

**TOWNSHIP OF LIGONIER
ORDINANCE NO. 2024-OR-01**

**AN ORDINANCE OF THE TOWNSHIP OF LIGONIER
AMENDING AND SUPPLEMENTING THE TOWNSHIP ZONING CODE**

WHEREAS, the Zoning Code of Ligonier Township was adopted in 2015; and,

WHEREAS, it is the desire of the Board of Supervisors of Ligonier Township and the Township Planning Commission to update the zoning code to reflect any changes or concerns that have happened in the township in the last eight years; and,

WHEREAS, it is the desire of the Board of Supervisors and the Planning Commission to amend the entirety of the zoning code at one time, for efficiency and cost saving purposes.

NOW THEREFORE, the Board of Supervisors of Ligonier Township hereby enacts as follows:

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Section 1. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at 14-2 Sign Regulations, as follows:

14-2. Sign Regulations

General Requirements: The following regulations shall apply to all Zoning Districts:

A. Permits to construct install and maintain signs shall be obtained from the Zoning Officer, and shall be in accordance with the requirements of the respective Zoning District.

1. Civic banners/signs, including signs of a historical or educational nature, are permitted in all zoning districts, are exempt from permits and fees but (a) must comply with all other applicable requirements in this section and (b) shall be removed within seven (7) days after the cessation of the posted event.

B. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.

C. Signs shall not contain moving mechanical parts or use flashing or intermittent illumination.

D. No sign shall be placed in a position, or have illumination that it will cause any danger or distraction to pedestrians or vehicular traffic.

E. Floodlighting of any sign shall be arranged so that the source of light is not visible nor glare is detected from any property line or vehicular access, and that only the sign is illuminated.

F. No signage other than official traffic signs or other approved signage shall be mounted within the right-of-way lines of any street, pending approval by the Pennsylvania Department of Transportation in the case of State highways or the Township in the case of municipal roadways.

G. Every sign must be constructed of durable material and be kept in good condition. Any sign that is allowed to become dilapidated shall be removed by the owner, or upon failure of the owner to do so, by the Township at the expense of the owner or lessee.

H. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, fire escape, sidewalk or driveway.

I. No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.

J. No sign shall be erected which uses an artificial light source, or reflecting device, which may be mistaken for a traffic signal.

K. No sign shall be erected containing information that implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.

L. No sign shall be placed on any tree except hunting and trespassing signs.

M. The distance from ground level to the highest part of any freestanding sign shall not exceed eight (8) feet in residential districts.

N. Signs shall not project above the maximum building height permitted in any District in which they are located.

O. Signs necessary for the identification, operation, and protection of public utilities may be erected within the street right-of-way when authorized by the Zoning Officer for a special purpose and for a specified time.

P. Signs in the R-1 and R-2 Residential Districts are subject to the following requirements:

1. Official traffic signs.
2. Identification signs, bulletin or announcement boards for schools, churches, hospitals, or similar institutions, for similar permitted uses, approved Special Exception Uses with the exception of home occupations:
 - a. No more than two such signs shall be erected on any frontage to any one property.
 - b. The sign area on one side of any such sign shall not exceed twenty (20) square feet

[9]3. Home occupations may have an identification sign indicating the name, profession, or activity of the occupant of a dwelling, provided:

- a. The area of any one side of any such sign shall not exceed four (4) square feet
- b. One such sign shall be permitted for each permitted use or dwelling.
- c. A sign indicated the permitted home occupation use shall be erected on the property where that use exists.
- d. The sign shall not be illuminated or animated.

[10]4. Real estate signs, including signs advertising the rental or sale of premises, provided that:

[e]a. The area on any one side of any such sign shall not exceed six (6) square feet.

[f]b. A sign shall be located within the lot of the property to which it refers, except for signs under two (2) square feet that direct attention to properties for sale or rent located on side streets.

[g]c. Such signs shall be removed within seven (7) days upon the closing of the premises.

[h]d. Not more than one such sign shall be placed on any one street frontage.

[11]5. Temporary signs of contractors, architects, special events, and the like, provided that:

[i]a. Such signs shall be removed within fourteen (14) days upon completion of the work or special event

[j]b. The area of such signs shall not exceed six (6) feet.

[k]c. Such signs shall be located on the applicable property

[12]6. Signs necessary for the identification and protection of public utility corporation facilities, provided that the area of one side of such sign shall not exceed four (4) square feet.

[13]7. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two (2) square feet.

[14]8. Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals of not less than one hundred (100) feet along any street frontage.

[15]9. Sign denoting the name of a subdivision or development, provided that:

[m]a. The area on one side of such sign shall not exceed twenty-four (24) square feet.

[n]b. The sign shall be erected only on the premises on which the subdivision or development is located.

[o]c. No more than one such sign shall be erected on any one street frontage.

Q. Signs in the C-1 and C-2 and A1 **and V and I** Districts are subject to the following:

1. Any signs permitted in the R-1 and R-2 Residential Districts are permitted in these Districts.

2. Commercial business signs provided that:

a. The total area on one side of all business signs placed on or facing any one street frontage of any one premise shall not exceed one square foot for every one lineal foot in lot frontage up to a maximum of 80 sq. ft. in the C-1 District and 80 square feet in the C-2 and A1 District.

b. In the case of a building, or tract of land housing more than one use, one permanent directory or identifying sign for the building or tract may be erected. The sign area on one side shall not exceed that identified in this Subsection. In addition, for each use located within that building, or on the same lot, one wall-mounted sign shall be permitted. ~~The area of such sign shall not exceed that identified in the Table of Maximum Square Footage in this Subsection.~~

c. No more than two (2) separate signs shall face any one street frontage for any one use.

3. Free-standing signs, provided that:

a. No more than one (1) freestanding sign exclusive of all directional signs shall be allowed on any one property.

~~b. The sign area on one side of a freestanding sign shall conform to the table of maximum square footage in this Subsection.~~

4. Wall Signs – No wall sign shall project more than ten (10) inches from the building surface nor extended beyond the ends of the wall to which it is attached.

5. Window Signs – The total area of any window sign shall not exceed twenty five percent (25%) of the total glass area in the C-1 and A-1 District and ten percent (10%) in the C-2 District of that window and such sign shall advertise only on premise use, activity, goods, services or products. Signage advertising civic, social and/or charitable events and activities held off-premises are exempt from the above percent threshold.

6. **[Billboards] Advertising Signs** may be allowed as Special Exception in the C-1 District, provided that:

a. Advertising sign shall be located no closer than within one thousand **five-hundred [(1,000)] (1,500)** feet of another billboard.

b. **Advertising signs** shall be **set back** a minimum of [**fifty (50)**] **sixty (60)** feet from all [**side and rear**] property lines.

[c. **All advertising signs shall be set back at least fifty (50) feet from any road right-of-way lines.**]

[d]c. All **advertising signs** shall be set back at least [**one hundred (100)**] **three hundred (300)** feet from any existing residential dwelling

[e]d. **Advertising signs** shall not obstruct the view of motorists on adjoining roads, or the view of adjoining commercial or industrial uses, roads, or the view of adjoining commercial or industrial uses, which depend upon visibility for identification.

[f]e. **Advertising signs** shall no exceed an overall size of [**two hundred fifty (250)**] **two hundred twenty five** square feet, nor exceed twenty-five (25) feet in height.

f. Advertising sign shall not be located on lots of less than fifteen hundred (1,500) square feet.

7. Marquee/Awning Signs are allowed in the C-1 and C-2 Commercial Districts, subject to the following:

a. Such sign may be painted on or attached flat against the surface of the marquee but may not extend or project beyond the marquee or be attached to the underside hereof.

b. Letters or symbols on such sign shall not exceed sixteen (16) inches in height.

c. The bottom of such sign shall have a minimum clearance of ten (10) feet above the sidewalk.

8. Shopping Center Signs in the C-1 District – Occupants of a Shopping Office or Commercial Center, Mall or Complex are permitted one on-premises identification sign in addition to the common sign identifying the occupants of such a center of complex. Said common sign identifying the occupants of such a center or complex is the Shopping Center sign.

9. Digital/Electronic Message Display signage may be allowed for on-premises [**and off-premises**] signage as a Special Exception in the C-1 District, provided that

a. Off-premises signage conforms to section 14-2.

b. On-premises signage conform 14-2 Sign Regulation.

c. Message Display Time: Sign display remains static for a minimum of 8 seconds and requires instantaneous change of the display (i.e.no “fading” in/out of the message).

d. Message Change Sequence: The change of message shall occur within one (1) second or less.

e. Scrolling: Scrolling and animation within the sign message is prohibited.

f. Luminance: Brightness is limited to 7,500 nits during daylight and 500 nits at night.

g. Brightness: Signage shall have automatic brightness control keyed to ambient light levels.

h. Default: Signage display is required to default dark if there is a malfunction.

R. No sign shall not be 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.

S. No sign shall 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.

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

U. Maintenance. Any advertising sign, together with its supports, braces, guys, anchors, and electrical equipment, shall be kept fully operable, in good repair, and maintained in a safe manner and in a neat, clean, and attractive condition. The display surfaces of all advertising signs shall be kept neatly painted or posted.

