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## Chapter 102

### Cook Township Intergovernmental Cooperation

- § 102-1. Intent.
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- § 102-3. Final Intergovernmental Agreement.
- § 102-4. Terms of Agreement.
- § 102-5. Purpose and Objective.
- § 102-6. Organizational Structure.
- § 102-7. Responsibility.
- § 102-8. Effective Date.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 6-29-2007 by Ordinance No. 2007-OR-05. Amendments noted where applicable.]

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#### **§ 102-1. Intent.**

The Ligonier has evidenced its intent to regulate and to require property owner's maintenance and/or rehabilitation, as may be necessary from time to time, for a portion of Systems identified as Field No. 3 located within Ligonier's municipal boundaries, as set forth on the site plan for Camp dated June 18, 2007, in cooperation with Cook Township (hereinafter "Cook") by authorizing Cook to perform certain governmental duties on its behalf as set forth in an intergovernmental Agreement for Services (hereinafter "Agreement"). A copy of the site plan for Camp, showing the location of systems and, in particular, Field No. 3, is attached to the enabling Ordinance as Exhibit "1".<sup>1</sup>

#### **§ 102-2. Cook Township.**

Cook and Ligonier agree that Cook will utilize its municipal resources and employees, agents, or professionals to perform certain services to regulate sewage disposal for Camp, under the terms and conditions set forth in the Agreement, which provisions shall comply with the Second Class Township Code, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 et seq. known as Act 537).

#### **§ 102-3. Final Intergovernmental Agreement.**

The final Intergovernmental Agreement between Ligonier and Cook (collectively referred to as "Townships") shall be approved by Resolution of the Board of Supervisors of Ligonier Township

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<sup>1</sup> Editor's note: Attachments and exhibits of Ordinances are available on file at the Township Offices.

and shall, at a minimum, include the following terms and conditions for cooperation between the Townships:

- A. Cook will regulate and oversee the proper functioning of the portion of Field No. 3, located within the municipal boundaries of Ligonier, which is to be used for sewage disposal for Camp. Cook will perform all tasks required to assure proper disposal of sewage generated by Camp through use of Field No. 3, in conjunction with the other parties of Systems, and assure the protection of the public health and welfare.
- B. Any employees, agents, or professionals needed, or utilized, by Cook to perform its duties under the Agreement for Services shall remain the employee, agent, or professional of Cook, and Cook shall be responsible for all compensation, benefits, insurance, and other expenses of its employees, agents, or professionals who perform the services on behalf of Ligonier set forth in the Agreement. The following language shall be included in the Agreement: “No employee, agent or professional performing services under this Agreement shall be deemed to be an employee, agent or professional of Ligonier Township”.
- C. Cook shall be responsible for the acts of its employees, agents, and/or professionals utilized under this Agreement to perform services, pursuant to law and the Second Class Township Code, the Clean Streams Law (Act of June 27, 1937, P.L. 1987, No. 394 as amended, §§691.1 to 691.1001), and the Pennsylvania Sewage Facilities Act (Act of January 24, 1966, P.L. 1535 as amended, 35 P.S. §750.1 et seq. known as Act 537). Cook shall provide for liability and other insurance needed to protect Ligonier against any claims arising out of Cook’s performance of its duties to regulate and require property owners to maintain and rehabilitate that portion of Field No. 3 located in Ligonier, whether or not such claims arise from the presence of Cook’s employees, agents, and/or professionals while in the municipal boundaries of Ligonier, or otherwise.
- D. Cook shall appropriate all funds necessary for performance of its duties under this Agreement without contribution from Ligonier for payment of such expenses or costs for Cook’s services.
- E. This Agreement may be terminated upon six (6) months written notice to Cook Township. Upon termination, Cook Township will return all materials, records, documents, or other items held by Cook Township complied in performance of its duties under this Agreement.
- F. Cook Township agrees to comply with any requests or requirements which Ligonier Township makes for documentation from Cook in order to comply with federal or state requirements under applicable law relating to the portion of Field No. 3, while the Agreement is in effect, or after termination.
- G. Cook Township shall provide reports to Ligonier Township, upon request, or any other information required by Ligonier to perform its responsibilities under federal or state laws for sewage disposal for Camp within its municipal boundaries.

- H. No changes or modification to the terms of the Agreement shall be valid or binding unless made in writing and agreed to and signed by each municipality.
- I. This Agreement shall be construed in accordance with Pennsylvania Law.
- J. Any other terms or conditions agreeable to both parties and which are necessary to effectuate the intent of the parties hereto and for performance of services under this Agreement.

**§ 102-4. Terms of Agreement.**

The terms of the Agreement shall commence on the earlier of August 1, 2007, or the date of issue of the Part 2 Water Quality Management Permit from the Department of Environmental Protection, and may be terminated at any time upon six (6) months written notice to Cook by Ligonier.

**§ 102-5. Purpose and Objective.**

The purpose and objective of this Chapter and the Agreement for services between Townships is to promote efficiency and coordination of sewage disposal for Camp and to assure the protection of the public health and welfare of residents in both municipalities due to the construction and installation of tanks and fields for Systems across the corporate boundaries of both Ligonier and Cook Townships.

**§ 102-6. Organizational Structure.**

The organizational structure necessary to implement the terms of the Agreement shall be provided by Cook through the use of its employees, agents, and professionals and funding for all such expenses and costs to perform the services under the Agreement.

**§ 102-7. Responsibility.**

Cook shall retain responsibility for the management, control, and direction of its employees, agents, and professionals to perform Cook's duties and services under Agreement, and Cook shall further be responsible for all financial matters, including, but not limited to, other expenses and/or costs for such sewage disposal services performed on behalf of Ligonier Township.

**§ 102-8. Effective Date.**

The effective date of this Chapter shall be the 4<sup>th</sup> day of July, 2007.

## Chapter 104

### FLOODPLAIN REGULATIONS

- § 104-1. Statutory Authority.
- § 104-2. Identification of Floodplain Areas.
- § 104-3. Administration of Floodplain Regulations.
- § 104-4. Technical Provisions.
- § 104-5. Activities Requiring Special Permits.
- § 104-6. Existing Structures in Identified Floodplain Areas.
- § 104-7. Variances.
- § 104-8. Definitions for Floodplain Provisions.

[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 2-1-2011 by Ordinance No. 2011-OR-01. Amendments noted where applicable.]

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#### **§ 104-1. Statutory Authority.**

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

- A. *Abrogation and Greater Restrictions.* This Chapter supersedes any other conflicting provisions that may be in effect in identified floodplain areas. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Chapter, the more restrictive shall apply.
- B. *Intent.* The intent of this Chapter is to:
  - 1. Promote the general health, welfare, and safety of the community.
  - 2. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
  - 3. Minimize danger to public health by protecting water supply and natural drainage.
  - 4. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
  - 5. Comply with federal and state floodplain management requirements.
- C. *Applicability.*
  - 1. It shall be unlawful for any person, partnership, business, or corporation to undertake, or cause to be undertaken, any construction or development anywhere within the Township unless a Permit has been obtained from the Floodplain Administrator.
  - 2. A Permit shall not be required for minor repairs to existing buildings or structures.

- D. *Severability and Ambiguities.* If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Chapter, which shall remain in full force and effect and, for this purpose, the provisions of this Chapter are hereby declared to be severable. To the extent that any provisions of this Chapter are ambiguous and/or inconsistent, any such ambiguities and/or inconsistencies shall be interpreted in favor of the Township.
- E. *Warning and Disclaimer of Liability.* The degree of flood protection sought by the provisions of this Chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside any identified floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

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

#### **§ 104-2. Identification of Floodplain Areas.**

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

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

- A. *Description of Floodplain Areas:* The identified floodplain area shall consist of the following specific areas:
1. FW (Floodway Area) – the areas identified as “Floodway” in the AE Zone in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas that have been identified in other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.
  2. FF (Flood-Fringe Area) – the remaining portions of the one hundred (100) year floodplain in those areas identified as an AE Zone in the Flood Insurance study, where a floodway has been delineated. The basis for the outermost boundary of this area shall be the one hundred (100) year flood elevations as shown in the flood profiles contained in the Flood Insurance Study.
  3. FA (General Floodplain Area) – the areas identified as Zone A in the FIS for which no one hundred (100) year flood elevations have been provided. When available, information from other Federal, State, and other acceptable sources shall be used to

determine the one hundred (100) year elevation, as well as a floodway area, if possible. When no other information is available, the one hundred (100) year elevation shall be determined by using a point on the boundary of the identified floodplain area that is nearest the construction site in question.

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

B. *Changes in Identification Area.* The identified floodplain area may be revised or modified by the Board where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but no later than six (6) months after the date such information becomes available, a community shall notify the FEMA of the changes by submitting technical or scientific data.

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

### **§ 104-3. Administration of Floodplain Regulations.**

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

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

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

C. *Issuance of Building Permit.*

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

D. *Application Procedures and Requirements.*

1. Application for such a building permit shall be made, in writing, to the Floodplain Administrator or other municipal officer so authorized on forms supplied by the Township. Such application shall contain the following:
  - a) Name and address of applicant;
  - b) Name and address of owner of land on which proposed construction is to occur;
  - c) Name and address of contractor;
  - d) Site location;
  - e) Listing of other permits required;
  - f) Brief description of proposed work and estimated cost; and
  - g) A plan of the site showing the exact size and location of the proposed construction as well as any existing buildings or structures.
2. If any proposed construction or development is located entirely or partially within any identified floodplain area, applicants for building permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator or other municipal officer so authorized to determine that:

- a) All such proposals are consistent with the need to minimize flood damage and conform with the requirements of this and all other applicable codes and ordinances;
  - b) All utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
  - c) Adequate drainage is provided so as to reduce exposure to flood hazards.
3. Applicants shall file the following minimum information plus any other pertinent information (e.g., any or all of the technical information as may be obtained or required by any other section herein) as may be required by the Floodplain Administrator or other municipal officer so authorized to make the above determination:
- a) A completed Building Permit Application Form;
  - b) A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - a. North arrow, scale, and date;
    - b. Topographic contour lines, if available;
    - c. All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - d. The location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and land development;
    - e. The location of all existing streets, drives, and other accessways; and
    - f. The location of any existing bodies of water or watercourses, identified floodplain areas, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
  - c) Plans of all proposed buildings, structures, and other improvements drawn at suitable scale showing the following:
    - a. The proposed lowest flood elevation of any proposed building based upon the North American Vertical Datum of 1988;
    - b. The elevation of the one hundred (100) year flood;
    - c. If available, information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with a one hundred (100) year flood; and
    - d. Detailed information concerning any proposed flood-proofing measures.
  - d) The following data and documentation:
    - a. Documentation, certified by a registered professional engineer or an architect, to show that the commutative effect proposed development, when combined with all other existing and anticipated development, will not increase the elevation of the one hundred (100) year flood by more than one (1) foot at any point.
    - b. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associates with the one hundred (100) year flood. Such statement shall include a description of the type and extent

of floodproofing measures that have been incorporated into the design of the structure and/or the development.

c. Detailed information needed to determine compliance with Section 403.4(f), Storage, and Section 403.5, Development Which May Endanger Human Life, including:

- i. The amount, location, and purpose of any materials or substances referred to in Section 403.4(f) and 403.5 hereof which are intended to be used, produced, stored, or otherwise maintained on site.
- ii. A description of the safeguards incorporated into the design of the proposed structure(s) to prevent leaks or spills of the dangerous materials or substances listed in Section 403.5 during a one hundred (100) year flood.

e) The appropriate component of the Pennsylvania Department of Environmental Protection's "Planning Module for Land Development."

f) Where any excavation or grading is proposed, a plan must be submitted meeting the requirements of the Department of Environmental Protection and Westmoreland County Conservation District for the implementation and maintenance of erosion and sedimentation control.

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

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

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

H. *Start of Construction.* Work on the proposed construction and/or development shall begin within six (6) months and shall be completed within twelve (12) months after the date of issuance of the building permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator or other municipal officer so authorized.

Construction and/or development shall be considered to have started with the preparation of land, land clearing, grading, filing, excavation of basement, footings, piers, or foundations, erection of temporary forms, the installation of piling under proposed subsurface footings, or the installation of sewer, gas and water pipes, or electrical or other service lines from the street.

I. *Inspection and Revocation.*

1. During the construction period, the Floodplain Administrator or other municipal officer so authorized shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. He shall make as many inspections during and upon completion of the work as are necessary.
2. In the discharge of his duties, the Floodplain Administrator or other municipal officer so authorized shall have the authority to enter any building, structure, premises or development in the identified floodplain area, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
3. In the event the Floodplain Administrator or other municipal officer so authorized discovers that the work being performed does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, said municipal officer shall revoke the building permit and report such fact to the Board for whatever action it considers necessary.
4. A record of all such inspections and violations of this ordinance shall be maintained as part of the official Township records.

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

K. *Enforcement.*

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

2. *Penalties.* Any person who fails to comply with any or all of the requirements or provisions of this Chapter or who fails or refuses to comply with any notice, order of direction of the Floodplain Administrator or any other authorized employee of the municipality shall be guilty of an offense and, upon conviction, shall pay a fine to Township of not less than Fifty Dollars (\$50.00)

*L. Appeals.*

1. Any person aggrieved by any action or decision of the Floodplain Administrator or other municipal officer authorized to act concerning the administration of the provisions of this Chapter, may appeal to the Board of Supervisors. Such appeal must be filed, in writing, within thirty (30) days after the decision or action of said municipal representative.
2. Upon receipt of such appeal the Board of Supervisors shall set a time and place, within not less than ten (10) nor more than thirty (30) days for the purpose of considering the appeal. Notice of the time and place at which the appeal will be considered shall be given to all parties.
3. The Secretary of Ligonier Township may postpone the date of the hearing for a reasonable time beyond such thirty-day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.
4. After the hearing held under this section, the Board of Supervisors shall make findings as to compliance with the provisions hereof and regulations issued hereunder and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice served as provided in Subsection 1 hereof.
5. The proceedings of such hearing, including the findings and decision of the Board of Supervisors, a copy of every notice, and all other records relating thereto shall be entered as a matter of public record in the Township of Ligonier. However, a transcript of the hearing need not be transcribed unless judicial review of the decision is sought as authorized by this section.
6. Any person aggrieved by any decision of the Board may seek relief therefrom by appeal to any court of competent jurisdiction, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

**§ 104-4. Technical Provisions.**

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

*A. General Standards.*

1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection.
2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse, unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.

3. The Federal Emergency Management Agency and the Pennsylvania Department of Community and Economic Development shall be notified prior to any alteration or relocation of any watercourse.
4. Submit technical or scientific data to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes to the BFE.
5. Any new construction, development, uses, or activities allowed within any identified floodplain area shall be undertaken in strict compliance with the provisions contained in this Chapter and any other applicable codes, ordinances, and regulations.

B. *Special Requirements of Floodplain Areas.*

1. With any FW (Floodway Area), the following provisions apply:
  - a) Any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.
  - b) No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection.
2. Within any FA (General Floodplain Area), the following provisions apply:
  - a) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection.
  - b) Any new construction or development, which would cause any increase in one hundred year flood heights, shall be prohibited within any floodway area.
3. Within any FF (Flood-Fringe Area), the following provisions apply:
  - a) No new construction or development shall be located within the area measured fifty (50) feet landward from the top-of-bank of any watercourse, unless a permit is obtained from the Department of Environmental Protection Regional Office.
  - b) In any FF without a designated floodway, no new development shall be permitted unless it can be demonstrated that the cumulative effect of all past and present development will not increase the BFE by more than one (1) foot.

C. *Elevation and Floodproofing Requirements.*

1. *Residential Structures.* Within any identified floodplain area, any new construction or substantial improvement of a residential structure shall have the lowest flood (including basement) elevated up to, or above, the regulatory flood elevation.
2. *Non-residential Structures.*
  - a) Within any identified floodplain area, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed by such structure shall remain either completely or essentially dry during any flood up to that height.
  - b) Any non-residential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half (1 ½) feet above the one hundred (100) year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards

contained in the publication entitled “Flood-Proofing Regulations” published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.

3. *Space Below the Lowest Floor.*

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

4. *Accessory Structures.* Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements.

- a) The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or the storage of tools, materials, and equipment related to the principal use or activity.
- b) Floor area shall not exceed 600 square feet.
- c) The structure will have a low damage potential.
- d) The structure will be located on the site so as to cause the least obstruction to the flow of floodwaters.
- e) Power lines, wiring, and outlets will be at least one and one-half (1 ½) feet above the 100 year flood elevation.
- f) Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
- g) Sanitary facilities are prohibited.
- h) The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwaters for the purpose of equalizing hydrostatic force. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria.

- i. A minimum of two openings having a net total area of not less than one (1) square inch for every square foot of enclosed space.
- ii. The bottom of all openings shall be no higher than one (1) foot above grade.
- iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. *Design and Construction Standards.* The following minimum standards shall apply for all construction and development proposed within any identified floodplain area:

1. *Fill.* If fill is used, it shall:
  - a) Extend laterally at least fifteen (15) feet beyond the building line from all points;
  - b) Consist of soil or small rock materials only – sanitary landfills shall not be permitted;
  - c) Be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
  - d) Be no steeper than one (1) vertical to two (2) horizontal feet, unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator or other municipal officer so authorized; and,
  - e) Be used to the extent to which it does not adversely affect adjacent properties.
2. *Drainage Facilities.* Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
3. *Water and Sanitary Sewer Facilities and Systems.*
  - a) All new or replacement water and sanitary sewer facilities and systems shall be located, designed, and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
  - b) Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
  - c) No part of any on-site sewage system shall be located within any identified floodplain area except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
4. *Other Utilities.* All other utilities such as gas lines, electrical, and telephone systems shall be located, elevated (where possible), and constructed to minimize the chance of impairment during a flood.
5. *Streets.* The finished elevation of all new streets shall be no more than one (1) foot below the Regulatory Flood Elevation.
6. *Storage.* All materials that are buoyant, flammable, explosive or, in times of flooding, could be injurious to human, animal, or plant life, and not listed in section §104-4 E hereof shall be stored at or above the Regulatory Flood Elevation and/or floodproofed to the maximum extent possible.

7. *Placement of Buildings and Structures.* All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
8. *Anchoring.*
  - a) All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
  - b) All air ducts, large pipes, storage tanks, and other similar objects or components located below the Regulatory Flood Elevation shall be securely anchored or affixed to prevent flotation.
9. *Floors, Walls, and Ceilings.*
  - a) Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
  - b) Plywood used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
  - c) Walls and ceilings at or below the Regulatory Flood Elevation shall be designed and constructed of materials that are “water-resistant” and will withstand inundation.
  - d) Windows, doors, and other components at or below the Regulatory Flood Elevation shall be made of metal or other “water-resistant” materials.
10. *Paints and Adhesives.*
  - a) Paints and other finishes used at or below the Regulatory Flood Elevation shall be of “marine” or “water-resistant” quality.
  - b) Adhesives used at or below the Regulatory Flood Elevation shall be of a “marine” or “water-resistant” variety.
  - c) All wooden components (doors, trim, cabinets, etc.) shall be finished with a “marine” or “water-resistant” paint or other finishing material.
11. *Electrical Components.*
  - a) Electrical distribution panels shall be at least three (3) feet above the one hundred (100) year flood elevation.
  - b) Separate electrical circuits shall serve lower levels and shall be dropped from above.
12. *Equipment.* Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical, or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.
13. *Fuel Supply Systems.* All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

E. *Development Which May Endanger Human Life.*

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department as required by the Act, any new or substantially improved structure which:

- a) Will be used for the production or storage of any of the following dangerous materials or substances; or
  - b) Will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or
  - c) Will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
    - i. Acetone
    - ii. Ammonia
    - iii. Benzene
    - iv. Calcium carbide
    - v. Carbon disulfide
    - vi. Celluloid
    - vii. Chlorine
    - viii. Hydrochloric acid
    - ix. Hydrocyanic acid
    - x. Magnesium
    - xi. Nitric acid and oxides of nitrogen
    - xii. Petroleum products (gasoline, fuel oil, etc.)
    - xiii. Phosphorus
    - xiv. Potassium
    - xv. Sodium
    - xvi. Sulphur and sulphur products
    - xvii. Pesticides (including insecticides, fungicides, and rodenticides)
    - xviii. Radioactive substances, insofar as such substances are not otherwise regulated.
2. Within any FW (Floodway Area), any structure of the kind described in Subsection 1 above, shall be prohibited.
  3. Within any FF (Flood-Fringe Area) or FA (General Floodplain Area), any new or substantially improved structure of the kind described in Subsection A, above, shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
  4. Where permitted within any floodplain area, any new or substantially improved structure of the kind described in Subsection 1, above, shall be
    - a) Elevated or designed and constructed to remain completely dry up to at least one and one half (1½) feet above the one hundred (100) year flood and,
    - b) Designed to prevent pollution from the structure or activity during the course of a one hundred (100) year flood.

Any such structure, or part thereof, that will be built below the Regulatory Flood Elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-proofing Regulations" (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

F. *Special Requirements for Manufactured Homes.*

1. Within any FW (Floodway Area), manufactured homes shall be prohibited.
2. Within any FA (General Floodplain Area), manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
3. Where permitted within any floodplain area, all manufactured homes, and any improvements thereto, shall be:
  - a) Placed on a permanent foundation.
  - b) Elevated so that the lowest flood of the manufactured home is one and one half (1 ½) feet or more above the elevation of the one hundred (100) year flood.
  - c) Anchored to resist flotation, collapse, or lateral movement.
4. An evacuation plan indicating alternative vehicular access and escape routes shall be filed with the Township of Ligonier for manufactured-home parks and subdivisions, where appropriate.

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

H. *Special Requirements for Recreational Vehicles.* Recreational vehicles in Zones A, A1-30, AH and AE must either:

1. Be on the site for fewer than 180 consecutive days
2. Be fully licensed and ready for highway use, or
3. Meet the permit requirements for manufactured homes in § 104-4 F.

**§ 104-5. Activities Requiring Special Permits.**

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

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

- B. *Application Requirements for Special Permits.* Applicants for Special Permits shall provide five copies of the following items:
1. A written request including a completed Building Permit Application form.
  2. A small scale map showing the vicinity in which the proposed site is located.
  3. A plan of the entire site, clearly and legibly drawn at a scale of one (1) inch being equal to one hundred (100) feet or less, showing the following:
    - a) North arrow, scale, and date;
    - b) Topography based upon the North American Datum of 1988 showing existing and proposed contours at intervals of two (2) feet;
    - c) All property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
    - d) The location of all existing streets, drives, other accessways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
    - e) The location of any existing bodies of water or watercourses, buildings, structures, and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
    - f) The location of the floodplain boundary line, information and spot elevations concerning the one hundred (100) year flood elevations, and information concerning the flow of water including direction and velocities;
    - g) The location of all proposed buildings, structures, utilities, and any other improvements; and
    - h) Any other information which the municipality considers necessary for adequate review of the application.
  4. Plans of all proposed buildings, structures, and other improvements, clearly and legibly drawn at a suitable scale showing the following:
    - a) Sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
    - b) For any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
    - c) Complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the one hundred (100) year flood;
    - d) Detailed information concerning any proposed floodproofing measures;
    - e) Cross-section drawings for all proposed streets, drives, other accessways, and parking areas, showing all rights-of-way and pavement widths;
    - f) Profile drawings for all proposed streets, drives, and vehicular accessways including existing and proposed grades; and
    - g) Plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utility and facilities.
  5. The following data and documentation:
    - a) Certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;

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

C. *Application Review Procedures.* Upon receipt of an application for a Special Permit by the Township the following procedures shall apply in addition to those of Article III hereof:

1. Within three (3) working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the Westmoreland County Planning Commission by personal delivery, receipt requested, or by registered or certified mail for review and recommendations. Copies of the application shall also be forwarded to the Ligonier Township Planning Commission and the Township Engineer for review and comment.
2. If an application is received that is incomplete, the Township shall notify the applicant in writing, stating in what respect the application is deficient. No time deadlines imposed upon the Township by this Chapter or any statutory provision shall begin to run until the Township shall determine the application to be complete.
3. If the Township decides to disapprove an application, it shall notify the applicant, in writing, stating in what respect the application is deficient.

4. If the Township approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within five (5) working days after the date of approval.
5. Before issuing the Special Permit, the Township shall allow the Department of Community and Economic Development thirty (30) days, after receipt of the notification by the Department, to review the application and decision made by the Township.
6. If the Township does not receive any communication from the Department of Community and Economic Development during the thirty (30) day review period, it may issue a Special Permit to the applicant.
7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify the Township and the applicant, in writing, of the reasons for the disapproval, and the Township shall not issue the Special permit.

*D. Special Technical Requirements.*

1. In addition to the requirements of the foregoing sections, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section §104-4 hereof or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
2. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed, and maintained in a manner which will:
  - a) The structure will survive inundation by waters of the one hundred (100) year flood without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the one hundred (100) year flood elevation.
  - b) The lowest floor (including basement) elevation will be at least one and one half (1 ½) feet above the one hundred (100) year flood elevation.
  - c) The occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the one hundred (100) year flood.
3. Prevent any significant possibility of pollution, increased flood levels or flow, or debris endangering life and property.

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

**§ 104-6. Existing Structures in Identified Floodplain Areas.**

- A. *Existing Structures.* The provisions of this Chapter do not require any changes or improvements to be made to lawfully existing structures. However, if and when an improvement is made to any structure existing within the area of a defined floodplain, the provisions hereof shall apply.
- B. *Improvements.* The following provisions shall apply whenever any improvement is made to an existing structure located within any identified floodplain area:
1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the one hundred (100) year flood.
  2. No expansion or enlargement of any existing structure shall be allowed within any FF (Flood-Fringe Area), together with all other existing and anticipated development, that would increase the BFE more than one (1) foot at any point.
  3. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Chapter.

#### **§ 104-7. Variances.**

If compliance with any of the requirements of this Chapter would result in an exceptional hardship to a prospective builder, developer or landowner, the Township may, upon request, grant relief from the strict application of the requirements.

- A. *Variance Procedure and Conditions.* Request for variances shall be considered by the Township in accordance with the procedures contained in Chapter 120, and the following:
1. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the one hundred (100) year flood elevation.
  2. No variance shall be granted for any construction, development, use, or activity within any FF (Flood-Fringe Area) that would, together with all other existing and anticipated development, increase the BFE more than one (1) foot at any point.
  3. Except for a possible modification of the one and one half (1 ½) foot freeboard requirement involved, no variance shall be granted for any of the other requirements pertaining specifically to development regulated by Special Permit (Section § 104-5) or to Development Which May Endanger Human Life (Section § 104-4 E.).
  4. If granted, a variance shall involve only the least modification necessary to provide relief.
  5. In granting any variance, the Township may attach whatever reasonable conditions and safeguards it considers necessary in order to protect the public health, safety, and welfare, and to achieve the objectives of this Chapter.
  6. Whenever a variance is granted, the Township shall notify the applicant in writing that:
    - a) The granting of the variance may result in increased premium rates for flood insurance; and

- b) Such variances may increase the risks to life and property.
- 7. In reviewing any request for a variance, the Township shall consider, at a minimum, the following:
  - a) That there is good and sufficient cause.
  - b) That the failure to grant the variance would result in exceptional hardship to the applicant.
  - c) That the grading of the variance will:
    - i. Neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,
    - ii. Nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
- 8. A complete record of all variance requests and related actions shall be maintained by the Township. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Emergency Management Agency.
- 9. Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the one hundred (100) year flood.

**§ 104-8. Definitions for Floodplain Provisions.**

Certain words used in this Chapter, sections § 104-1 through § 104-7 are defined below. Words used in the present tense shall include the future. The singular number shall include the plural, and plural the singular. The word “shall” is mandatory and not permissive.

- A. *Base Flood*. A flood that has a one percent chance of being equaled or exceeded in any given year (also called the “100-year flood”).
- B. *Base Flood Elevation (BFE)*. The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.
- C. *Basement*. Any area of the building having its floor below ground level on all sides.
- D. *Development*. Any man-made change to improved or unimproved real estate, including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; filling, grading and excavating; mining; dredging; drilling operations; storage of equipment or materials; and the subdivision of land.
- E. *Flood*. A temporary inundation of normally dry land areas.
- F. *Flood Insurance Rate Map (FIRM)*. The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

- G. *Floodplain Area*. A relatively flat or low land area which is subject to partially or complete inundation from an adjoining or nearby stream, river or water course, and/or sandy area subject to the unusual and rapid accumulation of surface waters from any source.
- H. *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.
- I. *Floodproofing*. Means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
- J. *Floodway*. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- K. *Floor Area*. In a dwelling, the sum of the horizontal areas of all rooms used for habitation but not including cellars, attics, unheated rooms, nor rooms without either a skylight or window. In a store, shop, restaurant, club, or funeral home, the sum of the horizontal areas of all space to which the customer has access and excluding storage, office, other preparation or administrative spaces. Gross floor area is the sum of the horizontal area of all floors of a structure and its accessory buildings as measured between the exterior faces of walls.
- L. *Historic Structures*. Any structure that is:
1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  2. 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;
  3. Individually listed on a state inventory of historic places in states which have been approved by the Secretary of the Interior; or
  4. Individually listed on a local inventory of historic places in communities with historic preservation that have been certified either:
    - i. By an approved state program as determined by the Secretary of the Interior, or;
    - ii. Directly by the Secretary of the Interior in states without approval programs.
- M. *Identified Floodplain Area*. The floodplain area specifically identified in these ordinances as being inundated by the one hundred year flood.
- N. *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.

- O. *Manufactured Home*. A transportation, single-family dwelling intended for permanent occupancy, office, or place of assembly, contained in one or more section, built on a permanent chassis, which arise at a site completed and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term includes park trailers, travel trailers, recreational and other similar vehicles that are placed on a site for more than 180 consecutive days.
- P. *Manufactured Home Park*. A parcel of land under single ownership, which has been planned and improved for the placement of two or more manufactured homes for non-transient use.
- Q. *Mobile Home*. A prefabricated dwelling unity designed for transportation on streets and highways on its own wheels or on a flat bed or other trailers, and arriving at the site where it is intended to be occupied as a dwelling complete and ready for occupancy except for connection to utilities and minor or incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation.
- R. *Mobile Home Park*. A Planned Residential Development that is to be occupied by two or more mobile homes.
- S. *New Construction*. Structures for which the start of construction commenced on or after September 1, 1978, and includes any subsequent improvements thereto.
- T. *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.
- U. *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.
- V. *Recreational Vehicle*. A vehicle which is:
  - 1. Built on a single chassis;
  - 2. Not more than 400 square feet, measured at the largest horizontal projections;
  - 3. Designed to be self-propelled or permanently towable by a light-duty truck;
  - 4. Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- W. *Regulatory Flood Elevation*. The one hundred year flood elevation plus a freeboard safety factor of one and one-half feet.

- X. *Sediment*. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below water level.
- Y. *Sedimentation*. The process by which sediment is deposited on stream bottoms.
- Z. *Special Flood Hazard Area (SFHA)*. Means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or AH
- AA. *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.
- BB. *Start of Construction*. Includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufacture home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary form; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first, alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- CC. *Stream*. Any river, run, creek, or other drainage course draining surface water in which standing or flowing water is clearly visible throughout most of the year.
- DD. *Structure*. A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
- EE. *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.
- FF. *Substantial Improvement*. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

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

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

## **Chapter 110**

# **LIGONIER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

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[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 8-14-2018 by Ordinance No. 03-2018. Amendments noted where applicable.]

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ARTICLE I  
**General Provisions**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-1. Short Title**

This Chapter shall be known, and may be cited as the "Ligonier Township Subdivision and Land Development Ordinance."

**§ 110-2. Purposes of the Chapter**

This Ordinance is adopted:

- A. To promote the public health, safety, and general welfare of the community by advancing the goals of the Joint Comprehensive plan and other Township policies;
- B. To assure that the arrangement of each subdivision or land development furthers the safe, harmonious and orderly development of Ligonier Township;
- C. To guarantee that streets in and bordering each subdivision or land development are coordinated with the municipal circulation system and are of such widths, grades,

locations and construction as to accommodate anticipated traffic and facilitate emergency service access;

- D. To insure that public or private sewage disposal and public or private water supply systems are efficiently designed and have adequate capacity for future demands, and that on-lot sewage disposal and water supply systems are safely separated from each other;
- E. To encourage the design of developments to fit naturally into their environment and to encourage the use of renewable energy; and
- F. To establish a precise, simple, uniform and objective procedure for review and disposition of subdivisions and land development plan proposals, and to ease the process of conveyance of title to property.

### **§ 110-3. Application and Scope of Regulations**

- A. No lot in a subdivision may be sold or leased, no permit to erect or move any building upon land in a subdivision or land development plan may be issued, and no building, permanent or temporary, may be erected in a subdivision or land development plan unless and until a subdivision or land development plan has been approved in accordance with the requirements of this Chapter and recorded in the office of the Westmoreland County Recorder of Deeds, and until the improvements required by this restated Chapter, if part of the approved plan, have either been constructed or guaranteed by a form of surety acceptable to the Township.
- B. In their interpretation and application, the provisions of this Chapter are held to be the minimum requirements adopted for the protection of the public health, safety, and general welfare.
- C. This Chapter shall not apply to any lot or lots, subdivision or land development plan created and lawfully recorded prior to enactment of this Ordinance. However, the development of individual lots shall be in accordance with the provisions of this Chapter. Any lot, subdivision or development plan illegally recorded or not legally recorded prior to enactment shall not be given legal status by enactment of this Ordinance amendment.
- D. Any redivision or combining of lots or adjustment of lot lines within a plan previously approved and/or recorded, or any rearrangement of structures, parking areas, access points, graded land surfaces or other elements within a development plan, shall be subject to the provisions of this Chapter.
- E. Where existing regulations of another level of government, or restrictive covenants, restrictions placed by deed or other private agreements duly recorded with Westmoreland County are more restrictive than this restated Chapter, such regulations shall apply.

**§ 110-4. Duties of the Board of Supervisors and Planning Commission Relative to this Chapter**

- A. The Board of Supervisors reserves to itself final approval authority on all subdivision and land development plans. The Board shall not act until it has received recommendations from the Planning Commission to review and to comment upon each such subdivision and land development plan submitted for approval.
- B. The Board shall call and hold a public hearing on each amendment proposed for this ordinance after soliciting both the Township and County Planning Department for recommendations, and before voting to adopt or reject the amendment.
- C. The Board shall also appoint a Codes Enforcement Officer to enforce the Chapter according to its administrative requirements.
- D. The Planning Commission shall first receive all subdivision and land development plans, shall review them and make timely recommendations to the Board of Supervisors regarding adoption or rejection, or adoption with certain specific revisions in accordance with the requirements of this Chapter. The Planning Commission shall also recommend to the Board specific action on adoption of amendments to the Chapter proposed by either body or by a landowner.
- E. Appeals from decisions of the Board of Supervisors shall be to the Westmoreland County Court of Common Pleas.

**§ 110-5. Types of Subdivisions and Land Developments Governed by this Chapter**

- A. Minor Subdivision: Shall be considered the division of any complete lot, complete parcel or tract of land or part thereof into not more than four (4) lots, parcels or tracts for the imminent or future conveyance, transfer, improvement, sale or lease of said lots, parcels or tracts when all of such lots, parcels or tracts thus created abut a public road in existence prior to consideration of the proposed subdivision. In addition, such subdivision shall include no extension of public sewer and water lines, streets or other public improvements and shall not, by intent on the part of the owner/applicant or his successors, subsequently be part of a later division of the original lot, parcel or tract creating a total of more than four (4) lots, parcels or tracts except under provisions for a major subdivision.
- B. Major Subdivision: Shall be considered the division of any lot, parcel or tract of land or part thereof into two (2) or more lots, parcels or tracts for the imminent or future conveyance, transfer, improvement, sale or lease of such lots, parcels or tracts of land, when any or all of the lots, parcels or tracts so created do not abut a public road in existence prior to consideration of the proposed subdivision, and/or require extension of public improvements; or when five (5) or more lots, parcels or tracts so created or further subdivided as in the case of townhouses or multi-family lots all abut a public

road in existence prior to consideration of the proposed subdivision and do not require extension of public sewer or water service, or streets or other public improvements.

- C. Mobile Home Park: Shall be considered a parcel (or contiguous parcels) of land which has been so designated and improved that it contains two (2) or more mobile home lots for lease, each such lot for the placement thereon of one (1) mobile home.
- D. Minor Land Development Plan: Shall be considered a small scaled development, change of use or addition to an existing commercial building, but which does not involve utility line extensions or the construction of new streets or access driveways.
- E. RV Parks and Campgrounds: Shall be considered a parcel (or contiguous parcels) of land which has been so designated and improved that it contains two (2) or more RV pads for lease, each pad for the placement of one (1) recreational vehicle or camper.
- F. Land Development Plan: Shall be considered the arrangement of buildings and structures (or a single nonresidential building), paved and planted surfaces, utility systems and access ways that together constitute the development of a lot, tract or parcel of land, or contiguous lots, tracts or parcels of land. The development of a lot for a single family detached dwelling shall not be considered a land development.

#### **§ 110-6. Severability.**

- A. If any section, clause, paragraph, regulation or provision of this Chapter is found invalid by a court of law, such judgment shall not affect, impair, invalidate or nullify the remaining sections, clauses, paragraphs, regulations or provisions, but only the clause, paragraph, regulation or provision found invalid by the court.
- B. All ordinance or parts of ordinances or regulations in conflict with this Ordinance or inconsistent with its provisions, are hereby repealed to the extent necessary to give this Ordinance full force and effect. However, where another ordinance, law or restrictive covenant imposes a higher standard in a particular regulation, that standard shall supersede this Ordinance in the particular instance.
- C. The provisions of this Ordinance, so far as they are common to those regulations in force immediately prior to the enactment of this Ordinance amendment, are intended as a continuation of such prior regulations and not as new enactments. Such parts of the prior regulations that are omitted from this Ordinance shall be deemed repealed.
- D. The adoption of this Ordinance does not make legitimate development activity in the Township illegal under provisions of the prior regulations, nor does it annul any litigation currently being pursued or that may be pursued in the future against such illegal activity.

- E. The approval of any subdivision or land development plan shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee of the practicality or safety of the arrangement of lots and improvements or other elements within the development covered by the approval and shall create no liability upon the Township, its officials or employees.

**§ 110-7. Unlawful Recording and Sale of Lots.**

- A. No plan of a subdivision or land development proposed for Ligonier Township shall be recorded in any public office unless or until that plan shall bear the certified recommendation for approval of the Planning Commission and the final approval of the Board of Supervisors.
- B. It shall be unlawful for any person to sell, trade or otherwise convey or offer to sell, trade or otherwise convey any lot or parcel of land as a part of or in conformity with any plan, plat or replat of any subdivision or land development unless and until said plan, plat or replat shall have been first recorded in the office of the Westmoreland County Recorder of Deeds.

**ARTICLE II**

**Definitions**

**[Adopted 8-14-2018 by Ord. No. 03-2018]**

**§ 110-8. General Rules.**

For purposes of these regulations, certain terms or words used herein are defined as follows:

- A. The particular shall control the general;
- B. The word "person" or "owner/applicant" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual;
- C. The present tense includes the future tense;
- D. The singular number includes the plural and the plural number includes the singular;
- E. The word "shall" is mandatory; the word "may" is permissive;
- F. Words generally found in legal terminology and not otherwise defined in Section § 110-9 shall have the same meaning in this Chapter as in the most current version of Webster's Unabridged Dictionary.

**§ 110-9. Specific Terms.**

- A. **ACCESS LANE (DRIVE):** A driveway, turnout or other means of providing for the movement of vehicles to or from the public roadway.
- B. **ACCESS POINTS:** The locations along the perimeter of a lot or property abutting a street, including but not limited to local or collector streets, that provide the authorized vehicular and pedestrian entry or exit from the lot or property.
- C. **ACCESSORY STRUCTURE:** A subordinate structure detached from but located on the same lot as a principal building, including retaining walls, fences, and storage sheds. The use of an accessory structure must be accessory to the use of the principal building.
- D. **ALIGNMENT, HORIZONTAL:** The combination of bearings and distances, radii and arcs in the plan which describe the passage of a right-of-way across the land.
- E. **ALIGNMENT, VERTICAL:** The combination of grades, distances, and vertical curves in profile which describe the passage of a right-of-way over the topography.
- F. **ALLEY/LANE:** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.
- G. **AMENDMENT:** Any addition, deletion or revision of this Chapter text or graphic officially adopted by the Board of Supervisors after public hearings.
- H. **APPLICANT:** A landowner or owner/applicant, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.
- I. **APPLICATION, FINAL:** A formal request by an owner/applicant containing information required by these regulations to be used as a basis by the Township in granting final approval of a subdivision or land development plan.
- J. **APPLICATION, PRELIMINARY:** A formal request by an owner/applicant containing information required by these regulations to be used as a basis by the Township in granting preliminary approval of a subdivision or land development plan.
- K. **APPROVAL, FINAL:** Acknowledgment by the Board of Supervisors that all plan reviews required prior to acceptance of a subdivision, land development or planned residential development proposal have been successfully completed, and that building permits may be issued.
- L. **APPROVAL, PRELIMINARY:** An acknowledgment by the Township that the preliminary plan application conforms to all the requirements of these regulations and that the owner/applicant may proceed to preparation of the final application as outlined in the Pennsylvania Municipalities Planning Code.

- M. ARC: A curved line that is centered from a point and has a definite length
- N. terminating each end in a tangent or another arc.
  
- O. ARTERIALS: Streets which provide intra-county or inter-municipality traffic of
- P. substantial volumes where average trip lengths are five miles or greater. Generally these highways should accommodate operating speeds greater than 35 MPH
  
- Q. BACKFILLING: The process of replacing earth fill in an excavation.
  
- R. BASE COURSE: The road building materials precisely laid down on the prepared subgrade of a roadway to support the pavement of the road.
  
- S. BEARING: The direction that a line points relative to a referenced North.
  
- T. BENCH: A flat or slightly sloped graded surface designed to divert storm drainage and/or stabilize a graded slope.
  
- U. BENCHMARK: An elevation reference point.
  
- V. BERM: The graded strip along each side of a street pavement when curbs are not present, designed to direct stormwater from the pavement to a gutter, and to provide a stable location for disabled or parked vehicles off the pavement.
  
- W. BINDER COURSE: In asphaltic concrete paving, an intermediate course between the base course and the surface material consisting of intermediate sized aggregate bound by bituminous material.
  
- X. BOARD OF SUPERVISORS: The duly elected governing body of Ligonier Township, with certain powers relative to this Chapter.
  
- Y. BUFFER: A visual screen intended to separate existing developed lots or plans from adjacent development.
  
- Z. BUILDING: A man-made structure attached to or into the ground enclosing or covering a volume of space, and intended to shelter or contain people, animals, businesses and activities associated with any of them.
  
