee that the improvements will subsequently be installed by the developer, in the form of a bond, a letter of credit, or deposit of funds or securities in escrow which are acceptable to the Board of Supervisors and are in an amount sufficient to cover the cost of the improvements which may be required, plus ten percent.

Such bond or other security shall provide for, and secure to the public, the completion of all declared improvements within a period of one year from the date of final approval of the plan. Such guarantee of improvements shall comply with Section 509 of the Pennsylvania Municipalities Planning Code.

ARTICLE NINE: APPLICATIONS

901 APPLICATION DOCUMENTS

901.1 Applications shall be submitted to the Zoning Officer of Ligonier Township and shall be comprised of specific documents as specified in this Ordinance according to the type of approval requested and shall be accompanied by such forms as may be required and such fees as may be established by the Supervisors. Applications requiring review by the Planning Commission must be received by, accepted by, and filed with the Zoning Officer on or before the first working day of the month in order to be placed on the agenda at the next regularly scheduled meeting of the Planning Commission. Applications that which do not meet the standards set forth in the sections below, or which do not have all the required information for filing, will be deemed incomplete. The Official Filing Date of an application shall be the date the Zoning Officer accepts the application and determines that it is complete. Only complete applications received by the Zoning Officer by the date specified in this section will be reviewed by the Planning Commission. The time periods allotted for Planning Commission/Township review and approval of shall commence as of the Official Filing Date.

902.1 Site Map: An accurate drawing of existing conditions on a site proposed for development, prepared by a registered architect, engineer, land surveyor, or landscape architect, showing the entire tract and all lands within 100 feet of its boundaries. The site map shall be eighteen (18) inches by twenty-four (24) inches in size, or made in multiples of this size and cut along match lines, and shall show clearly and accurately the following data:

- (a) Title block giving name of development, property owner, developer, north point, date, and scale (minimum, 1" = 50');
- (b) Property lines and total acreage of the parcel proposed for development;
- (c) All existing streets, sidewalks, rights-of-way, and easements related to the development;
- (d) The location of existing driveways on adjacent properties;
- (e) The location of relevant natural features, including, but not limited

to, streams or other natural water courses, floodplains, and adjacent lands which are subject to flooding, and significant stands of existing trees;

- (f) The location of existing structures, existing land use, retaining walls, and all structures located on abutting property within fifty feet of the common property line;
- (g) Required front, side, and rear yard lines, and any required building line;
- (h) Contour lines at two foot intervals where average slope is ten percent or less, and five foot intervals where average slope exceeds ten percent, and twenty (20) foot intervals where average slope exceeds twenty-five (25%) percent;
- (i) Utilities, including size and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines.

902.2 Expanded Site Map: A Site Map for any proposed subdivision, land development, economic development unit or planned residential development shall delineate, additionally, the following data:

- (a) The names of owners of properties adjacent to the tract;
- (b) Tract boundary lines by calculated distances and bearings;
- (c) Sub-surface conditions, including data on past or possible future mining activity. If mineral rights are severed from the land ownership, such data must be clearly indicated.

902.3 Location Map: A small scale map referencing the location of a proposed development clearly showing the location, area, and zoning of the tract proposed for development with relation to the area and zoning of adjacent properties and the location and relative distance to existing nearby streets.

902.4 Site Plan: A scale drawing of a lot or other parcel of land where construction or other use or development of the land is proposed showing clearly and completely the location, dimensions, and nature of the site and of any structure involved, together with such other information as the Zoning Officer may require for administration of these Ordinances. Site plans shall be eighteen (18) inches by twenty-four (24) inches in size, or made in multiples of this size and cut along match lines.

902.5 Site Development Plan: One or more scale drawings, each having a title block giving name of development, property owner, developer, north point, date, and scale (minimum, 1" = 50'). Site development plans shall be eighteen (18) inches by twenty-four (24) inches in size, or made in multiples of this size and cut along match lines, and shall show:

- (a) Location, dimensions, total square footage, and ground floor elevations of proposed structures, walkways, driveways, entrances, parking facilities, loading spaces, landscaping, signs, lighting facilities, fences or walls, fire hydrants and fire lanes, and other site improvements or amenities;
- (b) Contours and sufficient elevations to show proposed gradings and data to show gradient of access drives, parking facilities, and surface water run-off;
- (c) Location and approximate size of utilities to serve the development;
- (d) Schematic elevations at an appropriate architectural scale;
- (e) Surface water run-off controls including approval by Penn DOT where required of surface run-off controls needed to protect state highways.
- (f) Such other information as may be required by the Zoning Officer.

902.6 Site Development Plan in Flood Plains: A site plan for proposals on parcels having flood plains which, in addition to other required data, shall include:

- (a) Topographic contour lines at an interval of two feet;
- (b) The location of any existing bodies of water or watercourses, identified flood plains, information pertaining to the floodway, and the flow of water including direction and velocities;
- (c) The proposed lowest floor elevation of any proposed building based upon National Geodetic Vertical Datum of 1929;
- (d) The elevation of the one-hundred (100) year flood; and information concerning flood depths, pressures, impact, and uplift forces and other factors associated with a one-hundred year flood;

- (e) Detailed information concerning any proposed flood-proofing measures.

902.7 Subdivision Plan: A proposed subdivision plan drawn at a scale no smaller than fifty feet to one inch and prepared at a size of eighteen (18) inches by twenty-four (24) inches in size, or made in multiples of this size and cut along match lines, and showing the following:

- (a) Name of the subdivision;
- (b) Name and addresses of owner, subdivider, and persons who prepared the Plan;
- (c) Proposed streets and rights-of-way including names, dedicated widths, roadway widths, gradients, types and widths of pavements, and curbs and sidewalks;
- (d) Proposed easements, including widths and purposes;
- (e) Layout of lots, including dimensions, number, and building lines;
- (f) Parcels of land to be dedicated or reserved for schools, parks, playgrounds, or other public or community use;
- (g) Key Plan, legends, notes, graphic scale, north point, and date;
- (h) A draft of any proposed deed covenants.

902.8 Final Plat: A final plat for a subdivision or land development drawn at a scale no smaller than 50 feet to one inch and prepared at a size of eighteen (18) inches by twenty-four (24) inches in size, or multiples of this size and cut along match lines, and showing:

- (a) The subdivision name, name and address of owner and subdivider, source of title of land as shown by the books of the Recorder of Deeds of the County, graphic scale, north point, date, and certification of approval by the Supervisors;
- (b) Survey date with certification by a registered professional engineer or land surveyor showing calculated distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building lines, and parks reserved for community purposes;

- (c) Location and distances to the nearest established street corners or official monuments and the streets intersecting the boundaries of the subdivision;
- (d) Location, type of material and size of monuments, complete curb data, lot numbers, and street names.

902.9 Engineering Report: An engineering report prepared by a registered engineer which includes the following data wherever pertinent:

- (a) Profiles, cross sections, and specifications for proposed street improvements;
- (b) Profiles and other explanatory data concerning installation of water distribution systems, storm sewers, sanitary sewers;
- (c) A report on the feasibility of connection to an existing sewerage system, including distances to the nearest public sewer, service load of the subdivision, and the capacity of the treatment plant; and
- (d) The means of sewerage if not connected to an existing sewerage system.