Section 2. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XIV: Special Provisions, as follows, in order to add a new section regulating Wind Energy Facilities.

SECTION 2

Wind Energy Facilities

A. PURPOSE

1. The purpose of this Section is to provide for the construction, operation and decommissioning of Wind Energy Facilities in Ligonier Township., subject to reasonable conditions that will protect public health, safety and welfare.

B. DEFINITIONS

1. "Applicant" is the person or entity filing an application under this Section.
2. "Facility Owner" means the entity or entities having an equity interest in the Wind Energy Facility, including their respective successors and assigns.
3. "Operator" means the entity responsible for the day-to-day operation and maintenance of the Wind Energy Facility.
4. "Hub Height" means the distance measured from the surface of the tower foundation to the height of the Wind Turbine hub, to which the blade is attached.
5. "Occupied Building" means a residence, school, hospital, church, public library or other building used for public gathering that is occupied or in use when the permit application is submitted.
6. "Turbine Height" means the distance measured from the surface of the tower foundation to the highest point of the turbine rotor plane.
7. "Wind Turbine" means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator, and includes the nacelle, rotor, tower, and pad transformer, if any.
8. "Wind Energy Facility" means an electric generating facility, whose main purpose is to supply electricity, consisting of one or more Wind Turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines and other appurtenant structures and facilities.
9. "Non-Participating Landowner" means any landowner except those on whose property all or a portion of a Wind Energy Facility is located pursuant to an agreement with the Facility Owner or Operator.

C. APPLICABILITY

1. This Section applies to all Wind Energy Facilities proposed to be constructed after the effective date of this Section, except that this Section is not intended to apply to stand-alone Wind Turbines constructed primarily for residential or farm use.

D. PERMITTED USE:

1. Wind Energy Facility shall be considered a Conditional Use in the following Zones: A-1 (Agricultural) and I-1 (industrial).

E. PERMIT REQUIREMENT

1. No Wind Energy Facility, or addition of a Wind Turbine to an existing Wind Energy Facility, shall be constructed or located within Ligonier Township, unless a Zoning Permit has been issued to the Facility Owner or Operator approving construction of the facility under this Section.
2. Prior to issuance of a Zoning Permit the Applicant will insure that all government permits required by State and Federal Law have been obtained,
3. Any physical modification to an existing and permitted Wind Energy Facility that materially alters the size, type and number of Wind Turbines or other equipment shall require a permit modification under this Section. Like-kind replacements shall not require a permit modification.

F. PERMIT APPLICATION

1. The permit application shall demonstrate that the proposed Wind Energy Facility will comply with this Section.
2. Among other things, the application shall contain the following:
 - a) A narrative describing the proposed Wind Energy Facility, including an overview of the project; the project location; the approximate generating capacity of the Wind Energy Facility; the approximate number, representative types and height or range of heights of Wind Turbines to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.
 - b) An affidavit or similar evidence of agreement between the property owner and the Facility Owner or Operator demonstrating that the Facility Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Wind Energy Facility.
 - c) Identification of the properties on which the proposed Wind Energy Facility will be located, and the properties adjacent to where the Wind Energy Facility will be located.
 - d) A site plan showing the planned location of each Wind Turbine, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Wind Energy Facility to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - e) Documents related to decommissioning including a schedule for decommissioning **and post the Decommissioning Funds equal to 100% of decommissioning cost of the proposed project as described in Section N DECOMMISSIONING.**
 - f) Other relevant studies, reports, certifications and approvals as may be reasonably requested by Ligonier Township] to ensure compliance with this Section.
3. Throughout the permit process, the Applicant shall promptly notify Ligonier Township of any changes to the information contained in the permit application.
4. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

5. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Ligonier Township stormwater management regulations.

G. DESIGN AND INSTALLATION

1. *Design Safety Certification:* The design of the Wind Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute. The Applicant shall submit certificates of design compliance obtained by the equipment manufacturers from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energies, or other similar certifying organizations.
2. *Uniform Construction Code:* To the extent applicable, the Wind Energy Facility shall comply with the Pennsylvania Uniform Construction Code, Act 45 of 1999 as amended and the regulations adopted by the Department of Labor and Industry.
3. *Controls and Brakes:* All Wind Energy Facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
4. *Electrical Components:* All electrical components of the Wind Energy Facility shall conform to relevant and applicable local, state and national codes, and relevant and applicable international standards.
5. **Tree and Landscaping Removal: No trees or other landscaping otherwise required by the Township ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a Wind Energy Facility.**
6. *Visual Appearance; Power Lines:*
 - a) Wind Turbines shall be a non-obtrusive color such as white, off-white or gray.
 - b) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority that regulates air safety.
 - c) Wind Turbines shall not display advertising, except for reasonable identification of the turbine manufacturer, Facility Owner and Operator. As long as the requirements in Section 14-2 of this Section are followed.
 - d) On-site transmission and power lines between Wind Turbines shall, to the maximum extent practicable, be placed underground.
7. *Warnings:*
 - a) A clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
 - b) Visible, reflective, colored objects, such as flags, reflectors, or tape shall be placed on the anchor points of guy wires and along the guy wires up to a height of ten feet from the ground.
8. *Climb Prevention/Locks:*
 - a) Wind Turbines shall not be climbable up to fifteen (15) feet above ground surface.
 - b) All access doors to Wind Turbines and electrical equipment shall be locked or fenced, as appropriate, to prevent entry by non-authorized persons.
8. *Fencing:*
 - a) Security fencing of a least eight (8) feet high is required around each Wind

Turbine or around the entire Wind Energy Facility which must be located inside the perimeter of any screening.

H. SETBACKS

1. *Occupied Buildings:*

- a) Wind Turbines shall be set back from the nearest Occupied Building a distance of not less than 150 feet or 1.5 times the maximum height of the Turbine Blade at its vertical position, whichever is greater. These setback distances shall be measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
 - b) Wind Turbines shall be set back from the nearest Occupied Building located on a Non-participating Landowner's property a distance of not less than five (5) times the maximum height of the Turbine Blade at its vertical position, as measured from the center of the Wind Turbine base to the nearest point on the foundation of the Occupied Building.
2. *Property lines:* All Wind Turbines shall be set back from the nearest property line a distance of not less than 250 feet or 2.5 times the maximum height of the Turbine Blade at its vertical position, whichever is greater. The setback distance shall be measured to the center of the Wind Turbine base.
 3. *Public Roads:* All Wind Turbines shall be set back from the nearest public road a distance of not less than 250 feet or 2.5 times the maximum height of the Turbine Blade at its vertical position, whichever is greater, as measured from the right-of-way line of the nearest public road to the center of the Wind Turbine base.
 4. No other portion of the wind energy facility shall extend beyond these setbacks.

I. USE OF PUBLIC ROADS

1. The Applicant shall identify all state and local public roads to be used within the Ligonier Township to transport equipment and parts for construction, operation or maintenance of the Wind Energy Facility.
2. When required the Applicant will obtain from Ligonier Township a Heavy Load Permit and/or the proper state government permit.

J. LOCAL EMERGENCY SERVICES

1. The Applicant shall provide a copy of the project summary and site plan to local emergency services, including paid or volunteer Fire Department(s).
2. Upon request, the Applicant shall cooperate with emergency services to develop and coordinate implementation of an emergency response plan for the Wind Energy Facility.
3. **The owner/operator will ensure that there is proper access to the entire property as necessary for EMS services and utilities services.**

K. NOISE AND SHADOW FLICKER

1. Audible sound from a Wind Energy Facility shall not exceed fifty (55) dBA, as measured at the exterior of any Occupied Building on a Non-participating Landowner's property. Methods for measuring and reporting acoustic emissions from Wind Turbines and the Wind Energy Facility shall be equal to or exceed the minimum standards for precision described in AWEA Standard 2.1 - 1989 titled *Procedures for the Measurement and*

Reporting of Acoustic Emissions from Wind Turbine Generation Systems Volume I: First Tier.

2. The Facility Owner and Operator shall make reasonable efforts to minimize shadow flicker to any Occupied Building on a Non-participating Landowner's property.

L. SIGNAL INTERFERENCE

The Applicant shall make reasonable efforts to avoid any disruption or loss of radio, telephone, television or similar signals, and shall mitigate any harm caused by the Wind Energy Facility.

M. LIABILITY INSURANCE

There shall be maintained a current general liability policy covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. Certificates shall be made available to Ligonier Township upon request.