- AA. BUILDING PERMIT (Zoning/Building): A document attesting that a proposal for construction, repair, alteration, or addition to a structure has been reviewed and approved in accordance with the requirements of this Chapter, and the current building code.
  
- BB. CARTWAY: The portion of a street, drive, alley, or rear service lane that is designed and intended for the use of vehicular traffic.

- CC. **CENTERLINE:** A line running parallel to and equidistant from the right-of-way lines on each side of a street.
- DD. **CLEAR SIGHT TRIANGLE:** A triangular area of unobstructed vision at the intersection of two (2) or more streets, roads or driveways that could block an approaching drivers' view of potentially conflicting vehicles.
- EE. **COLLECTOR STREET:** A street or road that in addition to serving the properties abutting it also receives traffic from intersecting minor streets for distribution to major collector or arterial roadways.
- FF. **COMMON OPEN SPACE:** The area within a plan that is held jointly by all the property owners in the plan for their enjoyment and is specifically described in the plan.
- GG. **COMMUNITY FACILITY:** An improvement, whether public or for the benefit of the residents of a development only, constructed by the owner/applicant to conform with the requirements of these regulations and guaranteed as required by the Board of Supervisors as a condition for final plan approval.
- HH. **COMMUNITY SEWAGE DISPOSAL OR WATER SUPPLY SYSTEM:** A utility system constructed by an owner/applicant to serve his plan in conformance with these regulations and the requirements of the Commonwealth Department of Environment Protection, such system to be operated by the owner/applicant until or unless taken over by a public authority.
- II. **CONTOUR:** An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.
- JJ. **CORNER LOT:** A lot that abuts two (2) or more streets that intersect at one or more corners of the lot, with the minimum front yard setback applying along each street relative to construction on the lot.
- KK. **COUNTY PLANNING DEPARTMENT:** The Planning Department of Westmoreland County, Pennsylvania.

- LL. COUNTY CONSERVATION DISTRICT: A public agency charged with protecting the soils and water resources of Westmoreland County from erosion and pollution.
- MM. CROSS-SECTION: A cut through a road or utility at right angles to its length revealing materials and dimensions of components of construction.
- NN. CROSSWALK: A pedestrian right-of-way extending through a block between streets on opposite sides of the block or connecting across a block or blocks.
- OO. CUL-DE-SAC: A street with connection to other streets at only one (1) end and having a permanent vehicular turnaround at the closed end.
- PP. CURB: Concrete, bituminous concrete, or other improved boundary material usually marking the edge of a roadway, parking lot, or other paved area.
- QQ. DEDICATION: The designation of property, formerly privately owned, for public purpose, such designation stipulated in writing, recorded by the private owner and accepted by the public body.
- RR. OWNER/APPLICANT: Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- SS. DEVELOPMENT, MAJOR LAND: See Article IV, section § 110-21.
- TT. DEVELOPMENT, MINOR LAND: See Article IV, section § 110-21.
- UU. DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, open space and public facilities. The phrase “provisions of the development plan” when used in the Pennsylvania Municipalities Planning Code, as amended, shall mean the written and graphic materials referred to in this definition.
- VV. DOUBLE FRONTAGE LOT: A lot that abuts two (2) streets that do not intersect adjacent to the lot.
- WW. DRAINAGE COURSE: A natural or artificial depression that conveys surface water runoff to a larger watercourse, lake, or bay.

- XX. DRIVEWAY: A privately owned and maintained roadway providing access for vehicles to a parking space, garage, dwelling or other structure.
- YY. DRIVEWAY PERMIT: Authorization to access a public roadway or street from a lot or property.
- ZZ.EARTH MOVING ACTIVITIES: The rearrangement of the earth's natural surface, creating cuts into the surface and fills upon the surface, in accordance with the requirements of this Chapter and other applicable ordinances.
- AAA. EASEMENT: A grant of one or more of the property rights (e.g. access) by the owner to, or for the use by, the public, a corporation, or another person or entity.
- BBB. ENGINEER: An individual registered as a Professional Engineer by the Commonwealth of Pennsylvania.
- CCC. ENGINEERING STUDY A study completed using current standards and accepted practices.
- DDD. EROSION: The process of breaking down and carrying away of exposed ground surfaces by action of wind, water and temperature change.
- EEE. ESCROW FUND OR ACCOUNT: An interest bearing note, established by an owner/applicant at a financial institution, of an amount required to guarantee completion of improvements to be constructed in his plan and payable to the Township if the owner/applicant fails to complete the improvements within the time stipulated in the plan approval.
- FFF. EXCAVATION: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface thereof, whether exposed or submerged.
- GGG. FILL: Soil, rock, gravel or other material that is placed at a specified location to bring the ground surface up to a desired elevation.
- HHH. FIRE SAFETY PLAN: A plan for the safe movement of vehicles and persons to designated areas in the event of a fire or similar emergency within a recreational vehicle campground.
- III. FLOODPLAIN: Land that lies within the one hundred (100) year flood boundary as shown on the flood hazard mapping prepared by the Federal Emergency Management Agency.
- JJJ.FORESTRY: The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating,

harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

KKK. FRONTAGE: The distance across the front of a lot between side lot lines, normally the width of the lot abutting the street to which the lot has access.

LLL. GRADE: The vertical alignment of a land surface, as it exists or as modified by cut and/or fill activities.

MMM. GRADING: Rearrangement of the earth's surface by stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

NNN. GROUNDWATER BASIN(S): A groundwater reservoir, residing in one or more geologic units and separated from neighboring reservoirs by geologic or hydrologic boundaries.

OOO. HIGHWAY OCCUPANCY PERMIT (Township Driveway Permit): Authorization issued by PaDOT or Ligonier Township allowing a property owner specific access to Commonwealth or Township maintained roadways.

PPP. TOWNSHIP DRIVEWAY PERMIT: Authorization issued by PaDOT or Ligonier Township allowing a property owner specific access to Commonwealth or Township maintained roadways.

QQQ. 70. HOMEOWNERS' ASSOCIATION: An organization formed to manage the open space and common facilities within a development that are not to be publicly maintained; membership in, and financial support of such organization is mandatory for all owners of property in the development.

RRR. 71. IMPROVEMENTS: "Physical changes to the land, including but not limited to, buildings, streets, curbs, gutters, street lights and signs, water mains, hydrant s, sanitary sewer mains, including laterals, to the street right - of - way lines, storm drainage lines, storm water management structures, walkways, recreational facilities, open space improvements, shade trees, buffer or screen plantings, and all other additions to the tract which are required by ordinance or are deemed necessary to result in a complete Subdivision or Land Development in the fullest sense of the term."

SSS. LABOR AND MATERIAL BOND: A guarantee, backed by the developer's collateral held in escrow, that the developer's financial obligations in connection with a development approved by the Township will be covered without harm to the Township.

TTT. LAND DEVELOPMENT: Any of the following activities:  
a. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
- (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of developing streets, common areas, leaseholds, condominiums, building groups or other features; or

UUU. **LANDOWNER:** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase whether or not such option or contract is subject to any condition or a lessee if he is authorized under the lease to exercise the rights of the landowner.

VVV. **LOT:** An area of contiguous land surface that abuts the street, whose ownership and legal description are of record in the office of the Westmoreland County Recorder of Deeds, and that is to be separately owned, used, developed, or built upon. A lot implies one of a number of similarly sized properties in a plan, but may include any property, tract or parcel of land regardless of size or configuration for the purposes of this Chapter.

WWW. **LOT, FLAG:** A lot not meeting minimum width requirements at the right-of-way and where access to a public road is by a narrow strip of land usually accommodating a driveway.

XXX. **LOT WIDTH:** The distance across a lot measured along the front building line between the side lot lines.

YYY. **MAINTENANCE BOND:** A guarantee, backed by the developer's collateral held in escrow, that improvements, upon completion to the Township's satisfaction, will be maintained for a stipulated time period at no Township expense against inferior construction.

ZZZ. **LOCAL ACCESS:** A vehicular street or road serving primarily as an access to the properties abutting it but not intended to carry traffic collected from other streets.

AAAA. **MODULE:** A proposal to provide sewage disposal for a property, a development plan, an individual on-lot septic system, or a subdivision when such proposal involves a public or community sewer system.

BBBB. **SURVEY MONUMENT:** A permanent precise indication, established by a Registered Land Surveyor, of points at changes of direction in the boundary of a subdivision or land development plan, or at points of change of direction in street rights-of-way within or on the boundary of the plan.

CCCC. MONUMENTATION, CONTROL: The placement of permanent markers constructed of concrete or metal at key locations in the ground, including tract corners, right-of-way centerline, offsets, and lot boundary lines.

DDDD. MUNICIPAL SEWAGE ENFORCEMENT OFFICER: An individual appointed by the Township and certified by the Commonwealth who is charged with enforcing the regulations of the Department of Environmental Protection within the Township relative to individual on-lot and community sewage disposal systems.

EEEE. OFF-STREET PARKING SPACE: An identified area abutting an access lane or driveway and of such dimensions, as specified by Township Ordinance, to accommodate one (1) vehicle that does not create a safety hazard.

FFFF. ON-SITE SEWAGE DISPOSAL OR WATER SUPPLY: An independent utility system designed to accommodate only the property on which it is located.

GGGG. OWNER OF RECORD: The individual or corporation whose name appears on the records of the Westmoreland County Recorder of Deeds as the current owner of a property.

HHHH. PARKING AREA: The portion of a lot or parcel set aside for motor vehicle storage in a multi-family, public, semi-public, commercial or industrial development.

IIII. PAVEMENT: The portion within a right-of-way designed for vehicular travel and improved to specifications and material established by the Township to carry such traffic in all weather.

JJJJ. PERFORMANCE GUARANTEE: Any security that may be accepted by Ligonier Township as a guarantee that improvements required as part of an application for development are satisfactorily completed.

KKKK. PERMANENT OPEN SPACE: Any parcel or area of land or an area of water designed and intended for recreation, resource protection, amenity, and/or buffers.

LLLL. SURVEY PIN: A permanent indicator, established by a Registered Land Surveyor, of points at the corners of lots in a subdivision plan or at points of changes of direction along lot lines.

MMMM. PLAN, FINAL (Also Final Plat or Final Land Development Plan): The documentation presented by an owner/applicant to the Township for consideration under the terms of these regulations after approval has been granted to a preliminary plan proposal that included the land area covered by the final plan proposal.

NNNN. PLAN, PRELIMINARY: The documentation presented by an owner/applicant to the Township in support of a subdivision or land development plan for preliminary consideration under the terms of these regulations.

OOOO. POTABLE WATER: Water meeting the Commonwealth Department of Environmental Protection's criteria for human consumption.

PPPP. PROFESSIONAL CONSULTANTS: Persons who provide expert or professional advice, including but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

QQQQ. PROPERTY LINE: The boundary line surrounding a property, lot or parcel, or any portion of such line described by bearings and distances.

RRRR. PROPERTY TRACT: An area of land, all portions of which are in the same ownership and the boundary of which closes on itself.

SSSS. PUBLIC HEARING: A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

TTTT. PUBLIC IMPROVEMENTS: Roads, utilities and community facilities used by the public and provided by an owner/applicant in the course of the development of his plan to comply with the requirements of these regulations.

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

VVVV. PUBLIC SANITARY SEWER: A system operated by a public authority or authorities appointed by the Township or group of municipalities served by the system, with power to issue revenue bonds, construct such systems, and operate them, as well as extensions built by others but dedicated to the authority to operate.

WWWW. PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

XXXX. PUBLIC WATER SUPPLIER: A person, corporation or public or private entity that owns or operates a public water system and is regulated by the Public Utilities Commission.

YYYY. PUBLIC WATER SYSTEM: A system which provides water to the public for human consumption which has at least two (2) service connections or regularly serves two (2) users whether residential or nonresidential daily at least sixty (60) days out of the year. The term includes collection, treatment, storage and distribution facilities under control of the operator of the system and used in connection with the system. The term also includes wells or pretreatment storage facilities not under control of the operator which are used in connection with the system, and may include a system which provides water for bottling or bulk hauling for human consumption. Water for human consumption includes water that is used for drinking, bathing and showering, cooking, dishwashing or maintaining oral hygiene.

**ZZZZ. RECORDING:** The act of registering with the Westmoreland County Recorder of Deeds a subdivision or land development plan which has received final approval by the Township.

**AAAAA. RECORDING DOCUMENTS:** The final approved land development plan or subdivision plat and any restrictive covenants that are recorded by the owner/applicant after which he may commence development but only in compliance with such recorded plan.

**BBBBB. REDIVISION (Lot Consolidation):** The rearranging of property lines or the combining of several properties into one or more new properties.

**CCCCC. RESTRICTIVE COVENANT:** A recorded private agreement legally binding successor owners of a property to certain conditions regarding use of the property stipulated by the original owner, such stipulations being more restrictive than these of other Township or Commonwealth regulations, and enforceable for a set number of years after recording.

**DDDDD. RETAINING WALL:** A wall at least four feet (4') high on its exposed side designed by a Registered Professional Engineer to contain the thrust of an earth embankment behind it.

**EEEEE. RIGHT-OF-WAY:** A strip of land which has been dedicated for public or private use and provides access to private property abutting it, connecting with other rights-of-way to form a vehicular and pedestrian circulation network in the Township; also an easement across private property.

**FFFFF. SETBACK LINE:** An imaginary line within a lot describing the limits within which building construction can occur, or any part of such line, as established by the front, side and rear yard depths for each zoning district. Certain building projections and uses of the lot may extend over the line according to the applicable provisions of the current Zoning Ordinance.

**GGGGG. SIGHT DISTANCE:** The minimum distance the driver of a vehicle can see unencumbered by intervening buildings, structures, land forms or vegetation, to safely negotiate an intersection of streets, as determined by AASHTO.

**HHHHH. SITE:** Any plot or parcel of land or a part thereof or combination of contiguous lots or parcels of land.

**IIIII. SITE PLAN (Land Development Plan):** The proposed layout of a lot showing all elements of the site development as well as utility and drainage lines and existing buildings and structures to remain as depicted.

- JJJJ. SKETCH PLAN: A plan showing general layout of uses, access, and other development features on a site, for the purpose of informal review that carries no vested rights or obligations of any party.
- KKKKK. SLOPE, STEEP: The deviation of a surface from the horizontal expressed in degrees or percent, in this case in excess of twenty-five percent (25%).
- LLLLL. SLOPE, TOE OR TOP: The toe is the transitional area between the lower edge of a graded sloped surface and the adjacent horizontal ground; the top is the upper edge of the slope.
- MMMMM. SOIL PERCOLATION TEST: A procedure for measuring the ability of soil to absorb moisture as a basis for design in connection with on-lot sewage disposal, conducted by the Township Sewage Enforcement Officer.
- NNNNN. STREET: Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.
- OOOOO. STRUCTURE: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- PPPPP. SUBDIVISION: The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling shall be exempted.
- QQQQQ. SUBDIVISION, MAJOR: See Section § 110-11
- RRRRR. SUBDIVISION, MINOR: See Section § 110-10
- SSSSS. SUBSTANTIALLY COMPLETED: Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amended) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.
- TTTTT. SURVEYOR, PROFESSIONAL LAND: A person who is licensed by the Commonwealth as a Registered Land Surveyor.

- UUUUU. TITLE BLOCK: A box on a drawing containing specific information relative to a development required for review of the proposal.
- VVVVV. TOPOGRAPHIC MAP: A map delineating by contours the surface elevations of a land area.
- WWWWW. TOWNSHIP ENGINEER: A Professional Engineer registered in Pennsylvania and retained by the Board of Supervisors to represent the Township in the review of development plans and proposed improvements and in the inspection of said improvements during construction and upon completion.
- XXXXX. TOWNSHIP PLANNING COMMISSION: The duly appointed Planning Commission of Ligonier Township.
- YYYYY. TRANSPORTATION IMPACT STUDY: A study to determine the impact of a development that defines mitigation measures.
- ZZZZZ.* UTILITY: A service normally required for the successful functioning of a development, whether provided by a community or a public system or by a private company. Utilities include, but are not limited to sanitary sewage and stormwater collection and disposal, water and gas supply, electric and telephone service and T.V. cable.
- AAAAA. WATER DEVELOPMENT IMPACT STUDY: A technical report which identifies sources and quantities of groundwater available for use by consumers in a residential or nonresidential development.

ARTICLE III  
**Processing of Subdivision Plats**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-10. Minor Subdivision Review.**

- A. Any applicant seeking approval of a minor subdivision, as defined, may disregard the preliminary plan (plat) review and submit a final plan (plat) application.
- B. This procedure shall also apply to any adjustment of property lines that does not create additional lots, or any combination of existing lots or parts to eliminate existing lots.
- C. The plat for recording shall be a scaled drawing clearly showing the required information, prepared in ink on mylar material, in a digital format required by the Township and on an eighteen by twenty-four inch (18" x 24") transparency, or such sizes as required by the Westmoreland County Recorder of Deeds, and containing the following information as well as the material required in Section § 110-13:
  - 1. A vicinity map showing the relationship of the plan to nearby major roads and landmarks;
  - 2. The perimeter boundary lines of the entire property within which the subdivision is proposed to occur and subdivision lines proposed within the property, each line or arc described by bearings to the nearest second and distance, accurate to the nearest hundredth of a foot;
  - 3. Abutting street rights-of-way and street pavements, with widths and names of roads indicated, and location of sewer, water and/or gas lines or any other public utility, if any, some or all of these are present;
  - 4. Building setback line of each lot, and location of any easements crossing or abutting the property, indicating purpose of the easement;
  - 5. Area of each lot or parcel to be created and area of property remaining after subdivision;
  - 6. Names of owners of abutting properties and of those directly across an intervening street;
  - 7. Location of monuments and markers, existing and proposed, delineating the corners of the plan and each lot;
  - 8. Certification of the Sewage Enforcement Officer attesting that the lots to be created are of adequate size for on-lot sewage disposal if they are not to be connected to a public system; and indicating the type of disposal systems required;
  - 9. State highway occupancy notice, if access is to a Commonwealth owned and maintained highway;
  - 10. Title block in the lower right corner of the drawing, indicating the name and address of the owner, date of original submission and later revisions, with the name of any previous subdivision given final approval, the name and address of Registered Land Surveyor preparing the plan with his Pennsylvania seal affixed, scale of the plan, north arrow, certificates of title clause, Engineer's

certification, specific variances and/or modifications, if any, granted to the plan, Township Planning Commission review, Board of Supervisors approval, County Planning Department review and proof of recording (see Appendix A attached to this Ordinance).

- D. The owner/applicant shall submit to the Township Secretary for review by the Planning Commission at least twenty-eight (28) days prior to a regular meeting four (4) hard copies of the proposed subdivision plat and one (1) electronic copy.
- E. The Commission shall review the plan and provide copies to the Board of Supervisors and to the Sewage Enforcement Officer. The Commission shall note deficiencies it discovers in the plan in its minutes and inform the owner/applicant of them, requesting correction or additional information.
- F. The Township Planning Commission shall communicate the results of its review and recommendations of the plan to the Board of Supervisors and the Board shall render its decision within ninety (90) days of the Planning Commission meeting at which the plan was first reviewed as an agenda item. The Board's decision shall be based on the plan to be recorded.
- G. Failure of the Board of Supervisors to render a decision within ninety (90) days of the date of the Planning Commission meeting at which the plan was first reviewed and to communicate the decision to the owner/applicant within fifteen (15) days thereafter shall be deemed an approval of the application as presented unless the owner/applicant agrees in writing to a mutually agreeable extension.
- H. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision and land development, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five (5) year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development, and for the duration of any sewer or utility moratorium or prohibition which was imposed subsequent to the filing of an application for preliminary approval of a plat. In the event of an appeal filed by any party from the approval or disapproval of a plat, the five-year period shall be extended by the total time from the date the appeal was filed until a final order in such matter has been entered and all appeals have been concluded and any period for filing appeals or requests for reconsideration have expired. Provided, however, no extension shall be based upon any water or sewer moratorium which was in effect as of the date of the filing of a preliminary application.
- I. In the case of a lot consolidation or minor (1/4 acre, 10,890 square feet or less) reciprocal transfer of equal land areas between two (2) property owners,

administrative review and approval by the Chairman of the Township Planning Commission and Township Engineer shall replace the two (2) step Planning Commission recommendation and Board of Supervisors approval process, as follows:

1. The consolidation or reciprocal transfer shall not create lots or parcels in violation of any current Township ordinance nor create situations detrimental to health, safety or welfare of the general public;
2. Lots proposed for consolidation or reciprocal transfer may be legally nonconforming at the time of review but in no case shall a lot be made nonconforming by the action proposed;
3. Said administrative review and approval by the Chairman of the Township Planning Commission and Township Engineer shall be followed by the signing of the plat by the Chairman of the Board of Supervisors and attested by the Township Secretary prior to recording at the Westmoreland County Recorder's Office;
4. Administrative denial of a consolidation or reciprocal transfer plan may be referred to the Board of Supervisors on appeal, whose decision shall be binding.
5. All property owners of record shall sign the final plat where lot consolidation or reciprocal transfer of land areas is proposed.

**§ 110-11. Major Subdivision Review.**

- A. Any owner/applicant seeking approval of a major subdivision plan is urged to present his concept plan at a regular meeting of the Ligonier Township Planning Commission. The owner/applicant shall request from the Township Secretary, at least twenty-five (25) days prior to the meeting, a pre-application review and discussion.
- B. The material presented should include a scaled plan of the property to be developed including lot layout, adjacent public roads (location and widths), streams, easements (location and widths), natural and man-made features presently on the property, utility lines to serve the development and proposed use of the property or parts of the property as the result of the development activities proposed.
- C. The purpose of the meeting is to acquaint the Planning Commission with the proposed development, to indicate to the owner/applicant the constraints upon development contained in this and other municipal ordinances upon the proposed development, to discuss the impact of the proposal upon the Township and to suggest to the owner/applicant the procedures he should follow to gain approval. Such review and comment shall not be related to any time limit, and shall not be binding on any subsequent action of the Township.
- D. The owner/applicant shall be apprised of the required method of payment for costs associated with consultant review fees, technical reports, inspections and related services. The owner/applicant shall be responsible for all such costs.

**§ 110-12. Preliminary Plan Application.**

- A. Owners/applicants seeking approval of a major subdivision shall submit four (4) hard copies and 1 (one) electronic copy of all application materials to the Township Secretary including an 18 inches x 24 inches mylar not less than twenty-eight (28) days prior to the regular Planning Commission meeting at which the plan is to be presented.
- B. The Planning Commission shall review the submitted documents at its next regularly scheduled meeting following a determination by the Chairman of the Township Planning Commission that it is a completed application, in the presence of the owner/applicant or his representative. The Commission may table the submission if the owner/applicant or his representative are not present and/or certain aspects of the plan as submitted are deficient. The completed submission shall be reviewed as to its conformance with the requirements of this Chapter and with other applicable Township regulations. If the Commission is satisfied that all requirements have been met, it shall submit its recommendations to the Board of Supervisors.
- C. Professional consulting services deemed appropriate by the Township for review of the plan shall be paid by the owner/applicant. In addition to the administrative fee, applicants shall deposit with Ligonier Township funds, in the form of an escrow account or cash deposit in an amount required to cover the costs of consultants to review and comment on the application submitted. Such escrow accounts or deposits shall be as identified in the schedule of fees, adopted by the Board of Supervisors.
- D. If the Commission is not satisfied that all requirements have been met, it will indicate the specific deficiencies to the owner/applicant in writing. The owner/applicant shall then make appropriate revisions and additions to the plan documents before again submitting them for a preliminary approval. The application may be forwarded with deficiencies noted. The Commission may call and hold a public hearing on the development proposal, properly noticed, provided such hearing is commenced within forty-five (45) days of receipt of a completed application.
- E. The Board of Supervisors shall render a decision as to approval, disapproval or approval with conditions not later than ninety (90) days following the date of the meeting at which the preliminary application was initially reviewed by the Planning Commission, and not subsequently rejected due to incompleteness. The decision shall be based on the recommendations of the Planning Commission, field visits to the property proposed to be divided or developed, and the comments of the County Planning Department. The official decision shall be transmitted in writing to the owner/applicant at his address of record not later than fifteen (15) days after the decision is reached indicating specifically, when the approval is denied, the reasons for denial, citing the appropriate Chapter section and the steps needed to gain compliance.
- F. Failure to Render a Decision: Failure of the Board of Supervisors to render a decision and/or communicate it to the owner/applicant within the time and in the manner

specified in this Section shall be deemed an approval of the application as presented unless the owner/applicant has agreed in writing to an extension of time or change in the manner of presentation of communication of the decision.

- G. Amendment of Ordinances Affecting Applications: From the time an application for approval of a subdivision or land development is duly filed and while such application is pending approval or disapproval, no change or amendment of this Chapter or other regulations affecting development in the Township shall influence the decision on such application adversely to the owner/applicant and the owner/applicant shall be entitled to a decision in accordance with the provisions of this Chapter and others affecting development in the Township as they stood at the time the application was duly filed. However, if an application is properly and finally denied, any subsequent application shall be subject to any intervening changes in this or other Ordinances. When an application has been approved or approved subject to conditions acceptable to the owner/applicant, no subsequent change or amendment to this or other Ordinances affecting development in the Township shall be applied to influence adversely the right of the owner/applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from the date of such preliminary approval (See Section 508 of Act 247, as amended).
- H. Interpretation of Approval: Approval of a preliminary application shall not be construed to constitute final approval but only an authorization to proceed with preparation of the Final Plan Application for presentation to the Planning Commission within one (1) year.

### **§ 110-13. Preliminary Subdivision Plat Submission Requirements.**

- A. Existing conditions map at a scale of one inch equals one hundred feet (1" = 100') or larger (i.e. 1" = 50', 1" = 40', etc.) showing:
1. Contours at five foot (5') intervals throughout the property (may be interpolated from U.S.G.S. data);
  2. Boundary of the property indicating bearings and distances of each line enclosing the property;
  3. Area of the property;
  4. Boundaries, where they adjoin the property under consideration, of abutting properties or lot plans, indicating names of abutting owners of lot plans within one hundred feet (100') of subject property;
  5. Existing streets or roads abutting the property or within fifty feet (50') of the parcel boundary line, indicating name, type of surfacing, right-of-way width and paving width;
  6. Existing easements, if any, indicating width, bearings, distances, use and lessee within or adjacent to the property;
  7. Existing electric, telephone, sanitary sewer, water and/or gas lines, or other public utility, if any, in abutting streets or within fifty feet (50') of the boundary of the property, indicating line (pipe) size, manholes, hydrants and similar appurtenances;

8. Existing streams or watercourses on the property or within fifty feet (50') of the parcel boundary, together with culverts, inlets and/or storm drain lines, if any;
  9. Boundaries of the one hundred (100) year floodplain from Federal Emergency Management Agency maps, if applicable;
  10. Vegetative cover in approximate location and/or other natural features;
  11. Existing buildings, structures or other significant man-made features such as driveways or walls within the property or within fifty feet (50') of it;
  12. North arrow, graphic scale, date that map was prepared, name and address of Registered Land Surveyor who prepared the map (including his Pennsylvania Seal), name of the subdivision or land development, and names and addresses of owners of record of the property together with the developer's name and address if not the owner;
  13. Vicinity map at a scale of one inch equals two thousand feet (1" = 2,000') showing the position of the plan relative to major roads and landmarks in the vicinity.
  14. Westmoreland County Soils Classification Map.
  15. The zoning districts, uses, setback distances proposed and required must be placed on the preliminary submittal.
- B. Subdivision plan at the same scale as the Existing Conditions Map and combined with it as one (1) drawing if preferable, showing:
1. Proposed lot plan, indicating minimum and typical lot sizes, minimum and typical lot widths at front building line, setback line from street rights-of-way, proposed use of each lot, and identification number in each lot running consecutively through the plan;
  2. Proposed street plan indicating rights-of-way widths, pavement widths, approximate grades and street names;
  3. Proposed plan for surface storm drainage management including location of culverts, inlets, detention basins, outfalls and natural drainage ways;
  4. A plan or description for sanitary sewers and/or water supply systems, whether proposed as public or private, including points of connection to existing systems;
  5. Location and size of the area to be set aside for recreation, community use, common open space or permanent open space, if any; and
  6. Proposed location of easements through or into the plan, indicating width and use.
- C. Soil percolation tests conducted under the direction of the Township Sewage Enforcement Officer, with the location of the test holes shown on the Subdivision Plan and the test hole data shown separately, in the event the plan will not be connected to a public sewer system.
- D. Water Availability and Impact Study including well-head protection measures, where applicable.
1. Where water to service the plan is intended to be secured by way of a public water system or an extension of water lines from a company regulated by the Pennsylvania Public Utilities Commission or a Public Authority, the owner/applicant or applicant shall furnish a letter from such company or authority,

in a form acceptable to the Township evidencing the availability of water to service the plan, any applicable conditions thereto.

2. In all other cases where the plan will not be served by an existing public water system regulated by the Pennsylvania Public Utilities Commission or organized as a Public Authority, the owner/applicant shall be required to conduct a Water Development Impact Study as hereinafter set forth. In the event that the Water Development Impact Study conducted for a subdivision or new land development that will not be served by a public water supply indicates that a reasonable likelihood exists that the proposed development will not provide for a reliable, safe and adequate water supply to support the intended uses within the capacity of available resources, such factors shall constitute grounds for disapproval of the subdivision or land development plan.
  - a) Exception from water development impact study: No water development impact study shall be required for the division of any complete lot, complete parcel or tract of land or part thereof into not more than four (4) lots, parcels or tracts for the imminent or future conveyance, transfer, improvement, sale or lease and where there is no intent on the part of the owner/applicant or his successors that a subsequent division of the original lot, parcel or tract of land would create a total of more than four (4) lots, parcels or tracts until compliance with the requirements for water development impact study have been met.
  - b) Provided further, there shall be excepted from the water development impact study any subdivision or land development where the reasonably anticipated water usage is less than three thousand five hundred (3,500) gallons per day.
3. Conduct and Scope of Study: The water development impact study shall be prepared and sealed by by a Registered Professional Geologist qualified to conduct groundwater investigations in the Commonwealth of Pennsylvania. The purpose of this study will be to determine whether there is an adequate supply of groundwater for the proposed use and to estimate the impact of the anticipated additional water withdrawal on existing nearby wells, springs, aquifers and streams.
4. Study Requirements: The water development impact study shall be prepared at the developer's expense and shall bear the seal of and be signed by the person(s) preparing the study. Calculations of the projected water needs shall utilize the criteria set forth in the following references as the same may be amended from time to time:
  - a) "Public Water Supply Manual," Bureau of Community Environmental Control New Bureau of Water Supply and Community Health, Publication No. 15 by the Pennsylvania Department of Environmental Protection, Harrisburg, Pennsylvania, Document No. 383-0300-001, Guide for Determination of Required Fire Flow by the Insurance Services Office, ISO.
  - b) American Waterworks Association, Denver, Colorado.
5. A study shall include the following information:

- a) A geological map of the groundwater basin(s) containing the development shall be compiled at a minimum scale of 1:24,000.
- b) The location of all identified faults, lineaments and fractures within the area of the geologic map. In addition, a fracture trace analysis shall be conducted for the development and the area within one thousand feet (1,000') of the development site.
- c) The location of all existing and proposed wells within the groundwater basin(s) containing the development having a design capacity to withdraw seventy-two thousand (72,000) gallons per day or more.
- d) The location of all existing and proposed on lot septic systems and sewer lines within five hundred feet (500') of the development site.
- e) The location of all streams, perennial and intermittent, within fifty feet (50') of the proposed development site.
- f) The location of all existing and proposed mines of any type within one thousand feet (1,000') of the proposed development site.
- g) The location of all existing and proposed oil or natural gas production or storage wells within one thousand feet (1,000') of the proposed development site.
- h) The location of all existing and proposed gas storage pools underlying the development or within one thousand feet (1,000') of the development site.
- i) The location of all existing water wells within one thousand feet (1,000') of the lot boundary lines of the proposed development site.
- j) A discussion of the hydrologic setting of the development and its relationship to the groundwater basin(s) in which it resides.
- k) A hydrologic budget shall be calculated for the groundwater basin(s) containing the development and the results extrapolated back to the area of interest using long-term records for both streamflow and groundwater levels and long-term precipitation data. Such data shall be used to determine both extreme and average water budgets for the basin(s) that include the development. With justification, gaged water basins of superior similarity to the development may be used. Groundwater level records collected by the USGS for wells in the Pennsylvania Observation Well Network are recommended for analysis of the groundwater response. Records for well BT-311 (USGS site number 410501079524401) in Westmoreland County, and well AG-700 (USGS site number 403734080063001) in Allegheny County are suggested. The water budget analysis should include a summary of the expected hydrologic response of the basin(s) to extremes in precipitation and an analysis (problems, reliability, long-term trends) of the data used to prepare the budgets. Utilizing the budget which has been developed, the study shall focus on the relationship of the development to the basin including whether it is in a recharge, intermediate or discharge part of the system and whether there is ample recharge area for the needs of the community.

- l) An analysis of the relationship of the subdivision or land development to the overall hydrologic setting of the groundwater basin(s) and the expected hydrologic response of the development to the variations noted in the hydrologic budget analysis of the basin(s).
- m) The study shall include a minimum of one (1) test well for each four (4) lots or at least one (1) test well for each reasonably anticipated withdrawal of five thousand (5,000) gallons per day per land development or part thereof, whichever is less, and for each well constructed shall include:
  - a. An accurate geologic log shall be kept which describes the materials penetrated during well construction. Such descriptions shall include the type, thickness, color, moisture content, and depth encountered of the soil and rock encountered during construction. In addition, the log will note the depth, nature and water yield of each water bearing zone encountered during construction. Yield of the well shall be measured periodically during construction by volumetric or other quantitative method. The well depth at the time of the measurements, the yield and other relevant information shall be recorded on the log.
  - b. An aquifer pumping test of not less than forty-eight (48) hours duration or such time as is necessary to obtain sufficient data to characterize the hydrogeological system shall be conducted at a rate of not less than one hundred and fifty percent (150%) of the average peak demand of all wells planned for the development. A minimum well yield of five (5) gallons per minute per single family lot or equivalent dwelling unit as defined by the Pennsylvania Department of Environmental Protection, 25 Pa. Code § 71.1 shall be used. Such aquifer pumping test shall include a pumping well and at least one (1) observation well, both completed to monitor the same hydrologic unit. Pre and post pumping water level data will be collected from the pumping well and all observation wells for periods of time adequate to correct the data collected during pumping and to analyze the recovery of the wells following pumping. Poorly designed or improperly conducted aquifer pumping tests yield results that are, at best, inconclusive. For this reason, the owner/applicant is strongly urged to submit to the Township an aquifer pumper test design for approval prior to conducting the test. A complete log of the pumping test shall be maintained and submitted as part of the report.
    - i. An analysis of a water sample, collected from the well at the end of the aquifer pumping test and submitted to a Department of Environmental Protection certified laboratory to determine its compliance with Environmental Protection Agency Safe Drinking Water

parameters, shall be provided to the Township for each well and a copy of such test results shall be submitted with the study.

- c. To determine the impact of the development on existing wells, a sample of the existing wells, necessary to characterize the hydrogeology of the development shall be monitored for changes in water level. Water level monitoring in these wells shall be sufficient to construct a hydrograph for each well showing a continuous record of water levels before, during and after the aquifer pumping test.
        - d. The discharge of the pumping well shall be periodically and accurately measured during the aquifer pumping test. The results of the measurements and the time they were taken shall be recorded on the pumping test log.
        - e. A copy of the Pennsylvania Department of Environmental Protection Water Well Completion Report Form, or such successor form for each well constructed as part of this study, shall be included in the report.
6. The study shall analyze and interpret all relevant data regarding the anticipated impact of the proposed development on the groundwater supply and existing wells within one thousand feet (1,000') of the proposed development. The credentials of the person(s) preparing the report shall be included and conclusions shall be drawn from the analysis with respect to:
  - a) The availability of sufficient water for the proposed development and existing wells.
  - b) The probable effects of long term pumping of the wells proposed for construction in the development on: the groundwater levels of the development; the groundwater levels of the property adjacent to the development; and on the water budget of the groundwater basin(s) in which the development is proposed, including the probable effects during drought conditions.
  - c) Whether the groundwater recharge in the groundwater basin(s) serving the subject property after development, during drought conditions (where the twelve [12] months precipitation deficit is forty percent [40%] of average annual precipitation) will exceed the anticipated water usage and whether the proposed development will lower the groundwater table in the area to the extent of decreasing the groundwater supply available to other property below acceptable levels. Comprehensive analysis may include development of probability curves to provide a substantial statistical basis for determining how frequently a drought is likely to occur.
7. The location, nature and potential influence of possible sources of groundwater contamination within the development or up grade of the development. Such sources would include, but not be limited to, occupied or abandoned industrial sites, above and below ground fuel storage tanks, agricultural chemical storage handling

and application areas, waste handling and disposal facilities, active or abandoned mining operations, active or abandoned oil or gas wells.

8. The impact of projected consumptive use on the groundwater system shall be included in the analysis of the water budget for the development. Such analysis shall include, but not be limited to, the consequences on the water budget of diversions of water due to public sanitary sewerage, stormwater management and such other alterations to the hydrologic system that may result from construction of the development itself or from existing or proposed construction upgradient of the development.

#### **§ 110-14. Final Plat Submission Application.**

- A. Having received preliminary plan approval, an owner/applicant shall, within one (1) year of receiving such approval, submit at a minimum eight (8) copies of all documentation required for final plan approval to the Township Secretary. Failure to present the plan for final approval within one (1) year shall render the preliminary approval void.
- B. The application and all required material including an 18 inches x 24 inches mylar if a revision to the approved preliminary plan has been made shall be submitted at least twenty-eight (28) days prior to the date of Planning Commission meeting and may be for all or a part (phase) of the plan given preliminary approval but the portion submitted shall be consistent in key design elements as identified on the approved preliminary plan, including the location of primary and back-up on-lot septic systems where applicable. A key map shall be provided on the Final Plan showing the location and boundaries of the submitted part (phase) of the overall plan.
- C. The Planning Commission shall review the submitted documents at its next regularly scheduled meeting following a determination by the Chairman of the Township Planning Commission that it is a completed application, in the presence of the owner/applicant or his representative. The Commission may table the submission if the owner/applicant or his representative are not present and certain aspects of the plan as submitted are deficient. The completed submission shall be reviewed as to its conformance with the requirements of this Chapter and with other applicable Township regulations. If the Commission is satisfied that all requirements have been met, it shall submit its recommendations to the Board of Supervisors.
- D. If the Commission is not satisfied that all requirements have been met or that the final plan application deviates substantially from the preliminary approved application, it will indicate the specific discrepancies and/or deficiencies to the owner/applicant in writing. The owner/applicant shall then make appropriate corrections to the documents before again submitting them for final approval. The Commission may recommend that the Board retain professional review assistance as provided for in this Article.

- E. The Planning Commission shall send its recommendations in writing to the Board of Supervisors indicating approval, disapproval or approval with conditions.
- F. The Board of Supervisors shall review the recommendations of the Township Planning Commission and the comments of the County Planning Department. The Board may call and hold a public hearing on the final plan application, properly noticed. The Board shall make its final decision, either approval, approval with conditions, or rejection of the final plan application, not later than ninety (90) days after the meeting of the Planning Commission at which the final plan application was first presented and not subsequently rejected by the Commission. The official decision shall be transmitted in writing to the owner/applicant at the address of record not later than fifteen (15) days after the date of the decision, indicating specifically, if the application is denied, the reasons for denial, citing the appropriate ordinance section and the steps needed to gain approval (See Section 508 of the Pennsylvania Municipalities Planning Code, Act 247, as amended).
- G. Failure of the Board of Supervisors to render a decision and/or to communicate it to the owner/applicant within the time and in the manner required above shall be deemed an approval of the application as presented to the Board unless the owner/applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have the same effect (See Section 508 of the Pennsylvania Municipalities Planning Code, Act 247, as amended).
- H. The provisions of Section § 110-16 shall also apply to final plan applications.

**§ 110-15. Recording.**

- A. The affixing of the signature of the Chairman of the Board of Supervisors and others as required by Section § 110-16 shall render the final plan application ready for recording.
- B. Upon the approval a final plat, a representative of the Township shall within ninety (90) days of such final approval, or ninety days (90) after the date of delivery of an approved plat signed by the Township Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plat in the Office of the Recorder of Deeds of Westmoreland County. Whenever such plat approval is required by the Township, the Recorder of Deeds of Westmoreland County shall not accept any plat for recording, unless such plat officially notes the approval of the Board of Supervisors and review by the Westmoreland County Planning Department.
- C. A copy (paper) of the recorded plat shall be retained by Ligonier Township for future reference.

**§ 110-16. Final Subdivision Plat Submission Requirements.**

A. Final Plan Map – General Information

1. The map scale shall be either one inch equals fifty feet (1" = 50') or one inch equals one hundred feet (1" = 100');
2. The map shall be prepared in ink on mylar material and four (4) copies submitted; in addition a digital version in a format specified by the Township shall be submitted as well as a 8.5" x 11" transparency;
3. If final plan approval is sought for only a part of the area for which preliminary plan approval has been granted, a key map shall be provided showing the relationship of the area for which final approval is requested to the area granted preliminary approval;
4. A title block in the lower right hand corner of the plan sheet containing:
  - a) Title approved by the Planning Commission under which the subdivision or development plan is to be recorded;
  - b) Date of submission of the plan;
  - c) Graphic scale;
  - d) Name and address of landowner and/or applicant, if different; and
  - e) Name and address of Registered Land Surveyor or Professional Engineer who prepared the plan with his Pennsylvania seal affixed.
5. Certificates and acknowledgements, as may be required
  - a) Individual or corporate adoption, notarized;
  - b) Individual or corporate acknowledgement, notarized;
  - c) Guarantee of title and mortgagee's consent to recording, if applicable, notarized;
  - d) Engineers and surveyors certificates, sealed;
  - e) Review by County Planning Department;
  - f) Recommendation by Township Planning Commission;
  - g) Approval of Board of Supervisors;
  - h) Release of Ligonier Township from obligations to construct improvements;
  - i) Approval of any modification, if granted;
  - j) Approval of conditional use status, where applicable;
  - k) Proof of recording; and
  - l) State Highway Occupancy notice, if access is to a State Highway

B. Final Plan Map – Information on Plan:

1. Perimeter boundary line of area for which final plan approval is sought, indicating bearings and distances of each line;
2. Street right-of-way lines, indicating bearings to the nearest second and distances of lines, radii and lengths of curves and right-of-way width to the nearest hundredth of a foot;
3. Subdivision or lot lines indicating bearings and distances of lines and radii and length of curves to the same accuracy as for streets;
4. All setback lines, as required in this Chapter;
5. Easement rights-of-way lines, indicating bearings and distances, widths and use of easement;
6. Names of all streets;

7. Lot or parcel numbers in each lot conforming to approved preliminary plan;
8. Location of all monuments to be set by owner/applicant in accordance with Article V;
9. Location of any lands within the property to be dedicated for public use, public recreation or open space, such land to be designated for a specific use on the plan and dimensioned as for other lots;
10. Area of each parcel of land to be sold to the nearest one-hundredth (.01) of a square foot;
11. Names of owners of unplatted adjacent property and names of adjacent lot or development plans, in appropriate locations;
12. North arrow

C. Supplemental Information:

1. Sewage disposal: Treatment on individual lots: Approximate location of soil test sites approved by the Sewage Enforcement Officer within the plan, and approximate location of absorption fields on each lot, as required by current Department of Environmental Protection regulations;
2. Water Supply:
  - a) Supply from on-lot well: Approximate location of well on each lot and volume of water capable of being produced, expressed in gallons per minute;
  - b) Attachment to existing system: Location of proposed lines indicating size and material, hydrants, valve boxes, point of connection to existing system and any storage or pumping facilities in the plan.
  - c) Proposed planting of the slopes and means of directing stormwater around the top and toe of the slope shall be indicated.
3. Profiles and typical cross-sections of public improvements shall be shown at the same horizontal scale as the Final Plan Map, but the vertical scale should be exaggerated for clarity. Existing and proposed grades along the centerlines and existing and proposed grades indexed at ten foot (10') vertical intervals shall be shown:
  - a) Profiles along centerline of each section of street to be constructed showing existing ground elevation, proposed grades, vertical curves connecting changes in grade and connection to existing roads;
  - b) Typical cross-section through proposed streets between rights-of-way lines showing depth and widths of materials to be used to meet Township road construction standards;
  - c) Profiles along the centerline of each section of storm drain line, indicating line size, material and slope, inlets, culverts, points of intersection with other utilities and outfalls; and
  - d) If connection to a public sewage disposal system is proposed, the rules and regulations of the Municipal Authority with jurisdiction shall dictate.