902.10 Traffic Study: A traffic impact statement prepared by a registered engineer and showing with specificity the amount of traffic which will be generated by the proposed development and the feasibility of accommodating such traffic on adjacent streets. The study shall:

- (a) Include the data on existing street conditions in the impact area, including roadway width, condition, traffic volume and flow, projected levels of service, operating speeds, land use conflicts and safety.
- (b) Identify measures needed to safely accommodate future traffic and means for implementation of such measures, including measures for providing safe and adequate railroad crossings and other hazards.
- (c) Include all data computations and information pertinent to the Traffic Study, and such supplementary information and projections as the Supervisors or Township Engineer may require to clarify or justify the findings of the Traffic Study.

902.11 **Grading Plan:** An accurate map of a proposed development site where grading is proposed, together with a study, prepared by a Registered Professional Engineer qualified in hydrology, accompanied by all supporting data developed by the engineer, and accurately showing the following data on the site:

- (a) The proposed excavations and fills;
- (b) Woodlands, structures, parking areas, and driveways;
- (c) Sources, storage, and disposition of water channeled through or across the site;
- (d) All proposed grading and drainage; and the gradients and maximum flow rates of watercourses;
- (e) A description of the work to be performed and disposition of cut and fill material, the materials to be used, and the method of performance including provisions for protecting and maintaining existing drainage facilities whether on public or private property; and
- (f) Calculations based on the Soil-Cover Complex Method to determine run-off, using coefficients of run-off based on land use set forth in the Comprehensive Plan and on densities permitted in these Ordinances.

902.12 **Soils Report:** A report prepared by a soils engineer, including data on the nature, distribution, and supporting ability of existing soils and rock on the site and means of assuring stable soil conditions and ground water control as required.

902.13 **Sign Proposal:** A scale drawing required for review of an application for a sign permit which shows the design proposed, the size, character, and color of the letters, lines and symbols, method of illumination, method of construction, and the exact location of the sign on the site in relation to existing or proposed structures and lot lines.

ARTICLE TEN: REVIEW

1001 REVIEW OF A ONE-FAMILY HOUSE: The Application for approval of a zoning permit for the erection or expansion of a one-family house shall consist of not less than three drawings of the proposed Site Plan together with any documents that may be required for a grading permit. The Zoning Officer shall approve such application if it meets all requirements of these Ordinances within thirty days, or disapprove the application for cause within the same time period.

1002 REVIEW OF A LAND DEVELOPMENT The review of a proposed land development shall consist of not less than seven prints of a Site Map and the proposed Site Development Plan for such Conditional Use, together with such documents as may be required for a grading permit and such further information as may be required by the Planning Commission to make findings as to whether the proposed development meets all pertinent standards set forth in this section.

1002.1 Prior to submission of a preliminary application, the developer is encouraged to present a schematic plan of the proposed development to the Planning Commission to assure mutual agreement on the location, extent, and functioning of the proposed development; but such agreement shall not be legally binding. Time deadlines applicable to preliminary or final approval shall not apply to concept plans. In the case of a land development which proposes development of only a portion of the parcel owned or controlled by the developer, the developer shall provide a concept plan which clearly delineates the proposed future development of all remaining portions of such parcel. This concept plan may be submitted as a part of the preliminary application.

1002.2 The application for a zoning permit requiring approval of a Site Development Plan shall consist of not less than seven prints of a Site Map and the proposed Site Development Plan, together with such documents as may be required for a grading permit.

1002.3 The Supervisors may approve or disapprove a proposed Site Development Plan, following a recommendation from the Planning Commission. If such action is not taken within sixty five (65) days from the date of the regular Supervisors meeting at which the site plan first appears as an agenda item, the proposed Site Development Plan shall be deemed to be approved as submitted.

1002.4 The Supervisors may attach such conditions as they deem appropriate to approval. Approval may be conditioned upon the grant of a variance or of a special exception by the Zoning Hearing Board where such variance or special exception is required, but such conditional approval by the Supervisors shall not be binding on the Zoning Hearing Board, and the conditional approval shall be canceled if the requested variance or special exception is denied by the Zoning Hearing Board.

1002.5 Site Development Plan approval shall not be official until and unless all conditions of approval by the Supervisors is filed with the Zoning Officer within ninety days of approval. All development, construction, and use shall be in strict accordance with the approved plan, unless an application for a revised Site Development Plan is approved in accordance with the provisions of this Section. Any development contrary to the approved plan shall constitute a violation of these Ordinances.

1002.6 Following approval of the final plan application, but prior to the issuance of any building, grading or other Township permit, the Developer shall sign a Development Agreement approved by the Township Solicitor.

1002.7 All Land Development projects involving any commercial or residential improvements shall submit plans and specifications to the local Fire Chief for recommendations (unless waived by the Zoning Officer). (Added 4-3-2003 by Ord. No. 03-OR-02)

1003 REVIEW OF A CONDITIONAL USE: The application for a Zoning permit for a Conditional Use shall consist of not less than seven prints of a Site Map and the proposed Site Development Plan for such Conditional Use, together with such documents as may be required for a grading permit and such further information as may be required by the Planning Commission to make findings as to whether the proposed conditional use meets all pertinent standards set forth in Section 205.

1003.1 The Planning Commission shall make findings of fact and shall recommend approval or disapproval of the proposed Conditional Use in accordance with the standards set forth in Section 205. If such action is not taken within thirty-five (35) days from the date of the regular Planning Commission meeting at which the site plan first appears as an agenda item, the Supervisors shall assume that their recommendation is for approval.

1003.2 The Supervisors may approve or disapprove the Site

Development Plan for a proposed Conditional Use following a recommendation from the Planning Commission. If such action is not taken within sixty-five (65) days from the date of the regular Supervisors meeting at which the site plan first appears as an agenda item, the proposed Site Development Plan shall be deemed to be approved as submitted.

1003.3 The Supervisors may attach such conditions as they deem appropriate to approval. Approval may be conditioned upon the grant of a variance or of a special exception by the Zoning Hearing Board where such variance or special exception is required, but such conditional approval by the Supervisors shall not be binding on the Zoning Hearing Board, and the conditional approval shall be canceled if the requested variance or special exception is denied by the Zoning Hearing Board.

1003.4 Site Development Plan approval shall not be official until and unless the Site Development Plan as approved by the Supervisors and including all conditions of approval by the Supervisors is filed with the Zoning Officer within ninety days of approval. All development, construction, and use shall be in strict accordance with the approved plan, unless an application for a revised Site Development Plan is approved in accordance with the provisions of this Section. Any development contrary to the approved plan shall constitute a violation of these Ordinances.

1003.5 All Land Development projects involving any commercial or residential improvements shall submit plans and specifications to the local Fire Chief for recommendations (unless waived by the Zoning Officer). (Added 4-3-2003 by Ord. No. 03-OR-02)

1004 REVIEW OF A SUBDIVISION: The review and approval of a proposed subdivision shall require approval of a preliminary application and approval of a final plat.

1004.1 Concept Plan: Prior to submission of a preliminary application, the developer is encouraged to present a schematic plan of the proposed development to the Planning Commission to assure mutual agreement on the location, extent, and functioning of the proposed subdivision; but such agreement shall not be legally binding. In the case of a proposed subdivision which proposes development of only a portion of the parcel owned or controlled by the developer, the developer shall provide a copy of the concept plan which clearly delineates the proposed future development of all remaining portions of such parcel. This concept

plan may be submitted as a part of the preliminary application.