N. DECOMMISSIONING

1. Operation of the Wind Energy Facility shall be continuous. Continuous operations mean that operations are ongoing and have sustained activities consistent with the permitted (approved) Wind Energy Facility. There shall not be a stoppage of continuous operations for more than six (6) months. The Wind Energy Facility owner is required to notify the Township immediately upon cessation or abandonment of the operation.
2. The Facility Owner and Operator shall, at its expense, complete decommissioning of the Wind Energy Facility, or individual Wind Turbines, within (6) twelve months after the end of the useful life of the Facility or individual Wind Turbines. The Wind Energy Facility or individual Wind Turbines will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (6) months.
3. Decommissioning shall include removal of Wind Turbines, buildings, cabling, electrical components, roads, foundations to a depth of 36 inches, and any other associated facilities.
4. Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.
5. **An independent and certified Professional Engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") without regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). Said estimates shall be submitted to Ligonier Township after the first year of operation and every fifth year thereafter.**
6. **The Facility Owner or Operator shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs; provided, that at no point shall Decommissioning Funds be less than One Hundred percent (100%) of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or Commonwealth chartered lending institution chosen by the Facility Owner or Operator and participating landowner posting the financial security, provided that the bonding company or lending institution is authorized to conduct such business within the Commonwealth and is approved by Ligonier Township.**

7. **Decommissioning Funds may be in the form of a performance bond, surety bond, corporate guarantee or other form of financial assurance as may be acceptable to Ligonier Township.**
8. If the Facility Owner or Operator fails to complete decommissioning within the period prescribed by Paragraph 17(A), then the landowner shall have six (6) months to complete decommissioning.
9. If neither the Facility Owner or Operator, nor the landowner complete decommissioning within the periods prescribed by Paragraphs 17(A) and 17(G), then Ligonier Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to Ligonier Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that Ligonier Township may take such action as necessary to implement the decommissioning plan.
10. The escrow agent shall release the Decommissioning Funds when the Facility Owner or Operator has demonstrated and the municipality concurs that decommissioning has been satisfactorily completed, or upon written approval of the municipality in order to implement the decommissioning plan.

O. PUBLIC INQUIRIES AND COMPLAINTS

1. The Facility Owner and Operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.
2. The Facility Owner and Operator shall make reasonable efforts to respond to the public's inquiries and complaints.

P. REMEDIES

1. It shall be unlawful for any person, firm, or corporation to violate or fail to comply with or take any action which is contrary to the terms of this Section, or any permit issued under this Section, or cause another to violate or fail to comply, or to take any action which is contrary to the terms of this Section or any permit issued under this Section.
2. If the Ligonier Township determines that a violation of this Section or the permit has occurred, the Ligonier Township shall provide written notice to any person, firm, or corporation alleged to be in violation of this Section or permit. If the alleged violation does not pose an immediate threat to public health or safety, Ligonier Township and the parties shall engage in good faith negotiations to resolve the alleged violation. Such negotiations shall be conducted within thirty (30) days of the notice of violation.
3. If after thirty (30) days from the date of the notice of violation Ligonier Township determines, in its discretion, that the parties have not resolved the alleged violation, Ligonier Township may institute civil enforcement proceedings or any other remedy at law to ensure compliance with this Section or permit.

Section 3. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XIV: Special Provisions, as follows, in order to add a new section regulating Solar Energy Systems.

SECTION 3

Solar Energy Systems

A. **PURPOSE:** The purpose of this Section is to provide for the construction, operation, and decommissioning of Solar Energy Systems in Ligonier Township., subject to reasonable conditions that will protect public health, safety and welfare.

B. **DEFINITIONS**

1. *ACCESSORY SOLAR ENERGY SYSTEM (ASES):* (often referred to as residential solar) An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for on-site use. An accessory solar energy system consists of one (1) or more free-standing ground, or roof mounted, solar arrays or modules, or solar related equipment and is intended to primarily reduce on-site consumption of utility power or fuels.
2. *PRINCIPAL SOLAR ENERGY SYSTEM (PSES):* (often referred to as Solar Farm or Commercial Solar) An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power and supply electrical or thermal power primarily for off-site use. Principal solar energy systems consist of one (1) or more free-standing ground, or roof mounted, solar collector devices, solar related equipment and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers; substations; electrical infrastructure; transmission lines and other appurtenant structures.
3. *SOLAR ENERGY:* Radiant energy (direct, diffuse and/or reflective) received from the sun.
4. *SOLAR ENERGY SYSTEM:* A solar photovoltaic cell, module, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.
5. *SOLAR ARRAY:* A grouping of multiple solar modules with the purpose of harvesting solar energy.
6. *SOLAR CELL:* The smallest basic solar electric device which generates electricity when exposed to light.
7. *SOLAR MODULE:* A grouping of solar cells with the purpose of harvesting solar energy.
8. *SOLAR RELATED EQUIPMENT:* Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing and possibly foundations or other structures used or intended to be used for collection of solar energy.

C. **APPLICABILITY**

1. This Section applies to only Principal Solar Energy systems proposed to be constructed after the effective date of this Section, except this Section is not intended to apply to Accessory Solar Energy Systems constructed primarily for residential or accessory use.

D. PERMITTED USES

1. Principal Solar Energy systems shall be considered a conditional use for the following Zones (A-1) Agriculture and (I-1) Industry.
2. Accessory Solar Energy systems shall be allowed in all Zones and may be installed with the necessary construction, electrical and/or mechanical permit(s).

E. PERMIT REQUIREMENTS

1. No Principal Solar Energy system, or addition to an existing Principal Solar Energy system, shall be constructed or located within Ligonier Township, unless a Zoning Permit has been issued to the Facility Owner or Operator approving construction of the facility under this Section.
2. Prior to issuance of a Zoning Permit the Applicant will insure that all government permits required by State and Federal Law have been obtained,
3. Any physical modification to an existing and permitted Principal Solar Energy system that materially alters the size, type and number of Solar Cells or other equipment shall require additional permitting under this Section. Like-kind replacements shall not require a permit modification.
4. Prior to the issuance of a zoning permit, PSES applicants must acknowledge in writing that the issuing of said permit shall not and does not create in the property owner, its, his, her or their successors and assigns in title or, create in the property itself : (a) the right to remain free of shadows and/or obstructions to solar energy caused by development of adjoining or other property or the growth of any trees or vegetation on such property; or (b) the right to prohibit the development on or growth of any trees or vegetation on such property.
5. The applicant shall submit a Stormwater Management Plan that demonstrates compliance with the Ligonier Township stormwater management regulations.
6. PSES owners are encouraged to use low maintenance and low growing vegetative surfaces under the system as a best management practice for storm water management.
7. A building permit is required for construction of any Accessory Solar Energy system within the Township.

F. PERMIT APPLICATION

1. The permit application shall demonstrate that the proposed Principal Solar Energy system will comply with this Section.
2. Among other things, the application shall contain the following:
 - a) A narrative describing the proposed Principal Solar Energy system, including an overview of the project; the project location; the approximate generating capacity of the Principal Solar Energy system; the approximate number, representative types and height or range of heights of Solar components to be constructed, including their generating capacity, dimensions and respective manufacturers, and a description of ancillary facilities.

- b) An affidavit or similar evidence of agreement between the property owner and the System Owner or Operator demonstrating that the System Owner or Operator has the permission of the property owner to apply for necessary permits for construction and operation of the Principal Solar Energy system.
 - c) Identification of the properties on which the proposed Principal Solar Energy system will be located, and the properties adjacent to where the Principal Solar Energy system will be located.
 - d) A site plan showing the planned location of each Solar Component, property lines, setback lines, access road and turnout locations, substation(s), electrical cabling from the Principal Solar Energy system to the substation(s), ancillary equipment, buildings, and structures, including permanent meteorological towers, associated transmission lines, and layout of all structures within the geographical boundaries of any applicable setback.
 - e) Documents related to decommissioning including a schedule for decommissioning.
 - f) Other relevant studies, reports, certifications and approvals as may be reasonably requested by Ligonier Township] to ensure compliance with this Section.
3. Throughout the permit process, the Applicant shall promptly notify Ligonier Township of any changes to the information contained in the permit application.
 4. Changes to the pending application that do not materially alter the initial site plan may be adopted without a renewed public hearing.

G. SETBACKS AND HEIGHT RESTRICTIONS

1. *Lot Size:* A PSES shall require a lot size of not less than ten (10) acres.
2. *Setbacks:* A PSES shall be setback distance of not less than 100 feet to any property line
3. *Height:*
 - a) Ground mounted PSES shall not exceed 20 feet in height.
 - b) A Solar Energy system mounted on a roof shall conform to the height of the Zone where the Solar Energy system is installed.
4. *Lot Coverage:* The surface area of the arrays of a ground mounted PSES, regardless of the mounted angle of any solar panels, shall be considered impervious and calculated in the lot coverage of the lot on which the system is located. The PSES shall not exceed the maximum lot coverage requirements of the underlying zoning district.

H. DESIGN AND INSTALLATION

1. *Compliance with Industry Standards:* The PSES layout, design and installation shall conform to applicable industry standards, such as those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), , Institute of Electrical and Electronics Engineers (IEEE), Solar Rating and Certification Corporation (SRCC), Electrical Testing Laboratory (ETL), Florida Solar Energy Center (FSEC) or other similar certifying organizations, and shall comply with the PA Uniform Construction Code, regulations adopted by the Pennsylvania Department of Labor and Industry, and with all other applicable fire and life safety requirements. The manufacturer specifications for the key components of the system shall be submitted as part of the permit application.