D. Titles and Approvals Required of the Development Before Final Plan Approval can be given:

1. A letter from the Municipal Sewage Enforcement Officer attesting that lots to be sold are sufficient in area to accommodate on-lot sewage disposal and water supply within the requirements of the Commonwealth law, based on soil percolation tests conducted by the Officer;

2. If the plan will be connected to existing public sewage disposal and/or water supply systems, letters from the utilities indicating they will accept sewage and/or provide water to the plan as well as a Certificate of Public Convenience from the Pennsylvania Public Utilities Commission or a copy of an application for such a certificate provided by the water supplier;
3. An accounting by a Registered Professional Engineer or Professional Land Surveyor preparing the submission, of all costs for constructing improvements to be provided by the owner/applicant. Costs shall be broken down into quantities, unit costs and totals;
4. The form of an improvement bond, or other security written to the benefit of the Township, approved by the Township Solicitor and ready for the signatures of the Board of Supervisors, equal in value to one hundred and ten percent (110%) of the estimated cost of installing the improvements and may include ten percent (10%) for each year after the first year that the improvements will be under construction;
5. Any restrictive covenants, deed restrictions, and/or rights of easement in the form in which they will be filed as legal documents; and
6. If the proposed plan includes access to a State Highway, the Final Plan Map shall bear a notice that a highway occupancy permit is required, pursuant to Title 67 CS 441 before access to the adjacent State Highway will be permitted.
7. It shall be the responsibility of the developer or contractor to maintain streets that have not been accepted by the Township. As a condition of final approval, the developer shall either:
  - a) Provide a written contract to the Township to cover winter street maintenance and shall post a bond for one hundred and ten percent (110%) of the cost of one season's winter maintenance of streets in the plan. Plowing shall be done by the applicant's private contractor
  - b) Enter into a Winter Maintenance Agreement with the Township wherein the developer shall pay the Township two thousand five hundred dollar (\$2,500.00) per quarter linear mile (1,320 feet) of road for winter maintenance between November 1 and March 31. There shall be no prorating of funds which might be paid after November 1st, and there shall be neither any refunds to the developer should the roads not require winter maintenance, nor shall the Township ask for supplemental payments from the developer during harsh winter seasons.

E. Resubdivision: Where a plat was previously recorded containing lots specifically proposed for multi-family residential development, and subsequent transfer of individual units is indicated, administrative review and approval by the Township Planning Commission and Township Engineer shall replace the two (2) step Planning Commission recommendation and Board of Supervisors approval process as follows:

1. The resubdivision shall not create lots or parcels in violation of any current applicable Ordinance requirements nor create situations detrimental to health, safety or welfare of the general public.
2. Said administrative review and approval by the Township Planning Commission and Township Engineer shall be followed by the signing of the plat by the Chairman of

the Board of Supervisors and attested by the Township Secretary prior to recording at the Westmoreland County Recorders Office.

3. Administrative denial of a resubdivision plan may be referred to the Board of Supervisors on appeal by the applicant. The Board of Supervisors decision shall be binding and appealable to court.

**§ 110-17. Guarantee That Improvements Will Be Completed.**

- A. In lieu of the completion of the required public improvements and in the alternative, as a condition of Final Plan approval, the Board of Supervisors shall require the owner/applicant to deposit a corporate bond or other surety acceptable to the Board to be held in escrow and equal to the total estimated cost of site development, as determined by the developer's Engineer and approved by the Township Engineer, of all improvements to be constructed, plus ten percent (10%), to serve the approved Final Plan and agreed to by the owner/applicant and Ligonier Township. All required improvements shall be completed within five (5) years of the date of the Final Plan Application approval, unless the Township and the owner/applicant agree jointly to an extension of time. If the improvements are not completed within the agreed time period or approved extension, the Township may have the securities held in escrow, declared forfeit and shall utilize them to complete the improvements not at the time of forfeit complete (See Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amended).
- B. The amount of the financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten percent (110%) of the cost of completion all of the required improvements estimated as of ninety (90) days following the date scheduled for completion of the improvements by the developer.
- C. The owner/applicant may request the Board of Supervisors to provide him with a signed copy of a resolution indicating approval of the Final Plan contingent upon the owner/applicant obtaining satisfactory financial security. The Final Plan shall not be signed by the Chairman of the Board until after the security bond is executed. The resolution shall be deemed revoked if the owner/applicant fails to secure the financial security within ninety (90) days of the date of the resolution.
- D. The form of the financial security shall be reviewed and approved by the Township Solicitor. Provisions for reevaluating the amount of the security or surety bond on the value of work still to be completed at the end of each year after the commencement of the project may be included.
- E. If the owner/applicant's Engineer and the Township's Engineer cannot agree on the amount of the financial security, or if the Township's Engineer recommends to the Board of Supervisors that the Board refuse the developer's estimate, the Board and the owner/applicant shall agree to retain and share the expenses of a third Registered

Professional Engineer who shall recalculate the improvements costs and provide a final estimate presumed to be fair and reasonable.

- F. Any improvements to be later maintained by a public authority or private utility company shall be installed and bonded in accordance with the authority or Public Utility Commission regulations.

**§ 110-18. Release from Improvement Bond.**

- A. The owner/applicant shall contact the Township Engineer before placing subbase or paving any vehicular street, before backfilling any sanitary or storm sewers, water lines, retaining wall foundations, or any other structures which are part of the improvements covered by the bond and shall not backfill until authorized to do so by the Township Engineer.
- B. When the owner/applicant has completed all the necessary improvements, he shall notify the Secretary of the Board of Supervisors by registered mail of the completion of the improvements and shall send a copy to the Township Engineer (See Section 510 of Act 247, as amended).
- C. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all the improvements.
- D. Having made his inspection, the Township Engineer shall file a detailed report in writing with the Board of Supervisors, not later than thirty (30) days after receipt of the authorization to proceed, with a copy of the report sent by registered mail to the owner/applicant. The report shall be detailed, and indicate approval or rejection of the improvements either in whole or in part. In the event that the Township Engineer shall not approve or shall reject any or all of the improvements, his report shall contain a statement of specific reasons for each such failure to approve or reject. Upon receipt of the Township Engineer's report, the Board of Supervisors shall, within the next fifteen (15) days after its regular monthly meeting next succeeding receipt of the report, notify the owner/applicant in writing by registered mail, of its action relative to the Township Engineer's report.
- E. If the Board or the Township Engineer fails to comply with the time limitation provisions of this Section, all improvements requested by the owner/applicant to be inspected will be deemed to have been approved and the owner/applicant shall be released from all liability pursuant to his performance guaranty bond or other security agreement covering only the improvements he requests be approved.
- F. If any portion of the improvements are not approved or are rejected by the Board of Supervisors, the owner/applicant shall proceed to repair and complete the improvements so designated and upon completion the same procedure of notification as outlined above for inspection and approval shall be initiated.

- G. Nothing in this Section shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of the Board of Supervisors or Township Engineer.
- H. If any improvements covered by the developer's bond or other security have not been installed within five (5) years of the date of final approval of the subdivision or development plan by the Board of Supervisors (unless the Board and owner/applicant mutually agree to an extension of specific length), the Board of Supervisors shall have the power to enforce the bond or other security by appropriate legal action and equitable remedies. If proceeds of such bond or other security are insufficient to cover the cost of installing or making repairs or corrections to all the improvements covered by bond or security and found unacceptable or left uninstalled, the Board of Supervisors, at its option, may install such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the improvements. All of the proceeds, whether resulting from any legal or equitable action brought against the owner/applicant, or both, shall be used solely for the installation of improvements covered by such security and for no other Township purpose.
- I. The owner/applicant shall submit to the Township as-built drawings of all stormwater management facilities installed, including the type and location of inlets, piping sizes, location and design of detention facilities and staged discharge units.

J. Partial Release of Improvement Bond:

The Board of Supervisors shall establish by resolution a schedule of charges based on the Engineer's normal hourly rates and expenses and amounts to be established as escrow accounts or deposits to cover consultant's review fees and inspections.

- 1. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements. The Board, on receiving the Engineer's certification approving release of a specific part of the bond, shall authorize the bonding company or lending institution to release the requested amount.

2. Failure of the Board to act within the forty-five (45) day limit shall constitute approval of release of the part of the bond requested by the owner/applicant, unless both parties agree to an extension of time.
3. Until completion and satisfactory inspection by the Engineer of all improvements in the plan, at least ten percent (10%) of the estimated cost of the improvements shall be retained by the Township.

K. Owner/applicant Reimbursement of Township Expenses: The owner/applicant shall reimburse the Township for reasonable and necessary expenses incurred by the Township's Engineer for the inspection of improvements up to final approval, and the preparation of reports thereon.

1. The Board of Supervisors shall establish by resolution a schedule of charges based on the Engineer's normal hourly rates and expenses. The owner/applicant shall be furnished a copy of said resolution upon request.
2. The owner/applicant shall establish an escrow account with the Township, following the granting of final approval, in an amount equal to seven percent (7%) of the total costs of the required public improvements, for the purpose of reimbursing the professional consultants retained by the Township, including legal services and for inspection costs related to the installation of said public improvements. At such time that draw downs from the escrow account result in a balance of five hundred dollars (\$500.00) or less, additional monies shall be deposited.
3. The owner/applicant shall enter into a developer's agreement with the Board of Supervisors as per the provisions of Section § 110-39, which lists the financial, administrative and site preparation responsibilities of the applicant, his contractors and consultants employed by either the applicant or Ligonier Township in order to complete the required public improvements. Said agreement shall include, but not be limited to, site activity schedules, storage of material, maintenance of construction entrances, removal of mud from adjacent roads and streets, on-site burning, blasting, scheduled inspections, procedures for public dedication of completed improvements, and provisions for the winter maintenance of new roads and streets.
4. The Engineer appointed by the Township shall provide a detailed breakdown of his allocation of time to particular aspects of the inspection and shall submit his statement to the Township Secretary.
5. The Township Secretary shall submit copies of inspection reports, at cost, to the owner/applicant, if requested in writing.
6. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
7. If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to

- review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
8. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
  9. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any Registered Professional Engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
  10. The fee of the appointed Registered Professional Engineer who determines the reasonable and necessary expenses shall be paid by the owner/applicant if the amount due is equal or greater than the original bill. If the amount of payment required is less than the original bill by one thousand dollars (\$1,000.00) or more, the Township shall pay the fee, otherwise the fee shall be paid equally by the owner/applicant and the Township.

**§ 110-19. Status of Improvements After Acceptance.**

- A. Approval of construction shall not constitute an acceptance for repairs or maintenance by the Township. All improvements shall remain in private ownership until such time as their dedication shall have been accepted by ordinance or resolution of the Board of Supervisors or until condemned for public use.
- B. Upon the completion of all improvements in a plan and their approval by the Township, the owner/applicant shall post a maintenance bond or other surety in favor of Ligonier Township in an amount not to exceed fifteen percent (15%) of the actual cost of installation of all the accepted improvements to run for a period of not more than eighteen (18) months from the date of acceptance by ordinance of dedication. Such bond or surety shall secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the approved plat.
- C. Upon submittal by the owner/applicant of as-built plans of the recorded plat, the posting of the required maintenance bond, the submittal of copies of any deed restrictions placed on the subject property, modifications granted (if applicable), a legal description of all public improvements installed, specifically road rights-of-way, and a certification by the owner/applicant's Registered Professional Surveyor that all required control monumentation has been installed as shown on the recorded plan, monies remaining in the deposit for inspection costs shall be returned.

ARTICLE IV  
**Land Development Plans**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-20. Application.**

Any proposal to develop land or to prepare land for development, including for unconventional oil and gas drilling, other than the act of subdivision shall be subject to the requirements of this Article with the following exceptions:

- A. Erection of a single or two-family detached dwelling on its own lot or accessory structures thereon;
- B. Improvements to any building that do not increase the area it occupies on the ground or the need for additional parking spaces;
- C. Expansion of a building to cover additional ground area provided the expansion is not more than five hundred (500) square feet and is not closer than one hundred feet (100') to any property line abutting a residential property or fifty feet (50') to any other property line;
- D. Expansion of existing buildings or construction of new buildings for agricultural use (housing of livestock), shelter for farm equipment, storage of silage, etc.) on a family-run farm or agricultural operation.

**§ 110-21. Minor Land Development Site Plan (Excluding Residential Subdivisions)**

- A. On recorded parcels of less than two (2) acres where the proposed development involves less than two thousand (2,000) square feet of new construction and no new public utilities or extension of public roadways or streets are proposed, shall be considered minor land developments.
- B. For the purpose of expediting applications and reducing site design and development costs, an informal pre application conference, where the owner/applicant submits three (3) copies of a minor land development plan in accordance with the following requirements, shall take place during a regularly scheduled Planning Commission meeting.
  - 1. Advisory Meeting: An owner/applicant shall submit minor land development plans at least twenty-eight (28) days prior to the scheduled meeting date before the Township Planning Commission to discuss the proposal. The purpose of this step is to afford the owner/applicant advice and assistance in order to save time and money, suggest professional services if needed, and to answer any questions the owner/applicant may have in regard to filing an application or

- other items required. The time period for formal review shall not begin until a completed application has been submitted.
2. General Information: The owner/applicant shall be prepared to discuss the details of the proposed minor land development including a description of existing covenants, land characteristics, community facilities and utilities, commercially developed areas, residential areas, industrial areas, playgrounds and proposed protective covenants, existing utilities and street improvements. The following data shall be submitted:
    - a) The boundaries of the property described by bearings and distances;
    - b) The location of adjacent streets indicating street curbs and stormwater inlets, and street width, as well as existing and/or proposed curb cuts entering the property and streets or curb cuts directly across the street from the property;
    - c) The location of existing buildings to remain and proposed buildings, showing distances to property lines, height, and use of each building;
    - d) The location and size of existing to remain and proposed sewer and water lines, or location of proposed on-lot sewage disposal system and well;
    - e) Arrangement of off-street parking on the property, indicating number of spaces and location of access lanes, as well as truck servicing areas;
    - f) Proposed areas of grading on the site, indicating steepness of slopes and means to collect and dispose of stormwater, in accordance with this Chapter;
    - g) Proposed landscaping of the site, indicating also pedestrian walks, retaining walls, fences and other features.
    - h) A location map shall show the relationship of the proposed development to existing community facilities which serve or influence it and shall include the development's name, location, property owners name and telephone number, title, scale, north arrow and date.
    - i) The location of the proposed development shall be shown on the U.S. Geological Survey Map or a comparable substitute for purposes of relating the development to the existing topography, slopes, gradient and other physical features.
    - j) Land subject to hazards of life, health and safety shall not be developed until such hazards have been removed. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, land of excessive or improper fill material, or land improperly drained.
  3. Master Plan: If the developer's land development plan shows that he intends to develop in several phases, a master plan showing the entire proposed development including all proposed phases shall be submitted with the plan.
  4. Where the proposed minor land development application also involves action on a subdivision the Planning Commission shall make recommendations to the Board of Supervisors in compliance with this Section prior to recommendation of approval of the minor land development application.

5. All required Federal, State and Township permits and approvals shall be acquired by the owner/applicant prior to the issuance of any zoning/building permits.
6. This procedure for minor land development review shall be in lieu of the requirements of Section § 110-22.
7. The owner/applicant shall be apprised of the required method of payment for costs associated with consultant review fees, technical reports, inspections and related services. Owner/applicant shall be responsible for all such costs.

**§ 110-22. Plan Submission and Review**

- A. The owner/applicant is urged to request the Planning Commission to informally review a proposed land development plan relative to the requirements of this Section at a regular Planning Commission meeting. The owner/applicant shall provide a sketch plan showing in preliminary form, the information required for the formal submission. Any statements made by the Commission members during this pre application meeting shall not be deemed to be indicative of approval or disapproval of the plan as it will be later presented. The owner/applicant shall inform the Township Secretary at least ten (10) days prior to the meeting, or as otherwise specified, of his intent to present a sketch plan.
- B. For a formal application, the owner/applicant shall provide at least five (5) copies and one electronic file of the following drawings and data to the Planning Commission, informing the Township Secretary at least twenty-eight (28) days prior to a regular meeting date. The owner/applicant or his authorized representative shall be in attendance to present the application. The following information shall be included in a formal application:
  1. Name, address and telephone number of property owner, and owner/applicant if different from owner; name, address, and seal of the Registered Land Surveyor who has prepared the property survey and seal of the Registered Land Surveyor or Professional Engineer who prepared the plan; scale of the drawing, north arrow, date of drawing and location map relating the site to nearby major roads and landmarks;
  2. Boundaries of property, described by bearings and distances;
  3. Contours at a vertical interval of two feet (2') for all areas of the site;
  4. Existing physical features on or adjacent to the site including, but not limited to, access or utility easements, watercourses, drainage swales, culverts, storm drains, buildings, sewer and water lines, manholes and fire hydrants, street rights-of-way lines, edges of pavement and pavement widths, location of vehicular entrances across the street from the site, all public utilities proposed, steep slopes, wooded and flood prone areas of the site, any other significant man-made or natural features, and use of abutting properties surrounding the site;
  5. Proposed improvements to be installed on the site or connecting to off-site services, including, but not limited to, buildings with number of floors, dwelling units indicating number of bedrooms in each and/or rentable commercial floor area,

- points of access from adjacent road or roads, internal vehicular driveways, parking areas with each parking space shown, walkways, if any, grading and drainage revisions needed to accommodate the project, preliminary landscaping plan, and connection of development to off-site utility lines or means to provide sewer and/or water service on the property;
6. Proposed total development of the property in terms of gross floor areas, in preliminary form showing phasing of development if the plan presented is for only a part of the total land holding.
  7. Facilities to control erosion and collect sediment during construction in accordance with Section § 110-38 of this Chapter;
  8. A Traffic Impact Study (TIS, if required by the Township, shall be prepared by a Professional Engineer demonstrating the traffic impact of the proposed development and an impact mitigation plan. The TIS shall be prepared in accordance with the current guidelines established by the PADOT and accepted engineering practices. The scope of the study shall be determined by Ligonier Township.
  9. A Highway Occupancy Permit Application from PaDOT if the site is to have access to a State Highway; A Township driveway permit approval for the site is to have access to a Township highway.
  10. Letters, or approved modules, verifying capacity and access to public sewer and/or water systems, or certificate of approval from Sewage Enforcement Officer if the development is to be served by on-lot sewage disposal;
  11. Typical cross-sections through access drives and parking areas showing slopes and materials to be used and their thicknesses; and through areas of significant grading, showing means of draining the sloped surfaces;
  12. Profiles along centerlines of sanitary and storm sewers or drainage swales, showing connection to off-site system, and profile along centerline of access drives showing elevation of surface before and after installations of improvements;
  13. A notarized letter addressed to the Board of Supervisors indicating whether or not any toxic or hazardous chemical or other substances regulated by the Pennsylvania Department of Environmental Protection (PaDEP) will be used in connection with the operation of the development, and if so how such use will be controlled and waste materials disposed of.
  14. The Township Engineer shall review all data for compliance with the standards of this Article and shall report his findings and recommendations to the Board of Supervisors within thirty (30) days of receiving the material. The owner/applicant shall provide the Engineer with all the above not later than thirty (30) days following the date of the first review of the application by the Planning Commission.
- C. The Planning Commission may recommend approval, disapproval or approval with conditions to the Board of Supervisors after reviewing the submitted drawings and data. The Board shall vote to approve or disapprove the plan and may modify or accept any or all of any recommended conditions, which shall be noted on the final approved plans. The Board shall make its decision not more than ninety (90) days after the regular meeting date of the Planning Commission at which the application was first formally

reviewed. If the owner/applicant chooses not to accept all the conditions attached to the approval he shall so inform the Township Secretary and the application shall be considered as denied, otherwise a final plan of proposed improvements, including additions or corrections to address conditions imposed by the Planning Commission shall be submitted

- D. If the owner/applicant withdraws his plan after having submitted it and prior to any action from the Planning Commission, the review period shall cease and shall start from day one when the plan is resubmitted. If the Planning Commission requests additional information from the owner/applicant that is not provided with the application, the time period shall be held in abeyance until the information is provided and then will commence at the beginning of the ninety (90) day review period.
- E. Approval of a plan shall constitute an agreement between the owner/applicant and the Township that the site will be developed in accordance with the plan. Any subsequent deviations in the plan shall require review and action by the Planning Commission. The owner/applicant shall apply for a building permit within six months (180 days) after receiving final plan approval.

#### **§ 110-23. Improvement or Performance Bond**

As a condition of final approval, and consistent with the provisions of Article 3, the Board of Supervisors may require an improvement or performance bond to be purchased by the owner/applicant, or an escrow account to be opened, to the benefit of Ligonier Township, to cover on-site improvements. Such bond or escrow account shall not exceed one hundred and ten percent (110%) of the value of the improvements to be guaranteed. Such improvements may include, but need not be limited to, construction and paving of driveways, parking areas and walkways, storm drainage collection, retention and disposal system, and landscaping materials. The Township Engineer shall review cost estimates prepared by the Registered Professional Engineer or a Professional Surveyor of the owner/applicant shall determine the costs of the improvements to be covered, and shall inform the Board and owner/applicant. If the owner/applicant's Engineer and the Township's Engineer cannot agree on the amount of the financial security, or if the Township's Engineer recommends to the Board of Supervisors that the Board refuse the developer's estimate, the Board and the owner/applicant shall agree to retain and share the expenses of a third Registered Professional Engineer who shall recalculate the improvements costs and provide a final estimate presumed to be fair and reasonable. The bond or escrow account shall be released as provided for in Article 3, Section § 110-18.

#### **§ 110-24. Design Standards, Landscaping**

- A. Where a proposed commercial, industrial or institutional land development will abut residentially developed property, landscaping shall be installed in a minimum ten foot (10') wide planting strip along the perimeter of the abutting property, consisting of a

50%-50% mix of deciduous and evergreen trees, a minimum of three inches (3") dbh on ten foot (10') centers. All plant materials, once in place, shall be maintained by the commercial, industrial or institutional property owner and replaced if necessary.

- B. Landscape Plan. A landscape plan and associated planting details shall be submitted with all zoning, subdivision and/or land development applications. The landscape plan must contain and show the following information:
1. All proposed/existing structures and paved areas.
  2. All required bufferyards and the proposed vegetation within the bufferyard.
  3. All proposed vegetation and planting beds.
  4. Any existing trees or vegetation which are to be preserved.
  5. Any existing trees or vegetation which will be removed.
  6. A planting schedule that communicates the common name, scientific name, quantity, and condition of all proposed vegetated material.
  7. Table(s) that demonstrates compliance with the bufferyard and/or landscaping provisions of this chapter.
  8. Appropriate landscape details, notes, specifications, and methods of protecting existing vegetation.
  9. The landscape plan shall accurately identify the location and scale of the proposed species at 75% maturity.
- C. Bufferyards. Applicants shall demonstrate through the submission of a landscape plan that sufficient buffering is provided as required to minimize impact to adjacent uses.
1. No structure or uses shall be permitted in the bufferyard, other than stormwater management facilities, provided the structures or uses do not interfere with the required plantings in the bufferyard. Structures or uses not permitted within the required bufferyard include, but are not limited to, buildings, accessory structures, parking spaces and lighting devices.
  2. Stormwater management facilities and structures may be maintained within a buffer area, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirements.
  3. When the width of a required buffer area is in conflict with the minimum building setback requirements of the Zoning Ordinance, the greater distance shall apply. The buffer area planting requirement shall be adhered to regardless of the setback requirement.
  4. Minimum bufferyard standards. At a minimum, bufferyards shall include:
    - a) One (1) deciduous tree and three (3) evergreen trees for every 100 feet of property line where buffering is required.
    - b) Five (5) shrubs shall be provided for every 100 feet of property line where buffing is required.
    - c) A minimum of seventy-five (75%) percent of the plant material shall be grouped in planting beds as opposed to isolate mulch rings.
    - d) The required plant material shall be distributed over the entire length and width of the buffer area.

- e) Buffer plant material shall be arranged asymmetrically and may be grouped to form plant clusters. Informal groupings that reflect the natural character of the region are encouraged.
  - f) Plants shall be spaced to provide optimum growing conditions.
  - g) Buffer yards are required to be a minimum of twenty (20) feet in width.
5. The Township encourages flexibility in design and will entertain alternative bufferyards where the applicant demonstrates the buffering is equal to or better than the requirements of this chapter and meets the intent of this section. The use of decorative walls, decorative fences and landscape berms are allowable in an effort to meet the requirements of this section. The applicant shall demonstrate that the proposed buffering exceeds the minimum requirements by submitting an exhibit(s) that compares the proposed buffering to the requirements listed in this section.
  6. Openings for driveways shall be permitted to cross a required buffer area. Plantings in required buffer areas shall be located so as to not obstruct visibility for traffic entering or leaving the site.
  7. It shall be the responsibility of the owner/applicant to assure the continued growth and maintenance of all required materials within the bufferyard. Replacement of vegetative material shall be no later than the subsequent planting season.

D. Landscaping. All land development applications shall include provisions for landscaping in accordance with the following landscape requirements:

1. Landscaping shall be used in all open areas not covered by buildings, required parking areas, sidewalks or other impervious surfaces. Landscaping shall provide a mixture of vegetated material that is compatible with the land development and the surrounding land uses.
2. Within the site area, landscaping shall be generally required for the following areas: the building perimeter; parking lots; dumpsters; loading area; and stormwater detention facilities.
3. Artificial plants are prohibited as a substitute for required landscaping improvements included in this chapter.
4. Sight distance shall not be adversely affected by the location and size of landscaped plantings. Consideration shall be given to future growth potential of all planted materials in reviewing sight distance issues.
5. Deciduous trees shall be required at the following rates:
  - a) One (1) per dwelling unit in single-family residential developments.
  - b) One (1) per 5,000 square feet of the total site area in all other residential developments.
  - c) One (1) per 4,000 square feet of the total site area in non-residential developments.
  - d) Street trees, BMP tree plantings and trees within parking lot islands shall be counted towards the deciduous tree requirement. Required vegetation within bufferyards shall not fulfill this requirement.
6. Shrubs shall be required at the following rates:
  - a) One (1) per 1,000 square feet of the total site area in all land development projects except for single-family developments.

- b) BMP shrub plantings shall be counted towards the shrub requirement. Required vegetation within bufferyards shall not fulfill the shrub requirement.

E. Street Trees. Deciduous street trees may be provided in all land development projects which include new streets.

1. Street trees shall be located outside of the Right-of-Way.
2. The spacing of trees shall be a minimum of fifty (50) feet on center.
3. Street trees shall have a canopy of thirty (30) to fifty (50) feet spread at maturity.

F. Landscaping of Parking Areas.

1. Interior landscaping shall be required for new parking areas. Where a preexisting parking area is expanded to increase the size to 4,000 or more square feet of area or ten (10) or more parking spaces, interior landscaping shall be provided for the new parking areas.
2. Interior landscaping islands shall be a minimum of ten (10) feet wide and equal to the length of the abutting parking stall(s).
3. One internal landscape island shall be provided for every ten (10) consecutive parking spaces arranged in a perpendicular or angled layout.
4. Each interior landscaping island shall, at a minimum contain at least one (1) deciduous tree.
5. Applicants are encouraged to include BMP and stormwater facilities within landscape islands.
6. All landscape islands shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface. Wedge curbing and curb cuts that accommodate drainage into BMP islands are acceptable.

G. Screening.

1. All service structures shall be fully screened.
2. Location of Screening. A continuous planting, hedge, fence, or wall shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one side is required.
3. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height.
4. When a service structure is located next to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section.
5. Whenever service structures are screened by plant material, such material may count toward the fulfillment of required number of shrubs.

H. Plant Sizes and Requirements.

1. Deciduous Trees. All trees required to be planted shall be a minimum of two (2) inches in diameter at 4.5 feet above the ground. Dwarfed species shall not be considered deciduous trees.
2. Evergreen Trees. All evergreen trees required to be planted shall be a minimum of six (6) foot in height at the time of planting measured from the ground adjacent to the planted tree to the top of the tree.

3. Shrubs. All shrubs required to be planted shall be a minimum of twenty-four (24) inches in height at planting.
4. All planting shall be performed in conformance with good nursery and landscape practice. Plant materials shall conform to the standards recommended by the American Association of Nurseryman, Inc., in the American Standard of Nursery Stock, ANSI Z60.1, current edition, as amended.
5. No one species shall comprise more than thirty-three percent (33%) of the entire number of plantings in a particular development.
6. Installed plant material should be locally grown, if possible.
7. Plant material shall be selected from the PA DCNR native plant publications. Selected plant material shall not include any invasive species identified on the PA DCNR Invasive Plant Database.

I. Landscape Modifications.

1. The Township Supervisors may modify or waive the landscaping standards of this chapter where one or more of the following conditions occurs:
  - a) There is existing healthy vegetation that is sufficient to meet the requirements.
  - b) Landscaping would interfere with utilities, easements, sight distance or other vegetation.
  - c) A required bufferyard would create redundant and/or duplicated bufferyards along abutting lot lines.
2. In the event that existing vegetation and/or existing topography provides screening which is adequate to meet the intent of the required bufferyard to screen the buildings, activities and parking areas from adjoining residential properties, the Township Commissioners, upon recommendation by the Planning Commission, may determine that existing topography and/or vegetation constitutes all or part of the required bufferyard. If such a determination is made and the size of the bufferyard warrants it, the applicant may be required to record a conservation easement of the depth specified by the Township Commission to guarantee that the existing topography and/or vegetation will not be disturbed or removed from the approved bufferyard.

J. Posting of Financial Security for Landscaping.

1. The landowner and/or developer shall provide the Township with performance security, as required by the Subdivision and Land Development Ordinance, during development of the site to guarantee proper installation of the required landscaping and bufferyard materials required by this chapter and as shown on the Township-approved landscaping plan.
2. security shall be handled consistent with the requirements of the Subdivision and Land Development Ordinance.
3. All required landscape materials are considered a part of the zoning and/or subdivision and land development approval. If any required vegetated material dies and/or is removed at any point after installation and is not replaced during the following planting season, the site will be considered in violation of its zoning and/or subdivision and land development approval

- K. The Planning Commission may recommend and the Board of Supervisors may require the owner/applicant to post a maintenance bond or establish an escrow account to guarantee survival of all plant materials for a period of not more than two (2) years after the initial planting. The Board may also require the owner/applicant to provide a continuous maintenance program for feeding, spraying and pruning of all plant materials on the site. The owner/applicant shall submit an as-built landscaping plan whether a maintenance bond is posted or not.

**§ 110-25. Recording.**

- A. The affixing of the signature of the Chairman of the Board of Supervisors and others as required by Section § 110-16 shall render the land development plan application ready for recording.
- B. Upon the approval of a land development plan, a representative of the Township shall within ninety (90) days of such final approval, or ninety days (90) after the date of delivery of an approved land development plan signed by the Township Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such land development plan in the Office of the Recorder of Deeds of Westmoreland County. The Recorder of Deeds of Westmoreland County shall not accept any land development plan for recording, unless such land development plan officially notes the approval of the Board of Supervisors and review by the Westmoreland County Planning Department.

ARTICLE V  
**Design Standards and Required Improvements**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-26. General Standards**

- A. The owner/applicant shall install, at no expense to the Township, all of the required improvements that he and the Board of Supervisors agree upon, in accordance with the standards outlined in this Article.
- B. The Board of Supervisors upon recommendation of the Planning Commission, may at the Board's discretion, modify the improvements required of the owner/applicant where unusual conditions are present, where normal application of the requirements would jeopardize the public safety or the safety of any occupants of the plan or subdivision or abutting properties, or where the design standards impose a clear hardship on the owner/applicant through no fault created by him.
- C. When directed by the Township the Township Engineer shall inspect the installation of required improvements for which financial security has been posted in all approved subdivisions or land development plans while they are being installed and upon completion, in accordance with Section § 110-18 of this Chapter.
- D. The design standards contained in this Article are minimum standards. When restrictive covenants or deed restrictions imposed by an owner/applicant on the subdivision or land development plan are more restrictive, they shall govern, however the Township shall not be responsible for the enforcement of private covenants.
- E. Land susceptible to flooding or exceptionally high water table, or underlaid by unstable subsurface conditions, steep or unstable slopes, or impacted by the presence of high voltage electric or high pressure gas or oil transmission lines shall not be approved for subdivision or land development unless the plan proposes safeguards adequate, in the opinion of a Registered Professional Engineer, to protect the general public and adjacent property owners specifically.
- F. The subdivision of a tract of land shall not leave remaining any portions that are landlocked or parts that are not designated as lots, streets, lands dedicated for public use or land to be retained by the owner of the tract with reasonable access for later subdivision.
- G. All required information shall be submitted in a form and at the scale specified in this Article.

**§ 110-27. Monuments and Pins.**

- A. Concrete monuments shall be set permanently on at least one side of the street on right-of-way lines, at all points of tangent and points of curvature along interior streets to be recorded.
- B. Monuments and markers shall be set in the field exactly by a Registered Land Surveyor in accordance with the bearings and distances shown on the recording drawing.
- C. Monuments shall be made of pre-cast concrete thirty inches (30") long by six inches (6") in cross-section and shall be set flush with the ground level. Ferrous material shall be imbedded in each monument and scored or marked to indicate the exact point of crossing of the intersecting lines.
- D. Any monuments or pins that are removed shall be replaced at the owner/applicant's expense until such time as the Township accepts the monumentation and the owner/applicant's interest in the subject property ceases.
- E. The placing of all monuments shall be a line item included in the financial surety posted for required site improvements.

**§ 110-28. General Street Design Standards**

- A. General Standards:
  - 1. Circulation within a subdivision or land development plan shall logically relate to and be an extension of the Township road system, or, if extending beyond the Township boundary, to the road network in the adjacent municipality.
  - 2. The layout of streets shall relate as closely as possible to existing topography in order to minimize earth moving, produce usable lots or development areas, create reasonable grades, and preserve the amenities and natural cover of the site.
  - 3. The Township may impose higher standards where it is clear that a dangerous situation may be created by the location, grade or intersection of streets or by topographical conditions.
  - 4. Minor streets shall be designed to discourage use by traffic with no origin or destination within the subdivision plan or land development or extensions thereof.
  - 5. Streets shall be extended to the boundaries of a subdivision or land development plan if connection can be made to an existing or recorded street in an adjacent subdivision or plan or if topography or shape of the adjacent undeveloped property suggests a logical extension exists to that property.
  - 6. The Planning Commission may require an owner/applicant whose land abuts a major highway to orient his plan away from the highway with no lots having access directly to it and to limit his points of access into the subdivision plan or land development to a minimum number with adequate sight distances.
  - 7. Alleys shall be prohibited and all streets, roadways, and rights-of-way shall be designed and constructed based on the functional classification of such streets and roadways.

8. The owner/applicant may construct streets and install other improvements at the same time that buildings in the subdivision plan or land development are being built, but no building within the plan shall be occupied until the street is acceptable to the Township across the front of the lot containing the building to be occupied and extending to completed portions of the road system.

B. Street Intersections:

1. Streets shall be laid out to intersect as at right angles. If it is not possible to obtain ninety degrees, the intersections shall be and not less than sixty degrees (60°) or more than one hundred twenty degrees (120°).
2. Where two (2) streets intersect a third street from opposite sides, the distance between the centerlines of the two (2) streets shall be not less than one hundred and twenty-five feet (125'), or else they shall intersect the third street directly opposite. See also Section § 110-34.
3. Unobstructed sight distances shall be maintained at intersections.
4. Where street grades at intersections exceed five percent (5%), a leveling area shall be provided so that within a distance of sixty feet (60') from the intersection of street centerlines, a grade of not more than three percent (3%) shall be created. See also Section § 110-34.
5. Intersections involving the crossing of more than two (2) streets shall not be permitted.
6. Intersecting pavements shall be designed with a radius of not less than twenty-five feet (25') at intersecting minor streets, twenty-five feet (25') at intersecting minor and major streets and thirty-five feet (35') at intersecting major streets.

C. Cul-de-Sacs and Temporary Dead-End Streets:

1. Streets to be permanently closed at one end (cul-de-sacs) shall not be greater than sixteenhundred linear feet (1,600') to the center of the turnaround nor less than two hundred fifty feet (250') in length measured between the center of the turnaround at the closed end and the centerline of the intersected street at the other end. The turnaround shall have a right-of-way diameter of at least one hundred feet (100') and a paved diameter of at least eighty feet (80') on the paved cart way. The paved portion shall be at least twenty-four feet (24') in width and the center of the cul-de-sac need not be paved if it is planted and maintained. If the full width of the cul-de-sac is paved, a paved diameter of eighty feet (80') shall be provided. See also Section § 110-34.
2. Where the sixteen hundred (1,600) linear feet maximum cul-de-sac street length is exceeded by modification, a paved area sufficient in size to allow for the turning and maneuvering of school busses, emergency vehicles, and maintenance equipment shall be provided within a dedicated right-of-way and placed in a location beyond two-thirds (2/3) of the street length as modified, from the centerline of the intersection of the open end of the street, to the terminus of the street right-of-way line. An appropriately enlarged cul-de-sac bulb may comply with this requirement.
3. Where a subdivision or land development consisting of twenty (20) lots or more is proposed with only one (1) point of public access to an abutting public right-of-

way, a paved area sufficient in size to allow for the turning and maneuvering of school busses, emergency vehicles, and maintenance equipment shall be provided within a dedicated right-of-way. An appropriately enlarged cul-de-sac bulb may comply with this requirement.

4. All cul-de-sac streets shall be provided with a snow storage easement extending fifteen (15) feet from the paved portion of the cul-de-sac bulb. Said easement shall be a minimum of four hundred and fifty (450) square feet and the area shall be graded to direct runoff to the paved portion of the roadway for discharge into the storm sewer system. The easement may extend over two (2) lots.
5. If a subdivision or land development plan is developed over several stages and streets are to be extended as development proceeds, temporary dead-end streets produced in one stage to be extended in a later stage shall be provided with an all-weather turnaround whose use and maintenance is guaranteed to the public by the owner/applicant. A developer's agreement to guarantee completion of future phases will be required.

D. Private Driveways: Driveways entering public streets shall be graded to prevent stormwater flowing from the driveway onto the paved portion of the public street. The street's gutter line shall be maintained across the private driveway, or stormwater may pass under, provided the gutter alignment is not compromised and the pipe under the private driveway is of sufficient size to carry the stormwater flow from the one hundred (100) year storm without creating ponding on the upstream end.

E. Street Construction Standards: Streets shall be designed, graded, surfaced and improved to the widths and dimensions identified in the Township's Standard Construction Details attached as Appendix B, and profiles and cross-sections submitted by the owner'/applicant's consultants and approved by the Board of Supervisors.

F. Street Names and Signposts: Streets that are extensions of existing streets or are substantially in alignment with them shall bear the name of the existing street.

1. Street names shall be subject to the approval of the Board of Supervisors and shall not duplicate names already in use within the same postal zip code zone.
2. The applicant shall obtain approval from Westmoreland County emergency services for all street names
3. Approved street name signs shall be placed at all street intersections within the plan or at the intersection of existing streets and streets entering the plan.
4. Signs and supports may be provided by the Township at the developer's expense and installed by the owner/applicant, although the Township and owner/applicant may mutually agree on an alternative sign type.

## **§ 110-29. Easements.**

A. Public Utilities:

1. Where possible utilities shall be placed within the street rights-of-way but where that is not possible they shall be placed, except to accommodate unusual sanitary

sewer or storm drainage conditions, within easements centered on side or rear lot lines.

2. Easements across private property shall be not less than twenty feet (20') in width and shall be aligned from lot to lot across a subdivision or land development plan, or within a single tract. They shall be clearly identified on the final plan as to their intended purpose. See also Section § 110-36.
3. A minimum distance shall be maintained between any point of a residential building and the nearest petroleum products or natural gas transmission line in accordance with the Pennsylvania Public Utility Commission regulations, but in no case less than twenty feet (20').

**B. Drainage:**

1. Where a subdivision or land development plan is traversed by a watercourse or storm drainage line, a drainage easement or right-of-way shall be provided and recorded on the plan.
2. The easement shall be of sufficient width to accommodate the watercourse or line as well as areas adjacent to the watercourse subject to frequent high water conditions or utilized as detention ponds, etc. and to allow access for work crews to maintain the drainageway, or 50 feet from the top of the bank of the watercourse

**§ 110-30. Lot Layout.**

- A. Every lot in a subdivision shall abut a recorded street and have a minimum of fifty feet (50') of frontage at the right-of-way line.
- B. Side lines of lots shall be at right angles or radial to street lines as nearly as possible.
- C. Double frontage or reverse frontage lots shall be discouraged except where lots abut along their rear property line a collector or arterial roadway, in which case the rear building setback line of the lots shall be a minimum of fifty feet (50') from the collector or arterial roadway right-of-way line.
- D. Minimum lot dimensions and areas shall not be less than those specified in this Section as follows:
  1. Minimum lot area - with public water - 1 acre (43,560 square feet) exclusive of rights-of-way.
  2. Minimum lot area - with public sanitary sewerage - .5 acres (21,780 square feet) exclusive of rights-of-way.
  3. Minimum lot area - with both public water and public sanitary sewerage -.25 acres (10,890 square feet) exclusive of rights-of-way.
  4. Minimum lot area - with no public utilities - 1.5 acres (65,340 square feet) exclusive of rights-of-way.
  5. No principal or accessory structure on a corner lot shall be placed within the clear sight triangle, as defined.