1004.2 Preliminary Application: The preliminary application for a proposed subdivision or land development shall be comprised of an original and seven (7) copies each of a Location Map, a Site Map, a proposed Subdivision Plan, an Engineering Report, and such documents as may be required for a grading permit.

1004.2(a) The Planning Commission shall forward one copy each of the Preliminary Application to the County Planning Commission, the Township Engineer, and the Pennsylvania Department of Environmental Protection. The Planning Commission shall not forward its recommendation on the Preliminary Application until reports from each of these agencies have been received, or until the expiration of thirty days from the date the copies of the Preliminary Application were forwarded to said agencies.

1004.2(b) The Planning Commission shall review the application covering the requirements of these Ordinances point by point, and may consult with the Township Engineer, the Zoning Officer, and other concerned officials. The Planning Commission will recommend approval, denial, or conditional approval to the Supervisors. If such action is not taken within sixty-five (65) days from the date of the first regular meeting of the Planning Commission following the filing of the application, the preliminary application of the proposed Subdivision or Land Development shall be deemed to be approved as submitted.

1004.2(c) The Supervisors shall, after receiving the recommendation of the Planning Commission, render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission following the filing of the application.

1004.2(d) The decision of the Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen days following the decision of the Supervisors.

1004.2(e) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or Ordinance relied upon.

1004.2(f) Failure of the Supervisors to render a decision and communicate it to the applicant within the time and the manner required shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

1004.2(g) The Supervisors shall hold a Public Hearing prior to approval or disapproval of the Preliminary Application.

1004.3 Final Application: The final application shall include seven prints and one reproducible copy of the final plat and a guarantee of improvements as required by Section 814.

1004.4 Final Review: The Planning Commission shall review and consider the Final Application in accordance with the standards set forth in Section 1004.2 hereof relating to the Preliminary Application. The Supervisors, after receiving the recommendation of the Planning Commission, shall render its decision and communicate it to the applicant, as required by law, no later than ninety days after the first regular monthly meeting of the Planning Commission following the filing of the application.

1004.5 When a Preliminary Application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved Preliminary Application.

1004.6 Improvements: No plats shall be finally approved unless all improvements required by these Ordinances have been installed in strict accordance with these Ordinances or a guarantee that the improvements will subsequently be installed by the owner, in the form of a bond or deposit of funds or securities in escrow which are acceptable to the Supervisors and are in an amount sufficient to cover the cost of the improvements which may be required. Such bond or other security shall provide for, and secure to the public, the completion of all declared improvements within a period of three years from the date of final approval of the plat.

1004.7 Recording: Upon the approval of a final plat, the developer shall within ninety days of such final approval record such plat in the office of the County Recorder of Deeds.

1004.8 Development Agreement: Following approval of the final plan application, but prior to the issuance of any building, grading or other Township permit, the Developer shall sign a Development Agreement approved by the Township Solicitor.

1004.9 All Land Development projects involving any commercial or residential improvements shall submit plans and specifications to the local Fire Chief for recommendations (unless waived by the Zoning Officer). (Added 4-3-2003 by Ord. No. 03-OR-02)

1005 **REVIEW OF A PLANNED RESIDENTIAL DEVELOPMENT OR ECONOMIC DEVELOPMENT UNIT**: Applications for Economic Development Units or Planned Residential Developments shall require submission, review, and approval of a preliminary application and a final application in accordance with the following procedures and requirements.

1005.1 Concept Plan: Prior to submission of a preliminary application, the developer is encouraged to present a schematic plan of the proposed development to the Planning Commission to assure mutual agreement on the location, extent, and functioning of the proposed planned development; but such agreement shall not be legally binding. In the case of a proposed development which proposes development of only a portion of the parcel owned or controlled by the developer, the developer shall provide a copy of the concept plan which clearly delineates the proposed future development of all remaining portions of such parcel. This concept plan may be submitted as a part of the preliminary application.

1005.2 The preliminary application shall include an original and seven (7) copies each of a Location Map, Site Map, Proposed Development Plan, Engineering Report, and such documents as may be required for a Grading Permit.

1005.3 The Zoning Officer shall forward one copy each of the preliminary application to the Planning Commission, the Township Engineer, the Department of Environmental Protection, and the County Planning Commission. The Supervisors shall not approve the preliminary application until reports from each of these agencies have been received, or until the expiration of forty five days from the date the copies of the application for development were forwarded to said agencies.

1005.4 The Supervisors shall hold a public hearing within sixty days of the filing of such preliminary application. The Supervisors may continue

such hearing, or refer the application back to the Planning Commission, but shall complete the hearing within sixty days of the initial hearing. The Supervisors shall render their decision not later than sixty days after the conclusion of the public hearing.

1005.5 The Supervisors shall give tentative approval to a Proposed Planned Residential Development Plan if, and only if, it is found to meet the criteria and standards set forth in Article Seven, and all other pertinent requirements of these Ordinances.

1005.6 The grant or denial of tentative approval shall include findings of fact related to the Proposed Planned Development Plan as submitted for approval, and the reasons for the decision shall be set forth with particularity in what respect the Proposed Planned Development Plan would or would not be in the public interest including, but not limited to, each of the cited criteria.

1005.7 In the event a Development Plan is granted tentative approval, with or without conditions, the Supervisors may set forth in the official written communication the time within which an application for final approval of the Development Plan shall be filed or, in the case of a Development Plan which provides for development over a period of years, the periods of time within which applications for final approval of each part thereof shall be filed.

1005.8 The decision of the Supervisors shall be in writing and shall be given to the Developer personally, or mailed to him at his last known address, not later than five working days following the decision.

1005.9 Failure of the Supervisors to render a decision and to communicate it to the Applicant in the time and in the manner required, shall be deemed an approval of the application and terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation or of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation and communication shall have like effect.

1005.10 The Supervisors may:

- (a) Grant tentative approval of the proposed Development Plan as submitted;
- (b) Grant tentative approval subject to specified conditions not included in the proposed Development Plan as submitted; or
- (c) Deny approval of the proposed Development Plan.

1005.11 If the Developer chooses to reject any conditions attached to the grant of tentative approval, he may void such tentative approval by notifying the Supervisors, in writing, within thirty days of the date of the decision.

1005.12 The grant of tentative approval may be revoked by the Supervisors if they are notified by the Developer of his intention to abandon the proposed Development Plan. The grant of tentative approval shall be deemed to be revoked if the Developer does not submit an application for final approval within the time limits required by this Article.

1005.13 Application for final approval of each phase shall be filed with the Zoning Officer not later than twelve months following the grant of tentative approval, unless otherwise specified by the Supervisors. The application shall comprise one reproducible copy and ten prints of the Development Plan for the phase, including supplementary data, and a Certificate of Completion of Improvements or a Guarantee of Improvements as required by these Ordinances.

1005.14 Recording: Upon the approval of a final plat, the Developer shall within ninety days of such final approval record such plat in the office of the Recorder of Deeds of Westmoreland County.

1005.15 Following approval of the final plan application, but prior to the issuance of any building, grading or other Township permit, the Developer shall sign a Development Agreement approved by the Township Solicitor.