2. *Maintain in Good Working Order:* Upon completion of installation, the PSES shall be maintained in good working order in accordance with manufacturer's standards of and any other codes under which the PSES was constructed. Failure of the owner to maintain the PSES in good working order is grounds for appropriate enforcement actions by Ligonier Township in accordance with applicable ordinances.
3. **Local Emergency Services: The owner/operator will ensure that there is proper access to the entire property as necessary for EMS services and utilities services.**
4. *Underground Requirements:* All on-site transmission and plumbing lines shall be placed underground to the extent feasible.
5. *Utility Notification:* The owner of a PSES shall provide Ligonier Township with written confirmation that the public utility company to which the PSES will be connected has been informed of the customer's intent to install a grid connected system and approved of such connection.
6. *Signage:* No portion of the PSES shall contain or be used to display advertising. The manufacturer's name and equipment information or indication of ownership shall be allowed on any equipment of the PSES provided they comply with the prevailing sign regulations.
7. *Glare:*
 - a) All PSES shall be placed such that concentrated solar radiation or glare does not project onto any structures or roadways.
 - b) The applicant has the burden of proving that any glare produced does not have a significant adverse impact on neighboring or adjacent uses either through siting or mitigation.
8. *Noise Study:* A noise study shall be performed and included in the zoning/building permit application. The noise study shall be performed by an independent noise study expert and paid for by the applicant. Noise from a PSES shall not exceed 50dBA, as measured at the property line.
9. *Tree and Landscaping Removal:* No trees or other landscaping otherwise required by the Township ordinances or attached as a condition of approval of any plan, application, or permit may be removed for the installation or operation of a PSES.
10. *Contact Information:* The PSES owner and/or operator shall provide current contact information to the Township which includes at minimum a phone number and identifies a responsible person for the Township or public to contact regarding emergencies, inquiries and complaints throughout the life of the project. The PSES owner and/or operator shall the Board of Supervisors a written plan outlining procedures on how complaints will be addressed. For the life of the project, the current contact information shall be conspicuously posted upon locations throughout the property.
11. *Solar Easements:* Where a subdivision or land development proposes a PSES, solar easements may be provided. If a solar easement, intended to guarantee unobstructed solar access, is desired by the applicant and/or property owner for an ASSES, such matter shall be carried out as a civil agreement between or among all applicable parties. Ligonier Township shall not be a party to any agreement designed to provide a solar easement, nor shall Ligonier Township be responsible for ensuring the maintenance of any solar easement. Said easements shall be in writing, and shall be subject to the same conveyance and instrument recording requirements as other easements. Any such easements shall be

appurtenant; shall run with the land benefited and burdened; and shall be defined and limited by conditions stated in the instrument of conveyance.

12. *Decommissioning:*

- a) The PSES owner is required to notify Ligonier Township immediately upon cessation or abandonment of the operation. The PSES shall be presumed to be discontinued or abandoned if no electricity is generated by such system for a period of twelve (12) continuous months.
- b) The PSES owner shall then have twelve (12) months in which to dismantle and remove the PSES including all solar related equipment or appurtenances related thereto, including but not limited to buildings, cabling, electrical components, roads, foundations and other associated facilities from the property. The owner shall also restore the land to its original condition, including forestry plantings of the same type/variety and density as the original. If the owner fails to dismantle and/or remove the PSES and restore the land within the established time frames, Ligonier Township may complete the decommissioning and land restoration at the owner's expense.
- c) At the time of issuance of the permit for the construction of the PSES, the owner shall provide financial security in the form and amount acceptable to Ligonier Township to secure the expense of dismantling and removing said PSES and restoration of the land to its original condition, including forestry plantings of the same type/variety and density as the original.

Section 4. Ordinance number 2015-OR-04, as amended, entitled "Ligonier Township Zoning Ordinance" is hereby further amended by creating a new Article, entitled Article XXIV: Special Provisions, as follows, in order to Short Term Rental Units.

ARTICLE 4

Short Term Rental Units

- A. **PURPOSE:** The purpose of this Article is to provide for the operation and permitting of Short Term Rental Units in Ligonier Township, so as to provide for the health, safety and general welfare of its citizens within Ligonier Township, and to protect all property owners and residents from the detrimental effects of unregulated short-term rentals.
- B. **DEFINITIONS:** For the purposes of this Article, words and terms used herein shall be interpreted as follows:
1. **BEDROOM:** A room or space designed to be used for sleeping purposes with two means of egress (one of which may be a window acceptable under the building code) and in close proximity to a bathroom. Space used for eating, cooking, bathrooms, toilet rooms, closets, halls, storage or utility rooms and similar uses are not considered Bedrooms. Space used or intended for general and informal everyday use such as a living room, den, and sitting room or similar is not to be considered a Bedroom.

2. *DWELLING UNIT*: One or more rooms, occupied or intended for occupancy, as separate living quarters by a Family Unit, the members of which have unrestricted access to all other parts thereof, with cooking, sleeping, and sanitary facilities provided therein, for the exclusive use of that single family unit.
3. *PERSON IN CHARGE*: A person or agent with actual authority to represent the owner for purposes of contact and communication regarding the owner's Short Term Rental. A Person in Charge must reside or have an office within approximately thirty (30) miles of the Short Term Rental Property and be able to act as legal agent for the owner. The Township/Borough must be notified, in writing, within fourteen (14) days if there is a change in the identity of the Person in Charge.
4. *SHORT TERM RENTAL*: Any Dwelling Unit utilized as a single-family residence rented for the purpose of overnight lodging for a period of thirty (30) days or less.

C. APPLICABILITY

1. The provisions of this Article shall apply to all residential dwelling units, conversions of non-residential structures to residential dwellings, and all existing premises within the Ligonier Township]. The owner of the subject property shall be responsible for compliance with the provisions of this Article and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Article shall be deemed noncompliance by the owner.
2. **This Article shall also not apply to a retreat, camp, hotel/motel/inn, bed and breakfast, halfway, or group home, as defined within the Zoning Ordinance.**
3. Owners of existing Short Term Rentals operating in the Township at the time of approval of this article will have a period of (6) six months to apply for a Zoning Occupancy Permit for each Short Term Rental they own.
4. This Section is not intended to, and does not, excuse any landowner from compliance with the Ligonier Township Zoning Ordinance, as amended from time to time. Whenever possible, this Section and the All Other Township Ordinances should be construed and interpreted as being consistent, and not in conflict.

D. *PERMITTED USES*: A Short Term Rental Unit shall be considered a permitted use for the following Zones: (A-1) Agriculture; (R-1) Rural Residential; (R-2) Suburban Residential; (C-1) Neighborhood Commercial, and; (V) Village.

E. PERMIT REQUIREMENTS / PERMIT APPLICATION

1. A Zoning Occupancy Permit application for a Short Term Rental Unit shall contain all of the following.
 - a) The name, address, telephone number and email address of the owner. If the owner does not have a managing agency, agent or local contact person then the owner shall provide a 24 hour telephone number. If the owner uses a managing agency, agent or local contact person then that managing agency, agent or local contact person shall have written authorization to accept service for the owner. If the owner resides at a location over approximately thirty (30) miles from the Short Term Rental Property, an agent or local contact person must be selected to act as Person in Charge for the property.

- b) The name, address and 24-hour telephone number of the managing agency, agent or local contact person.
 - c) If the building is a multi-unit structure, the total number of dwelling units in the structure and the number of dwelling units being used as Short Term Rentals.
 - d) A diagram or photograph showing the location and number of on-site parking spaces.
 - e) Owner shall attest that the required notice in Section (J) of this Article is properly posted.
 - f) The total number of bedrooms and maximum number of guests.
 - g) Copies of current Westmoreland County Hotel Room Tax Certificate and current Pennsylvania Sales Tax License.
2. A Zoning Occupancy Permit shall be issued only to the owner of the Short Term Rental Unit and is non-transferable.
- a) A separate Zoning Occupancy Permit is required for each Dwelling Unit; for Two-Family or Multi-Family Dwellings, a separate Permit shall be required for each Dwelling Unit being rented as a Short Term Rental.
 - b) A Zoning Occupancy Permit for a Short Term Rental is effective for a period of one (1) year from issuance, or until any of the conditions of the Short Term Rental which are governed by this Article are changed, whichever shall first occur. A Short Term Permit must be renewed annually and also when any of the conditions of the Short Term Rental which are governed by this Article are changed.

F. SHORT TERM RENTAL UNIT STANDARDS

1. The number of bedrooms permitted for a short-term rental shall not exceed the number of bedrooms approved for the dwelling on the sewage permit issued for such property, and the Sewage Enforcement Officer may require any additional testing as determined by himself to insure the on-site system is adequate for the use as a short term rental and complies with any applicable PA DEP sewage regulations.
2. Where there is no sewage permit on record, the short-term rental for such a dwelling shall be limited to the number of bedrooms that have been historically maintained in the dwelling based on documentation provided by the owner and which is verified by the Township. Should the Township determine that the evidence provided is not adequate to document the proposed number of bedrooms, the number of bedrooms shall be limited to three (3) and a dye test may be required by the Township Sewage Enforcement Office to confirm that the on-site system is functioning in accordance with applicable regulations.
3. Outdoor parking for overnight and day guests shall be limited to available parking areas on the Short Term Rental property. In no event shall parking for Short Term Rental guests include spaces in any public street right-of-way or on any lawns or vegetated areas.
4. Neither Short Term Rental occupants nor guests shall engage in disorderly conduct or disturb the peace and quiet of any nearby neighborhood or person by loud, unusual or excessive noise, by tumultuous or offensive conduct, public indecency, threatening, traducing, quarreling, challenging to fight, or fighting, or creating a dangerous or physically offensive condition.