- E. Lot lines within a subdivision shall be arranged to minimize the amount of drainage passing from one (1) lot directly onto a neighboring lot. The owner/applicant to provide drainage easements land grade swales along lot lines to control drainage across lots.
- F. Existing natural features, existing topography and significant trees shall be retained wherever possible and disturbance of ground cover shall be minimized to reduce erosion and maintain drainage patterns.
- G. Within a subdivision or land development plan where public sewage collection and water supply systems are not available, lot boundary location and minimum lot size, as well as the location and size of on-lot sewage disposal systems, shall be determined by the Municipal Sewage Enforcement Officer under the regulations of the Pennsylvania Sewage Facilities Act, as amended. The Officer's determinations shall not permit smaller lots than stipulated in this Article but may require larger lots or a rearrangement of lots where unusual soil conditions dictate.
- H. No land shall remain in a subdivision that is not platted for sale, development, or for permanent open space. Areas to be developed for uses other than dwellings shall be indicated on the plan as to their specific use. Approved nonresidential areas shall be designated "dedicated" or "reserved" on the final plan.
- I. A plan may contain no more than two (2) "flag" lots, where the following standards are met:
  - 1. The access area shall be not less than fifty feet (50') wide and its area included in the calculation of minimum lot size (square footage).
  - 2. The lot shall be developed with its extended portion for access abutting the public right-of-way.
- J. Rear Lot: One (1) second lot may be created from the rear portion of an existing recorded lot of record, provided the following standards are met:
  - 1. The rear lot is connected to a public right-of-way by an access strip of land at least twenty feet (20') wide in the same ownership as the rear lot.
  - 2. The front lot will retain not less than the minimum required setbacks after the access strip is removed.
  - 3. The rear lot will contain only one (1) single family detached dwelling and normal accessory uses.
  - 4. The rear lot is not more than one and a half (1.5) acres in area, and neither the front or rear lot contains less than the minimum specified lot area.
  - 5. The access strip is not used in calculating lot area, and will not be extended or used as access for any other lots either existing or future; and
  - 6. The dwelling on the rear lot is set back from the rear lot line of the front lot by at least fifty feet (50').

**§ 110-31. Sanitary Sewage Disposal and Water Supply**

A. Sewage Disposal:

1. Every structure in any subdivision, land development plan, RV campground or mobile home park connected to a water supply shall also be connected to a sanitary sewage disposal system. Such system shall be either an individual on-lot system approved by the Township Sewage Enforcement Officer, or a system approved by the Commonwealth Department of Environmental Protection.
2. Where a public sanitary sewerage system exists adjacent to or within one thousand feet (1000') of a major subdivision, land development plan, RV campground or mobile home park boundary, the owner/applicant shall connect all the lots or buildings with a water supply to the public sanitary sewerage system, constructing the necessary collector and lateral lines.
3. On-lot septic disposal systems approved by the Sewage Enforcement Officer shall be installed in compliance with the PaDEP "Standards for Sewage Disposal Facilities" and shall not be backfilled until inspected by the Sewage Enforcement Officer after he or she authorizes the covering of the system.
4. No storm sewers, footer drains or downspouts shall be connected to any sanitary sewage disposal system.
5. When an owner/applicant installs sewer lines to connect with those of a sewer authority with jurisdiction, he shall do so in accordance with the authority's rules and regulations.
6. All public sanitary sewerage lines and facilities owned, operated, and maintained by the Ligonier Township Municipal Authority or Ligonier Township, whether existing or proposed, shall be identified on a plat prior to recording. Ownership, diameter, material and direction of flow shall be noted.

B. Water Supply System:

1. Every lot, dwelling unit, and each commercial business and public or semi-public building shall be provided with a potable water supply as hereinafter set forth, of sufficient quality, quantity and pressure to meet the minimum standards of the Department of Environment Protection. If such standards are not applicable, the water supply shall be of sufficient quality, quantity and pressure to meet the requirements of the intended and actual use.
2. Existing Public Water Supply System:
  - a) Where a public water system exists adjacent to or within one thousand feet (1,000') of a subdivision, land development plan, RV campground or mobile home park boundary, the owner/applicant shall connect every lot or principal building in the plan to the water supply, providing the necessary piping system, laterals and hydrants.
  - b) Water lines shall be installed in accordance with the regulations of the Public Utility Commission or authority with jurisdiction that will assume maintenance of the lines.
  - c) Where a public water supply system will serve the plan, hydrants shall be placed so that no principal building on a lot is more than six hundred feet (600') distant from a hydrant. Hydrants shall be placed within street rights-of-way, preferably at street intersections. The plan for distribution of

hydrants in the plan, and the quantity and pressure of water available at each hydrant, shall be reviewed and approved by the Fire Chief of the fire company providing coverage for the plan and the authority providing the water.

3. Private Water Supply or Proposed Public Water System: Where the water to meet the requirements of this Section is to be supplied by private wells or a proposed public water system, the owner/applicant or developer shall comply with this Section, as amended, as well as the applicable requirements of the Pennsylvania Public Utility Commission and/or Pennsylvania Department of Environmental Protection.

### **§ 110-32. Grading.**

- A. A grading permit will be required for any and all earth disturbance over 5000 square feet or earthmoving activities resulting in alterations to the surface exceeding three feet (3') in elevation or disturbance of a surface area greater than one acre (forty-three thousand five hundred and sixty (43,560) square feet) or processing slopes greater than 3 degrees.
- B. Every applicant for a grading permit shall file a written application therefore with the Township in a form prescribed by the Township. Such application shall:
  1. Describe the land on which the proposed work is to be done by lot, tract or street address or a similar description which will readily identify and definitely locate the proposed work.
  2. Be accompanied by plans and specifications prepared, signed and sealed by a Professional Engineer, Surveyor or Architect, giving a reasonable description of the site and proposed soil erosion controls, if any. The Township Engineer may waive the preparation or approval and signature by the Registered Professional Engineer, Professional Land Surveyor or Registered Architect only when it is self-evident that the proposed work is simple, is clearly shown on the plans submitted, and creates no potential nuisance to adjacent property or hazard and does not include the construction of a fill upon which a structure may be erected. All plans shall be prepared in accordance with the requirements of the Pennsylvania Department of Environmental Protection. In addition, if required, a copy of the duly prepared Soil Erosion and Sedimentation Control Plan shall be submitted to, and deemed adequate by, the Westmoreland County Conservation District, as required.
  3. State the estimated dates for the starting and completion of grading work.
  4. State the purpose for which the grading application is filed and the intended use of the site.
  5. Include written approval of a Best Management Practices (BMP) operations and maintenance plan from Ligonier Township, where applicable.
- C. Excavation:
  1. Maximum slope steepness of a cut should be two (2) horizontal to one (1) vertical. A Registered Professional Engineer or Certified Geologist may recognize the types of soil

on the site to be graded from the soil survey or other source of information. Maximum slopes can then be determined by said professional upon concurrence of the Township Engineer.

2. Cut slopes which are steeper than those specified in this Section may be allowed under a grading permit, provided that one or both of the following are satisfied:
  - a) The material in which the excavation is made is sufficiently stable to sustain a slope steeper than the slope specified herein for recognized soil conditions on the site. A written statement, signed and sealed by a Registered Professional Engineer or Certified Geologist, stating that the steeper slope will have sufficient stability and that risk of creating a hazard will be slight, must be submitted to the Township.
  - b) A retaining wall other than that required for a single family dwelling, or other approved support, designed by a Registered Professional Engineer and approved by the Township Engineer, is provided to support the face of excavation.

D. Fills:

1. No fill shall be placed over trees, stumps, trash, or other material which could create a hazard.
2. All fills should be compacted to provide stability of fill material and to prevent undesirable settlement or slippage. Structural fills shall be compacted to a ninety-five percent (95%) modified proctor and be certified by a Professional Soils Engineer.
3. Coal, boney, red dog, expansive slag, cinders, wood, trash, organic material or refuse shall not be placed or used for fill material unless blended with suitable soils capable of maintaining soil stability.
4. The top or bottom edge of fill slopes should generally be set back three feet (3') from adjacent property lines or street right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property or street.

E. Retaining Walls:

1. If a retaining wall is constructed to satisfy a requirement of this Article, a building permit, as provided for by other municipal regulations, shall be required where a grading permit is required. The grading permit shall apply to the retaining wall and area adjacent, and the requirements for inspection, as stated herein, shall be applicable.
2. The retaining wall shall be constructed in accordance with sound engineering practice. The plans submitted for approval of retaining walls four feet (4') or higher shall bear the seal of a Registered Professional Engineer.
3. The backfilling of retaining walls and the insertion of subterranean drainage facilities shall be done strictly in accordance with the provisions of this Article and the appropriate municipal specifications.
4. In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be a minimum of three feet (3') back from the adjoining property boundary line. The requirement of this subsection may be set aside when the proposed retaining wall is a joint venture between adjacent property owners and appropriate

documents so stating are filed with the application for the building and/or grading permit.

**§ 110-33. Street Standards.**

- A. General requirements: All streets shall comply with the standards specified herein and in accordance with the Ligonier Township road ordinances and regulations. All new and widened portions of existing rights-of-way intended for public use shall be dedicated to the Township. An offer of dedication shall be placed on the recorded plan, subject to final acceptance based on compliance with the following requirements:
1. The proposed street pattern shall be related to existing streets and to such County and Commonwealth road plans as have been duly adopted.
  2. Streets shall be arranged in a manner to meet with the approval of the Township Board of Supervisors, considered in relation to both existing and planned streets, and located so as to allow proper development of surrounding properties. Secondary and through streets shall be connected with such existing streets and highways to form continuations thereof. Residential streets shall be laid out to discourage their use as secondary or through highways.
  3. Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable grade, alignment and drainage.
  4. Streets shall be graded to the minimum conditions shown on the cross-sections. Provisions made for slopes beyond the recorded right-of-way shall be in conformance with Township grading standards.
  5. Access shall be given to all lots and portions of the tract in the subdivision or land development plan and to adjacent recorded undeveloped or through the unsubdivided property. Streets providing such access shall be improved to the limits of the subdivision or land development, except as otherwise specified [See Subsection § 110-34(3) (c)]. Remnants, reserve strips, and landlocked areas shall not be created.
  6. New streets shall be laid out to continue existing streets at the existing right-of-way and cart way width or the minimum standards of this Chapter, whichever is greatest.
  7. Dead-end streets are prohibited, unless designed as a cul-de-sac or designed as a stub street with a temporary turnaround for access exclusively to neighboring tracts, with no more than two (2) lots being provided access thereto.
  8. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets in the Township or zip code area serving the Township. All street names shall be approved by the Township Board of Supervisors, assigned by the Planning Commission, and coordinated with the developer and Westmoreland County 911 service.
  9. The dedication of half streets at the edges of a new subdivision or land development plan is prohibited. If circumstances render this impracticable, adequate provisions for concurrent dedication of the remaining half of the street must be furnished by the applicant or developer. When there exists a half street in

an adjoining subdivision, the remaining half shall be provided by the proposed development where, in the opinion of the Township Board of Supervisors, the need is valid.

B. Street Classifications: The street classifications listed herein are to be used for all planned subdivisions or land developments. Existing streets and roads can be classified as arterials, collectors or local access. New streets shall be classified according to their function as follows:

1. Arterial street: A major street serving as a principal or heavy traffic street of considerable continuity and used primarily as a traffic artery for interconnectivity between large areas.
2. Collector street: A street which carries traffic from minor streets to arterial or major streets, including the principal entrance streets of a major subdivision or land development and the streets for circulation within such a subdivision or land development.
3. Local Access: A street predominantly serving as an access street to a particular lot or serving another minor function as sub classified below:
  - a) Residential streets: Residential streets shall be those streets which are used to provide access to properties, connect with other residential streets and/or streets of a higher classification.
  - b) Marginal access streets: Marginal access streets which may function as a collector street are streets which are parallel and adjacent to an arterial street and which provide access to abutting properties and separation from through traffic. They serve to reduce the number of access points which intersect the larger road, thereby increasing the efficiency and safety of traffic flow along the major road while providing access to abutting development.
    - i. The Township Board of Supervisors reserves the right to require marginal access streets along any street where local vehicular access to individual lots would create congestion and/or hazards to traffic flow and safety by reason of street grades, land forms, vegetation, frequency of driveway intersections, limited sight distances, heavy traffic volumes and/or high speed traffic flows.
    - ii. The location of a marginal access street shall be essentially parallel and adjacent to the street along whose margin it is located.
    - iii. The right-of-way for this type of street shall abut and be measured from the final right-of-way of the parallel street.
    - iv. When forming a necessary leg of another classification of street, a street shall be governed by the regulations of the higher street classification.
    - v. A landscaped barrier island, at least twenty feet (20') wide, shall physically separate the cart ways of the marginal access street and the parallel street.
    - vi. Sidewalks, when required, shall be located on the outermost portion of the marginal access street right-of-way, abutting the building lots.
    - vii. Marginal access streets shall be constructed to the standards of minor streets, except as noted in this Section.

4. Where the classification of a new street is in question, the classification shall be determined on the basis of traffic load, average daily traffic (ADT) of three thousand (3,000) or more shall classify a street or road as arterial, ADT from six hundred to three thousand (600-2999) shall classify a street as collector, and ADT of less than eight hundred (800) shall classify a street as local access.

C. Other Streets: Other streets are sub classifications of minor streets. Because of their uniqueness and abundance, they are specified in greater detail in this Subsection.

1. The Township shall have no maintenance obligation for nonpublic streets. The maintenance of such nonpublic streets shall be the full and sole responsibility of the owner, association or the legally binding organization of landowners with access rights, subject to the criteria below:

- a) An association or other legally binding organization of landowners with access rights on the nonpublic street shall be formed and administered for the purpose of maintenance of the nonpublic street.
- b) Documents governing such association shall be filed with the Township Board of Supervisors.
- c) All properties depending on a nonpublic street for access shall be guaranteed an irrevocable right to that access under the terms of a right-of-way, access easement or other legal covenant. Such access right shall be clearly noted on the subdivision and/or land development plans which create a nonpublic street, shall be included in deeds for all properties with access rights and shall be recorded in the office of the Recorder of Deeds of Westmoreland County.
- d) Provision shall be made for the nonpublic streets for emergency vehicles only as approved and deemed necessary by Township officials.

2. Stub streets:

- a) Shall be provided in appropriate locations for vehicular access to abutting undeveloped lands when requested by the Township Board of Supervisors upon the recommendation of the Planning Commission and Township Engineer.
- b) Shall not be provided with a vehicular turnaround.
- c) Shall be constructed to the property line in accordance with the standards of this Chapter applicable to the classification of street it will be upon extension.
- d) Shall serve no more than two (2) lots when used as a dead-end street. The developer shall pave access to the two (2) lots from a higher road classification according to the standards set forth in this Chapter.
- e) Any new lots created by extending a stub street shall front on a minimum fifty foot (50') right-of-way. The developer shall pave an area equal to the distance of one (1) minimum lot width in the applicable zoning district, and make arrangements to extend the pavement to additional lots, should a stub street be extended to a higher road classification, as described in this Article.

3. Alleys:

- a) Alleys are not permitted in residential developments, except for instances where they are logical extension of existing alleys.
  - b) Alleys, where permitted, are bound by the standards set forth in this Subsection.
  - c) Alleys shall be provided in areas where commercial and/or industrial development has been approved, except that the Township Board of Supervisors may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.
  - d) The width of alley paving shall not be less than sixteen feet (16').
  - e) Alley intersections and sharp changes in alignment shall be avoided but, if necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
  - f) Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround facilities at the dead end, as determined by the Township Board of Supervisors.
  - g) The right-of-way shall be twenty-five feet (25').
  - h) Alleys do not require curbs, sidewalks and shoulders unless required by the Americans with Disabilities Act.
4. Street Design and Construction Criteria:
- a) Please see the Township Road Ordinance.
  - b) Final recorded right-of-way: Final right-of-way widths are either existing, proposed or expanded from existing rights-of-way, depending on the ultimate classification of a street as determined by the Township Board of Supervisors. The following shall apply to final rights-of-way:
    - i. No fences, walls or other obstruction shall be constructed within a street right-of-way, except retaining walls where necessitated by road widening and constructed by the governmental agency having jurisdiction over the road.
    - ii. The front building setback shall be the distance set forth in this Article, measured from the planned (final) street right-of-way line location.
    - iii. Additional rights-of-way and/or paving widths may be required by the Township where it is necessary for public safety and convenience to install traffic control facilities or turning lanes and where old roads do not provide the proper width and additional dedication is necessary.
    - iv. The area between the existing right-of-way line and the final right-of-way line shall be dedicated to the authority having jurisdiction over any public streets which abut or pass through any subdivision or land development proposed within the Township.
    - v. Final rights-of-way widths shall be as defined in Subsection § 110-34 unless otherwise noted in this Article.
5. Curbs and sidewalks: Sidewalks and curbs shall be installed along all proposed public and nonpublic streets, except when this requirement is waived at the discretion of the

Township Board of Supervisors with input from the Township Engineer, upon recommendation of the Township Planning Commission.

- a) The Township Board of Supervisors may waive the sidewalk requirement under one or more of the following situations:
  - i. In a proposed residential development, where no destination exists or is anticipated to exist which can be reached by pedestrians including but not limited to a shopping center, bus stop, employment site, or a school).
  - ii. Where the sidewalk(s) would not be an extension of an existing network which provides neighborhood or village circulation.
  - iii. Where an alternative pedestrian circulation concept can be shown to be more desirable, especially when using open space areas, provided that appropriate walks are provided between the open space walkways and the pedestrian origins and destinations.
  - iv. Where the rural character, density of the area and/or small size of the proposal preclude the purposeful use of sidewalks.
- a) Regardless of the size of land development or subdivision proposal, sidewalks and curbs shall be required whenever they fill a gap in an existing network.
- b) Sidewalks shall be not less than five feet (5') in width, although the Township Board of Supervisors may require additional width where higher volumes of pedestrian traffic are anticipated.
- c) Sidewalks shall not extend beyond the right-of-way line of public streets or the equivalent right-of-way line of private streets unless located in legal easements guaranteeing adequate pedestrian access.
- d) Sidewalks shall be provided in appropriate locations to provide safe and efficient pedestrian access between parking areas and nonresidential buildings.
- e) Additional sidewalks shall be required where deemed necessary by the Township Board of Supervisors to provide access to schools, churches, parks, community facilities and commercial centers and to provide necessary pedestrian circulation within land development and/or subdivisions where otherwise required sidewalks would not be sufficient for public safety and convenience.
- f) Sidewalks shall be designed to facilitate access and use by persons with disabilities, in accordance with requirements noted in the Americans with Disabilities Act.
- g) Driveway crossing shall be designed in compliance with this Article.
- h) Sidewalks shall be laterally pitched at a slope of not less than 1/4 inch per foot to provide for adequate surface drainage towards the street abutting high side lots and away from streets on low side.
- i) At corners and pedestrian street crossing points, sidewalks shall be extended to the curbline with an adequate apron area for anticipated pedestrian traffic.
- j) Sidewalks shall not exceed a grade of twelve percent (12%). Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades, where necessary. A non-slip surface texture shall be used. All

sidewalks must comply with the Americans with Disabilities Act and all other state and federal legislation.

- k) The grades and paving of sidewalks shall be continuous across driveways, except in nonresidential and multi-family residential developments and in certain other cases where heavy traffic volume dictates special treatment.
  - l) The thickness and type of construction of all sidewalks and curbs shall be in accordance with the following:
    - i. In general, where PA DOT specifications govern, these standards shall be used.
    - ii. Sidewalks shall be constructed in accordance with the Township Road Ordinance.
    - iii. Curbs shall be constructed in accordance with the Township Road Ordinance,
  - m) If, for any reason, an interim waiver of these requirements is made, a sufficient guarantee shall be posted for the eventual installation of these improvements, subject to approval by the Township Board of Supervisors, upon the recommendation of the Township Engineer and Solicitor.
6. Pavement and right-of-way radii at intersections:
- a) Road intersections shall be rounded with tangential arcs at the pavement edge (curbline) and rights-of-way lines as listed below. Where two (2) roads of different right-of-way width intersect, the radii of curvature for the higher classification road shall apply. The pavement edge (or curbline) radius and right-of-way radius shall be concentric.
  - b) For arterial streets, the right-of-way width at intersections should be as specified by the Pennsylvania Department of Transportation.
  - c) For collector and minor streets, the right-of-way width at intersections should extend ten feet (10') beyond the pavement edge or as approved by the Township Engineer.
  - d) Pavement radii at intersections shall be as defined in Section § 110-34, unless otherwise noted in this Chapter.
7. Street grades: All streets shall be graded as shown on the street profile submitted and approved as a part of the plan approval process for subdivision and/or land development. Street grades shall comply with Section § 110-34 and the following:
- a) The minimum grade for all streets shall be one percent (1%).
  - b) Maximum grades for all streets shall be as defined in Section § 110-34 herein unless otherwise noted in this Chapter.
  - c) Street grades shall be measured along the centerline.
  - d) Curve/grade combinations shall follow accepted engineering guidelines for safety and efficiency and in all cases provide for the minimum sight distance. For example, minimum-radius horizontal curves shall not be permitted in combination with maximum grades.
  - e) At all approaches to intersections, street grades shall not exceed five percent (5%) for a minimum distance of thirty-five feet (35').
  - f) The grade of the outer perimeter of cul-de-sac turnarounds shall not exceed five percent (5%) measured at any curb gutter from center of the cul-de-sac along the curbline.

- g) Arterial and collector streets, where necessary, shall be superelevated, not to exceed six percent (6%), in compliance with accepted engineering standards.
8. Horizontal curves and tangents:
- a) Horizontal curves shall be used at all changes of direction. Long radius curves shall be used rather than a series of curves connected by short tangents. Minimum radius curves at the end of long tangents shall not be approved. Minimum radii are given in Section § 110-34 herein.
  - b) Curve/tangent relationships shall follow accepted engineering guidelines for safety and efficiency.
  - c) Approaches to intersections shall follow a straight horizontal course for a minimum of fifty feet (50') for minor streets. All other streets shall follow a straight course in accordance with accepted engineering standards but shall in no case be less than one hundred feet (100').
  - d) Any applicant who encroaches within the legal right-of-way of a Commonwealth highway is required to obtain a highway occupancy permit from the Pennsylvania Department of Transportation prior to final approval. In addition, the Township may require the applicant to obtain an occupancy permit for a highway encroachment which is consistent with the internal access and street plan.
9. Vertical curves: Vertical curves shall be used at changes in grade of more than one percent (1%), in compliance with the following requirements:
- a) Minimum curve lengths shall be as defined in Section § 110-34 above unless otherwise noted in this Chapter.
  - b) The high-point or low-point curve length, grades and stations on a vertical curve shall be clearly identified on profiles submitted.
10. Intersections and sight triangles: All street intersections under the jurisdiction of this Chapter shall be subject to the requirements of this Subsection.
- a) No more than two (2) streets shall intersect at the same point.
  - b) Corrective changes to existing intersections: When existing streets intersect at odd angles or have more than four (4) approaches, the applicant shall make corrective changes to bring the intersection into compliance with this Article, as required by the Township Board of Supervisors, which shall first seek the recommendation of the Planning Commission and other technical advisors or agencies, as appropriate. For Commonwealth highways, corrective changes shall comply with the requirements of the appropriate agency and AASHTO
  - c) Angle of intersections: All intersection approaches shall be designed at right angles whenever practicable. There shall be no intersections with an angle of less than seventy-five degrees (75°), and there shall be no intersections of less than sixty degrees (60°) for all other streets, measured at the centerline of the intersection.
  - d) Intersection spacing: Street intersections shall be spaced the minimum distances apart as specified for the street classifications listed in Section § 110-34 herein, whether on the same or opposite sides of the street. The minimum distance between intersections shall be measured along the higher-

classification intersecting street and shall be measured between the centerlines of intersecting streets.

- e) Sight triangles:
- i. Proper sight lines required by Section § 110-34 herein shall be maintained at all intersections of streets. Clear sight triangles shall be maintained along all approaches to all intersections and shall be measured along street centerlines from their point of intersection. Where streets of differing classifications intersect, the dimension for the higher classification street shall be used. The sight triangles should comply with AASHTO guidelines
  - ii. Within the area of clear sight triangles, obstructions to visibility shall not be permitted within the following ranges of height:
    - a. From ground level and a plane ten feet (10') above curb level.
    - b. Groundcover plants within the clear sight triangle area shall not exceed two feet (2') in height.
    - c. Grading within the clear sight triangle shall not obstruct the line of sight.
  - iii. Modifications may be made by the Township Board of Supervisors to allow the location of the following items at the time of new street construction in the clear sight triangle as long as the sight triangle is maintained:
    - a. Private signposts, provided that the post does not exceed one (1) foot in diameter and that the sign itself is above the minimum height limit.
    - b. Shade trees, provided that, as the tree matures, the lower branches will be kept pruned to the minimum height limit above grade and the trunk will not inhibit sight distance.
    - c. Existing shade trees, provided that lower branches are kept pruned to the minimum height limit and that the size, number and arrangement of trees does not impede adequate visibility. The Township Board of Supervisors may require the removal of one (1) or more trees if necessary to provide adequate visibility.

11. Sight distance:
  - a) Proper sight distance shall be provided with respect to both horizontal and vertical alignments, measured in accordance with AASHTO guidelines
  - b) Sight distances (minimal) shall be as defined in Section § 110-34 herein.
  - c) Since sight distance is determined by both horizontal and vertical curvature, sight distance standards will, in all cases, usurp standards for either of these curvatures in instances where a conflict in standards might arise.
12. Design speed: Section § 110-34 herein shall be used as a guideline in street design. Final design criteria shall be as regulated by the remainder of this Chapter and as approved by the Township Board of Supervisors.
13. Maintenance of Access Easements or Rights-of-Way:
  - a) In those cases where access to a commercial subdivision is by means of an easement or right-of-way which does not comply with the design standards for public streets as prescribed in this Article, the Township Board of Supervisors shall make the final determination on the continuing maintenance responsibilities of such access easement or right-of-way as a part of the development application review.
  - b) In the event that the Township Board of Supervisors determines that the health, safety or welfare of the inhabitants of such development or of the citizens of the Township would be prejudiced by the failure to maintain such easement or right-of-way of access by the owner thereof, the Township Board of Supervisors may require as a condition precedent to the approval of such subdivision or land development the preparation and execution of a maintenance agreement providing for the maintenance of such easement or right-of-way of access, signed and acknowledged by all of the owners of property within such development and/or all of the owners of property having the legal right to utilize such easement or right-of-way of access, whereby such easement or right-of-way of access shall be maintained, and said agreement shall be recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania.
  - c) In determining whether such maintenance agreement shall be required in order to promote the health, safety or welfare of the inhabitants of such development or of the citizens of the Township, the Township Board of Supervisors may make findings, following a public hearing, held at the discretion of the Board of Supervisors, regarding the following:
    - i. That the easement or right-of-way of access shall be of sufficient width and topography so as to provide access to all lots and/or tracts of land in the subdivision or development and to adjacent unsubdivided property.
    - ii. That the continued maintenance of such easement or right-of-way of access to the development or subdivision is necessary to accommodate the travel of ambulances, emergency medical service vehicles, fire vehicles, police vehicles and other emergency vehicles to or from the development or subdivision.
    - iii. That the configuration of such easement or right-of-way of access shall be such so as to properly accommodate its use for both

pedestrian traffic and vehicular traffic without placing pedestrians or vehicular traffic in danger.

- iv. That it is impossible to finance the sale of property within such subdivision or land development without the existence of a maintenance agreement binding all owners of property within such subdivision and others having the legal right to use such easement or right-of-way of access to participate in the maintenance of such access easement or right-of-way.
- v. In those cases where a residential or commercial subdivision or land development has previously been approved by the Township Board of Supervisors and is in existence, where access to such residential or commercial subdivision is by means of an easement or right-of-way which does not comply with the design standards for nonpublic streets and/or public streets as prescribed in this Article and in the event that the Township Board of Supervisors determines that the health, safety or welfare of the inhabitants of such development or of the citizens of the Township would be prejudiced by the failure to maintain such easement or right-of-way of access by the owner or owners thereof, the Township Board of Supervisors may require the preparation and execution of a maintenance agreement providing for the maintenance of such easement or right-of-way of access, signed and acknowledged by all of the owner of property within such development and/or all of the owners of property having the legal right to utilize such easement or right-of-way of access, whereby such easement or right-of-way of access shall be maintained, and said agreement shall be recorded in the Office of the Recorder of Deeds of Westmoreland County, Pennsylvania.
- vi. That the Township Board of Supervisors shall determine, with particularity, the details and specifications of the activities required to maintain said easement or right-of-way of access as aforesaid, and in the event that those persons responsible for said maintenance under such agreement shall fail, neglect or refuse to provide the same, the Township Board of Supervisors shall, in writing delivered to each of said persons, require that such maintenance shall be performed within such time as shall be required by the Township Board of Supervisors in said notice, and in the event that such maintenance is not so performed within said time, the Township Board of Supervisors shall have the responsibility of performing such maintenance and collecting the cost thereof from those persons responsible therefor under the aforementioned agreement by a civil action at law or by the filing of a municipal claim against the properties owned by such persons in such proportions as shall be set forth in the aforementioned maintenance agreement.

14. Other street standards:

- a) Islands, median strips and channelization may be required in any area where traffic volumes warrant their use for safety and efficiency and may be

permitted in any area at the discretion of the Township Board of Supervisors. Such devices on Commonwealth roads must meet or exceed the requirements of the Pennsylvania Department of Transportation. The Township Board of Supervisors may require additional rights-of-way widths when such devices are used.

- b) Walls, slopes and guide rails:
  - i. Where the grade of the street is above or below the grade of the adjacent land, the applicant may be required to construct walls or slopes.
  - ii. Where the grade of the street is steeper than a slope of four to one (4:1) above the grade of the adjacent land, the applicant may be required to install guide rails or posts in a manner consistent with Pennsylvania Department of Transportation standards.
- c) Embankments: Subject to appropriate slope stability and the conditions of grading specifications, embankments at the sides of streets and cross-sections of drainage ditches shall not exceed a maximum slope of one and one-half feet (1 1/2') horizontally to one foot (1') vertically in a cut section and two feet (2') horizontally to one foot (1') vertically in a fill section, or as recommended by the Township Engineer.
- d) Driveways: The requirements for private driveways shall be the standards of the Pennsylvania Department of Transportation regarding access to and occupancy of highways by driveways and local roads (67 Pa. C.S.A. §441, as amended). Driveway access to Commonwealth highways shall be subject to the permit process of that department. Driveway access to Township roads shall be subject to the Township permit process. All driveways shall be subject to the standards, requirements and processing of this Subsection.
  - i. Location:
    - a. Driveways shall be located so as to provide adequate sight distance at intersection with streets.
    - b. Driveways shall be located in a manner which will not cause interference to the traveling public, will not be a hazard to the free movement of normal highway traffic or cause areas of traffic congestion on the highway.
    - c. Driveways shall be located, designed and constructed in such a manner so as not to interfere with or be inconsistent with the design, maintenance and drainage of the highway.
    - d. Alternatives to be considered for larger subdivisions shall be as follows, subject to the approval of the Township Board of Supervisors upon the recommendation of the Planning Commission. Alternatives shall be to provide reverse frontage interior roads to be built according to standards for subdivision roads and to provide marginal access roads.
  - ii. Design arrangement: For subdivisions, the lots in which are to be used for residential dwellings, and which contain three (3) lots or fewer including any residual land owned by the developer and where

driveways are to be private and not dedicated to the Township, the following shall apply:

- a. No further subdivision of the land area of any of the lots including the residual land shall be permitted.
  - b. Such restriction shall be indicated on the subdivision plat, which shall state that this restriction is binding upon the owners, purchasers, subsequent purchasers and their heirs, administrators, successors and assigns.
  - c. The proposed private driveway shall be installed with a dust-free and mud-free surface.
  - d. The private driveway shall have a minimum width of fifty feet (50') of dedicated road right-of-way.
  - e. The beginning point of said private driveway shall be at the intersection with a public road or street.
  - f. The proposed private driveway shall not be extended in the future to service any other lots.
  - g. The lots in the approved subdivision shall not be subdivided in the future unless the private driveway meets the requirements of this Section.
  - h. A private driveway agreement shall be executed by the developer, and the same shall be recorded in the office of the Recorder of Deeds in and for Westmoreland County, Pennsylvania. Said private road agreement shall provide for the allocation of maintenance costs between the respective owners of the lots serviced by the private driveway. The private driveway agreement shall be in a form as approved by the Township Solicitor.
  - i. The proposed private driveway shall not be adopted as a Township-maintained public road unless said private driveway is installed in conformity to the then-existing Township regulations for public streets. The plan submitted for subdivision shall have specifically noted thereon a statement indicating that said private driveway will not be maintained or owned by the Township of Ligonier.
  - j. A driveway permit shall be required.
- iii. Distance from street intersections: Driveways shall be located as far from street intersections as is reasonably possible, but not less than the following distances:
    - a. Individual residential lots: fifty feet (50')
    - b. Multi-family residential and nonresidential lots: one hundred feet (100')
  - iv. Number of driveways (nonresidential):
    - a. Properties with frontage of ninety-nine feet (99') or less shall be limited to one (1) curb cut.

- b. Not more than two (2) curb cuts per street frontage may be permitted for any single property, tract or lot for each street frontage.
    - c. More than two (2) curb cuts per street frontage may be permitted when such points of access are a characteristic of the interior circulation plan and if anticipated traffic volumes warrant more than two (2) which is supported by a traffic study prepared by a qualified Professional Engineer.
  - v. Choice of streets: When streets of different classes are involved, the driveway shall provide access to the street of lesser classification unless this requirement is waived by the Township Board of Supervisors for reasons of sight distance, incompatibility of traffic, grading or drainage.
  - vi. Driveway Requirements: Shall be consistent with applicable PennDOT and Township standards.
- e) Stopping areas, residential: All driveways shall be provided with a stopping area within which the grade shall not exceed six percent (6%). The stopping area shall be measured as follows:
  - i. The minimum length of the stopping area with the maximum six percent (6%) grade shall be a minimum of ten feet (10’).
  - ii. Stopping areas shall be measured from the edge of the existing cartway line for arterial and collector streets and from the edge of pavement, curblin e or edge of sidewalk facing the right-of-way of minor streets.
- f) Stopping areas, nonresidential: All driveways shall be provided with a stopping area within which the grade shall not exceed six percent (6%). The stopping area shall be measured as follows:
  - i. The minimum length of the stopping area with the maximum six percent (6%) grade shall be a minimum of twenty feet (20’).
  - ii. Stopping areas shall be measured from the edge of the existing cartway line for arterial and collector streets and from the edge of the pavement, curblin e or edge of sidewalk facing the right-of-way of minor streets.
- g) Clear sight triangle: Clear sight triangles shall be provided where driveways intersect streets, in compliance with the standards of Section § 110-34 herein. The dimensional standards shall be determined by the classification of the street which the driveway intersects.
- h) No nonresidential driveway location, classification or design shall be considered finally approved until permits have been granted by the Commonwealth and/or Township and preliminary plan approval has been granted by the Township Board of Supervisors for the subdivision and/or land development which the driveway(s) will serve.
- i) No building permit shall be issued nor shall any occupancy permit be issued for any improvement or improvements in any district in the Township until the application for a driveway permit as per the provisions of the Township ordinance, shall have been made, in writing, and a permit approved by the

Township staff or review agency which may have jurisdiction over the road or street.

**§ 110-35. Parking Areas, Internal Driveways, and Off-Street Loading.**

Off-street parking and loading areas and related internal driveways shall be designed and constructed as follows:

- A. Number of off-street parking spaces required: A subdivision or land development must provide adequate off-street parking based on standards established by Township design standards for parking.
  
- B. Dimensional Requirements:
  - 1. Each parking space shall be at least nine feet (9') in widths and contain at least one hundred and eighty (180) square feet of area exclusive of access lanes.
  - 2. The minimum dimension, including access lanes, across a double-loaded parking aisle with parking spaces at right angles to the access lane shall be at least sixty-two feet (62'), and for a single-loaded aisle at least forty-two feet (42'). The minimum width of an access lane shall be twenty-two feet (22').
  - 3. Where parking spaces form a forty-five degree (45°) angle with the access lane, the dimension across a double-loaded aisle shall be at least fifty-four feet (54') and across a single-loaded aisle at least thirty-two feet (32'). The dimension shall include the full depth of the parking spaces.
  - 4. A parking aisle includes the parking spaces and the access lane providing access to the spaces. A double-loaded aisle has parking on both sides of the lane.
  - 5. The Township fire and ems services will be given the opportunity to review and comment on all plans.
  
- C. Design Standards:
  - 1. Parking to serve any nonresidential use shall be located so that no required space is more than five hundred feet (500') from the building or use such space is designed to serve.
  - 2. Parking to serve multi-family residential development shall be located so that no required space is more than two hundred feet (200') from the entrance to the building the space is designed to serve. A planted strip not less than five feet (5') in width shall separate the edge of the parking areas from an adjacent structure generating the need for such parking.
  - 3. Where a structure contains a mix of uses, to the maximum extent feasible, the parking for the various uses shall be shared.
  - 4. Whenever a structure is enlarged or changed, additional parking required to serve such enlargement or change shall be provided prior to occupancy.
  - 5. All parking areas serving any commercial or industrial operation or any residential activity where more than four (4) dwelling units utilize the same area, shall be surfaced with a maintained all-weather material. Such parking areas shall be sloped not more than six percent (6%) towards an approved stormwater drainage system.

6. Exterior parking lot lighting shall be located and aimed so that the light source and its translucent or transparent cover is not visible from adjacent streets or nearby residential properties. Sharp cut-off luminaires are recommended. The pool of light (area of illumination) at ground level shall be kept completely within the property on which the light standard is located. The illumination level shall be the minimum to provide safety and security.
7. On paved parking surfaces, spaces shall be marked off in white or yellow traffic paint with lines at least five inches (5") wide.

D. Commercial parking:

1. Off-street parking for commercial uses shall be sufficient to provide parking for the employees of all proposed uses as well as long-term customer parking. Spaces reserved for employees shall be designated as such by means of striping and signage.
2. Except where specifically permitted, off-street parking lots shall be prohibited in front yards and shall be located at the rear of buildings on the interior of lots, and shall be accessed by means of shared driveways, preferably from side streets. Such lots shall, to the maximum extent feasible, be interconnected with commercial parking lots on adjacent properties. Private cross-access easements for adjacent parcels with interconnected parking lots shall be recorded with the approved land development plan, with language acceptable to the Township Solicitor.

E. Parking lot landscaping, buffering, and screening:

1. All new required parking lots, and all existing parking lots that must expand by twenty (20) or more parking spaces based on an expansion of the use generating the need for such parking, after the effective date of this Ordinance shall comply with the parking lot landscaping standards set forth in this section.
2. Where a required parking area is located within twenty-five feet (25') of an adjacent property containing a developed residential lot, the edge of the lot shall be screened with landscaping, an evergreen hedge, earth mounding, a fence, or any combination of design features.

F. Required loading and service areas:

1. Loading docks, solid waste containers, recycling facilities, and other service areas shall be placed to the rear or side of buildings in visually unobtrusive locations.
2. Screening and landscaping shall prevent direct views of the loading areas and their driveways from adjacent properties or from the public right-of-way. Screening and landscaping shall also minimize spill-over glare, noise, or exhaust fumes. Screening and buffering shall be achieved through walls, fences, and landscaping, shall be a minimum of five feet (5') tall, and shall be visually impervious. Recesses in the building or depressed access ramps may be used.
3. Loading and unloading areas shall be of sufficient size to accommodate the numbers and types of vehicles that use this area, given the characteristics of the proposed development.

G. General requirements for off-street loading:

1. Each loading space shall be at least ten feet (10') by forty feet (40') in area with a clear height of fourteen feet six inches (14'6") exclusive of access and maneuvering space.
2. All loading spaces shall be in the side or rear yards of a commercial or industrial property, and access to such spaces should not be located closer than one hundred feet (100') of any street intersection.
3. Streets adjacent to a loading area shall not be used for maneuvering. Maneuvering space shall be provided adjacent to the loading area so that vehicles may change directions and exist as well as enter the loading area moving in a forward direction.
4. When a group of buildings on the same property are proposed, one building may be designated to receive and dispatch goods.
5. Loading areas and adjacent maneuvering space shall be surfaced with a maintained all-weather material placed over at least six inches (6") of well-compacted base course and shall be sloped to assure positive drainage to a storm inlet or drainageway.
6. Space allocated for off-street loading, including access to such space, shall not be utilized to meet required off-street parking requirements.
7. No motor vehicle repair or service shall be permitted in a loading area.
8. When the use of a property is expanded or changed, the additional loading required to serve such expansion or change shall be provided.

#### **§ 110-36. Easements.**

- A. Easements with a minimum width of twenty feet (20') shall be provided as necessary for all utilities.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. Natural watercourses shall be maintained as permanent easements.
- D. Stormwater outlets shall have permanent easements from headwall to the centerline of the existing watercourse.
- E. Subsequent to completion of construction, all utility easements shall be identified on the as-built drawing and recorded if revised from the original recorded plat.

#### **§ 110-37. Storm Drainage.**

- A. Any land development or subdivision which when completed will contain less than five thousand (5,000) square feet of impervious surface per lot, tract or parcel, (area covered by buildings and paved surfaces), or a grading operation that disturbs less than forty-three thousand five hundred and sixty (43,560) square feet of site area shall be exempt

from the regulations of this Section, except that subsequent development of the site after the exemption has been exhausted shall be subject to these requirements.

- B. No final subdivision or land development plan shall be approved, no permit authorizing construction issued, or any earth-moving or land disturbance activity initiated until a final stormwater management plan for the site is approved as provided for in this Article. The Township Engineer shall determine if a development project is exempt.
- C. Concentrated stormwater drainage shall not be permitted to flow across the surface of streets that are within or adjacent to the plan. Nor shall concentrated stormwater drainage flow across neighboring property without the benefit of a recorded easement or an accepted drainageway.
- D. The design of underground storm drainage systems, including the type and size of inlets and pipe selected, shall be approved by the Township Engineer as part of the final plan approval process.
- E. The general criteria for the design of stormwater control measures and Best Management Practices shall be consistent with the provisions of the Township Stormwater Ordinance as amended.
- F. In residential developments where a series of lots occur on sloped land and lot to lot stormwater drainage is anticipated, drainage easements for overland flow shall be identified. Detention sumps for roof drains on individual lots shall be required if not provided for otherwise.