1005.16 All Land Development projects involving any commercial or residential improvements shall submit plans and specifications to the local Fire Chief for recommendations (unless waived by the Zoning Officer). (Added 4-3-2003 by Ord. No. 03-OR-02)

1006 REVIEW OF A GRADING PERMIT:

1006.1 The application for a Grading Permit shall include three (3) proposed Grading Plan along with reports, specifications, documentation and calculations ensuring the integrity and stability of the proposed earth moving activities. All reports and plans must be signed and sealed by a qualified professional engineer. Where any natural watercourse which is under the jurisdiction of the Pennsylvania Department of Environmental Protection, Division of Dams and Encroachments, may be affected by

proposed excavations or fills along the banks of the watercourse or any culvert or bridge, or by a change in direction, or by adjacent construction, the applicant must present as part of his application, the permit and the letter of comments from the Department of Environmental Protection, Division of Dams and Encroachments.

1006.2 Plans, specifications, reports, documentation and calculations shall be submitted to the Westmoreland County Conservation District for approval prior to submission to the Township.

1006.3 In the event the applicant deems it necessary to exceed the slopes of cut and fill as specified in Section 304 of the Ordinance, said applicant may do so only when the design is certified by a Soils Engineer or Engineer Geologist.

1006.4 The applicant and his or her Engineer shall consider and address whether the proposed grading project will endanger any property, person, public roadway, or cause any other hazardous condition. Also, the applicant and his or her Engineer shall give due consideration to possible saturation by rain, earth movements, surface water run-off, subsurface conditions, the stratification and faulting or rock, aquifers, springs and the nature and type of soil or rock when preparing any grading plan, report and specifications.

1006.5 When the requirements of this Ordinance for obtaining a grading permit have been met, and upon review and recommendations of the Township Engineer, the Township Supervisors shall issue or deny a grading permit. If approved, one complete set of grading plans shall be kept at the site while work is in progress.

1007 REVIEW PROCEDURES FOR FLOOD PLAINS: Prior to the issuance of a zoning permit for any use in a flood plain, the Zoning Officer shall require the applicant to indicate compliance with all applicable State and Federal laws.

ARTICLE ELEVEN: ENFORCEMENT

1101 **ZONING OFFICER:** The Zoning Officer, who shall be appointed by the Supervisors, shall:

1101.1 Administer and enforce the provisions of this Ordinance in accordance with its literal terms, and shall not have the power to permit any construction of any use or change of use which does not conform to this Ordinance.

1101.2 Issue zoning permits and zoning occupancy permits.

1101.3 Maintain a permanent file with all zoning permits, zoning occupancy permits, and applications as Public Records.

1101.4 The Zoning Officer shall identify and register all non-conforming lots, uses, and structures as required by law, together with the reasons why the use or structure is non-conforming. A zoning occupancy permit shall then be issues to the owner of said use or structure.

1102 **ENFORCEMENT REMEDIES:** 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, the Supervisors may institute in the name of the Township any appropriate action or proceeding in law or equity to prevent, restrain, correct, or abate such building, structure or land, to recover damages, or to prevent, in or about such premises any act, conduct, business, or use constituting a violation, or illegal occupancy of a building. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided. The Township shall have all of the enforcement remedies provided in the Pennsylvania Municipalities Planning Code, Section 515.1 and Section 617.2.

1103 **AMENDMENTS:** The Supervisors may amend this Ordinance as proposed by a member of the Supervisors, by the Planning Commission, or by a petition of a person residing or owning property within the Township in accordance with the following provisions:

1103.1 Petitions for amendment shall be filed with the Planning Commission, and the petitioner, upon such filing, shall pay an advertising deposit and a filing fee in accordance with the schedule affixed

by resolution. The Planning Commission shall review the proposed amendment, and report its findings and recommendations in writing to the Supervisors and to the petitioner. The proposed amendment shall be introduced before the Supervisors only if a member of the Supervisors elects to do so. If an amendment proposed by petition is not introduced, the advertising deposit shall be refunded to the petitioner; otherwise, such deposit shall be paid to the Township.

1103.2 Any proposed amendment introduced by a member of the Supervisors without written findings and recommendations from the Planning Commission shall be referred to the Planning Commission for review at least thirty days prior to public hearing by the Supervisors.

1103.3 Before voting on the enactment of an amendment, the Supervisors shall hold a public hearing thereon pursuant to public notice, and shall comply with the comment and review procedures mandated by the Pennsylvania Municipalities Planning Code. If, after any public hearing held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Supervisors shall hold another public hearing pursuant to public notice, before proceeding to vote on the amendment.

1103.4 Amendment to Flood Plain Boundaries: The delineation of the any of the flood plain districts may be amended as specified above, where natural or man-made changes have occurred or where studies by the U.S. Army Corps of Engineers, River Basin Commission, or other qualified person shall document the need for such change. Prior to any such change, approval shall be obtained from the Federal Insurance Administration.

1104 **ZONING HEARING BOARD:** In accordance with law, the Supervisors shall appoint a Zoning Hearing Board, which Board shall adopt rules to govern its procedures. The Zoning Hearing Board shall hold meetings, keep minutes, and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony under oath, and render decisions in writing, all as required by law. A fee shall be charged in accordance with a schedule filed annually affixed by resolution of the Supervisors for any appeal or proceeding filed with the Zoning Hearing Board. The Zoning Hearing Board shall have the functions, powers, and obligations specifically granted by law.

1104.1 Appeals from the Zoning Officer: The Zoning Hearing 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 of the Zoning District Map or any valid rule or regulation governing the action of the Zoning Officer. Appeals from decisions or interpretations of the Zoning Officer may be made by landowners, developers, or persons aggrieved and may relate to such subject matter as to whether a zoning permit or zoning occupancy permit should be issued or whether a stop work order should be issued.

1104.2 Challenges to the Validity of the Ordinance: The Zoning Hearing Board shall hear challenges to the validity of this Ordinance or Map raising substantive questions. Procedural questions or an alleged defect in the process of enactment or adoption of any ordinance or map shall be raised by an appeal taken directly from the action of the Board of Supervisors to the Court.

1104.3 Variances: The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Ordinance inflict unnecessary hardship upon the property of the applicant. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of these Ordinances. The Zoning Hearing Board may grant a variance provided the following findings are made where relevant in a given case:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the 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 Article Two, Three, Four, Five and Six of this Code, and that the authorization of a variance is therefore necessary to enable the reasonable use of such property;
- (c) That such unnecessary hardship has not been created by the appellant;

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

1104.4 **Special Exceptions:** The Zoning Hearing Board shall hear and decide requests for special exceptions enumerated in this ordinance. A special exception is issued for an exceptional use which may be permitted within a particular zoning district if the Zoning Hearing Board determines its availability. Such uses are made available as a privilege, not as a right, assuming that the requisite facts and conditions detailed in this Ordinance are found to exist. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.

1104.5 In considering applications for special exceptions and variances in flood plain districts, the Zoning Hearing Board shall give due consideration to the danger to life and property due to increased flood heights or velocities caused by encroachment. No special exception or variance shall be granted for any proposed use, development, or activity within the floodway that will cause any increase in flood levels during the one hundred (100) year flood. The Zoning Hearing Board shall notify the applicant for such special exception or variance, in writing, that the construction of a structure below the one hundred (100) year flood elevation increases risks to life and property, and will result in increased premium rates for flood insurance.