5. The owner shall use best efforts to assure that the occupants or guests of the Short Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or otherwise violate provisions of the Ligonier Township Code or any state law pertaining to noise or disorderly conduct including, but not limited to, notifying the occupants of the rules regarding Short Term Rentals and responding when notified that occupants are violating laws, ordinances or regulations regarding their occupancy.
6. The owner shall, upon notification that occupants or guests of the Short Term Rental have created unreasonable noise or disturbances, engaged in disorderly conduct or otherwise violated provisions of the Ligonier Township Code or state law pertaining to noise or disorderly conduct, promptly use best efforts to prevent a recurrence of such conduct by those occupants or guests.
7. A Short Term Rental shall not have any outside appearance indicating a change of use from the surrounding uses.
8. Fireworks and floating lanterns are prohibited.
9. Subleasing all or a portion of the dwelling unit is prohibited.
10. All Short Term Rentals shall have a clearly visible and legible notice posted within the dwelling unit on or adjacent to the front door containing the following information:
 - a) The name of the owner of the unit or the managing agency, agent, property manager, or local contact authorized in writing to accept service for the owner of the unit and a telephone number at which that party can be reached on a 24-hour basis.
 - b) The 911 address of the property.
 - c) The maximum number of occupants permitted to stay in the dwelling unit and the maximum number of day guests permitted at any one time.
 - d) The maximum number of all vehicles allowed to be on the property and the requirement that all guest parking must be parked in the available parking areas on the property and not in or along any private, community or public street right-of-way or on any lawn or vegetated area on the property.
 - e) The trash pick-up day and notification that trash and refuse shall not be left or stored on the exterior of the property unless in a receptacle designed for such purpose.
 - f) Notification that an occupant or guest may be cited and fined for creating a disturbance or for violating other provisions of the Ligonier Township Code, including parking and occupancy limits.
11. Compliance with the requirements of this section shall be considered conditions of a Zoning Occupancy Permit for a Short Term Rental Unit, the violation of which may result in a revocation of that permit by the Zoning and Code Enforcement Officer.

Section 5. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XIV: Special Provisions, as follows, in order to add a new section regulating Medical Marijuana Dispensaries.

SECTION 5 MEDICAL MARIJUANA DISPENSARIES

- A. **PURPOSE:** The purpose of this Section is to provide for the construction and operation of **MEDICAL MARIJUANA DISPENSARIES** in Ligonier Township, subject to reasonable conditions that will protect public health, safety and welfare.
- B. **PERMITTED USES:** **MEDICAL MARIJUANA DISPENSARIES** shall be considered a Special Exception use for the following Zones: (C-1) Neighborhood Commercial; (C-2) Highway Commercial, and; (V) Village.
- C. **MEDICAL MARIJUANA DISPENSARY REGULATIONS.**
1. Proof of all necessary approvals shall be submitted to the Township prior to approval.
 2. Shall be legally registered in the commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
 3. Shall comply with the separation requirements set forth in the Medical Marijuana Act.1 and all other governmental policies, laws and regulations.
 4. Shall comply with all applicable Ligonier Township Ordinances, including but not limited to those dealing with Zoning, Stormwater management, Floodplain management and permitting.
 5. Must follow all setbacks prescribed by the Zone the property is designated in.
 6. A **MEDICAL MARIJUANA DISPENSARY** shall not be located within one thousand (1,000’) feet of any of the following.
 - a) School, elementary or secondary
 - b) School, instructional
 - c) College or University
 - d) Camp (for minors’ activity)
 - e) Day care of Nursery School
 - f) Place of Worship
 - g) Library
 - h) Museum
 - i) Indoor Recreation Facility
 - j) Outdoor Recreation Facility
 - k) Other locations where minors congregate
 7. A **MEDICAL MARIJUANA DISPENSARY** shall not be located with three thousand (3,000’) of another **MEDICAL MARIJUANA DISPENSARY**.
 8. A **MEDICAL MARIJUANA DISPENSARY** will have the same parking requirements as Retail/Commercial as referenced in this ordinance.

Section 6. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XIV: Special Provisions, as follows, in order to add a new section regulating Medical Marijuana Dispensaries.

SECTION 6 MEDICAL MARIJUANA GROWING AND PROCESSING FACILITIES

- A. **PURPOSE:** The purpose of this Section is to provide for the construction and operation of **MEDICAL MARIJUANA GROWING AND PROCESSING FACILITIES** in Ligonier Township., subject to reasonable conditions that will protect public health, safety and welfare.
- B. **PERMITTED USES:** A **MEDICAL MARIJUANA GROWING AND PROCESSING FACILITIES** shall be considered a Special Exception use for the following Zones (A-1) Agriculture, (C-2) Highway Commercial and (I-1) Industry.
- C. **MEDICAL MARIJUANA DISPENSARY REGULATIONS.**
1. Proof of all necessary approvals shall be submitted to the Township prior to approval.
 2. Shall be legally registered in the commonwealth and possess a current valid medical marijuana permit from the Pennsylvania Department of Health.
 3. Shall comply with the separation requirements set forth in the Medical Marijuana Act.1 and any other lawful and applicable regulations imposed by state and/or federal laws or regulations.
 4. Shall comply with all applicable Ligonier Township Ordinances, including but not limited to those dealing with Zoning, Stormwater management, Floodplain management and permitting.
 5. Must follow all setbacks prescribed by the Zone the property is designated in.
 6. **MEDICAL MARIJUANA GROWING AND PROCESSING FACILITIES** shall not be located within one thousand (1,000’) feet of any of the following.
 - a) School, elementary or secondary
 - b) School, instructional
 - c) College or University
 - d) Camp (for minors’ activity)
 - e) Day care or Nursery School
 - f) Place of Worship
 - g) Library
 - h) Museum
 - i) Indoor Recreation Facility
 - j) Outdoor Recreation Facility
 - k) Other locations where minors congregate

7. A MEDICAL MARIJUANA GROWING AND PROCESSING FACILITIES shall not be located with three thousand (3,000') of another MEDICAL MARIJUANA GROWING AND PROCESSING FACILITIES.
8. All odors shall be managed by ventilation and exhaust equipment with operable filtration so that any odors are effectively confined to the interior of the building. There shall be no emission of dust, fumes, vapors, odors, or waste into the environment that can be seen, smelled, or otherwise perceived beyond the facility.
9. Shall only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance and other features required by the Pennsylvania Department of Health. The grower/processor facility shall not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other motor vehicle.
10. Any use which may be noxious or offensive due to the emission of odor, dust, fumes, smoke, gas, vibration or noise as to constitute a nuisance is prohibited.
11. A MEDICAL MARIJUANA GROWING AND PROCESSING FACILITIES will have the same parking requirements as an Industrial Use as referenced in this ordinance.

Section 7. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XIV: Special Provisions, as follows, in order to add a new section regulating Rehabilitation Centers.

SECTION 7 REHABILITATION/TREATMENT CENTERS

- A. **PURPOSE:** The purpose of this Section is to provide for the construction and operation of, REHABILITATION/TREATMENT CENTERS in Ligonier Township., subject to reasonable conditions that will protect public health, safety and welfare.
- B. **DEFINITIONS**
 1. *Rehabilitation/Treatment Center:* A facility that provides recovery and treatment care programs and services to individuals who sustain injuries and/or suffer from diseases addiction, or are in need. Facility may be public or private, and may offer different types of therapies, such as physical, occupational, and speech therapy, as well as specialty therapies
- C. **PERMITTED USES:** REHABILITATION/TREATMENT CENTER shall be considered a Special Exception use for the following Zones (I-1) Industry and (C-2) Highway Commercial.
- D. **REHABILITATION/TREATMENT CENTERS REGULATIONS.**
 1. Proof of all necessary approvals shall be submitted to the Township prior to approval.
 2. Shall comply with any and all other applicable regulations imposed by state and/or federal laws or regulations.

3. Shall comply with all applicable Ligonier Township Ordinances, including but not limited to those dealing with Zoning, Stormwater management, Floodplain management and permitting.
4. The minimum parcel size shall be five (5) acres.
5. All buildings and all secure areas shall not be less than one hundred (100) feet from any property line and the right-of-way line of any abutting public road. Increased setbacks and buffers may be required in cases where adjoining properties will be negatively affected by the proposed facility
6. The applicant shall provide a traffic study to ensure that adjacent public streets shall be adequate to accommodate traffic volumes to and from the site without endangering public safety.
7. The applicant shall provide a water and sewer feasibility study with its application. The water and sewer feasibility study shall specify the maximum occupancy of the Rehabilitation/Treatment Center, the estimated water consumption, the source of water, estimated sewage flows, method of sewage disposal, and other relevant information. The water and sewer feasibility study shall demonstrate that an adequate water supply exists (quantity and quality) to serve the intended uses and shall demonstrate that the use will not have an adverse impact on adjoining existing uses and future groundwater withdrawal.
8. The applicant shall submit a written plan for the long term operation and management of the Rehabilitation/Treatment Center with its application to the Zoning Hearing Board. Such plan shall at a minimum identify the entity which will own the Rehabilitation/Treatment Center, the entity which will operate the retreat, staffing and management of the retreat, sanitary sewage disposal system operation and maintenance; water supply system operation and maintenance; street and access drive maintenance and similar matters.
9. The applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, types of patients and/or residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security. The plan shall, at a minimum, reasonably restrict unauthorized entry and/or exit to and from the property and provide for effective separation from adjoining property by means of fencing, signs or a combination thereof. Emergency evacuations and temporary quarters for facility residents shall be addressed. The plan shall also address measures to ensure that lighting and noise is controlled.
10. Sufficient areas shall be provided on site so that no vehicles are parked on adjacent public streets; such areas needs be on an improved surface.
11. A REHABILITATION/TREATMENT CENTERS shall not be located within one thousand (1,000') feet of any of the following.
 - a) School, elementary or secondary.
 - b) School, instructional.
 - c) College or University.
 - d) Camp (for minors' activity).