**§ 110-38. Erosion and Sediment Control.**

- A. No earth movement or removal of trees or ground cover in any subdivision or land development plan where a minimum of five thousand (5,000) square feet of impervious surface is proposed, except a minor subdivision or an earth disturbance of less than forty-three thousand, five hundred and sixty (43,560) square feet, shall commence until an erosion and sedimentation control plan has been reviewed and approved by the Township Engineer and Westmoreland County Conservation District, as required.
- B. The plan shall be prepared by a engineer with experience in this aspect of land development.
- C. If the site proposed for development exceeds minimum Department of Environmental Protection area requirements or involves any activity requiring a Department of Environmental Protection permit. Said permit shall be secured prior to the start of construction.

- D. Evidence that, when required, a plan has been approved by the Westmoreland Conservation District, or that an earth disturbance permit has been issued, shall be provided before any earth disturbance may take place.
- E. The approved erosion and sedimentation control plan shall be kept on the construction site available for inspection by public officials until the work covered by it has been completed.
- F. The Board of Supervisors may require surety in favor of the Township to be posted by the owner/applicant to cover the full cost of installing any facilities relating to erosion and sedimentation control.

**§ 110-39. Provision for a Developers Agreement.**

An executed agreement/contractual commitment shall be required in writing signed by the applicant and approved by the Township Solicitor. Such agreement/contractual commitment may include, but not be limited to, requirements that the applicant or owner/applicant is bound not to cause any physical change in the land or to any structure which requires prior approval or the issuance of a permit, or both, from any governmental body or agency until such permits or approvals are actually obtained. Such agreement shall also specify among other things, that the subdivision or land development shall be completed and maintained in the manner approved in the final plan within the time schedule agreed upon and the hours within which construction takes place, the maintenance of existing and proposed roads and facilities and authorizing the Township to obtain an immediate ex parte injunction, the withdrawal of permits and such other remedies as the Township deems appropriate against the applicant, its agents and contractors in the Court of Common Pleas of Westmoreland County, if work is commenced without such permits or approvals or violations of other terms in the agreement occur. Such agreement shall also specify what additional information, as deemed appropriate by the Board of Supervisors must be provided by the owner/applicant, and shall specify what remedies for failure of the owner/applicant to comply, are applicable.

ARTICLE XI  
**Manufactured Home Parks**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-40. General Requirements.**

- A. It shall be unlawful for any person to construct, operate or expand any mobile home park within Ligonier Township unless he secures approval from the Township and all required permits and licenses issued by the Pennsylvania Department of Environmental Protection, and the Ligonier Township Municipal Authority, if applicable, in the name of the owner of the mobile home park.
- B. All application procedures for land development plan approval shall be in accordance with Article 4 of this Chapter, whether for construction of a new park or enlargement or rearrangement of an existing park.
- C. Before any Township building or other required permit can be issued, the owner shall demonstrate that he has in his possession valid operating permits and licenses issued by the Pennsylvania Department of Environmental Protection, or proof in writing that such permits will be issued following Township approval of the land development application.
- D. Permits shall be valid for a period specified by the reviewing agency, contingent upon compliance with this Article and all applicable regulations of the Pennsylvania Department of Environmental Protection.
- E. Mobile home parks in existence upon the effective date of the adoption of this Ordinance shall be required to have a current permit from the Pennsylvania Department of Environmental Protection for the operation of public water and sanitary sewerage systems. However, any additions to the park or expansions of rearrangement or relocation of mobile home pads or lots after adoption of this Ordinance shall be in compliance with this Article.
- F. No duly authorized Township representative shall be denied access to any mobile home park during reasonable hours in order to determine compliance with this Article.
- G. No mobile home lacking its own toilet, bathing, cooking and food storage facilities, all in working condition, shall be permitted in a mobile home park.
- H. No mobile homes shall be placed in a mobile home park until streets which provide access to lots proposed for the placement of mobile homes, and utilities as required, have been installed.

**§ 110-41. Development Standards.**

A. Bulk and Dimensional Requirements:

1. Minimum size of park: Ten (10) contiguous acres;
2. Minimum size of mobile home lot: Eight thousand seven hundred and twelve (8,712) square feet (.20 acres) excluding street right-of-way, recreation areas, laundry or administrative facilities, guest parking areas or public utility sites or easements;
3. Minimum mobile home lot width: Seventy-five feet (75');
4. Minimum setbacks;
  - a) Minimum setback from park property boundary line not adjacent to a public street: Fifty feet (50');
  - b) Minimum setback from right-of-way line of adjacent public road: Fifty feet (50');
  - c) Minimum setback of closest point of mobile home from interior park street right-of-way boundary line: Thirty feet (30').
5. Minimum distances between mobile homes:
  - a) Minimum distance between ends of adjacent mobile homes: Thirty feet (30').
  - b) Minimum distance between parallel sides of adjacent mobile homes: Forty feet (40').
  - c) Minimum distance between the end of one (1) mobile home and the parallel side of an adjacent mobile home: Thirty feet (30').
  - d) Minimum distance between parallel sides of adjacent mobile homes when they overlap by no more than fifteen feet (15') if extended towards one another along a plane at right angles to their parallel sides: Thirty feet (30').
  - e) Sides or ends of adjacent mobile homes shall be considered parallel if they form an angle, when the adjacent sides or ends are extended to intersect, of not less than forty-five degrees (45°), nor more than one hundred thirty-five degrees (135°).

B. Circulation within the Park:

1. All streets for vehicular traffic within the park shall be designed and constructed in accordance with Standard Details in of this Chapter.
2. Streets within the park shall be constructed by the owner/applicant to meet these standards and shall be maintained in perpetuity by him and his successors and assigns, or by an organization formed to maintain such improvements, with no obligation to the Township.
3. The main entrance to a mobile home park from the public road shall be located to maximize sight distances for those entering or leaving the public road right-of-way. Except in rare circumstances and as determined by the Township Supervisors, two (2) points of access into a mobile home park from public road rights-of-way shall be provided.
4. Each mobile home lot in a park shall abut a nonpublic interior access street which shall connect to the public road serving the property. No lot in a park shall have direct access to a public road right-of-way.

5. Parking, if provided in group areas serving several mobile homes, shall be no further distance than one hundred and fifty feet (150') from the farthest mobile home thus served. Otherwise, each mobile home lot shall be provided with two (2) off-street parking spaces with dust-free stabilized surfaces, each nine feet by eighteen feet (9' x 18') in size. No parking shall occur on any park street.

C. Development of Mobile Home Lots:

1. Mobile homes shall be supported on masonry or concrete foundation piers extending at least three feet (3') below finished grade. Such foundations shall be capable of bearing the mobile home weight without settlement.
2. Mobile homes shall be securely fastened to their foundation by tie-downs at each corner and at the mid-point of each side, each tie-down capable of withstanding a pull of four thousand eight hundred (4,800) pounds. The area below the mobile home extending to the ground shall be enclosed with a continuous metal or vinyl skirting, ventilated to inhibit structural deterioration.
3. Mobile homes shall be placed on their required foundations within thirty (30) days of arrival in the park.
4. No enclosed permanent addition to a mobile home shall be permitted. Concrete slabs on grade covered by canopies or awnings attached to a mobile home to provide an open sided patio are permitted provided such structures are securely fastened to the mobile home and the ground.
5. No mobile home shall be occupied until it has been attached to either the park sewage disposal and water supply systems or available public utilities.
6. No area of a mobile home park to be developed for lots or permanent structures shall be subject to periodic flooding or have slopes in excess of fifteen percent (15%).

D. Other Uses Within the Park: No part of any park shall be used for any other uses except mobile home lots, traffic and pedestrian circulation, guest parking, park office, residence of the manager, central laundry facility, recreation facilities (both outdoor and enclosed), and maintained open space.

E. Sale of Portions of the Mobile Home Park: No portion of an approved mobile home park shall be severed for separate sale unless the portion to be sold abuts a public street, unless requirements for setbacks from property lines in a mobile home park are maintained in the original and severed sections, and unless access and utilities are separated in each property and neither property is dependent upon the other for any services or access. Any subdivision of the original park or subsequent rearrangement of lots to accommodate the provisions of this Article shall be considered as a subdivision of land under this Chapter.

F. Recreation:

1. When a mobile home park has at least eight (8) occupied mobile home lots, a recreation area or areas totaling at least two thousand five hundred (2,500) square feet or at least two hundred (200) square feet in area for each mobile home served, whichever is greater, shall be provided. The unobstructed, useable floor area of a recreation building may be included in determining the total area required.

2. The recreation area or areas shall be centrally located and so placed that all portions are on land that does not slope in excess of five percent (5%) in any direction. No part of an approved mobile home lot shall be considered as a recreation area.
3. Recreation areas shall be provided with appropriate equipment, benches and landscaping and shall be maintained by the management, or by an organization formed to maintain such areas and improvements.

## **§ 110-42. Utilities.**

### **A. Water Supply:**

1. Each mobile home lot and every other structure in the park with water supply connections shall and must be supplied with potable water from a public system when available, or from a central water system provided by the park owner on the park premises and approved by the Department of Environmental Protection.
2. The water supply source shall be capable of producing at least two hundred and fifty (250) gallons per day per mobile home at a pressure of at least twenty (20) pounds per square inch.
3. Individual water riser pipes at each mobile home lot shall be located and protected to insure against freezing, shall be protected from ground water drainage contamination, shall have a shut-off valve located below the frost line, and shall be capable of being capped when not in use.

### **B. Sewage Disposal:**

1. Each mobile home lot in a park and every other structure connected to a water supply shall be served by a public sewage disposal system when available, or by a central sanitary sewage system provided by the park owner on the park premises and approved by the Department of Environmental Protection.
2. Each mobile home lot shall be provided with a vertical three inch (3") inside diameter sewer riser pipe, capable of being plugged when the lot is not in use, or an equivalent approved by the authority with jurisdiction.
3. Each riser pipe shall extend at least one-half inch (1/2") above the ground surface, which surface shall slope away from the riser pipe in all directions, or an equivalent approved by the authority with jurisdiction.
4. Sanitary sewer pipe shall have a smooth inside surface, water-tight joints, a slope of not less than one quarter inch (1/4") per foot, and be made of semi-rigid, corrosion resistant, durable, nonabsorbent material. Pipe shall be placed at least two feet six inches (2' 6") below finished grade and encased in concrete where passing below a vehicular way, or an equivalent approved by the authority with jurisdiction.

### **C. Electrical Distribution:**

1. Each individual mobile home shall be connected to an electrical distribution system, which complies with the current provisions of the Pennsylvania Uniform Construction Code.
2. Pole mounted street lighting with sharp cut-off luminaries shall be installed at all intersections, at the ends of cul-de-sacs, and at entrances to a mobile home park, and

the owner of the park shall provide and install the system and pay for the electricity used to operate it.

D. Solid Waste Disposal and Insect and Rodent Control:

1. Solid waste and refuse generated by each mobile home and any other facility in the park shall be bagged and stored in covered, vermin-proof containers and shall be removed by a contract hauler not less frequently than once per week.
2. No waste shall be disposed of by burying or burning within any mobile home park. Disposal shall be in accordance with Township or PaDEP regulations.
3. Grounds, buildings and structures shall be maintained free of insect and/or rodent harborage or infestation.
4. Mobile home parks shall be kept free of litter and flammable or inflammable material accumulations.

E. Fuel Supply and Storage:

1. All piping from outside fuel storage tanks to mobile homes shall be securely but not permanently fastened in place, shall have secured shut-off-valves, and shall be capable of being capped when the lot is not in use.
2. Natural gas piping systems shall be buried under at least eighteen inches (18") of cover and shall not run under any mobile home.
3. Liquefied petroleum gas systems shall be provided with safety devices to relieve excess pressures and shall have an accessible shut-off valve outside each mobile home served.
4. Gas cylinders of at least twelve (12) but not more than sixty (60) U.S. gallons gross capacity may be installed on a mobile home lot and securely but not permanently mounted.
5. Cylinders or other fuel storage vessels shall not be located inside or beneath any mobile home or other structure in the park, and shall be placed at least five feet (5') from any exit from a mobile home or other structure.

F. Fire Protection When Public Water Supply is Available:

1. The public water supply system in a mobile home park shall be capable of providing the full operation of at least two (2) one and one half inch (1 1/2") hose streams simultaneously for one (1) hour.
2. Fire hydrants shall be provided by the owner/applicant and shall be located within six hundred feet (600') of any mobile home or service building or other structure in the park, or at a distance specified by the municipal authority with jurisdiction. The cost of maintenance and rental of hydrants shall be borne by the park management. Fire hydrants selection and locations shall be approved by the Township volunteer fire company which provides coverage for the park, with input from the Township Engineer.

**§ 110-43. Responsibilities of the Management.**

- A. The person, group, organization or corporation to whom a permit or license for utility facilities in a mobile home park is issued, shall operate the park in compliance with this Chapter and regulations of the Pennsylvania Department of Environmental Protection, and shall maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
- B. The park management shall supervise and be responsible for the placement of each mobile home on its lot, including all utility connections. No mobile home shall be placed within the park except upon an approved lot.
- C. The management shall maintain a register containing the names of all park occupants, such register being available to the Township Secretary or duly authorized Township representative at any reasonable hour.
- D. No mobile home may be moved, either to another location in the Township or from the Township, without the park owner first obtaining a permit from the Township Tax Collector. Such permit will be issued upon notice of the tax collector to the Township Secretary verifying that payment of all outstanding taxes owed any local taxing jurisdiction by anyone occupying the mobile home to be moved, has been made. The park operator shall be responsible for payment of all outstanding taxes if a mobile home is relocated or moved without a permit having been issued.

**§ 110-44. Violations.**

- A. Whenever the duly authorized Township representative determines by personal inspection that a violation of this Article exists in any mobile home park, he shall immediately, by certified mail, inform the owner and/or operator of the nature of the violation, citing specific sections of these regulations, outlining the required corrective action, the time limit within which abatement or correction shall be made, and the penalty for failure to correct. A copy shall be sent to the Board of Supervisors.
- B. The owner and/or operator may request within thirty (30) days of receipt of said notice, a hearing before the Board of Supervisors. Such hearing shall occur within sixty (60) days of the Board's receipt of such request, at a regular monthly meeting of the Board, and may result in a modification of the time limit or extent of the alleged violation, or dismissal of the required corrective action as outlined in the violation notice, at the discretion of the Board.
- C. The Board shall communicate its decision to the owner and/or operator within ten (10) days of consideration, after which the owner and/or operator shall have a specified time to comply with the requirements of the decision and/or the original notice of violation.
- D. Any person, firm, partnership, corporation or other entity who or which violates any provision of this Article after expiration of the time period in which he has been ordered to correct a violation shall be subject to penalties as enumerated in Article VIII.

E. While action is pending following the issuance of a Notice of Violation, prior to verification by the Township that a violation has been corrected, no building permits shall be issued for any new mobile homes to be located in the mobile home park wherein the violation has been identified.

ARTICLE VII  
**RV Campground Regulations**  
[Adopted 8-17-2018 by Ord. No. 03-2018]

**§ 110-45. Applicability.**

For the purpose of this Chapter, recreation vehicles and recreational vehicle parks shall be defined as follows:

- A. Recreation Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel uses, which either has its own mode of power or is mounted or drawn by another vehicle. The basic versions are: travel trailer, camping trailer, truck camper and motor home.
- B. Recreational Vehicle Park: A plot of land upon which ten (10) or more recreational vehicle sites are located, established or maintained for occupancy by the general public for recreational vehicles for recreation or vacation purposes. For the purposes of this chapter it is assumed that said vehicles are occupied for no more than 10 days consecutively, and shall not be used as a domicile for any length of time.
- C. The standards set forth under this Article are intended for those recreational vehicle parks where lots within the park are for rental, or lease and are to serve the short term placement of recreational vehicles as outlined.

**§ 110-46. Permits.**

In conjunction with the rules and regulations as herein specified, the recreational vehicle park developer shall submit properly prepared plans and specifications to the Pennsylvania Department of Environmental Protection. Such submission shall be in accordance with Title 25, Rules and Regulations Part I; Department of Environmental Protection - Subpart D Environmental Health and Safety, as amended. Prior to final approval of development plans by the Township, the developer shall forward a copy of any permits or required licenses or evidence of the same to the Township.

**§ 110-47. Land Development Plan Requirements.**

- A. Persons, firms, or corporations proposing to open a recreational vehicle park in Ligonier Township shall not proceed with any construction work on the proposed park unless and until they have obtained from the Township written approval of the land development plan of the proposed park, according to review and approval procedures outlined in Article 4, and has received the necessary approval of the plans from the Pennsylvania Department of Environmental Protection as indicated in this Article.

- B. Preapplication Procedure: The recreational vehicle park developer shall meet with the Township Planning Commission, prior to formal application, to discuss his plans and shall prepare suitable concept plans sufficient to give a general understanding of the proposal. The Township Planning Commission shall inform the developer as to the general suitability of the plans and of any modifications required by this Chapter, if deemed advisable.

**§ 110-48. Design Requirements.**

- A. Lot Area Requirements: The planning and location of individual recreational vehicle lots shall be governed by the following minimum requirements:
  - 1. Lot Area: Recreational vehicle lots shall be a minimum width of thirty feet (30') and shall not be less than one thousand five hundred (1,500) square feet in total area, excluding rights-of-way. Such size is considered adequate to accommodate parking for one (1) recreation vehicle, one (1) automobile parking space, an accessory structure and related outdoor facilities (grill, picnic tables, benches, etc.)
  - 2. Setback Requirements: Front setback for recreational vehicle units shall be fifteen feet (15') measured from the right-of-way line of an interior road or street. Structures, such as bathhouses, administration offices, recreation centers and other ancillary facilities of a permanent nature shall be setback from adjacent or access streets a minimum of sixty-five feet (65') as measured from the roadway right-of-way line.
  - 3. Additional Setbacks for Recreational Vehicles:
    - a) Side Setback: 5' minimum to closest point of the perimeter of the leased lot area
    - b) Rear Setback: 5' minimum to closest point of the perimeter of the leased lot area

B. Perimeter Requirements:

1. When abutting residentially developed properties, a buffer strip shall be provided, a minimum of thirty feet (30') in width, parallel to the park property line. When abutting nonresidential properties, the buffer strip shall be twenty feet (20') in width, measured from the park property line.
2. When abutting an existing dedicated right-of-way, the setback shall be seventy-five feet (75') as measured from the street or roadway centerline, or twenty-five feet (25') from the existing right-of-way line whichever results in the greater setback distance.

C. Roadway Design Standards: Recreational vehicle park roads shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. The internal street system, although privately owned and maintained shall be designed and constructed as follows:

D. Local streets shall be constructed of select material surfacing as per current PaDOT Highway Specifications (Form 408), as amended, or approved by the Township Engineer as equivalent. Materials used shall be No. 2 R.C. aggregate, or an equivalent approved by the Township Engineer. The street shall be made from stone, slag, gravel, or bituminous paving material.

1. Construction Requirements:

- a) The aggregate shall be uniformly spread upon the graded areas, without segregation of coarse and fine material, in loose layers a minimum of five inches (5") in depth, and compacted with a 10-ton roller meeting the requirements and specifications of the Commonwealth of Pennsylvania Department of Transportation, Form 408.
  - b) The surfacing shall be crowned or sloped as indicated, and the final compacted depth shall comply with the depth shown on the approved plans.
  - c) Satisfactory compaction and stability of the material under the specified compaction equipment, in accordance with Form 408 of the Department of Transportation, shall be determined by the Township Engineer. The Township Engineer will specify in writing to the developer any additional needs for satisfactory compaction.
2. Cul-de-Sac Streets: Shall be provided with a turnaround having an outside roadway diameter of at least eighty feet (80').
  3. Parking Spaces: Car parking spaces, at a minimum size of nine feet by eighteen feet (9' x 18'), shall be provided in sufficient number to meet the needs of the occupants of the property and their guests. Such facilities shall be provided at the rate of at least one and one half (1 1/2) parking spaces for each recreational vehicle lot, and shall be on the recreational vehicle lot or in designated parking areas - no on-street parking shall be permitted for safety reasons.
  4. Recreation (not mandatory): At least five percent (5%) of the total park land area should be reserved for active and passive recreation with appropriate location, dimensions and topographic characteristics which lend themselves to recreational use. Such area shall exclude required buffer areas and setbacks.

5. Ancillary Services: The developer may include certain ancillary services such as a laundromat, camp store, grocery store, office, bathhouse, caretakers' residence, etc., provided that such services shall be strictly for the use and convenience of those persons utilizing the recreational vehicle park.
6. Plans and Compliance:
  - a) No persons shall construct, open or dedicate any road, or drainage facilities in connection therewith, for public use or travel within a recreational vehicle park in Ligonier Township without submitting plans thereof to the Township for review and approval. Such plan shall be prepared in duplicate in accordance with these regulations. Plans for review and approval shall be accompanied by information as prescribed in this Chapter.
  - b) Said plans shall show the profiles, course, and structure of such roads, the capacity of any drainage facilities and the method of drainage of the adjacent or contiguous property. Construction shall be in accordance with street specifications and the land development plan as approved.
  - c) Subsequent to land development plan approval where new streets are to be constructed and dedicated to public use, the streets shall be designed and constructed in compliance with plans prepared as outlined in this Article. Such street shall be inspected by the Township Engineer during construction and be in compliance with the provisions of Article 5.
  - d) No roadway, street or other facility or improvement within a recreational vehicle park will be approved for adoption by Ligonier Township unless it is designed and constructed to serve two (2) or more permanent residences and functions as the primary access.
7. Excavation and Grading:
  - a) Streets shall be excavated and graded as indicated on the approved plans. This shall include excavation of the street to the lines, grades and limits indicated on the drawings or as may be revised by the Township to meet conditions encountered during construction, or excavation for intersecting roadways, stream channels and culverts within the approved right-of-way limits; and shall also include the widening of cuts, grading of slopes outside the right-of-way as called for on approved plans, removal of top soil, excavating of ditches and the compaction of fill. Inspections shall be performed and approval granted by the Township Board of Supervisors as work progresses.
  - b) All drainage structures shown on the approved plans shall be designed and constructed as per the provisions of Article 5 and installed to current Commonwealth standards. Culverts may be corrugated metal pipe, concrete, or reinforced concrete according to Pennsylvania Department of Transportation Form 408 specifications.
8. Fire Protection:
  - a) General - For the safety and welfare of the occupants of the recreational vehicle park, the following fire prevention regulations shall be complied with. All fire safety plans shall be approved by the Volunteer Fire Company Chief which company provides fire protection, according to nationally accepted standards (NFPA).

- b) Fire hydrants shall hereafter be required in any new recreational vehicle park, where the extension of a central distribution system of water lines, whether public or private, are proposed for the recreational vehicle park development.
- i. Hydrant size and type: All hydrants installed shall be of a standard size and type as specified by the Township, the Volunteer Fire Company Chief and the municipal authority with jurisdiction, where applicable.
  - ii. Spacing: Hydrant spacing shall be adequate to serve all lots within the recreational vehicle park. Hydrants shall be located not more than six hundred (600) linear feet from each other. Where an existing hydrant is less than six hundred feet (600') or as same may be amended as needed by the authority with jurisdiction from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined, taking the existing location of the hydrant into consideration.
  - iii. Location: Hydrants shall be located as required by the municipal authority with jurisdiction.
  - iv. Design: The proposed locations of fire hydrants shall be identified on the submitted plans. Any existing fire hydrants less than one thousand feet (1,000') from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the recreational vehicle park.
- c) In areas where there are no central water line extensions proposed, the following standards for fire prevention shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.
- i. The tank system: Approved underground, static water tanks of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred feet (500'):
    - a. The tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.
    - b. Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four inches (24") square covered by either a removable type lid or a hinged type lid.
    - c. Each tank shall have an approved outlet above ground, no less than four and one half inches (4 1/2") in diameter. This outlet shall be encased in a hydrant for drafting, with at least two (2) two and one half inch (2 1/2") outlets.
  - ii. The Pond System: A water pond shall be located in such a way as to service all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be of sufficient size and depth, as determined by the Volunteer Fire Company Chief and Township Engineer, according to nationally accepted standards (NFPA), to adequately serve all park lots.

- iii. In addition, a cyclone or steel mesh fence with a lockable gate, at a minimum height of six feet (6') with a single strand of barbed wire on top shall enclose the area of the pond.

ARTICLE VIII  
**Public Sites and Open Space**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-49. Public Space.**

- A. In reviewing any plan for residential subdivision or residential land development (as the same as defined herein), the Ligonier Township Planning Commission shall consider the parks, open space and recreational needs of the additional residents and/or employees proposed by the development and shall discuss its findings and the further requirements of this Article with the applicant as it deems necessary to be in the public interest.
- B. In all residential subdivisions or residential land developments, the applicant shall set aside land for parks and recreational purposes based upon the following formula: Amount of Land = [number of dwelling units] x [occupancy factor] x .028.
- C. Occupancy factors shall be determined by the number of residents who may occupy a certain type of dwelling unit. For purposes of administering this chapter, the occupancy factor shall be as follows:
  - D. Single-family detached dwellings: 3.0.
  - E. Single-family attached (includes duplex units, quads, townhouses): 2.0.
  - F. All other residential units (includes apartments, community living arrangements, group homes, institutional residential uses and retirement communities): 1.5.
- G. Alternatively, the applicant may offer a fee-in-lieu, as per § 110-50. If the set-aside requirements, as applied to a particular tract of land, is illogical or impractical in terms of the criteria and standards in § 110-50, the township may decline any such proposed alternative.
- H. Alternatively, the applicant may offer to construct park and recreation facilities if the value of the facilities equals or exceeds the amount of a fee-in-lieu, as per § 110-50. The Township of Ligonier may decline any such proposed alternative.
- I. All lands proposed for dedication shall meet the criteria listed in § 110-50.
- J. Alternatively, the applicant may offer trail easements in accordance with Subsection § 110-50. Credit for land dedication requirements shall be equal to the calculated area of the easement / right-of-way and reduction of fee-in-lieu shall be in proportion to the land required. The Township of Ligonier may decline any such proposed alternative.

**§ 110-50. Fee-in-lieu.**

- A. For all subdivisions and residential land developments: the amount of fee-in-lieu shall be calculated on a per-unit basis as follows and shall be provided for each unit or building lot proposed.
- B. Single-family detached: \$900
- C. All other residential units: \$900 per unit.
- D. Credit for land dedication requirements shall be equal to the calculated area of the easement / right-of-way; reduction of fee-in-lieu shall be in proportion to the land required.
- E. All monies collected in lieu of land shall be kept in a fund, which shall be used only for the acquisition of open space land or capital improvements for parks and recreation purposes within the Township of Ligonier at locations consistent with the Comprehensive Parks, Recreation and Open Space Plan of the Township of Ligonier.

**§ 110-51. Open Space Characteristics and Design Standards.**

In designating areas for parks and recreation areas within the subdivision and land development plan, the following criteria and standards shall be adhered to by the applicant.

- A. Areas shall be consistent with the Ligonier Valley Joint Comprehensive Plan
- B. Suitable for active and passive recreational uses to the extent deemed necessary by the Board of Supervisors of the Township of Ligonier as recommended by the Ligonier Township Planning Commission without interfering with adjacent dwelling units, parking, driveways, and roads. A minimum of twenty-five (25%) percent of the total land area to be dedicated for open space and recreation purposes shall be suitable for active recreational use as specified in this chapter.
- C. Comprised of no more than twenty-five (25%) percent environmentally sensitive lands (including floodplains, wetlands, slopes exceeding twenty-five (25%) percent, and surface waters).
- D. Comprised of areas not less than one hundred (100') feet in width, and not less than ten thousand (10,000 sq. ft.) square feet of contiguous area, except when part of a trail system or pathway network.
- E. Interconnected with common open space areas on abutting parcels whenever possible, including provisions for pedestrian pathways for general public use to create linked pathway systems within the Township of Ligonier/
- F. Provided with sufficient perimeter when necessary and with safe and convenient access by adjoining street frontage or other rights-of-way or easements capable of accommodating

pedestrian, bicycle, and maintenance and vehicle traffic, and containing appropriate access improvements.

- G. Undivided by any public or private streets, except where necessary for proper traffic circulation, and then only upon recommendation of the Ligonier Township Engineer and the Ligonier Township Planning Commission.
- H. Free of all structures, except those related to outdoor recreational use.

**§ 110-52. Dedication of Land.**

- A. Made subject to such agreement with the Township of Ligonier and such deed restrictions duly recorded in the Office of the County Recorder of Deeds as may be required by the Board of Supervisors of the Township of Ligonier for the purpose of preserving the common open space for such use.
- B. All land proposed to be dedicated shall be suitable for the use intended and shall be free of all encumbrances and liens. All land to be dedicated shall include a provision for physically identifying the boundaries where public or common lands meet private lands.
- C. Land to be dedicated shall consist of one (1) parcel with no intervening private land, unless recommended by the Administration, the Ligonier Township Planning Commission and approved by the Board of Supervisors of the Township of Ligonier.
- D. Requirements for Active Recreation Land:
  - 1. Land to be dedicated should be located within the development site unless agreed otherwise by the Board of Supervisors of the Township of Ligonier upon recommendation by the Administration and the Ligonier Township Planning Commission.
  - 2. Land proposed for parks, playgrounds or other active recreational use shall have a slope no greater than eight (8%) percent, either in its natural state or after grading by the developer.
  - 3. Specifically not include any drainage swales or other components of any stormwater management system.
  - 4. Shall not include any areas of jurisdictional wetlands as defined by the U. S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection.
  - 5. Areas designated for active recreation shall be visible from a public street and shall have at least one hundred (100') feet of frontage on a public street.
  - 6. Active recreation lands shall be provided with the same access to utilities (electric, telephone, gas, water, sewer, etc.) as lots within the development.
  - 7. Areas designated for active recreation shall be designed as a focal point or core feature of the development.
  - 8. Pedestrians and bicyclists shall have access to the active recreation area from each dwelling unit via, in order of preference:
    - a) Dedicated public rights-of-way;

- b) Sidewalks, if provided in the development;
  - c) Pedestrian easements;
  - d) Road berm.
- E. Active recreation area shall be easily and safely accessible from all areas of the development, shall have adequate ingress and egress including site distance and other requirements. Parking areas for access to the active recreation area shall be identified.
- F. To the maximum extent feasible, the shape of the property proposed to be dedicated shall maintain a length-to-width ratio not to exceed four (4) to one (1); exceptions may be made to this requirement based upon the proposed active recreation use of the land.
- G. Trail easements may fulfill the requirements of active recreation area upon recommendation by the Ligonier Township Planning Commission and approval by the Board of Supervisors of the Township of Ligonier.
- H. Ownership and Maintenance of Parks and Recreation Areas. Different ownership and management options apply to the permanently protected park and recreation land created through the development process as defined in this Chapter. The land shall remain undivided and may be owned and managed by a Homeowners' Association, a governmental body, or a recognized land trust or conservancy. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements.
1. Ownership Standards. Common park and recreation land within a development shall be owned, administered and maintained by any of the following methods, either individually or in combination, subject to the approval of the governing body.
  2. Offer of Dedication. The Township of Ligonier shall have the first and last offer of dedication of undivided park and recreation land in the event said land is to be conveyed. Dedication shall take the form of a fee-simple ownership. The Township of Ligonier may, but shall not be required to, accept undivided park and recreation land, provided:
    - a) Such land is accessible to residents of the Township of Ligonier.
    - b) There is no cost of acquisition other than costs incidental to the transfer of ownership such as title insurance.
    - c) The Township of Ligonier agrees to and has access to maintain such lands.
    - d) Where the Township of Ligonier accepts dedication of common park and recreation lands that contain improvements, the Township of Ligonier may require the posting of financial security to ensure structural integrity of said improvements as well as the function of said improvements for a term not to exceed eighteen (18) months from the date of acceptance of dedication. The amount of financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.
    - e) The Board of Supervisors of the Township of Ligonier may designate any municipal, inter municipal or county governing body or authority to accept the dedication of a common park and recreation land, subject to the above-listed provisions.

3. Homeowners' Association. The undivided park and recreation land and associated facilities may be held in common ownership by a Homeowners' Association. The association shall be formed and operated under the following provisions:
- a) The developer shall provide a description of the association including its bylaws and methods for maintaining the park and recreation land. A Homeowners Association is responsible for providing a copy of its By-laws and any amendments to the Ligonier Township Supervisors.
  - b) The association shall be organized by the developer and be operated with financial subsidization by the developer before the sale of any lot within the development.
  - c) Membership in the association is automatic (mandatory) for all purchasers of lots or homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
  - d) The association shall be responsible for maintenance, insurance and taxes on undivided park and recreation land, enforceable by liens placed by the Township of Ligonier.
  - e) The members of the association shall share equitably in the costs of maintaining and developing such undivided open space. Shares shall be defined within the association bylaws.
  - f) In the event of a proposed transfer, within the methods here permitted, of undivided park and recreation land by the Homeowners' Association, or of the assumption of maintenance of undivided park and recreation land by the Township of Ligonier or its designee, notice of such action shall be given to all property owners within the development.
  - g) The Association shall have or hire adequate staff to administer common facilities and properly and continually maintain the undivided park and recreation land.
  - h) The Homeowners' Association may lease park and recreation lands to any other qualified person or corporations for operation and maintenance of open space lands, but such a lease agreement shall provide:
    - i. That the residents of the development shall at all times have access to the park and recreation lands contained therein;
    - ii. That the undivided park and recreation land to be leased shall be maintained for the purposes set forth in this Chapter; and
    - iii. That the operation of park and recreation facilities may be for the benefit of residents only or may be open to the residents of the Township of Ligonier, at the election of the developer and/or homeowner's association, as the case may be.
  - i) The lease shall be subject to the approval of the Board of Supervisors of the Township of Ligonier, and any transfer or assignment of the lease shall be further subject to the approval of the Board of Supervisors of the Township of Ligonier. Lease Agreements so entered upon shall be recorded with the Westmoreland County Recorder of Deeds within thirty (30) days of their execution, and a copy of the recorded lease shall be filed with the Ligonier Township Secretary.
  - j) Condominiums. The undivided park and recreation land and associated facilities may be controlled through the use of condominium agreements approved by the Board of Commissioners of the Township of Ligonier. Such agreements shall be

in conformance with the Commonwealth's Uniform Condominium Act. All undivided park and recreation land shall be held as a "common element".

- k) Dedication of Easements. The Township of Ligonier may, but shall not be required to, accept easements for public use of any portion or portions of undivided park and recreation land, title of which is to remain in ownership by a condominium or Homeowners' Association, provided:
  - i. Such land is accessible to the Township of Ligonier residents.
  - ii. There is no cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance.
  - iii. A satisfactory maintenance agreement is reached between the developer, condominium or Homeowners' Association and the Township of Ligonier.
  - iv. The Township of Ligonier may designate any municipal, inter municipal or county body or authority to accept such easements, subject to the above-listed provisions.
- l) Transfer of Easements to a Private Conservation Organization. With the permission of the Board of Supervisors of the Township of Ligonier, an owner may transfer easements to a private, nonprofit organization among whose purposes it is to conserve parks, recreation lands and facilities, open space and/or natural resources, provided that:
  - i. The organization is acceptable to the Township of Ligonier and is a bona fide conservation organization with perpetual existence;
  - ii. The conveyance contains appropriate provision for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
  - iii. A maintenance agreement acceptable to the Board of Supervisors of the Township of Ligonier is entered into by the developer and the organization.
- m) Maintenance Standards.
  - i. The ultimate owner of the park and recreation land (typically a Homeowners' Association) shall be responsible for raising all moneys required for operations, maintenance or physical improvements to the park and recreation land through annual dues, special assessments, etc. The Homeowners' Association shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.
  - ii. In the event that the association or any successor organization shall at any time after establishment of a development containing undivided open space fail to maintain the undivided park and recreation in reasonable order and condition in accordance with the development plan, the Township of Ligonier or its designee may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the undivided park and recreation in reasonable condition.
  - iii. Failure to adequately maintain the undivided park and recreation land in reasonable order and condition constitutes a violation of this Chapter. The Township of Ligonier, or its designee, is hereby authorized to give notice,

by personal service or by United States mail, to the owner or occupant, as the case may be, of any violation, directing the owner to remedy the same within twenty (20) days.

- iv. Should any bill or bills for maintenance of undivided park and recreation land by the Township of Ligonier or its designee be unpaid by November 1 of each year, a late fee of fifteen (15%) percent shall be added to such bill and a lien shall be filed against the premises in the same manner as other municipal claims.

I. Municipal Trail Easements. The following section outlines standards by which the Township of Ligonier may accept trail easements as land dedication within proposed open space that does not otherwise meet the requirements of Subsection D, Open Space Characteristics and Design Standards.

1. Any right-of-way, easement, or other encumbrance, hereinafter being referred to simply as “right-of-way”, allowing for future construction of a trail within any area of a development shall be expressly defined and clearly marked to scale on all plot plans prior to final plan approval and shall be defined by appropriate survey.
2. All trail rights-of-way shall be recorded in any covenants of the development or Homeowners’ Association. All public trail rights-of-way within a plan shall be disclosed to all purchasers of parcels within said plan prior to purchase.
3. Trail Location and Easement Standards.
  - a) Trail rights-of-way shall not exceed twenty (20’) feet in width to assist in the ability to locate the tread portion of the trail within the right-of-way. Tread way or improved area width shall not exceed six (6’) feet.
  - b) Boundaries of all trail rights-of-way shall be setback at least twenty-five (25’) feet from the parcel boundaries of the parcel on which the easement is located and are encouraged to be located at the greatest distance from said property lines, where conditions permit.
  - c) Trail connectors shall be exempted from the aforementioned setback requirements. A trail connector is defined as the point of entry to the trail from a point of public access such as a public road.
4. Trail Construction and Use Standards. The Township of Ligonier, through its subsequent policies and standards, shall adhere to the following standards regarding the utilization of trail easements conveyed.
  - a) Motorized vehicles shall be prohibited. Equestrian usage may be approved by Township Supervisors. All trails shall be clearly identified by appropriate signage. Trails shall be blazed to identify their location and ensure that all traffic stays within the prescribed boundaries.
  - b) The use of trails shall be restricted to the hours from dawn to dusk.
  - c) All trails shall be constructed in accordance with appropriate guidelines and standards as recommended by the Ligonier Township Planning Commission and used in municipal park trail development.
  - d) The Township of Ligonier may, at its discretion, use municipal employees, contract with vendors, or utilize community volunteers to construct and/or maintain trails.

- e) All property owners adjacent to the trail development area shall be notified prior to the start of trail construction. Council shall also be notified of pending trail construction within dedicated easements.
- f) The Township of Ligonier assumes all risks of right-of-way ownership, construction, and liability related to the use of said public trails.
- g) The Township of Ligonier assumes maintenance responsibilities for all trails constructed by municipal employees, contract vendors, or community volunteers.

ARTICLE IX  
**Administration**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-53. Modifications.**

- A. The Planning Commission may, in specific cases involving a subdivision, land development mobile home park plan, or RV campground recommend modifications from the provisions of these regulations, subject to approval by the Board of Supervisors, that will not be contrary to the public interest or the spirit and intent of this Chapter. Modifications shall only be granted where, owing to special circumstances in a specific subdivision or land development, the literal interpretation and strict application of the provisions of these regulations would cause unfair and unnecessary hardship.
- B. No such modifications from the provisions of these regulations shall be recommended by the Planning Commission unless one (1) or more of the following characteristics are found to be applicable:
  - 1. There are unique physical circumstances or conditions present on the property including peculiar shape or exceptional topographical or other physical conditions and the reasons for which a modification is sought are due to these conditions and not the provisions of this Subdivision and Land Development Ordinance regulations;
  - 2. Because of the physical circumstances there is no possibility that the property can be developed in strict conformity with these regulations if reasonable use is to be made of it;
  - 3. The characteristics which necessitate a reason for request for a modification have not been created by the applicant; and
- C. The modification, if granted, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.
- D. The modification, if authorized, will represent the minimum that will afford relief and will represent the least modification possible of the regulation or regulations at issue.
- E. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.
- F. The Planning Commission shall review the application when requested to do so by the Board of Supervisors. The Commission may call a duly noticed public hearing to obtain additional information and public comment.

- G. Within one hundred and twenty (120) days after the first meeting at which the modification request was first considered by the Planning Commission (30-day submittal deadline, plus 90-day review period), and not subsequently changed, the Board of Supervisors shall inform the owner/applicant in writing of its decision. If the decision is unfavorable, the reasons for rejection shall be specifically indicated.
- H. The owner/applicant may revise the application and resubmit to the Planning Commission with the revisions requested. The owner may not again submit the same application, once finally denied, for at least one (1) year after rejection.
- I. The specific wording of a modification which has been granted shall be lettered in permanent ink upon the mylar for recording and signed and dated by the Chairman of the Board of Supervisors.
- J. The Board of Supervisors shall keep a written record of all actions on all requests for modifications.

**§ 110-54. Amendment of this Chapter.**

- A. A proposal for an amendment to this Chapter may be initiated in any of the following ways:
  - 1. A request of the Planning Commission by the Board of Supervisors;
  - 2. An official proposal by the Planning Commission; or
  - 3. A petition presented to the Planning Commission signed by a property owner in the Township, or by an owner/applicant who has entered into an agreement to purchase property in the Township.
- B. Upon receiving a request for an amendment or upon making an official proposal, the Planning Commission shall prepare a report on the proposed amendment with copies sent to the Board of Supervisors. The Planning Commission, with the approval of the Board of Supervisors, may contract with an appropriate consultant to assist in the preparation of the amendment. Such report shall recommend either adoption, rejection, or adoption of the amendment proposal with specific revisions.
- C. The Board shall review the Planning Commission's report on the amendment and shall forward a copy of said report to the Westmoreland County Planning Department prior to scheduling a public hearing, after which it shall vote to approve or deny the proposed amendment.
- D. The public hearing shall be advertised in a newspaper of general local circulation at least once in each of two (2) consecutive weeks, the first notice appearing not more than thirty (30) days and the second not less than seven (7) days prior to the date of the hearing. The notice shall indicate the date, time and place of the hearing, a brief summary of the contents of the amendment, and the location and times where and when copies of the amendment may be examined before the hearing.

- E. When the Board proposes an amendment, it shall allow both Westmoreland County Planning Department and Township Planning Commissions at least thirty (30) days to review and comment upon it prior to the date of the public hearing.
- F. If a proposed amendment is substantially changed following the public hearing, the Board shall hold an additional public hearing before voting.
- G. Within thirty (30) days after adoption, the Board shall send a certified copy of the amendment to the Westmoreland County Planning Department.