1104.6 **Stay of Proceedings:** Upon the filing of proceedings before the Zoning Hearing Board appealing a determination of the Zoning Officer, challenging an ordinance or requesting a variance or special exception and during the pendency of such proceedings before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order, or approval of the Zoning Officer or of any agency or body, and all official action there under, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Zoning Hearing Board facts indicating that such stay would cause imminent peril to life or property, in which case the development or official action shall not

be stayed otherwise than by a restraining order which may be granted by the Zoning Hearing Board or by the Court having jurisdiction of appeals on petition after notice to the Zoning Officer or other appropriate agency or body.

1104.7 Hearings: The Zoning Hearing Board shall conduct hearings and make decisions in accordance with the following requirements:

- (a) Notice shall be given to the public, the applicant, the Zoning Officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance, or in the absence of ordinance, provision by rules of the Zoning Hearing Board.
- (b) The hearing shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member or alternate member as a hearing officer.
- (c) The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person, including civic or community organizations permitted to appear by the Zoning Hearing Board.
- (d) The chairman or acting chairman of the Zoning Hearing 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.
- (e) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (f) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (g) The Zoning Hearing Board or hearing officer, as the case

may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any party at cost. The appearance fee for a stenographer shall be shared equally by the applicant and the Zoning Hearing Board. The cost of the original transcript shall be paid by the party ordering it.

- (h) The Zoning Hearing Board or hearing officer shall not communicate directly or indirectly with any party or his representative in connection with any issue involved, except upon notice and opportunity for all parties to participate, shall not take notice of any communication, report, staff memoranda or other materials unless parties are afforded an opportunity to contest the materials so noticed and shall not inspect the site or its surroundings after the commencement of hearings which any party or his representative unless all parties are given an opportunity to be present.
- (i) The Zoning Hearing 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 forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer. Where the Zoning Hearing Board fails to render the decision within forty-five (45) days after the last hearing before the Zoning Hearing Board or hearing officer or fails to hold the required hearing on the application within sixty (60) days from the date of the applicant's request for 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 Zoning Hearing Board to meet or render a decision as hereinabove provided, the Township shall give public notice of said decision within ten (10) days in the same manner as provided above.
- (j) A copy of the final decision, or where no decision is called for, of the findings, shall be delivered to the applicant and to all other persons who have filed their name and address with the Zoning Hearing Board personally or by mail not later than the day following its date.

ARTICLE TWELVE: DEFINITIONS

1201 GENERAL: Certain words used in this Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and plural the singular. The word "shall" is mandatory and not permissive.

ACCESSORY STRUCTURE: A subordinate structure, located on the same lot as the main structure, or a portion of the main structure, the use of which is clearly incidental to and customarily found in connection with the main structure or principal use of the land.

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

ADVERTISING SIGN - A sign which directs attention to a business, product, service, activity or entertainment sold or offered not upon the premises where such sign is located.

AGRICULTURE: Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Accessory structures permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos, and any other use or structure that is clearly related to an agricultural operation.

AMUSEMENT PARK: A tract or area used principally as a location for permanent amusement structures or rides.

AMUSEMENT USE: A theater, stadium, arena, bowling alley, or related facility for the presentation of musical, theatrical, or sporting events where the number of spectators normally is greater than the number of players and where such use is not accessory to a school or church.

APARTMENT: A dwelling unit in a multiple family residential structure containing three or more dwelling units.

APPLIANCE SALES/SERVICE: Sales/Service of household instruments, devices or equipment to the public.

APPLICANT: A land owner, or holder of an agreement to purchase land, lessee, or other person having a proprietary interest in land or the heirs, successors, assigns of such person who has filed an application for the

use, improvement, or development of any parcel or structure, or for subdivision of land or land development under the terms of this Ordinance.

APPLICATION: An application, either preliminary or final, required to be filed and approved prior to the use, improvement, or development of any parcel or structure, or the start of land development or subdivision and which is complete in all respects as required by this Ordinance.

BANK: A commercial bank, savings and loan company, credit union, stock broker, or closely related business.

BASEMENT: A story partly below ground and having forty (40%) percent or more of its height below the average level of the adjoining ground.

BASIC GRADE: A reference plane representing the average of the finished ground level adjoining a structure at all its exterior walls.

BEDROCK: The natural rock layer, hard or soft, in place at ground surface or beneath unconsolidated surface deposits.

BED AND BREAKFAST: A socialized lodging house, having predominantly the character of a single-family residence where rooms are provided for overnight transient guests, and where meals may be served in conjunction with the accommodation.

BUILDABLE AREA: That portion of a zoning lot bounded by the required front, side, and rear yards.

BUILDING: A combination of materials to form a permanent structure having walls and a roof. This shall include all manufactured homes and trailers to be used for human habitation.

BUSINESS SERVICES: A service shop or office providing services and sales of office supplies and equipment where the repair and maintenance of equipment is limited, and does not include manufacturing or industrial operations.

CAR WASH: A building on a lot, designed and used primarily for the washing and/or polishing of automobiles.

CEMETERY: Land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories,

mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHILD CARE CENTER: Any place, home, or institution which cares for eight (8) or more children under the age of sixteen (16) years apart from their parents, guardians, or custodians for regular periods of time for compensation; provided, however, that the term "child care center" shall not include bona fide schools or churches and other religious or public institutions caring for children within an institutional building or apply to custody fixed by a court, children related by blood or marriage within the third degree of the custodial person.

CHURCH: A building or site used as a place of religious worship and teaching, which may include schools, Day Care Centers, auditoriums, residences for persons serving the particular facility, and recreational facilities and which qualifies as a religious establishment under the Internal Revenue Code.

CIVIC USE: A chartered, non-profit organization, the primary purpose of which is the advancement of its members or the community in education, fraternal, cultural, or civic pursuits and activities.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.

COMMERCIAL SCHOOL: A school conducted for profit or self development for such instruction and training as business, art, music, trades, handicraft, dancing or riding.

COMMERCIAL VEHICLE SALES/SERVICE: The sale, lease or rental of new or used motor vehicles, heavy equipment, construction equipment and the like over the gross weight rating of 26,000 pounds used in commerce and the maintenance, service and repair of the same.

COMMON OPEN SPACE: A parcel of land integral to a Planned Residential Development and subject to provisions which assure the continued availability and maintenance of such open space for the use and benefit of the residents of the planned development.

COMMUNITY CENTER: A clubhouse or similar structure owned by a homeowners' association for the use by residents of a PRD or specific subdivision including recreational facilities and social rooms.

COMMUNITY CLUB: A building publicly, quasi-publicly, or privately used and maintained with facilities devoted exclusively to a variety of group activities - civic, social, recreational, educational, and/or cultural; provided that it shall not include living quarters for persons other than those engaged in the conduct of it, that it shall not be operated for profit, and that alcoholic beverages shall not be served.

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

CONDITIONAL USE: A specific exception to the standard regulations of this Ordinance which requires approval by the Supervisors under terms and procedures and with conditions prescribed in this Ordinance.