- e) Day care of Nursery School.
 - f) Place of Worship.
 - g) Library.
 - h) Museum.
 - i) Indoor Recreation Facility.
 - j) Outdoor Recreation Facility.
 - k) Other locations where minors congregate.
 - l) Another Rehab/Rehabilitation/Treatment Center.
12. A REHABILITATION/TREATMENT CENTER will have the same parking requirements as a Hospital/Clinic as referenced in this ordinance.

Section 8. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XIV: Special Provisions, as follows, in order to add a new section regulating Retreat Centers.

SECTION 8 RETREAT CENTERS

A. **PURPOSE:** The purpose of this Section is to provide for the construction and operation of, **RETREAT CENTERS** in Ligonier Township., subject to reasonable conditions that will protect public health, safety and welfare.

B. **DEFINITIONS**

1. **Retreat Center:** A building or group of buildings oriented to using the natural features and outdoor character of the area for short-term stays for the purpose of a respite from ordinary day-to-day living by way of solitude, meditation, prayer and group activities designed to restore physical, mental and spiritual well-being including passive recreation (non-motorized) oriented to appreciating the outdoor and natural character of the area.

C. **RETREAT CENTERS** shall be considered a Conditional use for the following Zones (I-1) Industry and (C-2) Highway Commercial.

D. **RETREAT CENTERS REGULATIONS.**

1. Proof of all necessary approvals shall be submitted to the Township prior to approval.
2. Shall comply with any and all other applicable regulations imposed by state and/or federal laws or regulations.
3. Shall comply with all applicable Ligonier Township Ordinances, including but not limited to those dealing with Zoning, Stormwater management, Floodplain management and permitting.
4. The minimum parcel size shall be fifty (50) acres.
5. A guest at the Retreat Center may not reside for more than two weeks (14 days) consecutive days in any one calendar year; the applicant and operator shall agree to provide to the Township records establishing compliance with this requirement.

6. The applicant shall provide a traffic study to ensure that adjacent public streets shall be adequate to accommodate traffic volumes to and from the site without endangering public safety.
7. The applicant shall provide a water and sewer feasibility study with its application. The water and sewer feasibility study shall specify the maximum occupancy of the retreat, the estimated water consumption, the source of water, estimated sewage flows, method of sewage disposal, and other relevant information. The water and sewer feasibility study shall specify whether the retreat will be seasonal or whether the retreat will operate on a year-round basis. The water and sewer feasibility study shall demonstrate that an adequate water supply exists (quantity and quality) to serve the intended uses and shall demonstrate that the use will not have an adverse impact on adjoining existing uses and future groundwater withdrawal.
8. The applicant shall submit a written plan for the long term operation and management of the retreat with its application to the Zoning Hearing Board. Such plan shall at a minimum identify the entity which will own the retreat, the entity which will operate the retreat, staffing and management of the retreat, sanitary sewage disposal system operation and maintenance; water supply system operation and maintenance; street and access drive maintenance and similar matters.
9. Sufficient areas shall be provided on site so that no vehicles are parked on adjacent public streets; such areas needs be on an improved surface.
- 10. The retreat will ensure that there is proper access to the entire property as necessary for EMS services and utilities services.**
11. A RETREAT CENTERS primary structures shall not be located within one thousand (1,000') feet of any of the following.
 - a) School, elementary or secondary.
 - b) School, instructional.
 - c) College or University.
 - d) Camp (for minors' activity).
 - e) Day care of Nursery School.
 - f) Place of Worship.
 - g) Library.
 - h) Museum.
 - i) Indoor Recreation Facility.
 - j) Outdoor Recreation Facility.
 - k) Other locations where minors congregate.
 - l) Neighboring property line
12. The retreat shall not provide any in-patient, out-patient, parent-mandated, or court-mandated, substance abuse or behavioral treatment services.
13. The retreat shall not contain or serve as a halfway house, wilderness camp or other educational alternative for youths, a rehabilitation center, "extreme" sports center, or health care facility.
14. The retreat shall not provide housing or counseling to adults or juveniles who are sentenced to correctional facilities, on probation, or subject to any other court-restricted activity is prohibited.
15. A Retreat Center shall not offer or provide drugs or hallucinogenic substances intended to reduce alcohol or drug dependency, nor may it provide , counseling, medical, clinical, psychiatric or therapeutic services.

16. Outdoor events and activities shall be limited to such size and nature as to accommodate retreat participants only. Amplified music, entertainment, or announcements, outdoor movies or films, fireworks displays, and light shows audible or visible off of the retreat property are prohibited.

Section 9. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XIV: Special Provisions, as follows, in order to add a new section regulating Methadone Clinics.

SECTION 9 METHADONE CLINIC

- A. **PURPOSE:** The purpose of this Section is to provide for the construction and operation of, METHADONE CLINIC in Ligonier Township., subject to reasonable conditions that will protect public health, safety and welfare.
- B. **DEFINITIONS**
 1. Methadone Clinic: A facility licensed by the Department of Health to use the drug methadone in the treatment, maintenance and detoxification of persons.
- C. METHADONE CLINIC shall be considered a Special Exception use for the following Zones (C-2) Highway Commercial.
- D. **METHADONE CLINIC REGULATIONS.**
 1. Proof of all necessary licenses and approvals shall be submitted to the Township prior to approval.
 2. Shall comply with any and all other applicable regulations imposed by state and/or federal laws or regulations.
 3. Shall comply with all applicable Ligonier Township Ordinances, including but not limited to those dealing with Zoning, Stormwater management, Floodplain management and permitting.
 4. The applicant shall provide a traffic study to ensure that adjacent public streets shall be adequate to accommodate traffic volumes to and from the site without endangering public safety.
 5. The applicant shall provide a plan addressing security needs to protect the health and safety of the public as well as the occupants of the proposed facility. Such plan shall include a description of the specific services to be offered, types of patients and/or residents, to be served, and the staff to be employed for this purpose. The plan shall identify the forms of security normally required with care of the type to be offered and detail the specific measures to be taken in the construction, development and operation of the facility so as to provide appropriate security.

6. Sufficient areas shall be provided on site so that no vehicles are parked on adjacent public streets; such areas needs be on an improved surface.
7. A METHADONE CLINIC primary structures shall not be located within one thousand (1,000') feet of any of the following.
 1. School, elementary or secondary.
 2. School, instructional.
 3. College or University.
 4. Camp (for minors' activity).
 5. Day care of Nursery School.
 6. Place of Worship.
 7. Library.
 8. Museum.
 9. Indoor Recreation Facility.
 10. Outdoor Recreation Facility.
 11. Other locations where minors congregate.
8. A METHADONE CLINIC will have the same parking requirements as a Hospital/Clinic as referenced in this ordinance.

Section 10. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XIV: Special Provisions, as follows, in order to add a new section regulating Gambling Saloons.

SECTION 10 Gambling Saloon

GAMBLING SALOON: An establishment whose primary purpose is the housing and customer use of Gambling Devices, with a minimum of 10 devices onsite.

GAMBLING DEVICE: Any device, machine, or apparatus used for the playing of poker, blackjack, keno, bingo, other casino or skill games by the insertion therein of any coin, currency, metal disc, slug, or token, or by the payment of any price (via the internet, app, mobile device or in person),

A. PURPOSE:

The purpose of this Section is to provide for the construction and operation of, GAMBLING SALOONS in Ligonier Township., subject to reasonable conditions that will protect public health, safety and welfare.

B. PERMITTED USES

1. **A GAMBLING SALOON shall be considered a Special Exception use for the following Zones (C-2) Highway Commercial and (I-1) Industry.**

C. APPLICABILITY

1. This Section applies to only Gambling Saloons proposed to be constructed after the effective date of this Section, except this Section is not intended to apply to Casinos, Racetracks or offsite betting parlors that have been licensed by the appropriate Federal and State agencies.
2. This Section does not apply to establishments that have fewer than 10 Gambling Devices on site that are secondary to its primary use.