**§ 110-55. Enforcement.**

- A. The provisions of these regulations shall be enforced by the duly authorized representative of the Township responsible to the Board of Supervisors.
- B. Enforcement Remedies:
  - 1. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development Ordinance enacted under the Pennsylvania Municipalities Planning Code, Act 247 as amended, or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Magistrate. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Magistrate determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Magistrate and thereafter each day that a violation continues shall constitute a separate violation.
  - 2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
  - 3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this Section.

**§ 110-56. Preventive Remedies.**

- A. In addition to other remedies, the Board of Supervisors may undertake appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises.
- B. The Board may direct the duly authorized representative to issue no permits or grant any approval necessary to further improve or develop property which was illegally subdivided or upon which construction or site preparation has occurred in violation of this Chapter. The authority to deny a permit or approval shall apply to the owner of record at the time the violation occurred, subsequent owners regardless of their knowledge of the violation, and any vendor or lease holder of the property or their successors whether or not they know of the violations.
- C. Such remedies shall also apply to the vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

**§ 110-57. Failure to Maintain Public and Private Improvements.**

- A. The Homeowner's Association or other organization formed to maintain commonly owned land, facilities and other improvements, shall provide perpetual maintenance of such land and improvements in accordance with all applicable regulations and current standings.
- B. In default thereof, the Township may, after reasonable notice, enter upon the premises and undertake the required maintenance and assess the cost thereof, against each property owner of the Homeowner's Association formed to maintain the improvements identified as such on the finally approved and recorded plan. In addition, a ten percent (10%) penalty shall be assessed for administration of the corrective maintenance.
- C. The manner of collection shall be consistent with the provisions for the filing of municipal claims in the Commonwealth, or at the Township's option, by the institution of any suit at law or equity.

**§ 110-58. Schedule of Fees.**

- A. A schedule of fees for minor subdivisions, major subdivision, minor land developments and land development plans not involving subdivision, mobile home park plans, recreational vehicle campground plans, requests for modifications, and petitions for

amendments of this Chapter shall be established by resolution of the Board of Supervisors.

- B. No subdivision or land development plan shall be finally approved, and no petition or requests acted upon, unless or until all applicable fees have been paid in full.

ARTICLE X  
**Planning Commission**  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-59. Membership.**

The planning commission shall be established by Ordinance of the Township Board of Supervisors. Unless changed by the board, it shall consist of five members of two alternates who shall serve 5 year terms. Said alternates shall be designated as alternate 1 and alternate 2. If one planning commission member is absent, alternate 1 shall be a voting member. Should two members be absent, both alternate 1 and alternate 2 shall be voting members. Planning Commission members shall have their primary residency in the Township of Ligonier.<sup>2</sup>

**§ 110-60. Absence.**

If a member of the planning commission or alternate is absent for three meetings in a row, said matter will be referred to the Township Board of Supervisors for a vote for termination for non-participation. The member may at said time offer reasons for said absences and the Supervisors may choose to remove or not at their discretion.

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<sup>2</sup> Residency requirement added 10-27-2022, Ord. No. 2022-OR-05

ARTICLE XI  
ENACTMENT  
[Adopted 8-14-2018 by Ord. No. 03-2018]

**§ 110-61. Severability.**

Should any section or provision of this Chapter or the application of any provision to particular circumstances be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. In such case, should any section or provision be declared invalid or void, and the effect would be that there be no regulations or standards in effect which would be applicable to the particular lot or situation, then the regulations and standards which were in effect and adopted pursuant to Ordinance No. 03-2018, enacted August 14<sup>th</sup> of 2018, shall apply.

**§ 110-62. Repealer.**

Ordinance Number 97-11, Subdivision and Land Development, of 7-21-1997, as formerly codified as Chapter 65 is hereby repealed in its entirety and this Chapter, as amended and restated, shall be in full force and effect upon adoption by the Board of Supervisors

**§ 110-63. Effective Date.**

These regulations are necessary for the immediate preservation of the public health, safety, morals and general welfare and shall be effective immediately upon passage and publication.

**Chapter 120**  
**ZONING CODE**

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- § 120-1. Purpose.
- § 120-2. Short Title.
- § 120-3. When Effective
- § 120-4. Interpretation and Intent
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- § 120-6. Construal
- § 120-7. Compliance
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- § 120-10. Exemption

**ARTICLE II**  
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- § 120-11. Zoning Districts Established
- § 120-12. Enumeration of Zoning Districts
- § 120-13. Zoning Map
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- § 120-16. Purpose
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**ARTICLE IV**  
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- § 120-18. Purpose
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R-2 Suburban Residential District

- § 120-20. Purpose
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**ARTICLE VI**

## Neighborhood Commercial District

§ 120-22. Purpose

§ 120-23. Uses

## ARTICLE VII

### Highway Commercial District

§ 120-24. Purpose

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## ARTICLE VIII

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[HISTORY: Adopted by the Board of Supervisors of the Township of Ligonier 5-5-2015 by Ordinance No. 2015-OR-04, as amended 7-21-2015 by Ordinance No. 2015-OR-04. Additional amendments noted where applicable.]

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ARTICLE I  
**General Provisions**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-1. Purpose**

This chapter is enacted for the following purposes: to promote the health, safety, and general welfare of the inhabitants of the Township by preventing congestion in the streets, securing safety from fire, panic, and other dangers, providing adequate light and air, avoiding undue concentration of population, preserving areas of particular scenic value, conserving the value of land and buildings and encouraging the most appropriate use of land.

**§ 120-2. Short Title**

This chapter shall be known and may be cited as the “Ligonier Township Zoning Ordinance of 2015”.

**§ 120-3. When Effective**

This chapter shall take effect five days after passage and upon being signed by the Chairman of the Board of Supervisors, being attested by the Township Secretary.

**§ 120-4. Interpretation and Intent**

A. In interpreting and applying the provisions of this chapter, it shall be held to be the minimum requirements for the motion of health, safety, morals, and general welfare of Ligonier Township. It is not intended to interfere with or abrogate or annul other rules, regulations or ordinances of the Township, except that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the building height or requires larger open spaces than are imposed by such other rules, regulations or ordinances, the provisions of this chapter shall control.

B. It is fundamental to the purpose of this chapter to recognize that many existing lots throughout the Township are less adequate than others because of their location or size or odd shape or difficult topography, or any combination of these limitations. A claim of hardship under this chapter, therefore, shall not be allowed on behalf of any lot because of the physical characteristics of the lot prevent it from being built upon exactly as in another lot abutting or close to it or in the same zoning district. There can be some alleviation for other lots through variances (minor concessions) granted by the Zoning Hearing Board when special physical conditions make literal enforcement of the regulations either unsatisfactory in the interest of the people at large or actually impossible. It is not this chapter but the physical conditions that prevent a lot from accommodating a type or area or bulk of structure unsuited to it. For typical

example, it is not intended that each lot in a multi-family residential district automatically become the prospective site for a multi-family dwelling and use.

If a lot in such a district, after provisions of the yards and other open spaces prescribed for its own and adjacent property protection has a buildable area too small in extent or dimensions for a multi-family dwelling, then the lot may be used under its district regulations for another type of dwelling or structure permitted in that district.

### **§ 120-5. Community Development Objectives**

The community development objectives of the Township are as follows:

- A. To promote consistent and compatible land use patterns both within the Township and with adjacent municipalities to preserve rural and suburban residential character and quality of life.
- B. To preserve sensitive environmental features, scenic views, agricultural areas and prime agricultural land.
- C. To ensure the scale, layout and design of new development minimizes negative impacts on surrounding parcels and infrastructures.
- D. To encourage development of a variety of housing types and densities in safe and affordable neighborhoods with access to services and amenities that meet the needs of residents.
- E. To support a healthy and aesthetically pleasing environment with clean air, clean water, and development that is sensitive to natural features, preserves scenic views and conserves open space.
- F. To minimize pollution or disruption of the environment by objectionable noise, vibrations, smoke, fumes, odors, harsh lights, solid wastes and liquid home effluents.
- G. To promote the establishment of new businesses in the Township to create jobs and increase the tax base.
- H. To assure that businesses and institutions in the Township provide sufficient and well-design off-street parking that manages traffic flow safely and effectively and accommodates demand efficiently,
- I. To create a safe and well-planned traffic circulation pattern that effectively facilities the movement of goods and people, and promotes good access to neighborhoods, workplaces, shopping destinations, businesses and recreational areas.
- J. To prevent unsafe construction in floodplain areas.

- K. To ensure that future growth occurs in suitable areas with stable soils, necessary utilities, and sufficient street capacity and access.

#### **§ 120-6. Construal**

The provisions of this chapter are intended as a replacement of an existing Township zoning ordinance, and repeal any provisions of such ordinances unless they are specifically retained. The provisions of this chapter shall not affect any act done, contract executed or liability incurred prior to its effective date or affect any suit or prosecution pending or to be instituted, to enforce any right, rule, regulation or ordinance enacted under them. All ordinances, resolutions, regulations and rules made pursuant to any ordinance repealed by this chapter shall continue in effect as if such ordinance had not been repealed.

#### **§ 120-7. Compliance**

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

#### **§ 120-8. Pre-emption**

- A. It is recognized that the following Acts may effect or pre-empt some portions of this zoning ordinance

1. The act of June 22, 1937 (P.L. 1937, No. 394), known as “The Clean Streams Law;”
2. The act of May 31, 1945 ((P.L. 1198, No. 418), known as the “Surface Mining Conservation and Reclamation Act;”
3. The act of April 27, 1966 (1<sup>st</sup> Sp. Sess., P.L. 31, No. 1), known as “The Bituminous Mine Subsidence and Land Conservation Act”;
4. The act of September 24, 1968 (P.L 1040, No. 318), known as the “Coal Refuse Disposal Control Act;”
5. The act of December 19, 1984 (P.L. 1140, No. 223), known as the “Oil and Gas Act;”
6. The act of December 19, 1984 (P.L. 1093, No. 219), known as the “Non-coal Surface Mining Conservation and Reclamation Act;”
7. The Act of June 30, 1981 (P.L. 128, No. 43), known as the “Agricultural Area Security Law;”
8. The Act of June 10, 1982 (P.L. 454, No. 133), entitled “An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances;”
9. The Act of May 20, 1993 (P.L. 12, No. 6), known as the “Nutrient Management Act”, and
10. The act of January 8, 1960 (P.L. 2119, No. 787), known as the “Air Pollution Control Act”.

- B. Suggestions, recommendations, options, or directives contained herein are intended to be implemented only to the extent that they are consistent with and do not exceed the requirements of the aforementioned acts. Nothing contrary to these acts shall be mandated by this zoning ordinance.

**§ 120-9. Repealer**

The “Ligonier Township Comprehensive Development Ordinance” as amended, is hereby repealed as of the effective date of this Article.

**§ 120-10. Exemption**

Any use by the Township of Ligonier or the Ligonier Municipal Authority which is for the health, safety, and welfare of the community is exempt from the terms of this Chapter.

ARTICLE II  
**Districts, Uses, and Dimensional Standards**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-11. Zoning Districts Established**

The Township is hereby divided into Zoning Districts of different types, each type being of such number, shape, kind and area and of such common unity of purpose and adaptability of use that are deemed most suitable to carry out the objectives of this chapter.

**§ 120-12. Enumeration of Zoning Districts**

- A. The Township is hereby divided into seven (7) districts, as follows:

- A    Agricultural
- R-1   Rural Residential
- R-2   Suburban Residential
- C-1   Neighborhood Commercial
- C-2   Highway Commercial
- I     Industrial
- V     Village

- B. The establishment and enumeration of Overlay Districts are discussed in Articles X.

**§ 120-13. Zoning Map**

The boundaries of districts shall be shown on the map attached to and made part of this chapter. Said map will be known as the “Ligonier Township Zoning Map, 2015”. The Zoning Map shall be kept on file and available for examination at the Township Municipal Building.

#### **§ 120-14. Boundaries**

- A. Where uncertainty exists with respect to the boundaries of the district as indicated on the Zoning Map, the following rules shall apply:
1. Where district boundaries are indicated as approximately coinciding with the center lines of streets, highways, railroad lines or streams, such center lines shall be construed to be such boundaries.
  2. Where district boundaries are so indicated that they approximately coincide with lot lines, such lot lines shall be construed to be said boundaries; or where district boundaries are extensions of lot lines or connect the intersection of lot lines, such lines shall be said district boundaries.
  3. Where district boundaries are so indicated that they are approximately parallel to center lines of streets or highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Zoning Map.
  4. The abandonment of streets shall not affect the location of such district boundaries.
  5. When the Zoning/Code Enforcement Officer cannot definitely determine the location of a district boundary by center lines, lot lines or by the scale or dimensions stated on the Zoning Map, he or she shall interpret the location of the district boundary with reference to the scale of the Zoning Map and the intentions and purposes set forth in all relevant provisions of this chapter.
- B. Where one parcel of property is divided into two or more portions by reason of different zoning district classifications, each of these portions shall be used independently of the others in its respective zoning classification; and for the purpose of applying the regulations of this chapter, each portion shall be considered as if in separate and different ownership.

#### **§ 120-15. Standards for Accessory Uses and Structures**

##### **A. Uses Accessory to Agriculture**

When the principal use is an agricultural use or the production or keeping of farm animals including, but not limited to, alpacas, llamas, emus, deer, poultry, cattle, hogs, horses, ponies, goats or sheep, all accessory buildings customarily incidental to them shall be permitted, with the following requirements:

1. To qualify as agricultural use or for the production and keeping of farm animals, the minimum lot size shall be five (5) acres.
2. Farm buildings and other structures, excluding pasture fences and including barns, paddocks or pens, shall not be established any closer than one hundred and fifty (150) feet to any lot line. Manure or other waste storage shall not be established closer than

one hundred (100) feet away from any lot lines. Provided, however, that Concentrated Animal Feeding Operations shall meet the special requirements under Article XVI.

3. Accessory farm structures such as barns, silos and bulk bins shall be exempted from the building height regulation established above.
4. Roadside stands for the seasonal sale of agricultural products shall be permitted as an accessory use to an agricultural use if:
  - a. They are used exclusively for the sale of agricultural products and at least fifty percent (50%) of such products shall have been produced on The property on which they are offered for sale.
  - b. At least three parking spaces are provided no closer than twenty (20) feet from the public right-of-way (street).
5. AGRITOURISM or AGROTOURISM may be conducted as a CONDITIONAL USE in the A-1 Zoning District (s) provided:
  - a. ALL AGRITOURISM or AGROTOURISM activities shall be conducted within and upon a property containing working farm or other working agricultural or horticultural use and existing structures thereupon:
  - b. No new or additional structures are constructed on the property to accommodate such activities.
  - c. The AGRITOURISM or AGROTOURISM activities conducted on the site shall at all times be a lesser, included and accessory to the principal use of the property as a working farm or other working agricultural or horticultural uses:
  - d. The AGRITOURISM or AGROTOURISM activities cannot begin before dawn nor end after dusk.
  - e. The property upon which such use is conducted contains a minimum 10 acres of land:
  - f. The Applicant submits and receives approval of a Land Development Plan from the Board of Supervisors showing:
    1. The locations where all AGRITOURISM or AGROTOUISM activities will be conducted
    2. The locations of sufficient off-street parking spaces for each use
    3. The locations of all existing and proposed sanitary sewage facilities; and
    4. The locations of all ingress and egress

#### B. Storage Sheds

1. It is in the interested of the safety of the residents of the Township to be allowed to construct safe and securely anchored storage sheds for the storage of materials and equipment other than motor vehicles.
2. Storage sheds shall be constructed of wood, masonry, durably outdoor resin and metal; and must be fastened or bolted to a concrete floor or fastened or bolted to a treated wood floor or fastened or bolted to piers, or otherwise sufficiently anchored to a suitable foundation so as to provide proper anchoring of such sheds.
3. Storage sheds shall meet the setback and height requirements of this chapter.
4. Prior to the construction of a storage shed, a Zoning Permit shall be obtained from the Zoning/Code Enforcement Officer of the Township. The fee shall be set forth in a resolution duly adopted by the Board of Supervisors.

#### C. Fences, Screening Walls and Retaining Walls

1. Height and Setbacks
  - a. All fences and screening walls, with the exception of those erected on lots used for agriculture or for the keeping of horses or ponies, shall meet the following height and setback requirements:
    - I. Within any required front yard, fences and screening walls must not exceed 4 feet in height as measured from average grade level.
    - II. Within any required rear or side yard, fences and screening walls must not exceed six feet in height as measured from average grade level.
    - III. Fences and screening walls shall be set back a minimum of five feet from the paved portion or berm of any private right-of-way or public cart way, including any streets or alleys of the Township or the Commonwealth of Pennsylvania, subject however, to the rights of the Township or a municipal authority within the right-of-way.
    - IV. Fences and screening walls alongside and rear lot lines shall be permitted to have no setback.
    - V. A fence not exceeding 6 feet in height may be built in any required yard for schools, playgrounds or parks; or in any required side or rear yard in commercial or industrial districts.
  - b. Retaining walls shall be required to meet the height and setback requirements of accessory structures as established in this chapter.
  - c. Regardless of the height and setbacks established in this subsection, fences, screening walls and retaining walls as erected must not interfere with the Clear Sight Triangle at any intersection of streets, driveways, access drives or the like.
2. Fences and screening walls shall be finished on both sides in the same manner, or if finished only on one side, then said FENCE or WALL shall be erected so that the finished side faces outward away from the LOT or parcel of ground where the same is erected.
3. If a fence screening wall, as erected on any property, is found by the Board of Supervisors, or an agent designated by said Board, to interfere with the location, relocation, maintenance or repair of any public street, cart way or public utility lines, then in such instance said fence or wall shall be removed or relocated by the property owner who owns the land upon which the fence or wall is located at the sole expense of said property owner.
4. Types of Fences Allowed
  - a. Wooden fences of the following types:
    - i. Picket
    - ii. Board
    - iii. Board on Board
    - iv. Post and Board
    - v. Board and Batten
    - vi. Stockade; or
    - vii. Split-Rail or Round-Rail
  - b. Ornamental metal fences
  - c. Chain link fences
  - d. Polyvinyl fence
  - e. Automated vehicular gates and horizontal slide gates

- f. No barbed wire fencing shall be allowed in any residential DISTRICT except when used for security purposes for public infrastructure and USES.
- g. High Tensile Fence
- 5. Types of Screening Walls
  - a. Screening walls shall be securely anchored and made of one of the following durable materials:
    - i. Brick
    - ii. Stone
    - iii. Landscape block
    - iv. Stucco
  - b. WALLS topped with or containing metal spikes, broken glass, or similar material shall be prohibited.
- 6. Requirements for Retaining Walls
 

Any applicant wishing to construct a retaining wall shall comply with the requirements of the Pennsylvania Uniform Construction Code.
- 7. Permitting and Enforcement
  - a. It shall be unlawful to construct or alter any fence, screening wall, or retaining wall without having first secured a Zoning Permit
  - b. Application for such permits shall be made to the Zoning/Code Enforcement Officer and shall be accompanied by plans and specifications, in duplicate, showing the work to be done. Such plans shall be verified by the signature of either the owner of the premises or the contractor in charge of the operation and shall be accompanied by the payment of a fee established by the Township.
  - c. Such application with plans shall be referred to the Zoning/Code Enforcement Officer who shall examine the same to determine whether the proposed construction or alteration will comply with the provisions of this chapter relative thereto and shall issue or reject the permit, in writing, within five working days from receipt of the application. Upon approval, one set of plans shall be returned to the applicant with a permit and the other shall be retained by the Zoning/Code Enforcement Officer. No permit shall be issued until after approval of the plans.
  - d. It shall be unlawful to vary materially from the submitted plans and specifications unless such variations are submitted in an amended application to the Zoning/Code Enforcement Officer and approved by him/her.
  - e. The Zoning/Code Enforcement Officer shall make or cause to be made such inspection is necessary to see to the enforcement of the provisions of this chapter.

#### D. No-Impact Home-Based Businesses

No-impact home based businesses are permitted by right in all residential Zoning Districts as long as the business or commercial activity satisfies the following requirements:

- 1. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- 2. The business shall employ no employees other than family members residing in the dwelling
- 3. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.

4. There shall be no outside appearance of a business use, including but not limited to, parking, signs or lights, except that the name of the business may be indicated on the residence mailbox, as long as the mailbox sign does not exceed one (1) square foot in area.
5. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interferences, including interference with radio or television reception, which is detectable in a neighborhood.
6. The business activity may not generate any solid wastes or sewage discharge in volume or type which is not normally associated with residential use in the neighborhood.
7. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25%) percent of the gross floor area.
8. The business may not involve any illegal activity.

#### E. Home Occupations

Home Occupations, not meeting the definition of a *No Impact Home Based Business*, are Permitted Uses in districts specified in this chapter, 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 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 Chapter;
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.

#### F. Swimming Pool Accessory to a Single-Family Dwelling:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests.
2. The pool, including any deck areas or accessory structures, must meet all yard and setback requirements of the PA UCC Code for Residential Accessory Uses and Structures.

3. The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall meet all requirements under ASTM Standards designation F-1908-06, as amended, and it shall be maintained in good condition.

G. Swimming Club Accessory to a Multi-Family Dwelling:

1. The Swimming Club is intended solely for the enjoyment of the tenants and their families and guests or, if the pool is operated by a membership association, the members and the families and guests of members of the association under whose ownership or jurisdiction the pool is operated.
2. The pool, including any deck areas, accessory structures and areas used by the bathers, shall meet the yard and setback requirements of the PA UCC Code for Residential Accessory Uses and Structures.
3. The swimming pool and all of the area used by bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall meet all requirements under ASTM Standards designation F-1908-06, as amended, and it shall be maintained in good condition. The area surrounding the enclosure, except for parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and it shall be maintained in good condition.

H. Garages

1. No garage or portion of any garage shall be used for or converted to a rental residence.
2. Any nonresidential accessory use or structure shall meet the setbacks and building height requirements of the underlying district.
3. All retaining walls, as defined herein, shall have a minimum setback of five (5') feet both side and rear yard in all zoning districts.

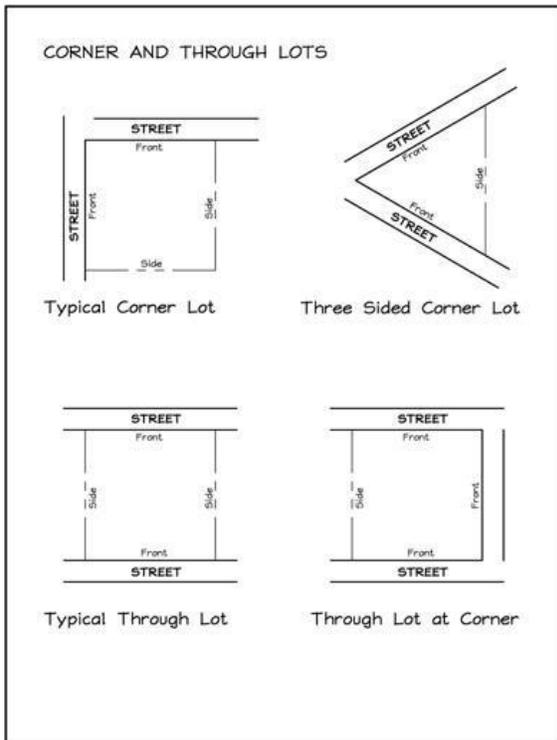
I. Building Height Provisions and Exceptions

1. The following structures or portions thereof may extend above the building height limit of the district in which the same is located, provided that every portion of such structure above the building height limit is at least as many feet distant from bordering or opposite properties as that portion of the structure is in height:
  - a. Church towers and spires
  - b. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building.
  - c. Fire or parapet walls, skylights, towers, steeples, flag poles, chimneys, smokestacks, wireless masts, water tanks, silos or similar structures.
  - d. In the following zoning districts, the height of the building(s) may have a maximum building height of 70 feet if said structure is to have a sprinkler system installed in accordance with the Pennsylvania Construction Code:
    - i. R-2 – apartment building
    - ii. Any buildings located in a C-1, C2, or Industrial District
2. In measuring the building height in stories, a basement shall be counted as a story only when 60% or more of the front wall surface thereof, between the floor and ceiling is above the average grade level of the ground abutting the front wall of the structure, as shown on the construction plans.

3. Radio and television antenna structures shall be permitted on any zoning lot only where such structures meet all the following height and location requirements:
  - a. Where such structure is attached to an existing main building, its maximum height shall not exceed 10 feet above the high point of the roof.
  - b. A freestanding antenna structure may not extend above the ground more than 30 feet and shall be located to the rear of the building and not less than 30 feet from any lot line.
4. These height exceptions and regulations shall not apply to any Communications Antennas or Communications Towers.

J. Special Yard and Setback Requirements

1. Lots abutting more than one street lot which abuts on more than one street shall provide the required front yards along every street.
  - a. Corner lots shall have two front yards and two side yards, provided, however, that if the corner lot has only three sides, it shall have two front yards and one side yard.
  - b. Through lots shall have two front yards and two side yards, provided, however, that if a through lot is also a corner lot, it shall have three front yards and one side yard.
 Provided, however, that where the lot abuts an alley, it shall not be required to provide a front yard along such alley.



2. Projections into minimum front, side, or rear yards. Except as provided in subsection 3 below, all structures attached to the principal structure, including porches, patios,

carports, balconies, or platforms above average grade level shall not project into any minimum front, side or rear yard.

3. Buttresses, chimneys and piers. A buttress, chimney, cornice, pier or pilaster projecting no more than 24 inches from the wall of the building may project into a required yard.
4. Gardens
  - a. Gardens for raising flowers and shrubbery and trees for personal enjoyment and not for resale are permitted in any district and may extend into the required front, side and rear yards.
  - b. Gardens for raising foodstuffs for personal consumption and not for resale are permitted in any district and may extend into the required yard areas.
  - c. Rain gardens for controlling storm water runoff.

**K. Clear Sight Triangle**

On any corner lot, no structure, fence, wall, hedge or other planting shall be erected or allowed to grow or be placed or maintained in such a manner as to interfere with the clear sight triangle at any intersection.

**ARTICLE III  
Agricultural District**

**[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]**

**§ 120-16. Purpose.**

The purpose of the Agricultural (A) District is to preserve and support the Township's farming areas. This district is characterized by concentrations of active and relatively contiguous farmland and/or land registered as Agricultural Security Areas, as well as by surrounding land that is undeveloped or sparsely developed. Suitable uses include agriculture; timber harvesting; forests and game lands; passive recreation; farmer's market and other compatible uses. In addition, residential uses that are compatible with or preserve farmland and natural resources are permitted.

**§ 120-17. Uses.**

- A. Principal uses permitted-by-right in the Agricultural District are listed in the table of uses located in Appendix A of this chapter.
- B. Special exceptions allowed within the Agricultural District are listed in the table of uses located in Appendix A and shall meet the criteria set forth for such uses established in Article XVI.
- C. Conditional Uses permitted in the A District are listed in the table of uses located in Appendix A.

ARTICLE IV  
**R-1 Rural Residential District**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-18. Purpose**

The Rural Residential (R-1) District is intended to allow for residential development that is compatible with rural character. Preservation of natural features such as steep slopes, floodplains, stream corridors, wetlands and mature woodlands is strongly encouraged. Single-family dwellings, family farms and other low-density uses are permitted. Because an expansion of public sewer service is possible in some parts of this District, significant growth pressures are likely to follow. The use of conservation subdivisions as the preferred development choice within this District will mutually accommodate the development of property and the protection of sensitive environmental areas.

**§ 120-19. Uses**

- A. Principal Uses permitted-by-right in the R-1 District are listed in the table of uses located in Article II, Table 1.
- B. Special Exceptions allowed within the R-1 District are listed in the table of uses located in Appendix A and shall meet the criteria set forth for such uses established in Article XVI.
- C. Conditional Uses permitted in the R-1 District are listed in the table of accessory uses located in Appendix A.

ARTICLE V  
**R-2 Suburban Residential District**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-20. Purpose**

The purpose of the Residential District is to provide for housing choices on smaller lots and higher densities than in the R-1 District. New development should reflect the suburban neighborhood character of existing subdivisions. While it is primarily intended for single-family residences, the District allows for some multi-family options if they meet specific lot size, building height, design and buffering requirements.

**§ 120-21. Uses**

- A. Principal Uses permitted-by-right in the R-2 District are listed in the table of uses located in Appendix A.

- B. Special Exceptions allowed within the R-2 District are listed in the table of uses located in Article II, Table 1 and shall meet the criteria set forth for such uses established in Article XVI.
- C. Conditional Uses permitted in the Residential District are listed in the table of accessory uses located in Appendix A.

ARTICLE VI  
**Neighborhood Commercial District (C-1)**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-22. Purpose**

The purpose of the Neighborhood Commercial District is to sustain and promote commercial businesses along major transportation corridors that are typically local in character. These businesses serve the surrounding community and tend to be smaller and generate less traffic than regional businesses. They may be stand-alone businesses, such as car dealerships and restaurants, or groups of small businesses occupying a strip center development. Because the Township does not envision expansion of large retail and other large-scale business throughout these corridors, permitted uses are limited in character, size and scale.

**§ 120-23. Uses**

- A. Principal uses permitted-by-right in the Neighborhood Commercial District are listed in the table of uses located in Appendix A.
- B. Special exceptions allowed within the C-1 District are listed in the table of uses located in Appendix A and shall meet the criteria set forth for such uses established in Article XXVI.
- C. Conditional uses permitted in C-1 District are listed in the table of uses located in Appendix. Requirements applicable to accessory uses in the District are located in Appendix A.

ARTICLE VII  
**Highway Commercial District**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-24. Purpose**

The purpose of the Highway Commercial (C-2) District is to provide for larger-scale commercial business areas along major transportation corridors with the infrastructure to support them. The Township wishes to contain these uses within these corridors to manage the increasing traffic burden on Township streets.

The District allows for a range of business types and scales that require good access and ample parking. Suitable uses include Mid-Size retail (between 10,000 and 75,000 square feet of gross floor area) and Large Retail (75,000 square feet or more of gross floor area), Planned Shopping Centers, Gas Stations, Hotels, Motels and Restaurants with or without drive-through facilities. Multi-family dwelling units are also to be permitted. Regional commercial uses serve the needs of people from a broad geographical area both within and outside the Township.

**§ 120-25. Uses**

- A. Principal Uses permitted-by-right in the Highway Commercial District are listed in the table of uses located in Appendix A.
- B. Special Exceptions allowed within the Highway Commercial District are listed in the table of uses located in Appendix A and shall meet the criteria set forth for such uses established in Article XVI.
- C. Conditional uses permitted in the Highway Commercial District are listed in the table of uses located in Appendix A.

ARTICLE VIII  
**Industrial District**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-26. Purpose**

The purpose of the Industrial (I) District is to provide designated locations where high-intensity industrial and other uses can be located and their impacts managed. Industrial businesses create jobs and improve the economic base; however they generally create impacts such as noise and traffic that make them incompatible with residential and other uses. Suitable uses within the Industrial District include Manufacturing, Truck Terminals, and Warehousing and Distribution Facilities. Proximity to highway and rail access is an important

factor in locating these uses.

**§ 120-27. Uses**

- A. Principal Uses permitted-by-right in the Industrial District are listed in the table of uses located in Appendix A.
- B. Special Exceptions allowed within the Industrial District are listed in the table of uses located in Appendix A and shall meet the criteria set forth for such uses established in Article XVI.
- C. Conditional uses permitted in the Industrial District are listed in the table of uses appended to this chapter.

ARTICLE IX  
**Village District**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-28. Purpose**

The Village Residential District is intended to provide compatible standards governing existing villages, also known as “coal patch towns,” as well as other older, densely developed neighborhoods. Most of these villages were built long before zoning requirements were put in place in the Township. Because the lots are very small (often about 1/10 of an acre), they do not conform to typical suburban zoning requirements. The Village Residential District creates lot sizes, setbacks and other requirements that are more generally consistent with the scale, character and layout of lots in these villages.

Furthermore, the purpose of this district is to promote the creation of neighborhood shopping and services in designated areas of the Township that are accessible to mixed use neighborhoods. The District is designed to encourage development of distinct commercial centers by allowing a mix of uses within compact boundaries. The emphasis will be on promoting a variety of community-serving businesses like small-to-medium size groceries, restaurants and neighborhood retail (2,500 square feet or less) rather than large Superstores, shopping malls and strip centers. Other suitable uses include service businesses and professional offices. Efforts shall be made to create direct connections from neighborhood commercial centers to surrounding neighborhoods to allow for pedestrian and bicycle access and to decrease vehicular traffic and the amount of parking required.

**§ 120-29. Uses**

- A. Principal uses permitted-by-right in the Village Residential District are listed in the table of uses located in Appendix A.

- B. Special exceptions allowed within the Village Residential District are listed in the table of uses located in Appendix A and shall meet the criteria set forth for such uses established in Article XVI.
- C. Accessory Uses permitted-by-right or as a special exception in the Village Residential District are listed in the table of accessory uses located in Appendix A.

**ARTICLE X**  
**Overlay Districts**  
**[Adopted 11-10-2020 by Ord. No. O-20-03]**

**§ 120-30. Purpose**

The establishment of overlay zoning districts in the Township is predicated on the achievement of certain community development objectives consistent with §1-5. Overlay zoning is recognized as a flexible zoning technique aimed at achieving the specific objectives within the current land use scheme. Overlay zoning is derived from the police power, which is authorized by the Pennsylvania Municipalities Planning Code, as amended. In the interest of the public, health, safety, and welfare, the following characteristics shall be evidenced where overlay zoning is proposed:

- A. Overlay zones shall be enacted through the application of recognized zoning review procedures, public notice and public hearing processes;
- B. The purpose and boundaries for each proposed overlay zone shall be identified and mapped;
- C. The classification of uses, whether permitted or by special exception, in the overlay shall be administered as outlined in the Pennsylvania Municipalities Planning Code, as amended;
- D. The overlay zones shall offer added flexibility within the context of an overall growth management plan; and
- E. The overlay zone shall permit the focusing of supplemental Township land use regulations in key areas where specific objectives have been identified.

**§ 120-31. Applicability**

- A. The regulations of overlay districts shall apply to new construction, reconstruction or expansion of new or existing buildings and uses, regardless of whether the requirements of this Article are more or less restrictive than those of the underlying zoning district at that location.
- B. Where requirements are not addressed in this Article, the provisions of the underlying zoning

districts shall continue to govern.

**§ 120-32. Enumeration of Overlay Districts**

- A. The Township has established the following overlay districts:
  - 1. Historic Conservation Overlay District (Article XI)
  - 2. Natural Resource Protection Overlay (Article XII)
  - 3. Flood Plain Protection Overlay (Article XIII)
- B. The Township may establish other overlay districts from time to time that are consistent with the purposes set forth in Section 14.1 of this Article.

ARTICLE XI  
**Historic Conservation Overlay District**  
**[Adopted 11-10-2020 by Ord. No. O-20-03]**

**§ 120-33. Intent**

The intent of the Historic Conservation Overlay District is to protect this historic nature of certain segments of the Township which contain historic buildings and artifacts.

**§ 120-34. Purpose; General Design; Conflicting Provisions**

- A. Historic Conservation Overlay District is intended to implement the goals and objectives of the Chapter.
- B. The general design pattern for the Historic Overlay District is to preserve the historic character of the District by preserving the open spaces in the vicinity of the historic buildings and to prevent the building of commercial activities which may conflict with these areas.
- C. The provisions of this section, when in conflict, shall take precedence over other sections of the Zoning Ordinance.

ARTICLE XII  
**Natural Resource Protection Overlay District**  
**[Adopted 11-10-2020 by Ord. No. O-20-03]**

**§ 120-35. 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, 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.

**§ 120-36. Purpose; General Design; Conflicting Provisions**

- A. The Natural Resource Protection Overlay is intended to implement the goals and objectives of this Chapter.
- 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.
- C. The provisions of this section, when in conflict, shall take precedence over other sections of the Zoning Ordinance.

ARTICLE XIII  
**Flood Plain Protection Overlay**  
**[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]**

**§ 120-37. Intent**

The intent of the Flood Plain Protection Overlay District is to designate areas of the Township which lie within an area designated as a flood plain by the Federal Emergency Management Agency.

**§ 120-38. Purpose; General Design; Conflicting Provisions**

- A. The Flood Plain Protection Overlay is intended to implement the goals and objectives of this chapter.
- B. The provisions of this section, when in conflict, shall take precedence over other

sections of the Zoning Ordinance.

**ARTICLE XIV**  
**Special Provisions**  
**[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]**

**§ 120-39. Performance Standards**

All land uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this chapter, the Board of Supervisors may require a plan of the proposed construction or development and a description of equipment or techniques to be used during operation of the proposed use. The Board may assign a private third party agency to provide measurements for the respective performance standards. Any associated testing fees must be paid by the applicant to the Township.

- A. Any activity involving the handling or storage of flammable or explosive materials shall require that fire-prevention and fire-fighting equipment acceptable to the National Fire Protection Association is available on site while such activity is taking place.
- B. Fire and explosive hazards. All activities and all storage of flammable and explosive materials at any point shall be provided with adequate UL-approved safety devices against the hazards of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices as detailed and specified by the Pennsylvania Department of Labor and Industrial and other regulators under the Laws of the Commonwealth.
- C. All buildings, structures and activities within such buildings and structures shall conform to the Pennsylvania Uniform Construction Code and any other applicable laws of the Commonwealth of Pennsylvania.

**§ 120-40. 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 Chapter 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 Chapter.
- L. No sign shall be placed on any tree except political signs, civic banners/signs, hunting and trespassing signs. Civic banners/signs and political signs must be removed no later than seven (7) days after the cessation of the posted event.
- 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
  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.
  4. Real estate signs, including signs advertising the rental or sale of premises, provided that:
    - a. The area on any one side of any such sign shall not exceed six (6) square feet.
    - 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.
    - c. Such signs shall be removed within seven (7) days upon the closing of the premises.
    - d. Not more than one such sign shall be placed on any one street frontage.
  5. Temporary signs of contractors, architects, special events, and the like, provided that:
    - a. Such signs shall be removed within fourteen (14) days upon completion of the work or special event
    - b. The area of such signs shall not exceed six (6) feet.
    - c. Such signs shall be located on the applicable property
  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.
  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.
  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.

9. Sign denoting the name of a subdivision or development, provided that:
  - a. The area on one side of such sign shall not exceed twenty-four (24) square feet.
  - b. The sign shall be erected only on the premises on which the subdivision or development is located.
  - 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 Districts are subject to the following:

10. Any signs permitted in the R-1 and R-2 Residential Districts are permitted in these Districts.
11. 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.
12. 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.
13. 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.
14. 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.
15. Billboards may be allowed as Special Exception in the C-1 District, provided that:
  - a. Billboards shall be located no closer than within one thousand (1,000) feet of another billboard.
  - b. Billboards shall be a minimum of fifty (50) feet from all side and rear property lines.
  - c. All billboards shall be set back at least fifty (50) feet from any road right-of-

- way lines.
- d. All billboards shall be set back at least one hundred (100) feet from any existing residential dwelling
  - e. Billboards 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. Billboards shall no exceed an overall size of two hundred fifty (250) square feet, nor exceed twenty-five (25) feet in height.
16. 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.
17. 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.
18. 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.
19. Existing signs at the time of the passage of this Ordinance are subject to the following:
- a. Existing signs may be continued provided that all such signs shall conform to the General Requirements as set forth in this subsection.
  - b. Any sign existing at the time of the passage of this Ordinance that does not conform with the regulations of the District in which such sign is located

shall be considered a nonconforming use and may continue in such use in its present location until replacement or rebuilding becomes necessary and/or ordered by the Township, at which time a permit will be required and the sign brought into conformity with this Chapter.

20. Place of Worship

- a. Church signs shall have a maximum area with a total aggregate of forty eight (48) square feet.

**§ 120-41. Parking**

A. The following parking space requirements shall apply in all districts

<b>Use</b>	<b>Parking Space Requirement</b>
Auditorium	1 space for every four (4 SEATS)
Bed & Breakfast	1 space per every unit
Bank & Financial	1 space per 300 square feet of gross floor area at each drive-in window and/or ATM
Barber & Beauty Shops	2 spaces per shop plus one and 1 ½ spaces per chair
Day Care Facilities	1 space per employee plus a drop-off area equating to 1 space per 6 children/clients
Doctor/Dental Office	4 spaces per doctor/dentists, plus 1 space per employee
Eating and Drinking Establishments	1 parking space for every three (3) seats for patron use and 1 space for each employee per shift
Eating Establishment, Drive-In	1 space for every fifty (50) square feet of gross floor area and one (1) space for each employee, plus 3 space reservoir area at each drive-in window.
Educational Facilities	3 spaces per classroom plus 1 space per employee (in addition to spaces for auditoriums above)
Funeral Homes	1 space per 200 square feet of gross square feet
Furniture Store/Retail Large Use	1 space per 1,000 sq. ft. of gross floor area.
Golf Courses/Ranges	1 space per four holes/stalls and 1 space per employee
Home Occupations	2 spaces in addition to the residential parking requirement

Hospital/Clinic	3 spaces per bed
House of Worship/ Auditorium/Assembly Halls/Theatres	1 space for every four (4) seats
Indoor Recreation/ Health Clubs	1 space for every one hundred (100) square feet of gross floor area
Industrial Uses	1.5 spaces for every 2 employees on the largest shift plus 5 for visitors
Motels, Hotels, Bed & Breakfasts & Guests Homes	1 space for each unit and 1 space for each employee on the largest shift
Office Buildings and Professional Offices (not medical/dentist)	1 space for each three hundred (300) square feet of gross floor area
Parks/Outdoor Recreation	1 space for every 4 persons of design capacity
Residential	Single/Two-family – 2 spaces per dwelling unit, Multi-Family/Conversion Apartments – 1.5 per dwelling unit.
Retail/Commercial (not otherwise Classified)	1 space per 300 square feet of gross floor area used for sales purposes.
Self-Service Storage Mini Warehousing	1 space per 2,000 sq. ft. of gross floor area
Service Stations & Vehicle Repair	2 spaces per repair bay and 1 space per employee
Shopping Centers	1 space for each three hundred fifty (350) square feet
Social Halls, Clubs, Fraternal Organizations	1 space per 200 square feet of gross square feet
Student Housing/Senior Residents/Apartments	1 space for each bedroom
Supermarkets and Food Stores	1 space for every 200 square feet of gross floor area used for sales purposes

B. Handicapped/Accessible Parking – this subsection shall apply to projects where parking is provided including commercial, industrial, office, institutional, multi-family

1. The number and location of handicapped accessible parking spaces shall conform to the requirements of the *Americans with Disabilities Act* as amended. Specific numbers of spaces from this Act are as follows:

Total Parking Spaces Required For Use	Required Minimum Accessible Spaces
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 - 500	9
501 – 1,000	2% of total
More than 1,000	20 plus 1/each 100 over 1,000

#### ARTICLE XV

#### Nonconforming Uses, Structures, and Lots

[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

#### § 120-42. Purpose

- A. Within the districts established by this Chapter or amendments that may later be adopted, there exist lots, structures, uses of land and structures which were lawful before enactment of the Ligonier Township Zoning Ordinance of 1969, but which are prohibited, regulated or restricted under the terms of said Zoning Ordinance of 1969 and subsequent amendments, including this Chapter (The Zoning Ordinance of 2015).
- B. It is the intent of this chapter to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this chapter that nonconformities shall not be enlarged upon, expanded or extended, unless all applicable provisions of this chapter pertaining to setbacks, parking and utilities, where applicable, are complied with.