CONDOMINIUMS: A type of multi-family dwelling which has individual ownership of the single dwelling units and an undivided (common) interest or ownership of the common areas and facilities serving the building, such as halls, elevators, lobbies, driveways, parking lots, stormwater facilities, recreation areas, and utilities.

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

CONTRACTOR SALES - SUPPLY YARDS: A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods. "Supply Yards" do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

COUNTY: Westmoreland County, Pennsylvania.

CUL-DE-SAC: A short street having one end open to traffic and being permanently terminated.

DEPARTMENT: The Pennsylvania Department of Community and Economic Development

DEPENDENT DWELLING: An accessory dwelling unit attached to a principal one family house, installed and intended solely for the use of elderly parents, or other dependent close relatives.

DEVELOPER: Any present or prospective landowner or agent of such landowner who makes or causes to be made a development plan and an application for a Site Development Plan, Subdivision, Land Development, or Planned Development.

DEVELOPER'S AGREEMENT: A written agreement entered into between the Township and the developer, ensuring acceptance of conditions of approval, guaranteeing performance of all required improvements and amenities, and recorded to run with the deed to the subject property.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to the construction, re construction, renovation, repair, expansion or alteration of buildings or other structures; the placement of manufactured homes; streets, and other paving; utilities; filling, grading, and excavation; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.

DEVELOPMENT PLAN: A graphic and written presentation of either a Planned Residential Development or a Planned Development, including a plat of subdivision, and all provisions relating to use, location, and bulk of structures, intensity of development, streets, ways and parking facilities, common open space, and public facilities.

DRIVE IN RESTAURANTS: (See Fast Food Restaurants)

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

ECONOMIC DEVELOPMENT UNIT: An area of land, controlled by one landowner to be developed as a single entity for more than one principal structure and built in accordance with a site development plan, which may provide for industrial and commercial uses, recreation and open space, which is reviewed and approved in accordance with provisions of this Ordinance.

ELEVATION: The vertical distance above mean sea level elevation.

ENGINEER: A professional engineer, surveyor, or architect who is licensed by the Commonwealth of Pennsylvania.

ENGINEERING GEOLOGIST: A person who holds a degree in geology from an accredited college or university and who has training and experience in the field of engineering geology.

EROSION: The detachment and movement of soil or rock fragments by water, wind, ice, or gravity, including such processes as gravitational creep.

ESSENTIALLY DRY SPACE: A space which will remain dry during flooding, except for the passage of some water vapor and minor seepage; the structure is substantially impermeable to the passage of water.

EXCAVATION: Any act by which earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

FAMILY: Either an individual, or two or more persons related by blood or marriage, or adoption, or a group of not more than five persons not so related occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel. Household servants employed exclusively on the premises shall be considered part of the family of their employer.

FAMILY DAY CARE: The caring of not more than six children as an accessory use to a single-family dwelling.

FAST FOOD RESTAURANT OR FAST FOOD EATING ESTABLISHMENT: Establishments primarily engaged in providing food services where patrons generally order or select items and pay before eating. Most establishments do not have waiter/waitress service, but some provide limited service, such as cooking to order (i.e., per special request), bringing food to seated customers, or providing off-site delivery.

FARM: A business that engages in the production and preparation for market of crops, livestock, or livestock products, or in the production and harvesting of agricultural, agronomic, horticultural, silvicultural or aquacultural crops or commodities.

FENCE: A structure designed for the purpose of enclosing space, privacy screening or separating parcels of land that may include an entrance or exist gate or openings.

FILL: An act by which earth, sand, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location including the material being deposited and the condition resulting from such act.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD INSURANCE STUDY: A study prepared by the U. S. Department of Housing and Urban Development for the Federal Insurance Administration dated February 1, 1979, which includes Flood Boundary and Floodway Maps.

FLOODPLAIN AREA: A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or water course; and/or sandy area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODPLAIN DISTRICT: A flood plain area for which no detailed flood profiles or elevations are provided, but where a one hundred year flood plain boundary has been approximated. Such areas are shown on the Flood Boundary and Floodway Map of the Flood Insurance Study.

FLOODPROOFING: Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY: The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of these ordinances, the floodway shall be capable of accommodating a flood of the one hundred year (100) magnitude.

FLOOR AREA: In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club, or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.

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

FRONT YARD DEPTH: The prescribed minimum open space extending across the entire width of the lot between the front line of building and street right of way.

FUNERAL HOME: An establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body and for funerals. May contain the residence of the owner or employee.

GARDEN APARTMENT: A multiple family residential structure containing three or more dwelling units having a height no greater than three stories.

GAS STATION: A retail establishment supplying gasoline and oil, tires, accessories, and services for vehicles directly to the public, including minor repairs, but not including such major repairs as spray painting, body, fender, axle, frame, major engine overhaul, recapping of tires, or auto wrecking.

GOLF COURSE: An area of land laid out for the game of golf with a series of 9 or 18 holes each including tee, fairway and putting green. Shall be appropriately landscaped and may have natural or artificial hazards. May contain a clubhouse or an appropriate maintenance buildings and storage for golf related equipment.

GRADING: An excavation or fill or any combination thereof including the conditions resulting from any excavation or fill.

GRADING PERMIT: A permit required by this Ordinance before any grading, except minor grading operations, may be initiated.

GROUP HOME: A dwelling facility operated for not more than ten (10) persons plus staff, living together as a single family or as a single housekeeping unit.

GROSS FLOOR AREA (GFA): The sum of all gross horizontal areas of several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of common walls separating buildings. This includes stairwells, all rest rooms, lobby areas, floor space for mechanical equipment and all other common areas and basements.

HAZARD: A danger or potential danger to life, limb, or health, or an adverse effect or potential adverse effect to the safety, use, or stability of property, waterways, public ways, structures, utilities, and storm sewers; including stream pollution.

HAZARDOUS MATERIAL: Any of the following materials or substances: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid,

nitric oxides, petroleum products, phosphorus, potassium, sodium, sulfur, sulfur products, pesticides, insecticides, fungicides, and all poisons, flammable gasses, and radioactive substances.

HAZARDOUS WASTE: Any garbage, refuse, sludge from an industrial or other waste water treatment plant, sludge from a water supply treatment plant or air pollution control facility, and other discarded material including solid, liquid, semisolid or contained gaseous material resulting from township, commercial, industrial, institutional mining, or agriculture operations, or from community activities, or any combination of the above which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- (a) Cause or significantly contribute to an increase in mortality or an increase in morbidity in either an individual or the total population, or:
- (b) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, or transported, disposed of, or otherwise managed.

The term "hazardous waste" shall not include coal refuse as defined in the Act of September 24, 1968 (P. L. 1040, No. 318), known as the "Coal Refuse Disposal Act"; and shall not include treatment sludge from coal mine drainage treatment plants, disposal of which is being carried on pursuant to the Clean Streams Law, (P. L. 1987, No. 394); and shall not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880); and shall not include source, special nuclear, or byproduct material as defined by the U. S. Atomic Energy Act of 1954, as amended (68 Stat. 923).

HEIGHT: The vertical distance from basic grade at the front wall of a structure to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

HISTORIC STRUCTURE: Any structure that is

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the Nation Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs

HOTEL: See Motel/Hotel

IDENTIFIED FLOODPLAIN AREA: The floodplain area specifically identified in these ordinances as being inundated by the one hundred year flood.