D. GAMBLING SALOON REGULATIONS.

1. Proof of all necessary licenses and approvals shall be submitted to the Township prior to approval.
2. Shall comply with any and all other applicable regulations imposed by state and/or federal laws or regulations.
3. Shall comply with all applicable Ligonier Township Ordinances, including but not limited to those dealing with Zoning, Stormwater management, Floodplain management and permitting.
4. Must follow all setbacks prescribed by the Zone the property is designated in.
5. A GAMBLING SALOON shall not be located within one thousand (1,000') feet of any of the following.
 - a) School, elementary or secondary
 - b) School, instructional
 - c) College or University
 - d) Camp (for minors' activity)
 - e) Day care of Nursery School
 - f) Place of Worship
 - g) Library
 - h) Museum
 - i) Indoor Recreation Facility
 - j) Outdoor Recreation Facility
6. A GAMBLING SALOON shall not be located with three thousand (3,000') of another GAMBLING SALOON.
7. A GAMBLING SALOON shall have the same parking requirements as Eating and Drinking Establishment as referenced in this ordinance.

Section 11. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XII: Natural Resource Protection Overlay District, as follows, in order to add additional types of natural resources that should be regulated.

ARTICLE XII – NATURAL RESOURCE PROTECTION OVERLAY DISTRICT

12-1. Intent

The intent of the Natural Resource Protection Overlay District is to designate areas of the Township in which the extraction of natural **[gas, whether through conventional means, or via the use of “hydraulic fracturing” or other, as yet to be developed methods of resource**

extraction] recourses except the responsible harvesting of timber would be detrimental to the health, welfare, and well-being of Township residents, would negatively impact the Township watershed or other vital resources of the Township, or would impact the historic nature of the community.

12-2. Purpose; General Design; Conflicting Provisions

- A. The Natural Resource Protection Overlay is intended to implement the goals and objectives of this Ordinance.
- B. The general design pattern for the Natural Resource Protection Area is to preserve and protect the natural resources, beauty, and residential nature of designated areas within the Township by preventing the **[use of hydraulic fracking within the zone] extraction of natural resources with the exception of responsible timber harvesting.**
- C. The provisions of this section, when in conflict, shall take precedence over other sections of the Zoning Ordinance.

Section 12. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XVII: Administration and Enforcement, Chapter 18-2 Zoning Permit, Section A: When Required, as follows, in order to change and standardize the length of time a zoning permit is good for.

18-2 Zoning Permit

A. When required

No building or structure shall be erected, **placed, installed,** added to or structurally altered until a permit therefor has been issued by the Zoning/Code Enforcement Officer or an agent designate by the Township. Construction and/or alteration as authorized by an approved permit shall **begin within the period of (1) year of the date of issuance and be completed within three (3) years;** otherwise, the permit shall be null and void. All applications for zoning permits shall be in accordance with the requirements of this chapter and, except upon written order of the Zoning Hearing Board, no such zoning permit shall be issued for any building where said construction, addition or alteration for use thereof would be in violation of any of the provisions of this chapter.

Section 13. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article II: Districts, Uses and Dimensional Standards, Chapter 2-5 Standards for Accessory uses and Structures, Section E: Home Occupations, as follows, in order to account for Home Occupations with garages, sheds, pole buildings, temporary structures, and buildings other than the main dwelling unit. .

E. Home Occupations

Home Occupations, not meeting the definition of a *No Impact Home Based*

Business, are Permitted Uses in districts specified in this ordinance, subject to the following requirements:

1. The home occupation shall be carried on only by residents of the dwelling and/or no more than one (1) employee other than the residents of dwelling. Additional non-resident employees may be approved as part of the Special Exception;
2. The character or external appearance of the dwelling unit or accessory structure must be consistent with the Zoning District. No display of products may be shown so as to be visible from outside;
3. A sign not larger than four (4) square feet in area shall be permitted and cannot be animated or illuminated by direct light;
4. Not more than thirty-five (35) percent of the gross floor area of **[a dwelling unit] all structures on the property** may be devoted to a home occupation;
5. The use will not involve any waste product other than domestic sewerage or municipal waste;
6. The use is clearly an incidental and secondary use of a residential dwelling unit;
7. The use does not require mechanical equipment other than that customarily used for domestic or hobby purposes;
8. The site for the use can accommodate parking on-site in accordance with this Ordinance;
9. The use require shipments or deliveries by the U.S. Postal Service or commercial parcel services customarily associated with deliveries and shipments in residential areas;
10. The use will not be one that creates dust, heat, glare, smoke, vibration, audible noise, or odors outside the building; and
11. The home occupation use shall involve the provision and services and shall not involve the sale of goods.

Section 14. Ordinance number 2015-OR-04, as amended, is hereby further amended at Appendix A, “Final Table For Zoning”:

TO DO – add the acceptable places for the new definitions. Wind Energy Facilities as a conditional use in A-1 & I-1, Solar Energy Systems as a conditional use in A-1 & I-1, Short Term Rentals as a permitted use in A-1, R-1, R-2, C-1 & V, Medical Marijuana Dispensaries a special exception use in C-1, C-2 & V, Medical Marijuana Growing and Processing Facilities a special exception use in A-1, C-2 & I-1, Rehab/Rehabilitation/Treatment Centers as a special exception use in I-1 & C-2, Retreat Centers as a conditional use in I-1 & C-2, Methadone Clinic as special exception use in C-2, Gambling Saloon as a special exception use in C-2, I-1 & V.

(Add an * to all permitted uses that have additional criteria and standards has defined in section 16-4.)

16-4. Express Standards for Uses Permitted in Certain Areas and Subject to Special Exception in Others Unless expressly stated otherwise, for those uses which are permitted in certain zones and subject to special exception in other zones, the Express Standards of this Article shall apply in all zones unless specifically stated otherwise.

Remove Temporary Structures from the special exceptions, the proposed definition for zoning permit will cover these.

Remove “• *Any uses of land and structure not permitted in other zoning districts, so long as the highest attainable standards of health, safety, morals and general welfare are observed.*”, from the special Exceptions sections of the I-1 zoning district section of the Zoning Chart. Section 16-5.1 Uses Not Specifically List states that is available in all Zoning Districts.

Change Animal Housing to Animal Husbandry in the permitted use section in the A-1 district to match what is in the definitions.

Parks and Receptions is listed twice in the permitted use section of the R-1 district, one of them should be removed.

Change “Child Day Care Centers” to Child Care Centers to match definitions, listed as a permitted use in districts C-1 & C-2.

Change “Public Parks & Playgrounds” which is listed as a permitted use in C-1 districts to Parks and Recreation, because there is no definition for “Public Parks & Playgrounds, most likely a typo.

Change “Campgrounds” to Camping Facilities to match definition list as a permitted use in district C-2.

Replace “Health and Fitness” from the permitted use section for V, with Recreation Facilities whose definition includes health and fitness.

Replace “Nightclubs/Dance Halls/Taverns & Clubs” in the conditional use sections for districts C-1 & C-2, with Nightclubs/Dance Halls/Taverns & Bars to match definition.

Remove Family from the permitted use sections of districts C-1 & C=2

Section 15. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended and supplemented at Article XXI: Definitions and Word Usage, as follows, in order to add definitions for the following new words and phrases

MEDICAL MARIJUANA DISPENSARY: an establishment that is issued a permit by the Department of Health to dispense medical marijuana.

MEDICAL MARIJUANA GROWING AND PROCESSING: an establishment that is issued a permit by the Department of Health to grow and process medical marijuana.

INTERMODAL FREIGHT CONTAINERS – A large standardized container in the shape of a rectangular box, designed to store and transport goods.

ANIMAL CLINIC/ANIMAL HOSPITAL – The use of land and building for the medical care and treatment of animals.

POLICE STATION - The office or headquarters of a local police force.

HOSPITAL - An institution for health care providing patient treatment by specialized staff and equipment, which often, but not always, provides for longer-term patient stays.

ARCADE - any place of business making available for use by the public six (6) or more video amusement devices.

BOTTLE CLUB - A place of assembly owned, maintained or leased, for pecuniary gain, in which no intoxicating liquors are sold, but where patrons are permitted to bring intoxicating liquors upon the premises for their own use and consumption.

RECREATION FACILITIES – Exercise, entertainment, athletic, playground or other similar equipment and associated accessories.

Section 16. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended and supplemented at Article XXI: Definitions and Word Usage, as follows, in order to redefine the following words and phrases:

[INDOOR RECREATION, COMMERCIAL - Recreational facilities within a building or structure that are operated by a private, for-profit entity and for which a fee is charged for their use.]

INDOOR RECREATION, PUBLIC - Recreational facilities within a building or structure that are operated by a public or nonprofit entity and for which a fee may or may not be [charged for their use.]

INDOOR RECREATION: Recreational facilities within a building or structure for which a fee may or may not be charged for their use.

[OUTDOOR RECREATION, COMMERCIAL - Recreational facilities, not housed within a building or structure, operated by a private, for-profit entity and for which a fee is charged for their use.]

[OUTDOOR RECREATION, PUBLIC - Recreational facilities not housed within a building or structure that are operated by a public or nonprofit entity and for which a fee may or may not be charged for their use.]

OUTDOOR RECREATION - Recreational facilities not housed within a building or structure, for which a fee may or may not be charged for their use.