#### § 120-43. Nonconforming Uses.

The following provisions shall apply to all nonconforming uses as defined by this chapter, in all zoning districts:

A. Continuation.

Where, at the effective date of adoption or amendment of this chapter, a lawful use of a lot or structure exists that is made no longer permissible under the terms of this chapter as enacted or amended, such use may be sold or otherwise transferred to other owners and may be continued as long as the use conforms to all other applicable regulations of the Township, County, Commonwealth and federal government and the provisions of this article governing nonconforming uses, structures and lots.

B. Change of use

A nonconforming use shall not be changed unless to a conforming use. When a nonconforming use is changed to a conforming use, the use thereafter shall not be changed to a nonconforming use.

C. Enlargement or expansion

1. A nonconforming use may be expanded or enlarged upon approval as a
2. special exception by the Zoning Hearing Board subject to the general criteria set forth in Article XVI and upon a finding that the enlargement or extension is necessary to accommodate the natural expansion and growth of trade of the nonconforming use. In addition, any such expansion shall comply with the following criteria:
3. The extension becomes an attached part of the main structure or uses
4. land contiguous to the lot area currently occupied by the use and does not utilize additional or adjoining land area other than the original parcel.
5. The extension meets the lot area requirements, the maximum building height and other dimensional requirements of the zoning district in which the nonconforming use is presently located.
6. The extension is for the purpose of expanding the nonconforming use in existence at the time of the adoption of this Chapter or amendment thereto which caused the use to become nonconforming.
7. Such extension does not result in an increase of more than twenty-five (25%) of the gross floor area or lot area occupied by the nonconforming use as existed at the time of adoption of this chapter or amendment thereto which caused the use to become non-conforming.
8. Adequate parking can be provided in conformance with this Chapter to serve both the original and expanded use.
9. Such expansion does not present a threat to the health or safety of the community or its residents.
10. Only one enlargement or expansion of a nonconforming use shall be permitted by the Zoning Hearing Board unless it determines that all expansions, in the aggregate, do not result in an increase of more than twenty-five (25%) of the gross floor area or lot area occupied by the nonconforming use as it existed at the time of adoption of this Chapter or amendment thereto to which caused the use to become non-conforming. Any subsequent enlargement or expansion shall comply with all other requirements of this section.
11. This subsection shall not apply to signs.

D. Moving of nonconforming use

A nonconforming use shall not be moved in whole or in part, to any portion of the lot or parcel other than that occupied at the time of enactment of this chapter, unless approved by the Zoning Hearing Board under special exception provisions of this chapter.

E. Damage and Reconstruction

Any structure which houses a nonconforming use which is damaged by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is initiated and completed within one (1) year of such casualty and if the restored structure has no greater impervious surface coverage and no greater cubic volume than before such casualty.

F. Abandonment

A nonconforming use of a structure or lot that has been abandoned or discontinued shall not thereafter be returned to a nonconforming use. A nonconforming use shall be considered abandoned when any of the following can be established:

1. The characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment within 90 days, unless other facts or circumstances show a clear intention to resume the nonconforming use.
2. The nonconforming use has been discontinued for a period of 12 months, or for 18 months during any three-year period, except where the owner is attempting to actively sell or lease the lot or structure where the use was conducted.
3. It has been replaced by a conforming use.

**§ 120-44. Nonconforming Structures**

The following provisions shall apply to all nonconforming structures, as defined by this Chapter, in all zoning districts:

A. Continuation

Where, at the effective date of adoption or amendment of this chapter, a lawful structure exists that is made no longer permissible by the terms of this chapter as enacted and amended, such structure may be sold or otherwise transferred to other owners and may continue to exist as long as the use structure conforms to all other applicable regulations of the Township, County, Commonwealth and Federal Government and the provisions of this article governing nonconforming uses, structures and lots.

B. Structural alteration

1. Structures may be enlarged or structurally altered as long as the following criteria are met:
  - a. The expansion of the structure, as measured in square feet, cannot increase the footprint of the original structure by more than 25%.

- b. The expansion cannot increase the already existing nonconformity. The structure may be enlarged by right along the building lines of the existing nonconformity when all applicable requirements of this Chapter are met.
2. If the above listed criteria cannot be met, an application may be filed with the Zoning Hearing Board. The Zoning Hearing Board may, after a public hearing, authorize a reasonable modification of such structure if it determines that denying the application would cause undue hardship to the applicant.
3. If the nonconforming structure also contains a nonconforming use, then any expansion shall be approved in accordance with the provisions of 15.2 above.

C. Damage or Destruction

Any nonconforming structure which has been partially or completely damaged or destroyed by fire or other accident or act of God may be rebuilt or repaired on its existing foundation even though such foundation may violate the setback requirements for the zoning district in which the structure is located, provided that the repair or reconstruction and re-occupancy of the structure is initiated and completed within one (1) year of the date of such casualty.

D. Moving

Should a nonconforming structure be moved for any reason for any distance, it shall thereafter conform to the requirements of the zoning district in which it is located.

E. Signs

1. Nonconforming signs may be repaired or reconstructed, provided that no structural alterations are made which increase the gross surface area of the sign; however, nonconforming signs which are damaged or destroyed to an extent of more than 75% of their replacement cost at the time of destruction shall not be reconstructed except in conformity with the provisions of this Article.
2. Nonconforming signs may not be enlarged, added to, or replaced by another nonconforming sign, use or structure, except that the interchange of lettering shall be permitted.

**§ 120-45. Nonconforming Lots**

The following regulations shall apply to all nonconforming lots, as defined by this Chapter, in any zoning district:

- A. Any nonconforming lot of record existing at the effective date of this Chapter and held in separate ownership different from the ownership of adjoining lots may be developed in accordance with the requirements of the zoning district of the lot of record.
- B. Where two or more adjacent lots of record with continuous frontage each have less than the required area and/or lot width and are held by one owner, the lots shall be considered to be an undivided lot for the purpose of complying with this Article. No division of any lot shall be made which does not comply with the requirements of this Article. Any change in lot lines necessary to meet the minimum requirements of this Article shall

constitute a revision to the recorded plan.

- C. Where structures exist on adjacent conforming lots of record which have front yards less than the minimum depth required, the minimum front yard for an adjacent undeveloped conforming lot of record shall be the average depth of the nonconforming front yards of the adjacent developed nonconforming lots which are in the same block on the same side of the street and in the same recorded plan as the undeveloped lot. Private garages, storage sheds, swimming pools and similar structures shall be located to the rear of the permitted principal structure and may be permitted in the rear yard, provided they are no closer than 10 feet from the rear lot line and are not located on any easements or rights-of-way.

#### **§ 120-46. Registration**

- A. The owner of a nonconforming use shall make an application for registration of the nonconforming use and, upon presentation of the documentation acceptable to the Zoning/Code Enforcement Officer that the use was lawfully in existence prior to the effective date of this chapter or any amendment which created nonconformity, the Zoning/Code Enforcement Officer shall register the same on a map by Westmoreland County Tax Mapping Department map and tract number as a legal nonconforming use.
- B. In the course of administering this chapter and reviewing applications for land development, zoning certificates, special exceptions or variances, the Zoning/Code Enforcement Officer shall register all nonconforming structures and nonconforming lots as they become known through the application process.

### ARTICLE XVI

#### Special Exceptions

[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

#### **§ 120-47. Purpose**

The purpose of this article is to provide a process for allowing certain authorized uses in the Township that require a higher level of scrutiny before they are permitted. Special exceptions shall meet specific criteria and standards to ensure they are compatible with and do not adversely impact surrounding areas.

#### **§ 120-48. Procedures for Use by Special Exception**

The Zoning Hearing Board shall hear and decide requests for special exceptions in accordance with the procedures of Article XVIII, Administration.

**§ 120-49. General Requirements and Standards for all Special Exceptions**

- A. The Zoning hearing Board shall grant a special exception only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed in this Chapter. The Board shall, among other things, require that any proposed use and location be:
  - 1. In accordance with this Chapter and consistent with the spirit, purposes, and intent of this Chapter
  - 2. In the best interests of the Township and the public welfare.
  - 3. Suitable for the property in question, and designed, constructed, operated, and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
  - 4. In conformance with all applicable requirements of this Chapter.
  - 5. Designed to minimize impacts to street traffic and safety by providing adequate access and egress to protect streets from undue congestion and hazard.
  
- B. The Zoning Hearing Board may attach such other reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter.

**§ 120-50. 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.

**§ 120-51. Express Standards for Special Exceptions**

- A. Animal Feeding Operation
  - 1. The minimum lot size shall be five (5) acres.
  - 2. Any Animal Feeding Operation meeting the definition of a Concentrated Animal Feeding Operation shall be subject to the standards specified in subsection (I) below.
  - 3. Any other Animal Feeding Operation shall meet the following setbacks:
    - a. Barns paddocks or pens: 150 feet from any lot line
    - b. Anaerobic manure or other waste storage: 250 feet from any lot line
  
- B. Agricultural Supply and Equipment Sales
  - 1. The minimum size shall be two (2) acres.
  - 2. All feed and fertilizer shall be stored at least 200 feet from any dwelling unit or shall be stored within a completely enclosed building.
  - 3. Any outdoor display area shall be secured by a fence at least eight (8') feet in height and which is secured by a self-latching gate.

4. Ingress, egress and internal traffic circulation shall be designed to ensure safety and minimize congestion.
  5. The applicant shall demonstrate that the granting of the proposed use shall not materially increase traffic congestion on adjacent roads and highways.
  6. The storage or use of any hazardous or potentially hazardous fertilizers and/or materials shall be limited to those materials required to be used by or produced in connection with the research and development activity. The transportation, handling, use and disposal of such materials shall conform to all applicable Federal Environmental Protection (DEP) regulations and permit requirements.
- C. Animal Hospitals
1. The minimum lot area required for a hospital shall be two (2) acres.
  2. The applicant shall demonstrate that the granting of the proposed lease shall not materially increase traffic congestion on adjacent roads and highways.
- D. Assisted Living Facility/Personal Care Facility
1. The minimum lot size shall be two (2) acres.
  2. The development parcel must have access to public water and sewer.
  3. Design of newly constructed buildings shall meet the special standards for multi-family buildings provided in Article 20.
  4. Where a single-family dwelling is converted to use as an assisted living facility or personal care home, no modification to the external appearances of the building (except those needed to provide for handicapped accessibility or fire and safety requirements), which would alter its residential character shall be performed.
  5. Any applicant for an Assisted Living Facility or Personal Care Home must provide the following prior to receiving approval:
    - a. A parking plan acceptable to the Township that meets all parking requirements including number of spaces, layout, landscaping and buffering. The parking plan shall demonstrate that sufficient parking is available to accommodate overlapping shifts of employees.
    - b. A traffic study acceptable to the Township evaluating traffic impacts to surrounding streets and intersections as well as proposed mitigation of impacts that may cause an unacceptable decline in levels of service.
    - c. Copies of all licenses and/or permits required by local, state and federal agencies.
- E. Bed and Breakfasts
1. Bed and Breakfasts shall be allowed only in a single-family, detached residential dwelling. No modification to the external appearances of the building (except for fire and safety requirements), which would alter its residential character shall be permitted.
  2. Accommodations for overnight lodging at a Bed and Breakfast shall be limited to no more than five (5) guest rooms. The guest rooms shall be rented to overnight guests on a daily basis.
  3. Accommodations at a Bed and Breakfast may include breakfast or brunch prepared on the premises for guests and included in the charge of the room.

4. Special Occasion functions may be conducted on the grounds surrounding the home and in buildings accessory to a residential home, *provided the use of same is limited to overnight guests during the course of their stay.*
5. No cooking facilities shall be provided or permitted in individual guest rooms.
6. Required parking spaces shall not be located in the front yard.
7. Bed and Breakfasts shall comply with the rules and regulations of the Pennsylvania Department of Labor and Industrial and shall retain proof of certification of occupancy from the Department and all other applicable building, safety, and fire codes of the federal, state, or any local government.

F. Camping Facility

1. Any parcel proposed for use as a camping facility shall have access to public water.
2. A single access drive (excluding emergency access) shall be provided and maintained in a mud-free, dust-free condition, and shall be designed for safe and convenient access to camping spaces and to facilities for common use by the occupants. Direct access to individual campsites from public streets shall not be permitted. The applicant shall provide an interior circulation plan that demonstrates how vehicles shall circulate through the facility.
3. All camping facilities shall comply with all applicable regulations of the Commonwealth including, but not limited to, regulations covering food service, water supply, sewage disposal, bathing places, vector control, toilet facilities, sanitary stations, and garbage disposal.
4. Vacation cottages, rental cabins and other dwellings with permanent foundations shall comply with the minimum net lot area and dimensional standards of the zoning district in which they are located.
5. For camping facilities having more than 50 campsites or hookups for recreational vehicles, or a combination thereof, a traffic study acceptable to the Township evaluating traffic impacts to surrounding streets and intersections as well as proposed mitigation of impacts that cause an unacceptable decline in levels of service.

G. Cemetery

1. A minimum of ten acres is required for a new cemetery facility. Any expansion of a cemetery shall occur on adjoining property.
2. Burial sites shall comply with the setback requirements for principal structures in the District. Burial structures shall not be located within 100 feet of any lot line adjoining a residential use or residential zoning district.
3. All garages, equipment shelters, offices and other buildings shall meet the setbacks for principal structure and shall be screened from adjoining residential properties. All equipment shall be stored in garages or shelters when not in use.

H. Civic, Social or Fraternal Club

1. Access to public water and sewer shall be required.
2. A parking plan shall be provided to and approved by the Township.
3. For clubs to be located in the Village District, the following additional requirements shall apply:
  - a. Occupancy of the club shall be limited to no more than 120 persons.

b. Hours of operation shall be limited from 10 AM to 2 AM.

I. Concentrated Animal Feeding Operation (CAFO)

1. The minimum lot size shall be 50 acres.
2. Before obtaining approval for the operation of such facility, the applicant must demonstrate that approval for such operations has been granted by the Pennsylvania Department of Environmental Protection under the Nutrient Management Act Regulations, Title 25, Chapter 83.
3. Any structures (including waste storage but excluding fences) associated with such use shall not be located within 500 feet of any lot line, nor within 1,000 feet of any occupied dwelling, public building, school, park, community or institutional building. These setback requirements shall not apply to structures located on the same lot as the proposed use.
4. The construction of solid or liquid waste facilities shall not be permitted until such time as compliance with the Title 25, Chapter 83, regulations is demonstrated in writing.

J. Day Care and Nursery School

1. When required, day care and nursery school facilities must be licensed by appropriate federal, state, or county agencies, and a copy of such license shall be made available to the Township.
2. Except for a sign, there shall be no external evidence of any gainful activity for such facilities when located in a residentially zoned District.
3. All day care and nursery school facilities shall:
  - a. Demonstrate to the Zoning Hearing Board that sufficient parking has been provided to serve the anticipated number of users and employees.
  - b. Demonstrate to the Zoning Hearing Board that the property has suitable street access without causing excessive traffic on local residential streets.
  - c. Comply with land development plan regulations set forth in Ordinance 01 of 2018, Chapter 110 of the Township Code of Ordinances (SALDO).
  - d. Comply with the provisions of the Fire Prevention Ordinance, Chapter 47, of the Code of the Township
4. All day care and nursery school facilities shall provide outdoor play space at a minimum ratio of sixty-five (65) square feet per child using the outdoor play facility. The outdoor play area shall:
  - a. Adjoining the building where the day care or nursery school facility is located.
  - b. Be locate no closer than thirty (30) feet to a private/public street right-of-way, or ten (1) feet to any other lot lines.
  - c. Be completely enclosed by a safe and adequate fence or wall a minimum of four (4) feet in height.

K. Elementary or Secondary School

1. Public and private schools shall adhere to the following dimensional characteristics:
  - a. Minimum lot area – two (2) acres
  - b. Minimum setback requirements
    - i. Front yard – fifty feet (50')

- ii. Side yard – fifty feet (50’)
  - iii. Rear yard – fifty feet (50’)
  - iv. Minimum lot width at street line – one hundred feet (100’)
  - v. Maximum impervious surface ratio – seventy percent (70%)
2. All off-street parking shall be set back at least twenty-five (25’) and screened from adjoining lot lines.
  3. Outdoor play areas shall be located in the rear or side yards at a minimum of fifty feet (50’) from side and rear lot lines. When adjacent to residential uses or districts, outdoor play areas shall be buffered with Buffer yard in accordance with the requirements of Article 20 to protect the neighborhood from inappropriate noise and other disturbances generally associated with educational facilities.
  4. Off-street parking lots shall not be used as outdoor play areas.
  5. All outdoor play areas must provide a means of shade such as a shade tree(s) or pavilion(s).
  6. Passenger “drop-off” and “pick-up” areas shall be provided and arranged so that traffic queuing does not occur on local streets and students do not have to cross traffic lanes on or adjacent to the site.

L. Golf Course

1. The minimum lot area shall be not less than forty-five (45) acres for a par 3, 18-hole course; sixty (60) acres for a 9 hole or executive golf course; and one hundred (100) acres for a regulation 18 hole course.
2. All golf courses shall have access to public water and sewer service.
3. All fairways, greens, tee boxes and ends of driving ranges shall be set back from lot lines abutting residential uses or districts a minimum of 100 feet.
4. No outdoor storage of golf carts or equipment shall be permitted.
5. A golf course may include the following accessory uses:
  - a. A clubhouse with a pro shop, office, restaurant/snack bar, game room and child care room;
  - b. Golf cart and equipment maintenance and storage facilities;
  - c. Practice putting greens and driving range
6. Applicants for golf courses shall provide the following documentation to the Township prior to approval:
  - a. A course lay-out plan showing the location of all buildings, structures, fairways, greens, water bodies and the like.
  - b. Evidence of all permit approvals from the Department of Environmental Protection, if required.
  - c. A traffic study acceptable to the Township evaluating traffic impacts to surrounding streets and intersections as well as proposed mitigation of impacts that cause an unacceptable decline in levels of service.

M. Halfway House

1. A Halfway House must be licensed where required by an appropriate government agency(ies), and shall be in compliance with all applicable rules and regulations of the licensing body(ies). A copy of any required license must be delivered to the Township prior to the beginning of use.

2. A Halfway House shall be directly affiliated with a parent institution or organization which shall provide full-time supervision and administration to the residents of the house.
3. A common cooking and eating area must be provided; no cooking or dining facilities shall be provided in individual rooms or suites.
4. The residents of the Halfway House shall reside on-premises to benefit from the services provided.
5. Necessary permits for water supply and sanitary waste disposal must be obtained.
6. The Halfway House shall not be located within one thousand (1,000') feet of any of the following uses:
  - 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. The Halfway House shall not be located within one thousand (1,000) feet of another Halfway House.
8. Each application shall be accompanied by a statement describing the following:
  - a. The character of the Halfway House
  - b. The policies and goals of the Halfway House and the means proposed to accomplish those goals
  - c. The characteristics of the residents and number of residents to be served
  - d. The operating methods and procedures to be used; and
  - e. Any other facts relevant to the proposed operation of the Halfway House.
9. Any zoning permit granted for the Halfway House shall be contingent upon the type and number of residents described in the application. Any change in the type of or increase in the number of residents shall require a new permit.

N. Kennel

1. The operator or owner of any kennel must hold all current state and local licenses and permits for the location, activity, and number of animals so specified.
2. Any exterior area where animals exercise or are otherwise exposed must be enclosed by a fence at least six feet in height. The fenced area must meet all setbacks and be located a minimum of 200 feet from any principle structure on adjacent lots.
3. No kennel may be established within ½ mile of an existing kennel.
4. A kennel located in an agricultural or residential zoning district shall have a minimum lot area of 5 acres.

O. Public Utility Structure, other than a Communication Tower, in a Residential District

1. The structure shall be screened from view by fencing and shrubs or evergreens planted around the exterior of the fence.
2. Access drives to the structure shall be improved with a dust-free, all-weather surface for its entire length.
3. In residential districts, public utility vehicles shall not be parked on public streets or driveways visible from the right-of-way.
4. A land development plan shall be submitted to the Township.

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 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.
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 120-39 of this chapter.

Q. Salvage Yard

1. The applicant must either own or lease a tract of ground ("premises") with no more than seven and one-half (7 ½) acres or less than five (5) acres of contiguous property. If the applicant is a lessee, the lease shall be for a term of not less than five (5) years.
2. The applicant shall provide evidence of compliance within the "Junkyard and Automotive Recycler Screening Law" of the Commonwealth of Pennsylvania as it may be from time to time amended.
3. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health and welfare of the community or to residents nearby or a place for the breeding of rodents and vermin.
4. No garbage or other organic waste shall be stored on such premises.
5. The manner of storage and arrangement of motor vehicles or parts thereof and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises and to facilitate access for inspection purposes and firefighting.
6. No motor vehicles or parts shall be stored or accumulated nor shall any structure be erected within twenty-five (25') feet of the side and rear lines of the premises nor within seventy-five (75') feet of any existing dwelling house erected upon premises adjacent to the premises, nor shall any motor vehicles or parts thereof be stored or

accumulated or any structure be erected that is used in connection with said salvage yard within one thousand (1,000') feet of that line of the premises abutting a public street or highway within the Township of Ligonier, provided that in cases where two or more lines of the premises abut public streets or highways within the Township one line only of such premises shall be governed by the above-provided setback of one thousand (1,000') feet. The vehicles shall not be stacked.

7. The premises shall be enclosed by a metal chain link fence constructed of good heavy-duty steel and supported upon steel posts or, in lieu thereof, a solid masonry or metal wall of a uniform design, texture and structure. The erection of such fence or wall shall be controlled by the setback provisions of Subsection F hereof. Such fence or wall shall not be less than eight (8') feet in height.
8. The land area between the required chain link fence or wall and any highway, street or alley shall be planted with shrubbery, bushes and evergreens at reasonable intervals of not less than one (1') foot between each plant.
9. No burning shall occur on the premises.
10. The salvage yard shall at all times be subject to inspection during reasonable hours of the day by the Code Official or his or her designated representative. To facilitate such inspection and fire control, all junk therein shall be arranged and maintained in a neat and orderly fashion. All of such motor vehicles and parts thereof are to be arranged in rows with a minimum of twenty (20') feet of clear space between each row and each of said rows to be no greater in width than forty (40') feet.
11. The operation of the salvage yard shall be between the hours of 7:00 a.m. and 9:00 p.m., except that the salver may place salvaged or abandoned vehicles on the site at other hours if it is done in conjunction with the operation of salver's Certification from the Commonwealth of Pennsylvania.
12. An adult attendant shall, at all times during normal business hours, remain on the premises unless the gate to the premises is locked.

R. Sewage Treatment Plant

1. Proof of all necessary permit approvals shall be submitted to the Township prior to approval.
2. The sewage treatment plant shall meet the standards for public utility structures.
3. A land development plan shall be required.

S. Single Family Dwelling(s) or Minor Subdivision

1. A single family dwelling(s) or minor subdivision are allowed in an Industrial Zoning District subject to the following:
  - a. The construction of a single family dwelling(s) or minor subdivision as herein defined shall only be allowed on the parent tract that was in single ownership as of the effective date of this Ordinance.
  - b. The proposed construction of a single family dwelling(s) or a minor subdivision must comply with the minimum bulk and area standards established for an R-1 District as set forth in this Chapter.
  - c. For the purpose of this chapter, a minor subdivision is defined by the Ligonier Township SALDO.
  - d. There shall be no further subdivision of the lots created by the minor subdivision.

T. Skilled Care Facility

1. In addition to residential facilities, the following accessory uses shall be permitted for the exclusive use of residents:
  - a. Dispensaries
  - b. Medical facilities
  - c. Common dining facilities
  - d. Common recreation facilities
2. The minimum lot size shall be two acres.
3. The development parcel must have access to public water and sewer.
4. Design of residential buildings shall meet the design standards for multi-family buildings provided in Article 14-3.
5. Any applicant for a Skilled Care Facility must provide the following prior to receiving approval:
  - a. A parking plan acceptable to the Township that meets all parking requirements including number of spaces, layout, landscaping and buffering. The parking plan shall demonstrate that sufficient parking is available to accommodate overlapping shifts of employees.
  - b. A traffic study acceptable to the Township evaluating traffic impacts to surrounding streets and intersections as well as proposed mitigation of impacts that cause an acceptable decline in levels of service.
  - c. Copies of any license or permits required by local, state and federal agencies.

U. Stable, Commercial

1. The minimum lot size shall be five (5) acres.
2. Any commercial Stable shall meet the following setbacks:
  - a. Barns, stables or structures for food or hay storage: 50 feet from any lot line.
  - b. Manure or other waste storage: 250 feet from any lot line.

V. Student Home

1. No more than one (1) building on a lot may be used as a student home. No more than one (1) dwelling in a two-family dwelling may be used as a student home. Up to 50% of dwelling units or maximum of four (4) dwelling units per building may be student homes based on availability of off-street parking.
2. All existing and new student homes must be registered and permitted. All existing and new student homes shall obtain a permit from the Ligonier Township Zoning Officer. The issuance of permits and registration for student homes shall not exceed one (1) year and shall be based on the period of August 1 to July 31. All student home permits shall expire on July 31.
3. No student home shall be closer than 500 feet to another student home. The distance requirement is measured from the closest property corner of a potential student home utilizing air measurements (GIS) equal to or more than 500 feet.
4. Parking requirements (see Section 14.3 – Parking Lot)

**§ 120-52. Uses Not Specifically Listed**

- A. Any use not listed in this chapter may be authorized by Special Exception if the Zoning Hearing Board determines that the impact of the proposed use on the environment and the adjacent streets and properties is equal to or less than any use specifically listed in the zoning district, In making such determination, the Zoning Hearing Board shall consider the following characteristics of the proposed use:
  - 1. The number of employees
  - 2. The gross floor area of the building or gross area of the lot devoted to the proposed use
  - 3. The type of products, materials, equipment and/or processes involved in the proposed use.
  - 4. The magnitude of walk-in trade.
  - 5. The traffic and environmental impacts and the ability of the proposed use to comply with the performance standards of paragraph 120-39
  - 6. The proposed use shall be consistent with the purpose statement for the zoning district in which it is proposed and shall be consistent with the community development objectives of this chapter.
- B. The proposed use shall comply with all applicable area and bulk regulations and standards and criteria for the most nearly comparable use in the zoning district.
- C. The use shall comply with the performance standards of 120-39 of this chapter.

#### **§ 120-53. General Development Standards**

- A. When the right-of-way width cannot be determined, the front building line shall be measured from the center line of a road for all zoning districts by adding 20 feet to the required front yard setback distance identified in the charts section of this chapter.
- B. Detached accessory structures 200 square feet or less in size may be placed 5 feet from the side and rear property line and shall not exceed a height of 15 feet for all zoning districts with the approval of the zoning administrator.
- C. When the following conditions are met, height limits may be increased up to 50% over those specified in the “Charts” section of this chapter. Building heights in excess of the height above ground level allowed in any district may be permitted, provided that all minimum front, side and rear yard depths from property lines are increased one foot for each additional foot of height. The following structures are exempt from height requirements: television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, ornamental towers, elevator bulkheads, chimneys, smokestacks, flagpoles, wind generators, silos, grain bins, amusement park rides and attractions. These height exceptions shall not apply to any commercial communication antennas or structures.

ARTICLE XVII  
**Zoning Hearing Board**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-54. Membership**

The membership of the Zoning Hearing Board shall consist of five residents of the Township appointed by the Board of Supervisors. Zoning Hearing Board members shall have their primary residency in the Township of Ligonier. Their terms of office shall be five years and shall be so fixed that the term of office of one member shall expire each year. The Zoning Hearing Board shall promptly notify the Supervisors of any vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Zoning Hearing Board shall hold no other office in the Township.<sup>3</sup>

**§ 120-55. Removal of Members**

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance, nonfeasance in office, for failing to maintain a primary residence in the Township, or for other just cause by a majority vote of the Board of Supervisors, taken after the member has received 15 days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing.<sup>4</sup>

**§ 120-56. Organization**

- A. The Zoning Hearing Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves.
- B. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Zoning Hearing Board.
- C. The Zoning Hearing Board may appoint a hearing officer from its own membership to conduct any hearing on its behalf, and the parties may waive further action by the Zoning Hearing Board as provided in this Article.
- D. The Zoning Hearing Board may take, alter and rescind rules and forms for its procedure consistent with ordinances of the municipality and laws of the Commonwealth.
- E. The Zoning Hearing Board shall keep full public records of its business and shall submit a report of its activities to the Supervisors once a year.

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<sup>3</sup> Amended and supplemented 10-27-2022, Ord. No. 2022-OR-04

<sup>4</sup> Amended and supplemented 10-27-2022, Ord. No. 2022-OR-04

### **§ 120-57. Expenditures for Services**

Within the limits of funds appropriated by the Supervisors, the Zoning Hearing Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Zoning Hearing Board may receive compensation for the performance of their duties, as may be authorized by the Supervisors by ordinance.

### **§ 120-58. Public Hearings**

The Board shall conduct public hearings and make decisions in accordance with the following requirements:

- A. Notice shall be given to the public, the applicant, the Zoning/Code Enforcement Officer, such other persons as the Supervisors shall designate by ordinance and to any person who has made timely request for the same. Notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the Zoning Hearing Board. The Supervisors may establish reasonable fees, based on cost, to be paid by the applicant and by persons requesting any notice not required by ordinance.
- B. The hearings shall be conducted by the Zoning Hearing Board, or the Zoning Hearing Board may appoint any member as a hearing officer. The decision or, where no decision is called for, the findings shall be made by the Zoning Hearing Board, but the parties may waive decision or findings by the Zoning Hearing Board and accept the decision or findings of the hearing officer as final.
- C. The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the Zoning Hearing Board and any other person, including civic or community organizations permitted by the Zoning Hearing Board. The Zoning Hearing Board shall have the power to require that all persons who wish to be considered parties enter appearances, in writing, on forms provided by the Zoning Hearing Board for that purpose.
- D. The Chairman or Acting Chairman of the Zoning Hearing Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- E. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- F. Formal rules of evidence shall not apply, but irrelevant, immaterial or unduly repetitious evidence may be excluded.

- G. The Zoning Hearing Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of graphic or written material received in evidence shall be made available to any part at cost.
- H. The Zoning Hearing Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives, in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda or other materials unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings with any party or his representative unless all parties are given an opportunity to be present.
- I. The Zoning Hearing Board or the hearing officer, as the case may be, shall render a written decision, or when no decision is called for, make written findings on the application within 45 days after the last hearing before the Zoning Hearing Board or hearing officer. Each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. A conclusion based on any provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968 et seq., or of any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the fact found. If the hearing is conducted by a hearing officer and there has been no stipulation that his decision or findings are final, the Zoning Hearing Board shall make his report and recommendations available to the parties, and the parties shall be entitled to make written recommendations thereon to the Zoning Hearing Board prior to final decision or entry of findings, and the Zoning Hearing Board's decision shall be entered no later than 45 days after the decision of the hearing officer. Where the Zoning Hearing Board has power to render a decision, and the Zoning Hearing Board or the hearing officer, as the case may be, fails to render the same within the period required by this clause, the decision shall be deemed to have been rendered in favor of the applicant, unless the applicant has agreed, in writing, to an extension of time. Nothing in this subsection shall prejudice the right of any party opposing the application to urge that such decision is erroneous.
- J. A copy of the final decision, or where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Zoning Hearing Board not later than the last day of the hearing, the Zoning Hearing Board shall provide, by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

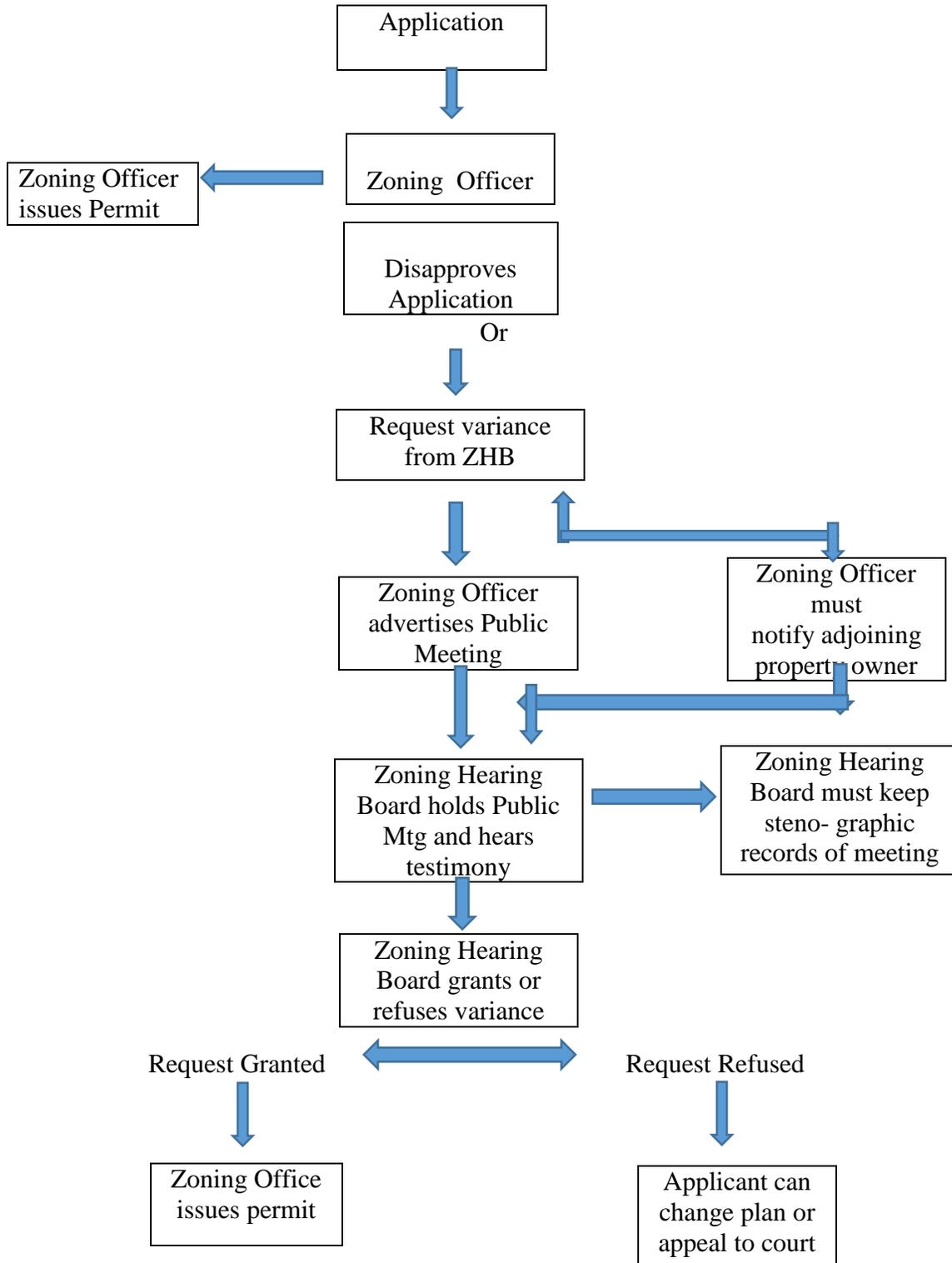
### **§ 120-59. Functions of Board**

- A. Appeals from Zoning/Code Enforcement Officer. The Zoning Hearing Board shall hear and decide appeals where it is alleged by the appellant that the Zoning/Code Enforcement Officer has failed to follow prescribed procedures or has misinterpreted or misapplied any provision of a valid ordinance or map or any valid rule or regulation governing the action of the Zoning/Code Enforcement Officer. Nothing contained herein shall be construed to deny to

the appellant the right to proceed directly in court, where appropriate, pursuant to Pennsylvania Rules of Civil Procedure, Rules 1091 to 1098, relating to mandamus.

- B. Challenge to the validity of any ordinance or map. The Zoning Hearing Board shall hear challenges to the validity of a Zoning Ordinance or Map. In all such challenges, the Zoning Hearing Board shall take evidence and make a record thereon as provided in 17-9. At the conclusion of the hearing, the Board shall decide all contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
  
- C. Variances. The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The Zoning Hearing Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning/Code Enforcement Officer. The Zoning Hearing Board may grant a variance, provided that the following findings are made where relevant in a given case:
  - 1. There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or District in which the property is located.
  - 2. Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is, therefore, necessary to enable the reasonable use of the property.
  - 3. Such unnecessary hardship has not been created by the applicant.
  - 4. The variance, if authorized, will not alter the essential character of the neighborhood or District in which the property is located or substantially or permanently impair the appropriate use or development of adjacent properties or be detrimental to the public welfare, and
  - 5. The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. In granting any variance, the Zoning Hearing Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this Act and the Zoning Ordinance.

Variance Procedure



§ 120-60. Special Exceptions

- A. Where the governing body, in the Zoning Ordinance, has stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards in addition to those expressed in this chapter as it may deem necessary to implement the purposes of this Act and the Zoning Ordinance.
- B. The special exception shall be reviewed in accordance with the standards specified for such class of special exceptions in Article XVI.

**§ 120-61. Time Period for Acting upon Variance and Special Exception**

When the Zoning Hearing Board grants a variance or a special exception pursuant to this Article, it shall establish a time period between six (6) months and one year during which the applicant shall take action. For purposes of this section, such action shall mean that the applicant has applied for and obtained all necessary permit approvals and started construction or, if no construction is anticipated, commenced the use for which the variance or special exception was granted. If the applicant fails to satisfy these requirements during the required time frame, he shall be required to file a new application within the Zoning Hearing Board for a variance or special exception, unless a timely request for an extension is made in writing and the Zoning Hearing Board determines that the failure to act within the required time period was due to circumstances beyond the applicant's control.

**§ 120-62. Unified Appeals**

Where the Zoning Hearing Board has jurisdiction over a zoning matter pursuant to this Article, the Zoning Hearing Board shall also hear all appeals which an applicant may elect to bring before it with respect to any municipal ordinance or requirement pertaining to the same development plan or development. In any such case, the Zoning Hearing Board shall have no power to pass upon the non-zoning issues but shall take the evidence and make a record thereof as provided in this Article. At the conclusion of the hearing, the Zoning Hearing Board shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

**§ 120-63. Filing of Appeals with Board**

Appeals and proceedings to challenge an ordinance under this Article may be filed with the Zoning Hearing Board, in writing, by the landowner affected, any officer or agency of the municipality or any person aggrieved. Requests for a variance and for special exception under this Article may be filed with the Zoning Hearing Board by any landowner or any tenant with the permission of such landowner.

#### **§ 120-64. Time Limitations for Filing Proceedings**

- A. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than 30 days after an application for development, preliminary or final, has been approved by an appropriate municipal officer, agency or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he had no notice, knowledge or reason to believe that such approval had been given. If such person has succeeded to his interest after such approval, he shall be bound by the knowledge of his predecessor in interest.
  
- B. The failure of anyone other than the landowner to appeal from an adverse decision on a tentative or preliminary plan or from an adverse decision by the Zoning/Code Enforcement Officer on a challenge to the validity of an ordinance or map shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative or preliminary approval.

#### **§ 120-65. Stay of Proceedings**

Upon filing of any proceeding under this Article and during its pendency before the Zoning Hearing Board, all land development pursuant to any challenged ordinance, order or approval of the Zoning/Code Enforcement Officer or of any agency or body and all official action thereunder shall be stayed unless the Zoning/Code Enforcement Officer or any other appropriate agency or body certifies to the Zoning Hearing Boards facts indicating that such stay would cause imminent peril to life or property, in which case the development of official action shall not be stayed otherwise than by a restraining order, which may be granted by the ZONING HEARING BOARD or by the court having jurisdiction of zoning appeals on petition, after notice to the ZONING/CODE ENFORCEMENT OFFICER or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designated to reverse or limit the approval are filed with the ZONING HEARING BOARD by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the ZONING HEARING BOARD. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

ARTICLE XVIII  
**Administration and Enforcement**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

**§ 120-66. Appointment of Administration**

A Zoning/Code Enforcement Officer shall be appointed by the Board of Supervisors to enforce this chapter. The Zoning/Code Enforcement Officer shall administer this chapter in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this chapter. The Zoning/Code Enforcement Officer shall:

- A. Examine all applications for permits
- B. Issue zoning permits for all permitted uses which are in accordance with the requirements of this chapter
- C. Record all nonconforming uses that are registered as required by Article XV, including nonconforming signs
- D. Maintain a permanent file of all zoning permit applications as public records and all nonconforming uses

**§ 120-67. Zoning Permit**

- A. When required

No building or structure shall be erected, 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 90 days of the date of issuance; 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.

- B. Materials accompanying applications

- 1. There shall be submitted with all applications for a zoning permit for a new structure, additions(s) to an existing structure, two copies of a plot plan and building elevations, drawn to scale, showing the actual dimensions of the lot to be built upon, the exact size and location of the building on the lot and accessory building(s) erected thereon, and other such information as shall be deemed necessary by the Zoning/Code Enforcement Officer or agent designated by the Township to determine and provide for the enforcement of this chapter. Such plot plan shall be prepared by a certified

registered professional land surveyor. All applications shall also contain a copy of the deed or lease for said property.

2. In addition to meeting all requirements of this chapter, proof of appropriate Commonwealth of Pennsylvania agency review will be required for all public buildings or uses requiring Commonwealth of Pennsylvania approval. This requirement is in addition to any requirements set forth in Chapter 76 of this Code with respect to subdivision or land development.

#### C. Approval

1. The Zoning/Code Enforcement Officer or an agent designated by the Township shall review the application to determine compliance with the provisions of this chapter and all other applicable ordinances of the Township.
2. If the application complies with all such requirements, the Zoning/Code Enforcement Officer or agent shall notify the applicant in writing or orally that the application has been approved.
3. One copy of such layout or plot plan shall be returned when approved by the Zoning/Code Enforcement Officer or agent, together with the permit to the applicant.

#### D. Fee

The application shall be accompanied by a fee as predetermined from a fee schedule adopted by resolution of the Board of Supervisors.

### **§ 120-68. Zoning Approval for Uses by Special Exemption**

Applications for zoning approval for uses by special exceptions shall be referred by the Zoning/Code Enforcement Officer or an agent designated by the Township to the Zoning Hearing Board. The Zoning/Code Enforcement Officer or agent designated by the Township shall not issue a permit for development of any use by special exception until the approval has been granted by the Zoning Hearing Board. Any permits issued shall be subject to all conditions attached to the approval of the use by the Zoning Hearing Board.