KENNEL: Any establishment, in or through which, twenty-six (26) or more dogs are kept or transferred in a calendar year, breeds more than four litters of dogs per year to be sold publicly or privately or transferred at wholesale for retail sale to another, or a boarding kennel which houses or boards dogs for compensation.

LAND DEVELOPMENT: The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots, regardless of the number of occupants or tenure; or the division or allocation of land or space between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features; or a subdivision of land. Land development does not include the addition of an accessory farm building on a lot or lots subordinate to an existing principal building; or the addition or conversion of buildings or rides within the confines of an amusement park. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the Supervisors.

LIGHT MANUFACTURING: The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the

following goods: home appliances; electrical instruments, office machines; precision instruments; electronic devices; timepieces; jewelry, optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight non-ferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products but not animal slaughtering, curing, nor rendering of fats.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

LOT: A parcel of land occupied or capable of being occupied by one or more structures.

LOT, AREA OF: The horizontally projected area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.

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

LOT, WIDTH OF: The distance between the side lines of the zoning lot measured at the shortest distance at or between the front and rear building lines as determined by the prescribed front and rear yard requirements.

LOT OF RECORD: Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of the County.

LOWEST FLOOR: The lowest floor of the lowest fully enclosed area (including basement). An unfinished flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED HOME: A transportation, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more sections, built on a permanent chassis, which arise at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be

used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.

MANUFACTURED HOME PARK: A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.

MANUFACTURING: The processing and fabrication of any article, substance, or commodity.

MEDICAL CLINIC: Any establishment where human patients are not hospitalized overnight but are examined and treated by doctors or others who are duly licensed to perform medical healing arts.

MINI STORAGE: A facility providing for the enclosed storage of personal property, excluding hazardous materials, where said items are retained for direct use by their owner who shall have direct access thereto without intermediate handling by the proprietor of the facility.

MINOR REPAIR: The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit way requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

MINOR GRADING OPERATIONS: Grading where neither the cut or fill exceeds a vertical change of five feet and the Township Engineer determines that there is little possibility of erosion and sedimentation; or grading involved in the reasonable, regular, normal maintenance and landscaping improvements by individual homeowners where the standards of this Ordinance are not violated; or the stock-piling of rock, sand, and aggregate on an approved site, or earth moving for the construction of a one-family house in an approved plat where erosion and sedimentation control measures are being employed in accordance with the approved grading plans and specifications for the plat, or temporary excavation below finished grade for basements, additions to existing one-family houses, accessory swimming pools or structures for which a building

permit has been issued and where the Township Engineer determines that the possibility of erosion and sedimentation exists.

MOBILE HOME: A prefabricated dwelling unit designed for transportation on streets and highways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy except for connection to utilities and minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.

MOBILE HOME PARK: A Planned Residential Development which is to be occupied by two or more mobile homes.

MODIFICATION: An authorization to modify a subdivision application where the literal terms of the subdivision provisions would result in an undue hardship because of peculiar conditions pertaining to the land in question or where the modification would result in a better subdivision.

MOTEL/HOTEL: An establishment which provides six (6) or more transient lodging units to the general public and which may provide such additional supporting services as restaurants, meeting rooms, recreation facilities and living quarters for a resident manager or proprietor.

NATURAL RESOURCE EXTRACTION: A lot of land or part thereof used for the purpose of extracting coal, stone, sand, clay, gravel, top soil, or other natural resource for sale and excluding the process of grading a lot preparatory to the construction of a building for which application for a building permit has been made.

NATURE PRESERVE: An area designated for the protection or preservation of native plant and wildlife.

NON-CONFORMING LOT: A lot whose width, area, or other dimension does not conform to the regulations of this Ordinance and which was a lot of record or lawfully existed at the time the regulations with which it does not conform became effective.

NON-CONFORMING STRUCTURE: Any structure or part of a structure legally existing at the time of enactment of a preceding Zoning Ordinance, this Ordinance, or any of its amendments which does not conform to the provisions of this Ordinance.

NON-CONFORMING USE: Any use or arrangement of land or structures legally existing at the time of enactment of a preceding Zoning Ordinance, this Ordinance, or any of its amendments which does not conform to the provisions of this Ordinance.

NURSERY/HORTICULTURE USE: Any lot or parcel of land used to cultivate, propagate, grow and/or sell trees, shrubs, vines and other plants including the buildings, structures and equipment customarily incidental and accessory to the primary use.

NURSING HOME: A facility licensed by the Commonwealth of Pennsylvania as a nursing home.

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

OFFICES: A room or group of rooms used for conducting the administrative affairs of a business, profession, service, industry or government, generally furnished with desks, tables, files and communications equipment.

OFFICIAL FILING DATE: The date the Zoning Officer determines and accepts applications which meets all of the standards set forth in Article Nine Sections 901 and 902 and which contain all of the information required by the Zoning Officer and which are deemed to be complete.

ONE HUNDRED YEAR FLOOD: A flood of such magnitude that has only a one (1) percent chance of occurring each year, although such flood may occur in any year.

PARKS AND RECREATION: An open area of ground set aside for public use with recreational facilities, playgrounds and structures or left in a natural state, owned by the municipality, municipal authority or otherwise dedicated to public use or owned and operated by a non-profit association for the benefit of the public or the residents of the Township. It may include a municipal golf course, but not miniature golf or driving range.

Public recreation shall not include amusement parks, or any purely commercial enterprises.

PERSON: An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

PERSONAL CARE HOME: A facility licensed by the Commonwealth of Pennsylvania as a personal care home.

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

PLANNED DEVELOPMENT: An Economic Development Unit or Planned Residential Development.

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by one landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk, or type of buildings, density, lot coverage, and required open space to the regulations established in any one residential district by this Ordinance.

PLANNING COMMISSION: The Planning Commission of the Township of Ligonier, Westmoreland County, Pennsylvania.

PUBLIC USE/BUILDING: Owned, operated or controlled by a government agency, Federal, State, County or Local.

REAR YARD: The prescribed minimum open space extending across the entire width of the lot between the back line of the building or accessory structure and the rear lot line.

RECREATION CLUB: A non-commercial facility operated by and for its members and providing recreational facilities such as swimming, tennis, or golf for the use of members and their guests.

RECREATIONAL VEHICLE: A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a

- light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- REGULATORY FLOOD ELEVATION:** The one hundred year flood elevation plus a freeboard safety factor of one and one-half feet.
- RESEARCH LABORATORY:** A facility for applied research conducted within an enclosed structure where no goods are produced in quantity.
- RESTAURANT:** A public eating place primarily offering sit down counter or table service and custom prepared foods for on premises consumption. If carry out service is available, this shall constitute less than 10% of sales.
- RETAIL:** The sale of commodities and service directly to consumers.
- RETAIL, LARGE:** A retail store with a gross floor area of 5,000 square feet or more.
- RETAIL, SMALL:** A retail store with a gross floor area less than 5,000 square feet.
- SCHOOL:** A public or non-public educational facility serving students used for training and teaching children and youths through grade 12, licensed and certified by the Commonwealth of Pennsylvania.
- SCREENING:** A fence, evergreen hedge, or wall at least six feet high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or of a constructed fence or wall.
- SEAT:** A fixed seat in a theater, auditorium, or meeting room, or 24 lineal inches of an installed bench or pew, or in the absence of these, six square feet of floor space in the seating area.
- SECURITY ILLUMINATION:** Level of illumination in prescribed areas of 0.5 foot candles.
- SEDIMENT:** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below water level.