[DWELLING UNIT: One or more rooms in a residential building with a minimum of 600 square feet and with independent cooking and bath room facilities intended for occupancy by one (1) family unit or person.]

DWELLING UNIT: One or more rooms, occupied or intended for occupancy, as separate living quarters by a Family Unit, the members of which have unrestricted access to all other parts thereof, with cooking, sleeping, and sanitary facilities provided therein, for the exclusive use of that single family unit.

SENIOR [DAY CARE CENTER] RESIDENTIAL: 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] residential**" shall not include bona fide schools or churches and other religious or public institutions caring for adults within an institutional building.

ACCESSORY STRUCTURE: A subordinate building detached from but located on the same lot as the principal building. An accessory building or use includes, but is not limited to, the following:

- A. Children's playhouse, garden house or private greenhouse
- B. Civil defense shelter serving not more than two families
- C. Detached garage, storage shed or building for domestic storage
- D. **Intermodal Freight Containers.**
- E. Incinerator incidental to residential use
- F. Storage of merchandise normally carried in stock on the same lot with any commercial use unless storage is excluded by the district regulations, except as provided in Subsection L below
- G. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations, except as provided in Subsection L below.
- H. Nonpaying guesthouse or rooms for nonpaying guests within an accessory building, provided that such facilities are used for the occasional housing of guests of occupants of the principal building and not for permanent occupancy by others **[as housekeeping units]**.
- I. Servants' quarters or servants' house
- J. **Business or Commercial related** Off-street motor vehicle parking area; loading and unloading facility.
- K. Advertising sign
- L. Home office of a clergyman or minister of religion, situation in a dwelling unit which is the home of the practitioner, provided that not more than one assistant is employed, no colleagues or associates use such office, and no sign is used other than a name plate.
- M. Outdoor furnace
- N. The following shall not be considered as an accessory building or use;
 - 1. Bus, full trailer, house trailer, modular housing unit, school bus, school vehicle, trailer, truck, truck-camper and truck tractor
 - 2. Railroad car
 - 3. **[travel trailer] Recreational Vehicles**

PARKING AREA or PARKING LOT - An area devoted to the off-street, temporary parking of vehicles, including parking spaces, aisles, access drives and landscaped areas. The term shall not include private garages or private residential parking [**of less than five (5) spaces**].

PRINCIPAL BUILDING: The building **or structure** or portion thereof housing the Principal Use.

FENCE: A structure designed for the purpose of enclosing space, privacy screening, maintaining control of animals, or separating parcels of land that may include an entrance or exit gate or openings **and shall not stabilize or retain earth or other like materials.**

Section 17. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XXI: Definitions and Word Usage, as follows, in order to remove definitions of words and phrases that are not used in the zoning code, or are used in the body of the code in a manner than conflicts with the definition:

The following definitions are hereby repealed. They are defined, but never used in the body of the Zoning Code. Or, the one or two times the word is used, it is clearly for a different reason than the definition would indicate.

ARTICLE XXI – DEFINITIONS AND WORD USAGE

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.

ANIMAL HUSBANDRY: the care and raising of domesticated farm animals when, in the case of alpaca, dairy cows, beef cattle, horses, ponies, mules, llamas, goats and sheep, their primary source of food during the normal growing season is from grazing in the pasture where they are kept.

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

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.

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.

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.

COMMUNICATION EQUIPMENT BUILDING: An unmanned Building or cabinet containing communications equipment required for the operation of Communications Antennas and covering an area on the ground not greater than 250 square feet.

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.

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.

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

CURB CUT – a curb break for the purpose of gaining vehicular or pedestrian access between a street and abutting property.

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'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.

DRY CLEANING ESTABLISHMENT – an establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry-cleaning equipment or machinery on the premises.

DRY CLEANING AND LAUNDRY PLANT – a building, portion of a building or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort using chemical solvents.

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.

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

FIRE STATION: a building used for firefighting equipment and firefighters.

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 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.

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 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.

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

GROCERY, LARGE: A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which occupies or exceeds 75,000 square feet of gross floor area.

GROCERY, MID-SIZE: A retail establishment which primarily sells food, but also may sell

other convenience and household goods, and which occupies between 25,000 and 75,000 square feet of gross floor area.

GROCERY, NEIGHBORHOOD: A retail establishment which primarily sells food, but also may sell other convenience and household goods, and which does not exceed 25,000 square feet of gross floor area.

HAZARDOUS WASTE: Any garbage, refuse, or 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 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).

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 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

HOME BASED BUSINESSES OR OCCUPATIONS – See Sections 2-5, D-E.

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

JUNKYARD - Any lot, land, structure or part thereof where any discarded materials or article may be stored and shall include, but not be limited to, scrap metal; scrapped, abandoned or junked motor vehicles, in excess of one per lot; machinery; equipment; paper; glass; containers; and structures. It shall not include, however, refuse or garbage kept in a proper container for the purpose of prompt disposal.

LAKE or POND – A natural or man-made body of water which retains water year-round. A man-made body of water may be created by dams or result from excavation. A lake is a body of water two (2) or more acres in area. A pond is a body of water less than two (2) acres in area.

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, 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.

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 Chapter.

LUMINESCENCE - A measure of the brightness of a surface which is emitting light. The unit of measurement most commonly used is candelas per square meter, often referred to as nits in the U.S. (1 nit = 1 cd/m²). The nocturnal appearance and environmental effect of objects such as

internally lit signs may be analyzed both by total light output (lumens) and by their surface brightness (nits).

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.

MINERAL EXTRACTION - the exploration for and extraction of minerals.

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.

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.

MODIFICATION or MODIFY —the improvement, upgrade or expansion of existing wireless communications facilities or base stations on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facilities located within an existing equipment compound, if the improvement, upgrade, expansion or replacement does not substantially change the physical dimensions of the wireless support structure.

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

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.

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.

OFFICIAL FILING DATE - The date the Zoning Officer determines and accepts applications which meets all of the standards set forth in this Chapter 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.

PERSON—individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that “Person” does not include or apply to the Township, or to any department or agency of the Township.

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

PUBLIC USE/BUILDING - Any building owned, operated or controlled by a government agency, Federal, State, County or Local.

PUBLIC UTILITY BUILDING -- Any administrative office or service building operated by a public utility which does not meet the definition of an essential service.

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

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

REPLACEMENT: the replacement of existing wireless communications facilities on an existing wireless support structure or within an existing equipment compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the wireless communications facilities initially installed and that does not substantially change the physical dimensions of the existing wireless support structure.

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

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.

SECURITY ILLUMINATION: Level of illumination in prescribed areas of 0.5 foot candles.

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.

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 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.

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.

SPECIALTY FOOD STORE: A food store of less than 10,000 square feet of gross floor area primarily engaged in selling food stuffs associated with a particular nationality, religious observance, dietary practice or cuisine.

SPECIALTY RETAIL: A group of shops (two or more) collectively occupying no more than 35,000 square feet that cater to a specific market and are linked together by an architectural, historical or geographic theme or by similarly offered goods such as locally supplied arts and crafts.

SPORTSMEN'S CLUB: A membership organization owning land in common for outdoor recreational purposes, on a seasonal basis, such as hunting, fishing, boating, skeet shooting and the like, and which may include indoor facilities such as a lodge or cabins for use by members.

STEALTH TECHNOLOGY: camouflaging methods that are used in the installation of wireless communications towers, antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, flag poles and light poles.

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”.

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

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.

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.

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

WILDLIFE SANCTUARY: an area maintained in a natural state for the preservation of both animal and plant life.

Section 18. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XVI: Special Exceptions, Section 16-5: Express Standards for Special Exceptions, Subsection P: Restaurant or Tavern, Fast Food, as follows, in order to correct a reference within the section and redefine outdoor dining restrictions:

- P. Restaurant or Tavern, Fast Food
 1. The minimum site required shall be one (1) acre.
 2. The site shall have frontage on and direct vehicular access to an arterial or collector street as defined by this Chapter.
 3. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
 4. Ingress, egress and internal traffic circulation on the site shall be designed to ensure safety and minimize congestion.

5. All property boundaries shall be screened as required by paragraph [2-4] 2-5 of this chapter.
6. Operations shall be discontinued between 2:00 a.m. and 6:00 a.m.
7. **[All operations shall be conducted within an enclosed building and doors, and windows shall remain closed during hours of normal operation if there are residences within five hundred (500') feet of the use.] If located within five hundred (500') feet of a residence, all operations shall be conducted within an enclosed building, and windows and doors shall remain closed during hours of normal operation.**
8. All lighting shall be shielded and reflected away from streets and adjoining properties.
9. The use shall be subject to the performance standards of paragraph 14-1 of this chapter.

Section 19. Ordinance number 2015-OR-04, as amended, entitled “Ligonier Township Zoning Ordinance” is hereby further amended at Article XV: Nonconforming Uses, Structures and Lots, Section 15-3: Nonconforming structures, Subsection E: Signs, as follows, in order to prohibit changing a nonconforming sign to a nonconforming electric sign:

E. Signs

2. Nonconforming signs may not be enlarged, added to, **changed to electric,** **changed to LED,** or replaced by another nonconforming sign, use or structure, except that the interchange of lettering shall be permitted.