SEDIMENTATION: The process by which sediment is deposited on stream bottoms.

SENIOR DAY CARE CENTER: Any place, home or institution which cares for eight (8) or more adults for regular periods of time for compensation; provided, however, that the term "senior day care center" shall not include bona fide schools or churches and other religious or public institutions caring for adults within an institutional building.

SERVICE SHOPS: A service shop or office providing services and sales of office supplies and equipment where the repair and maintenance of equipment is limited, and does not include manufacturing or industrial operations; or providing such personal services as hair dressing and cutting, clothes cleaning, laundering, shoe repair, tailoring, and the like.

SHOPPING CENTER: A group of commercial establishments which is planned, developed, owned, and managed as a unit related in its location, size, and type of shops to the trade area that the unit serves with off street parking provided as an integral part of the unit.

SIDE YARD: The prescribed minimum open space extending from the side of any building or accessory structure to the side lot line throughout the entire depth of the yard. Any lot line not a rear line or a front line shall be deemed as a side line.

SIGN: Any surface or structure exposed to public view and intended, used, or designed to identify, advertise, or promote any product, person, business, institution, organization, or place with written, graphic, or sculptured matter, but not including 1) signs to regulate and control traffic and parking or to promote public health, safety, and welfare; 2) religious, patriotic, fraternal, national, or cultural symbols, if unaccompanied by lettering and applied to a tower, spire, flagpole, wall, or cornice of a structure; 3) non-illuminated signs posted inside a display window where such signs do not obstruct clear vision into a store by police and health authorities; nor 4) auto dealership signs placed under the hood of automobiles that are removed at the end of each business day.

SINGLE FAMILY DWELLING: A detached building having accommodations for and occupied by not more than one (1) family.

SOCIAL CLUB: A chartered, non-profit organization, the primary purpose of which is the advancement of its members of the community in education, fraternal, cultural, or civic pursuits and activities.

SOCIAL/RECREATIONAL CLUB/USE: A facility operated by and for its members or for public use and providing recreational facilities such as swimming, tennis, or golf for the use of members and their guests.

SOIL ENGINEER: A person registered by the Commonwealth of Pennsylvania as a professional engineer and who has training and experience in soils engineering.

SOIL SURVEY: The unpublished and operational soil survey for Westmoreland County, Pennsylvania, and the accompanying text Soil Survey Maps and Interpretations for Developing Areas in Westmoreland County, Pennsylvania, as prepared by the USDA Soil Conservation Services.

SOLID WASTE: All parts of combinations of ashes, garbage, refuse, radioactive material, combustible demolition materials, and industrial wastes such as food-processing wastes, wood, plastic, metal scrap, etc.

SPECIAL EXCEPTION: A use permitted in a particular zoning district after approval by the Zoning Hearing Board, and in compliance with all Ordinance provisions.

SPECIAL PERMIT: A special management approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all or in a designation portion of a floodplain.

STORY: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREAM: Any river, run, creek, or other drainage course draining surface water in which standing or flowing water is clearly visible throughout most of the year.

STREET: A right-of-way intended primarily for vehicular traffic and usually providing for utilities and pedestrian travel. A Street may be designated by other appropriate names such as highway, thoroughfare, boulevard, parkway, road, avenue, drive, lane, or place. A Street may also be identified according to type of use as follows:

(a) **Arterial Streets:** Streets providing traffic movements between traffic generation areas.

(b) Collector Streets: Streets providing connection primarily between regional streets or regional and local streets.

(c) Local Streets: Streets serving primarily as access to abutting properties and not intended as major arteries carrying through traffic.

STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land including in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences, and patios.

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 division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building, or land development, provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

SUBSTANTIAL DAMAGE: Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent or more of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Township Zoning Officer or other municipal officer so authorized and which are the minimum necessary to assure safe living conditions; or

(b) Any alteration of a "historic structure" provided that the alteration will not preclude the structures continued designation as a "historic structure."

SUPERVISORS: The Supervisors, Ligonier Township, Westmoreland County, Pennsylvania.

SWIMMING POOL: A container of water used for swimming or bathing purposes, of any depth or size if wholly or partially sunk beneath adjacent ground level. If erected above ground, the same shall be covered under the terms of this Ordinance only if it has at least one dimension greater than fifteen (15) feet, or is more than thirty-six (36) inches in depth. As herein defined the term "Swimming Pool" shall be considered to be a structure.

TOWN HOUSE: A row of three or more dwelling units attached and separated by vertical walls and each having private entrances.

TOWNSHIP ENGINEER: The person officially appointed by the Supervisors to enforce this Ordinance.

TOWNSHIP: Township of Ligonier, Westmoreland County, Pennsylvania.

TWO FAMILY DWELLING: A building designed for or occupied exclusively by two (2) families living independently of each other with separate unit entrances and no internal connection between the two dwelling units.

USE: The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained.

UTILITY SUBSTATION/UTILITY BUILDING: A structure housing equipment needed for the processing or distribution/transmission of service by a public utility/company provider, but not including offices or the overnight storage of maintenance vehicles.

VARIANCE: An authorization to vary slightly from the strict interpretation of the zoning standards of this Ordinance which may be granted by the Zoning Hearing Board in accordance with law.

VEHICLE SALES/SERVICE: The sale, lease or rental of new or used motor vehicles or trailers under the gross weight rating of 26,000 pounds and the maintenance, repair or servicing of the same.

VETERINARY CLINIC: A facility where animals are treated by a licensed veterinarian but are not boarded.

WATERCOURSE: A natural drainage route or channel for the flow of water.

YARD: An open space on a lot, other than a court, unoccupied and unobstructed from the ground to the sky, not occupied by structure or used for parking or storage, except as otherwise provided, and not including any portion of a street or alley.

ZONING HEARING BOARD: The Zoning Hearing Board of Ligonier Township, Westmoreland County, Pennsylvania.

ZONING OCCUPANCY PERMIT: A document issued by the Zoning Officer upon completion of the construction of a structure, or change in use of structure or parcel of land, or change of occupancy of structure, validating that all conditions attached to the granting of the zoning permit have been met, and that the structure and land may be occupied and used for the purposes set forth in this Ordinance.

ZONING OFFICER: The person officially hired by the Supervisors to enforce this Ordinance.

ZONING PERMIT: A document issued by the Zoning Officer stating that a proposed use or development will be in compliance with this Ordinance, and authorizing the applicant to proceed to obtain copies of the required Building Permits.

**ADDENDUM A
AMENDMENTS**

Amendments:

Amended by Ordinance No. 2003-OR-02	April 30, 2003
Amended by Ordinance No. 2005-OR-02	June 28, 2005
Amended by Ordinance No. 2006-OR-01	May 18, 2006
Amended by Ordinance No. 2007-OR-08	October 15, 2007
Amended by Ordinance No. 2008-OR-01	March 5, 2008
Amended by Ordinance No. 2011-OR-01	February 01, 2011
Amended by Ordinance No. 2011-OR-03	June 19, 2011
Amended by Ordinance No. 2012-OR-02	July 10, 2012

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