### **§ 120-69. Enforcement Notice**

If it appears to the Township that a violation of any provision under this chapter has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice to the owner of the lot of record on which the violation has occurred. The enforcement notice shall be issued in accordance with the provisions of Section 616.1 of the MPC, as the same shall from time to time be amended.

### **§ 120-70. Violations and Penalties**

Any person, partnership or corporation who or which shall violate any provision of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding, pay a

judgment of not more than \$500, plus all court costs, including reasonable attorney's fees incurred by the Township as a result thereof. Each day that a violation continues shall constitute a separate violation hereof, unless the District Justice determines that there was a good faith basis for the person, partnership or corporation violating the chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the District Justice's determination of a violation, and thereafter each day that a violation continues shall constitute a separate violation. All moneys collected for such violations shall be paid over to the Township. Further, the appropriate officers or agents of the Township are hereby authorized to seek equitable relief, including injunction, to enforce compliance with this chapter.

### **§ 120-71. Additional Remedies**

In case any building, structure or land is, or is proposed to be erected, constructed, reconstructed, altered, converted, maintained or used in violation of this chapter, the governing body or , with the approval of the governing body, an officer of the Township, in addition to other remedies, may institute in the name of the Township any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure or land or to prevent, in or about such premises, any act, conduct, business or use constituting a violation.

## **ARTICLE XIX**

### **Amendments**

**[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]**

### **§ 120-72. Introduction of Amendments**

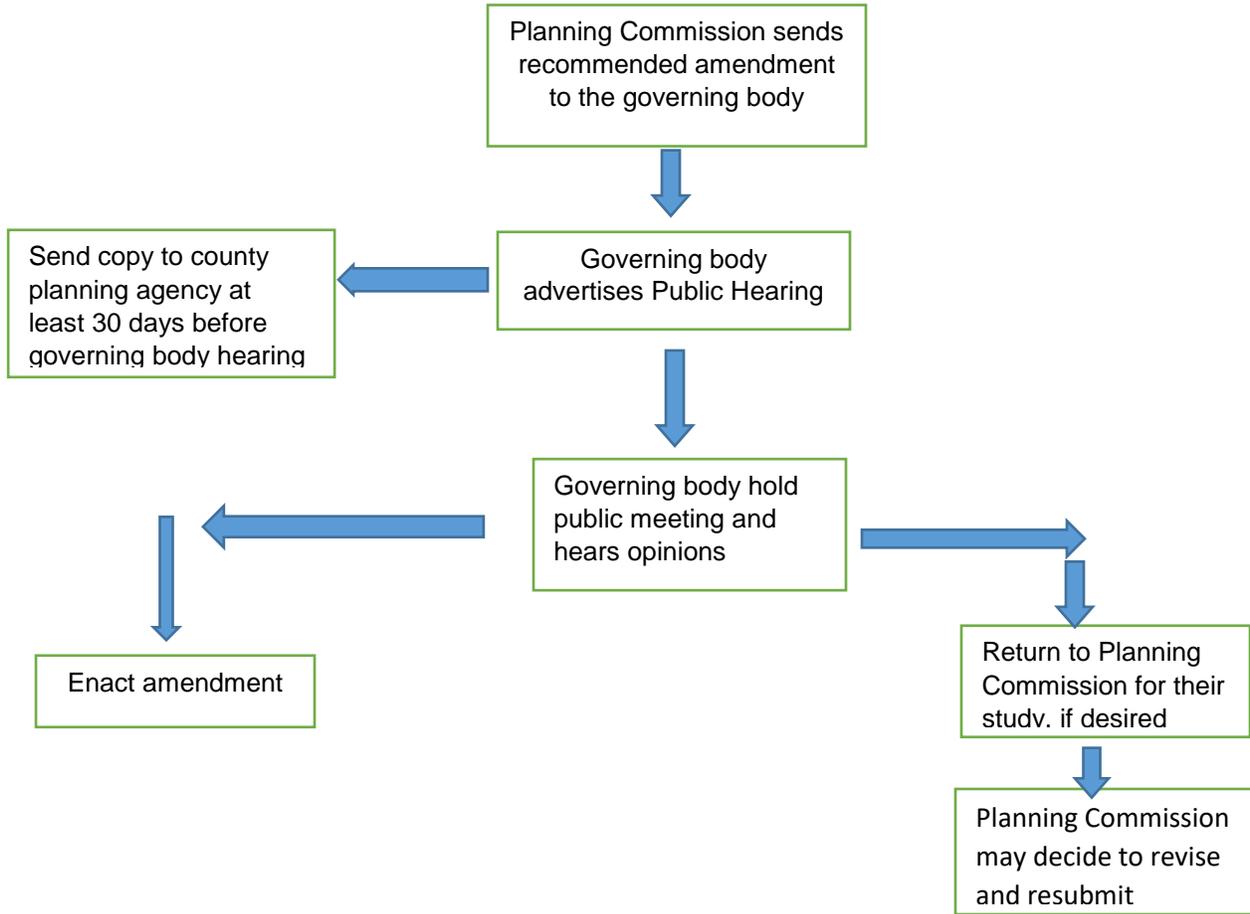
The Board of Supervisors may introduce and consider amendments to this chapter and to the Zoning Map as proposed by a Supervisor, by the Planning Commission or by a petition of a person or persons residing or owning property within the Township.

### **§ 120-73. Enactment**

- A. Before voting on the enactment of an amendment, the Board of Supervisors shall hold a public hearing thereon, pursuant to public notice.
- B. If the proposed amendment involves a Zoning Map change, the Township shall mail notice of the public hearing by first class mail at least 30 days prior to the date of the hearing to all addresses to which real estate bills are sent for all real property located within the area being rezoned. In addition, the Township shall conspicuously post notice of the public hearing on the tract to be rezoned at least one week prior to the date of the hearing.

- C. At least 30 days prior to the public hearing on the amendment by the Board of Supervisors, the Township shall submit the proposed amendment to the Westmoreland County Department of Planning and Development for recommendations.
- D. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit the amendment to the Township Planning Commission at least 30 days prior to the hearings on such proposed amendment to provide the Township Planning Commission an opportunity to submit recommendations.
- E. If after the public hearing is held upon an amendment, the proposed amendment is revised or further revised to include land previously not affected by it, the Board of Supervisors shall hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.
- F. If an application for a rezoning is denied by the Township, any property owner seeking the rezoning or a subsequent owner of the property for which the rezoning was sought shall not file another application to rezone the subject property within one year of the Township's decision to deny the rezoning.

### Amendment Procedure



### § 120-74. Curative Amendments

A landowner who desires to challenge on substantive grounds the validity of an ordinance or map or any provision thereof, which prohibits or restricts the use or development of land in which he has an interest, may submit a curative amendment to the governing body with a written request that his challenge and proposed amendment be heard and decided as provided by Act 247. The governing body shall commence a hearing thereon within 60 days of the request. The curative amendment shall be referred to the planning agency or agencies, and notice of the hearing thereon shall be given as provided in this Article. The hearing shall be conducted in accordance with public hearing procedures under Article XVII, and all references therein to the Zoning Hearing Board shall, for purposes of this section, be referenced to the governing body.

### § 120-75. Content of Public Notice

Public notices of proposed Zoning Ordinance amendments shall include either the full text thereof or the title and a brief summary setting forth the principal provisions in reasonable detail and a reference to a place within the municipality where copies of the proposed ordinance or amendment may be examined, in addition to the time and place of hearing.

ARTICLE XX  
**Conditional Uses**  
[Adopted 11-10-2020 by Ord. No. O-20-03]

**§ 120-76. Purpose**

The purpose of this article is to provide a process for allowing certain authorized uses in the Township that require a higher level of scrutiny before they are permitted. Conditional Uses shall meet specific criteria and standards to ensure they are compatible with and do not adversely impact surrounding areas.

**§ 120-77. Procedure for Use by Conditional Use**

The procedure for an application for conditional use will follow the same procedure as defined for Special Exception under this chapter unless otherwise specified by the Pennsylvania Municipalities Planning Code or this chapter. All applications for conditional use will be first submitted to the Planning Commission who will then recommend action to the Ligonier Township Board of Supervisors pursuant to the applicable requirements of the Pennsylvania MPC, following compliance with all procedural requirements of the MPC, including all notice provisions.

**§ 120-78. General Requirements and Standards for All Conditional Uses**

- A. The Ligonier Township Board of Supervisors shall grant a Conditional Use only if it finds adequate evidence that any proposed development will meet all of the following general requirements as well as any specific requirements and standards listed in this Chapter. The Board, shall, among other things, require that any proposed use and location be:
1. In accordance with this Chapter and consistent with the spirit, purposes, and intent of this Chapter.
  2. In the best interests of the Township and the public welfare.
  3. Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.
  4. In conformance with all applicable requirements of this Chapter.
  5. Designed to minimize impacts to street traffic and safety by providing adequate access and egress to protect streets from undue congestion and hazard.
- B. The Board of Supervisors may attach such other reasonable conditions and safeguards, in addition to those expressed in this Chapter, as it may deem necessary to implement the purpose of this Chapter.

**§ 120-79. Unconventional Drilling**

## A. Definitions

**Acoustical Blanket** - A fabric placed around a site or object that assists in the abatement of noise and acts as a sound absorbent and noise blocker. The fabric is resin coated to withstand weather, moisture and the more demanding outdoor applications.

**Bunkhouse** – A housing facility designed and intended to be used for a temporary period of time to house oil and gas exploration related workers. Such facility is not intended to accommodate families or school-aged children. A bunkhouse may be a travel trailer, camper, mobile home or a structure manufactured for this particular use.

**Drilling** – Means any digging or boring of a new or existing well to explore, develop, or produce oil, gas or other hydrocarbons, or to inject gas, water or any other fluid or substance into the earth.

**Drilling Equipment** – Means the derrick, all parts and appurtenances to such structure, and every piece of apparatus, machinery or equipment used, erected, or maintained for use in connection with drilling.

**Fracturing, Hydraulic** – the process of injecting water, customized fracking fluid, steam, or gas into a gas well under pressure to improve gas recovery.

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

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

**Natural Gas, Oil and Gas Drill Site** – The oil and gas drill site shall consist of the area occupied by the facilities, structures, and equipment necessary for or incidental to the drilling or operation of an oil or gas well excluding natural gas processing plants and compressor stations.

**Operator** – Any person, partnership, company, or corporation, including its subcontractors and agents who are actively engaged in the exploration, drilling, production, or transportation of oil or gas, or the disposal of waste products associated with the oil and gas industry.

**Protected Structure** – An occupied structure with walls and roof within which persons live or customarily work.

**Sound Wall** – A wall constructed around a site or object that assists in the abatement of noise.

**Unconventional Drilling** – A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation, such as Marcellus Shale, utilizing hydraulic fracturing as a method to drill horizontally to capture the natural gas resources.

All other terms will be as defined in Pennsylvania’s Oil and Gas Act (Act 223) Title 58 Oil and Gas, Chapter 11, Oil and Gas Act Definitions

**Regulation of Unconventional Drilling with Hydraulic Fracturing**

Oil and gas drilling sites shall be evaluated as a Conditional Use in the Agriculture (A-1) and Industrial (I-1) Zoning Districts except for those areas identified as being within the **Natural Resource Protection Overlay District** or the **Historic Overlay District**, where provisions prohibit such activities. Conditional Use in non-Overlay Districts shall be subject to the following express standards and criteria:

- A. All Conditional Use Application requirements, as outlined in **Section 20-8** of this Chapter, shall be met. Conditional Use approval is non-transferrable without consent from the Board of Supervisors and shall automatically terminate, unless extended, if drilling is not commenced within one (1) year from the date of issuance of the Conditional Use. The Conditional Use approval may be extended by the Board of Supervisors upon written request by the Operator. The Operator shall provide proof that the requested Conditional Use permit for such location has not changed.
- B. The minimum lot size in which unconventional drilling is permitted shall be fifty (50) acres. The lot shall exist or be created as a Westmoreland County tax parcel prior to the issuance of any permits for the drilling activity. The front, rear and side yard requirements for any lot being used for unconventional drilling shall be a minimum of seven-hundred and fifty (750’) feet. No activity or structures associated with the drilling activity shall be permitted within the required yard area except items specifically authorized by this Chapter.
- C. Any protected structure measured horizontally from the outside wall of the nearest permanent gas structure or well pad must be a minimum distance of .6 miles (3,281 feet). Gas processing plants and large compressor complexes must be a minimum of 1.25 miles (6,600 feet) from a protected structure. Setbacks must be a minimum 1.25 miles (6,600 feet) for any fracking facility placed near a school, daycare, hospital, or nursing home. A protected buffer zone of three hundred fifty (350’) feet shall be established for all streams, measured from the centerline of the stream to a well pad of an unconventional drilling operation.

- D. Access directly to state roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at a drill site, the Township shall be provided a copy of the Operator's Highway Occupancy Permit.
- E. The Applicant or Owner of the oil or gas well shall execute an excess maintenance agreement with the Township for Type 2 permit as per the Pennsylvania Code Chapter 189.4(B) Road Bonding, and post a bond at the paved highway rate in favor of the Township.
- F. An off-street area, at the entrance to the drill site and outside of the road right-of-way, shall be provided for vehicles to stand while gaining access so that normal flow of traffic on the public street is undisturbed. In accordance with Section 316, Driveways; Ligonier Township Zoning Ordinance – Driveways accessing the drill site shall be paved with an impervious material from the public street cart way fifty (50) feet into the drill site. The impervious material shall be in place prior to the commencement of the drilling operation. The first fifty (50) feet from existing edge of pavement extending fifty (50) feet into the site shall consist of the following material:
- Compacted Subgrade – PADOT Class 4 Geotextile Fabric
  - 8" AASHTO #1 Crushed Aggregate Base Course
  - 2" PADOT 2A Aggregate (Choke Material)
  - 4" (Compacted) – Superpave 25 mm Binder Course

The remainder of the driveway to the well pad shall be constructed with the following material:

- Compacted Subgrade
- 8" AASHTO #1 Crushed Aggregate Base Course
- 2" PADOT 2A Aggregate (Choke Material)

Proper and adequate storm water run-off controls for driveways must be installed to prevent concentration of run-off onto adjacent properties or public streets.

- G. The access driveway off the public road to the drill site shall be gated at the entrance to prevent illegal access into the drill site. The drill site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the well name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency. In lieu of a gate, the operator can provide 24/7 security on sites during the drilling operation.
- H. Lighting – No drill site lighting used for or associated with the drilling operation shall be positioned or directed in such a manner so that it shines directly upon public roads, adjacent property or property within 3,000 feet of the well site. Site lighting shall be directed downward and shielded so as to avoid glare on public roads and adjacent properties. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted. Lumen levels shall not exceed zero (0) foot-candle at the property line over the ambient, which shall be taken at a point six (6) feet

off the ground at least one (1) hour after sunset and at least one (1) hour before sunrise. The lighting system shall be designed with cutoff luminaries that have a cutoff angle of 60 degrees. After hours of operations or when the site has been fully developed and reclaimed, lighting shall be reduced to the minimum required for safety and security purposes.

- I. Dust vibration odors – All drilling operations shall be conducted in such a manner to minimize dust, vibration or noxious odors. All equipment used shall be constructed and operated so that vibrations, dust, odor or other harmful or annoying effects are minimized by the operations carried on at the drill site to avoid injury to or annoyance of persons living in the vicinity; nor shall the site or structures thereon be permitted to become dilapidated, unsightly or unsafe.
  
- J. Noise –The Township may require acoustical blankets, sound walls, mufflers or other alternative methods as proposed by the Operator to ensure compliance with Township noise regulations listed herein.
  - 1. The noise generated during drilling and hydraulic fracturing activities when measured at the nearest Protected Structure Property Line or one hundred feet from the nearest Protective Structure (as measure to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level as determined by the seventy-two hour evaluation.
    - a. During drilling activities by more than ten (10) decibels during the hours of 7:00 a.m. to 7:00 p.m.;
    - b. During drilling activities by more than five (5) decibels during the hours of 7:00 p.m. to 7:00 a.m.
  - 2. Since fluctuations in noise levels are inherent to mineral extraction activities, the Township has created a sliding scale which provides adjustments in the permitted level of noise generated during operations to create flexibility in the regulations and prevent repeated violations. Drilling activities are permitted to generate noise ten (10) decibels higher than the average ambient noise levels and the adjustments are in addition to that sound level. Adjustments to the preceding noise limits may only occur during the hours of 7:00 a.m. to 7:00 p.m. and are as follows:

Permitted Increase (dBA)	Duration of Increase (minutes)
0-5	15
6-10	5
11-15	3
16-20	1
>20	0

Note: The maximum cumulative time that the permitted increased in dBA may occur in one hour may not exceed fifteen (15) minutes. For instance, an operator shall not be permitted to allow a 10 dBA increase for 5 minutes and then a 5 dBA increase for 15 minutes, within the same hour. If 10 Dba are reached for 5 minutes, then 5 dBA may only occur for 10 minutes. If a complaint is received by any person using a Protected Structure for a lawful purpose, within a reasonable vicinity of a drill site, regarding noise generated during drilling and hydraulic fracturing

activities, the Township will conduct a sound test at the operator's expense to verify that a viable complaint exists. Upon confirmation by the Township that a possible noise violation exists, the Operator shall, within twenty-four hours of the receipt of the complaint from the Township, continuously monitor for a forty-eight hour period at a point which is the closer to the complainant's building of:

- a. The complainant's Protected Structure property line nearest to the well site or equipment generating the noise, or
- b. One hundred feet from the Protected Structure, whichever is closer

When the Operator engages in any noise testing as required by this Chapter, it will provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the Operator will meet with the Township representatives and affected residents to discuss whether possible noise abatement measures are warranted if the permitted levels set herein were exceeded. The Township reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint at the operator's expense.

- K. Only freshwater impoundments shall be allowed only on the parcel/property where drilling site is occurring. No off-site impoundments, drill cuttings pits/reserve pits shall be permitted. Impoundments shall not use surface aerators. All drill site impoundments shall be secured with a temporary fence with a secured gate as follows:
  1. The fence shall be a minimum of six (6) feet in height and chain link.
  2. The fencing shall be in place throughout the drill operation and until the impoundment is removed.
  3. The chain link fence shall have a minimum thickness of eleven (11) gauges.
  4. Impoundments must comply with all state and federal laws in regard to leak detection and monitoring and must comply with EPA 9090 or any regulation that supersedes it.
  5. Upon review of the application, the Board of Supervisors may, in its discretion, require air modeling and monitoring of emissions coming off of impoundments.
- L. The Operator is required to conduct post-hydraulic fracturing testing of Water and Soil, as follows:
  1. Post-hydraulic fracturing testing of water quality and quantity shall be conducted using the same parameters required in the Conditional Use application and shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased. The post-hydraulic fracturing test results shall be submitted to the Township, PA DEP, and Residents within 3,000 feet of the surface location of the well, within ten (10) days of their receipt by the Operator. The Operator shall be responsible for all costs associated with testing; testing shall be done by an independent state-certified water testing laboratory agreed upon by the Township.
  2. Post-hydraulic fracturing soil quality testing shall be conducted using the same parameters required in the Conditional Use application and shall be completed no sooner than one (1) month after hydraulic fracturing activities have ceased and no later than two (2) months after hydraulic fracturing activities have ceased. The test results shall be submitted to the Township and PA DEP within ten (10) days of their

receipt by the Operator. The Operator shall be responsible for all costs associated with sample collection and testing; testing shall be done by an independent state-certified testing laboratory agreed upon by the Township.

- M. Prior to drilling an oil and gas well or multiple oil and gas wells at a location, but no later than two (2) weeks beforehand, the Operator shall provide the following information to each Resident within 5,000 feet of the planned surface location of the well(s):
  - 1. A copy of the well survey plat showing the location(s) of the planned well(s).
  - 2. A general description of the planned operations at the planned well(s) and associated equipment used in the development of the well(s).
  - 3. Operators shall test all water supplies within 3,000 feet of each well site and share the results with landowners and the Township.
- N. Any on-site associated gas production equipment (well head, separator, condensate tanks, and pipeline) shall be painted an earth tone color to blend in with the surrounding area. An earth tone color shall be neutral colors and include sand, gray, green and unobtrusive shades of brown, or other neutral colors, as approved by the Zoning Officer.
- O. The Township may, at its sole discretion, require permanent fencing for specifications and or landscaping to buffer the post-drilling facilities or gas production equipment from adjacent properties.
- P. Any damage to public property caused by such operations must be repaired and restored within sixty (60) days of completing the drilling operation or as agreed to by Ligonier Township. The repairs shall meet or exceed prior conditions.
- Q. After any spill leak or malfunction, the Operator must follow the Emergency Management Protocol described in Section 20-7. The Operator shall remove or cause to be removed to the satisfaction of the Ligonier Township Fire Chiefs, the PA DEP inspectors, and the landowner, all waste materials from any public or private property affected by such spill, leak or malfunction. Clean-up operations must begin immediately upon knowledge that a spill, leak, or malfunction occurs and alert the Township of any spills, leaks, or malfunctions.
- R. The public street entrance at the property on which a drill site is located shall at all times be kept free of mud, debris, trash or other waste materials.
- S. The applicant or drill site operator shall take all necessary precautions to ensure the safety of persons in areas established for road crossings and/or adjacent to roadways, during periods of anticipated heavy or frequent truck traffic to and from the drill site. Flagmen shall be present and used to ensure the safety of motorists and pedestrians and take measures that may include adequate signs and/or other warning measures for truck and vehicular traffic.
- T. All drill site construction (grading, installation of erosion and sedimentation controls, roadway construction, etc.) shall be in accordance with Township construction hours – 7:00 a.m. to 7:00 p.m. Monday through Saturday. Any burning of trees or brush shall be done in accordance with burning regulations using an air curtain.

#### U. Bunkhouses

1. There shall be only one unit per development, with a maximum occupancy of six individuals.
2. The occupancy of the bunk house shall not exceed 180 days.
3. The structure shall only be occupied during drilling, re-drilling, fracking or completion activities and only by employees or contractors responsible for such activities at the well site.
4. The operator shall provide an alcohol policy for occupants of the bunk house.
5. The operator shall provide a firearms policy for occupants of the bunk house.
6. Occupants of the bunk house shall be required to sign in and out before entering or leaving the development.
7. The operator shall meet all state and local water and sewage requirements.

V. There shall be a 350-foot riparian buffer on all streams in the Township, regardless of whether one is shown on the map. Said buffer shall be measured from the center of the stream to well pad.

#### W. Technical Standards 1-9

1. Only electric motors shall be permitted for the purpose of pumping wells
2. No bleed valves will be required
3. Hospital grade mufflers will be used on drill rig engines, if not electric
4. Green completion of wells is required. Flaring will not be utilized
5. Closed loop wastewater storage systems are required
6. Drill cuttings and flow back will not be buried on site or in Township
7. Blowout prevention equipment is required
8. No brine water or any hydrocarbon in water mixture can be used for dust abatement on roads
9. Independent continuous air pollution monitoring of well sites, compressors, condensate tanks, processing facilities will be required, with results provided to the Township on a monthly basis. The operator shall immediately notify the Township of any reportable incident, including an emissions release, spill, or other event which impacts the air, water or soil quality, or the health and safety of Township residents; and the Township shall immediately alert Township residents of such an incident through direct notification and/or the Township website.

#### X. Tanks and Storage Vessel Standards

(well pads, compressors, condensate tanks, processing and distillations units)

Drip pans must be placed in any location, under equipment, that has the potential to leak. Any tanks or man-made storage vessels located on the site of an Oil and Gas Well Site, whether temporary or permanent:

1. Shall be surrounded by a secondary containment reservoir that is designed and engineered to prevent any leak, spill or release of fluid from the tank from entering into the soil unless the tank is holding only fresh water;
2. Shall be equipped with vapor recovery and/or vapor destruction units;

3. Shall be painted a neutral color

Y. On-Site Storage

1. No materials or equipment shall be stored at the Related Operation that is not essential to the everyday operation of the Related Operation.
2. Junk, refuse, trash, or abandoned material shall not be disposed of on-site. All refuse stored on site for final off-site disposal shall be indoors, or in a dumpster, or other permitted enclosure.
3. It shall be illegal for any person owner, or operator to park or store any vehicle or item of machinery on any street, right-of-way, or in any driveway, alley, or upon any operation or drilling site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires except that equipment which is necessary for the maintenance of the Related Operation.

Z. Penalties

Any owner, operator or other person who violates or permits a violation of this chapter, upon being found liable therefore in a civil enforcement proceeding before a Magisterial District Judge, shall pay to the Township a fine of not less than \$500 plus all court costs, including, but not limited to, reasonable attorney's fees incurred by the Borough on account of such violation and in enforcing this chapter. No penalty or cost shall be imposed until the date the determination of the violation by the Magisterial District Judge becomes final. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment as provided by law. Each day a violation exists after final judgment shall constitute a separate offense. The amount of the fine imposed shall be multiplied by the number of such days and may be charged and collected as a judgment by the Township without further judicial proceedings. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No bond shall be required of the Township if the Township seeks injunctive relief.

Applicant shall submit all Conditional Use Application Requirements listed in Section 120.83 of the Chapter and the facility and/or its operations shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. The applicant shall demonstrate that the drilling operations will not violate the citizens of Ligonier Township's right to clean air and pure water as set forth in Art 1. Sec. 27 of the Pennsylvania Constitution (The Environmental Rights Amendment). The applicant will have the initial burden to demonstrate that its operations will not affect the health, safety, or welfare of the citizens of Ligonier Township or any other potentially affected landowner. The application submittal shall include reports from qualified Environmental individuals attesting that the proposed location will not negatively impact the Township residents' Environmental Rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.

## § 120-80. Compressor Stations

- A. Compressor station sites shall be evaluated as a Conditional Use in Agricultural and Industrial (I-1) districts, subject to the following express standards and criteria:
  1. Compressor stations shall only be permitted to occur on property with a minimum of one hundred (100) acres or larger. The Applicant shall strive to consider locations for its temporary and permanent operations where prudent and possible so as to minimize interference with Township residents' enjoyment of their property and future Township development activities. The Applicant must present an expert witness testimony to demonstrate the location of the facility will not unreasonably adversely affect any of the following:
    - a. Lawful existing or authorized uses of adjacent properties
    - b. Neighboring flood-prone or landslide prone areas
    - c. Agriculture and farmland
- B. A Conditional Use application for a compressor station shall be accompanied with written permission from the property owner(s) who has legal or equitable title in and to the surface rights of the property or a court order recognizing the Operator's authority to occupy the surface. If the operator owns the property, proof must be provided. All Conditional Use Application requirements, as outlined in Section 120.83 of this Chapter, must be met.
- C. A lot utilized for a Compressor Station shall provide a minimum front, rear, and side yards of seven hundred fifty (750 feet) and shall, in addition, provide a distance of 1.25 miles (6,600 feet) from the edge of the compressor station to any protected structure. A protected buffer zone of three hundred fifty (350') feet shall be established for all streams, measured from the centerline of the stream to the edge of the compressor station. No Waiver shall be permissible or granted in relationship to a compressor station. As part of the conditional use process, the Township reserves the right to increase any required setback based on physical characteristics of the site, including but not limited to topography, woodlands, and distance from structures, parks, schools, and residential neighborhoods.
- D. Conditional Use approval is non-transferable without consent from the Board of Supervisors and shall automatically terminate, unless extended, if substantial construction is not commenced and sustained within one (1) year from the date of issuance of the Conditional Use. The Conditional Use approval may be extended by the Board of Supervisors upon written request by the Operator. The Operator shall provide proof that the requested Conditional Use permit for such location has not changed.
- E. All compressor stations shall be completely enclosed by a building. Windows and doors shall remain closed during operations.
  1. The building shall be constructed in a manner that the architectural character complements the existing character of the area. The site shall be designed utilizing natural topography and/or constructed earthen mounds so as to obstruct visibility from adjacent streets and properties. The building shall employ architectural features including, but not limited to, sloped roofs, stone and brick

- accents, steeples, cupolas, etc.
  - 2. The building shall employ soundproof walls and all equipment associated with the compressor station shall be enclosed within the building. All acoustical structures shall be constructed of metal, masonry, or other structurally sound material as approved by the Township Engineer/Zoning Officer.
  - 3. The building or noise abatement enclosure surrounding the engines and compressors shall be secured, at a minimum, to a concrete pad to minimize vibration and shall be sound proofed as necessary to meet the maximum allowable noise levels permissible as specified in the Township Code.
- F. Access directly to state roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at the station, the Township shall be provided a copy of the Highway Occupancy Permit. Access roads shall also comply with the following:
- 1. Access roads must be 50' from adjacent property lines unless written consent is given
  - 2. First 50' must be paved. Then 150' must be limestone in a manner that reasonably minimizes water, sediments, or debris carried onto any public road
  - 3. If the access road is less than 200', the entire road must be limestone.
- G. Truck traffic related to construction and operation traveling to and from gas operations station shall be permitted only between the hours of 7:00 a.m. and 7:00 p.m., prevailing time. Emergency vehicles and field maintenance vehicles are exempted from this limitation.

The access driveway off the public road to the station shall be gated at the entrance to prevent illegal access into the site. The site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the station name and number, name of the operator, and the telephone number for a person responsible who may be contacted in case of emergency.

- H. The Operator must provide a plan for the transmission of gas, water, oil, or other substances to and from the station. The Operator shall identify the location of, but not limited to, gathering lines, compressors, and other mid and downstream facilities located within the Township and extending 800 ft. beyond the Township boundary. The Operator shall provide the Township with all state and federal permits that have been acquired, bonding agreements, and proof of ability to operate such pipelines.
- I. The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance with Township noise regulations. The noise generated during operating activities when measured at the nearest Protected Structure property line or one hundred feet from the nearest Protected Structure (as measured to the closet exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level as determined by the seventy-two hour evaluation:
- 1. During station or plant activities by more than ten (10) decibels during the hours of 7:00 a.m. to 7:00 p.m.
  - 2. During station or plant activities by more than (5) decibels during the hours of

7:00 p.m. to 7:00 a.m.

- J. If a complaint is received by any person using a Protected Structure for a lawful purpose, within a reasonable vicinity of a compressor station regarding noise generated by compressor station operations, the Township will conduct a sound test at the operator's expense to verify that a viable complaint exists. Upon confirmation by the Township that a possible noise exists, the Operator shall, within twenty-four hours of the receipt of the complaint from the Township, continuously monitor for a forty-eight-hour period at a point which is the closer to the complainant's building of:
1. The complainant's Protected Structure property line nearest to the well site equipment generating the noise or
  2. One hundred feet from the Protected Structure, whichever is closer. If the Operator engages in any noise testing as required by this Chapter, it will provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the Operator will meet with Township representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set further herein were exceeded. The Township reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint.
- K. Drip pans must be placed in any location, under equipment, that has the potential to leak. All condensate tanks shall be equipped with vapor recovery and/or vapor destruction units.
- L. All structures including, but not limited to, pumping units, storage tanks, buildings and structures shall be painted a neutral color compatible with the surrounding uses. Neutral colors shall include sand, gray, green and unobtrusive shades of brown or other neutral colors, as approved by the Planning Director.
- M. Compressor stations shall be inspected by the fire department prior to operation. During the active operation at the compressor station, Township staff or consultants designated by the Township Manager shall have access to the site to determine continuing compliance with the Conditional Use approval.
- N. Applicant will reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to site inspection, approval process, or for specialized work called for in the permit.
- O. The operator shall be required to immediately provide notice of any spills and/or releases to the Township and follow Emergency Protocol described in Section 120-82. Independent continuous air pollution monitoring will be required, with results provided to the Township on a monthly basis. The Operator shall immediately notify the Township of any reportable incident, including an emissions release, spill, or other event which impacts the air, water or soil quality, or the health and safety of Township Residents; and the Township shall immediately alert Township Residents of such an incident through direct notification and/or the Township website.

P. Compressor Standards

Adequate public utilities shall be available to meet the demands of the facility. Compressor stations shall utilize sparkless electric motors rather than internal combustion engines. Any exhaust in connection with the station, used by any production equipment, or used in development shall not be discharged into the open air unless it is equipped with (i) an exhaust muffler or (ii) an exhaust box. The exhaust muffler or exhaust box shall be constructed of non-combustible materials designed and installed to suppress noise and disruptive vibrations. Moreover, all such equipment with an exhaust muffler or exhaust box shall be maintained in good operating condition according to manufacturer's specifications.

When compressors and other power-driven equipment utilize electric motors, permanent generation of electric power on the site shall not be permitted; however, temporary generation of electricity shall be permitted in times of temporary power outages. All electrical installations shall conform to local State and National codes.

- Q. Applicant shall submit all Conditional Use Application Requirements listed in Section 120-83 of the Chapter and the facility and/or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. The applicant shall demonstrate that the compressor stations will not violate the citizens of Ligonier Township's right to clean air and pure water as set forth in Art 1. Sec 27 of the Pennsylvania Constitution (The Environmental Rights Amendment). The applicant will have the initial burden to demonstrate that its operations will not affect the health, safety, or welfare of the citizens of Ligonier Township or any other potentially affected landowner. The application submittal shall include reports from qualified Environmental individuals attesting that the proposed location will not negatively impact the Township residents' Environmental Rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.

**§ 120-81. Processing Plants**

- A. Processing plants shall be evaluated as a Conditional Using the Agriculture (A-1) and Industrial (I-1) Zoning Districts, subject to the following express standards and criteria:
- B. Processing plants shall only be permitted to occur on property that is zoned I – Industrial and is a minimum of one hundred (100) acres or larger. The Applicant shall strive to consider locations for its temporary and permanent operations where prudent and possible so as to minimize interference with Township residents' enjoyment of their property and future Township development activities. The Applicant must present an expert witness testimony to demonstrate the location of the facility will not unreasonably adversely affect any of the following:

1. Lawful existing or authorized uses of adjacent properties
  2. Neighboring flood-prone or landslide prone areas
  3. Agriculture and farmland
- C. A lot utilized or a Processing Plant shall provide a minimum front, rear and side yards of seven hundred fifty (750 feet) and shall in addition provide a distance of 1.25 miles (6,600 feet) from the edge of the Processing Plant to any protected structure. A protected buffer zone of three hundred fifty (350') feet shall be established for all streams, measured from the centerline of the stream to the edge of the processing plant. No waiver shall be permissible or granted in relationship to a processing plant. As part of the conditional use process, the Township reserves the right to increase any required setback based on physical characteristics of the site, including but not limited to, topography, woodlands, and distance from structures, parks, schools, and residential neighborhoods.
- D. Processing plants shall utilize electric motors rather than internal combustion engines.
- E. All Conditional Use Application requirements, as outlined in this Article, shall be met. Conditional Use approval is non-transferable, without consent from the Board of Supervisors, and shall automatically terminate, unless extended, if substantial construction is not commenced and sustained within one (1) year from the date of issuance of the Conditional Use. The Conditional Use approval may be extended by Board of Supervisors written request by the Operator. The Operator shall provide proof that the requested Conditional Use permit for such location has not changed.
- F. Access directly to state roads shall require Pennsylvania Department of Transportation (PADOT) Highway Occupancy Permit approval. Prior to initiating any work at the plant, the Township shall be provided a copy of the Highway Occupancy Permit. Access roads shall also comply with the following:
1. Access roads must be 50' from adjacent property lines unless written consent is given.
  2. First 50' must be paved. Then 150' must be limestone in a manner that reasonably minimizes water, sediments, or debris carried onto any public road.
  3. If the access road is less than 200', the entire road must be limestone.
- G. The access driveway off the public road to the plant shall be gated at the entrance to prevent illegal access into the site. The site assigned address shall be clearly visible on the access gate for emergency 911 purposes. In addition, the sign shall include the plant name and number, name of the operator and the telephone number for a person responsible who may be contacted in case of emergency.
- H. The Operator must provide a plan for the transmission of gas, water, oil, or other substances to and from the plant. The Operator shall identify the location of, but not limited to, gathering lines, compressors, and other mid and downstream facilities located within the Township and extending 800 ft. beyond the Township boundary. The Operator shall provide the Township with all state and federal permits that have been acquired, bonding agreements, and proof of ability to operate such pipelines.

- I. Noise – The Township may require acoustical blankets, sound walls, mufflers or other alternative methods to ensure compliance depending on the location of a proposed plant to adjacent residential properties, As part of the Conditional Use application, and prior to construction, the Operator shall establish the residual or background noise level baseline. The baseline shall be established over a seventy-two (72) hour period with at least one (1) twenty-four (24) hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township and owner/operator will be responsible for determining the residential background noise level baseline. The Operator shall be responsible for all costs associated with noise consultant/engineer.
1. The noise generated during operating activities when measured at the nearest Protected Structure property line or one hundred feet from the nearest Protected Structure (as measure to the closest exterior point of the building), whichever is closer to the Protected Structure, shall not exceed the average ambient noise level as determined by the seventy-two hour evaluation: (a) during station or plant activities by more than ten (10) decibels during the hours of 7:00 a.m. to 7:00 p.m.; (b) during station or plant activities by more than five (5) decibels during the house of 7:00 p.m. to 7:00 a.m.
  2. If a complaint is received by any person using a Protected Structure for a lawful purpose, within a reasonable vicinity of a processing plant, regarding noise generated by processing plant operations, the Township will conduct a sound test at the operator's expense to verify that a viable complaint exists. Upon conformation by the Township that a possible noise violation exists, the Operator shall, within twenty-four hours of the receipt of the complaint from the Township, continuously monitor for a forty-eight (48) hour period at a point which is the closer to the complainant's building of: (a) the complainant's Protected Structure property line nearest to the well site or equipment generating the noise, or (b) one hundred feet from the Protected Structure, whichever is closer.
  3. If the Operator engages in any noise testing as required by this Chapter, it will provide preliminary data to the Township no later than ten (10) business days following completion of the noise testing. Once the monitoring is complete, the Operator will meet with Township representatives and affected residents to discuss whether possible noise abatement measures are warranted, if the permitted levels set further herein were exceeded. The Township reserves the right to hire a noise consultant to do its own testing and investigation regarding the noise complaint.
- J. Drip pans must be placed in any location, under equipment, that has the potential to leak.
- K. All condensate tanks shall be equipped with vapor recovery and/or vapor destruction units.
- L. All structures including, but no limited to, pumping units, storage tanks, buildings, and structures shall be painted a neutral color, compatible with the surrounding uses. Neutral colors shall include sand, gray, green and unobtrusive shades of brown, or other neutral colors, as approved by the Zoning Officer.
- M. Processing plants shall be inspected by the fire department prior to operation. During the active operation at the processing plant, Township staff or consultants designated by the

Township Manager shall have access to the site to determine continuing compliance with the Conditional Use approval.

- N. Applicant will reimburse the Township for all reasonable and direct professional consultant fees incurred by the Township related to site inspection, approval process, or for specialized work called for in the permit. The Operator shall be required to immediately provide notice of any spills and/or releases to the Township and to follow Emergency Protocol described in Section 120-82. Independent continuous air pollution monitoring will be required with results provided to the Township on a monthly basis. The Operator shall immediately notify the Township of any reportable incident, including an emissions release, spill, or other event which impacts the air, water or soil quality, or the health and safety of Township residents; and the Township shall immediately alert Township residents of such an incident through direct notification and/or the Township website.
  
- O. Applicant shall submit all Conditional Use Application Requirements listed in Section 120-83 of the Chapter and the facility and/or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency, and any other government authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. The applicant shall demonstrate that the processing plant will not violate the citizens of Ligonier Township's right to clean air and pure water as set forth in Art 1. Sec. 27 of the Pennsylvania Constitution ((The Environmental Rights Amendment). The applicant will have the initial burden to demonstrate that its operations will not affect the healthy, safety, or welfare of the citizens of Ligonier Township or any other potentially affected landowner. The application submittal shall include reports from qualified Environmental individuals attesting that the proposed location will not negatively impact the Township residents' Environmental Rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.

### **§ 120-82. Emergency Management Protocol**

The following Emergency Management Protocol applies to all sites, including drilling compressor stations, and processing plants and must be followed in the event of an emergency, spill or other malfunction.

- A. *In the event of an emergent condition such as a fire, spill, leak or release for all gas sites and related accessory uses:*
  - 1. The Operator shall contact the appropriate Emergency Responders and, if necessary, commence any evacuation;
  - 2. The Operator shall take immediate action to contain the emergent condition;
  - 3. Clean-up operations must begin immediately upon the Operator's knowledge that a spill, leak or malfunction occurs;
  - 4. Notice shall be provided as follows:

- B. *Immediate*: The Operator shall provide immediate notice to the Township, by telephone, upon the occurrence of an emergent condition that results in a call for immediate attention from Emergency Responders or the Department of Environmental Protection. In the event that an emergent condition occurs that requires immediate notice to the Township, the Operator shall also provide immediate telephonic notice to the owners/occupants of structures who may be impacted, based on the hydrogeological, thermal and/or airborne emissions studies submitted as part of the application process or proximity to the Oil and Gas Well Site, based on risk of catastrophic incident or failure.
- C. *Within 4 Hours of a Non-Emergency Spill*. The Operator shall provide notice to the Township of the awareness of the spill, leak, or release. The Operator shall provide notice to the owners/occupants of structures who may be impacted, based on hydrogeological, thermal and/or emissions studies submitted as part of the application process or proximity to the Related Operation, based on the risk of catastrophic incident or failure. Written notice of all incidents will also be provided to the Township.
- D. *Content of Notice*. The notice provided under this subsection shall identify the date of the spill, leak or release, the time at which the Operator became aware of it, a description of the nature of the spill, leak or release (volume, quantity, substances spilled, leaked or released), potential health impacts based on hydrogeological, thermal and emissions studies and a description of the nature and extent of the clean-up effort.
- E. *Certification*. Upon the clean-up of the spill, leak or release, the Operator shall send to the Township and the owners/occupants of structures (impacted and potentially impacted) a certification that the spill, leak or release has been satisfactorily remediated and that there is no health risk.

### **§ 120-83. Conditional Use Application for Oil & Gas Operations**

- A. *Submission of Conditional Use Application*: The Conditional Use Application for Oil & Gas Operations requires the applicant to submit all necessary applications for permits and plan approvals to the PA DEP and all materials required by the Township, as listed below. The applicant shall submit to the Township a copy of all permits issued by the PA DEP (general permits, well permit(s), joint permits, earth disturbance permit, ESCGP-1, etc.). In addition, the Township shall be provided copies of all plans approved by the PA DEP (erosion and sedimentation control, grading, water, management plan, water withdrawal plan, Pollution Prevention Contingency, alternate waste disposal, etc.). The Township Engineer shall be provided with a timeline and activity schedule and all required permits shall be maintained, commencing at site construction and continuing throughout the duration of oil and gas operations. Any suspension or revocation of permits by PA DEP shall be reported to the Township and shall constitute a violation of the Township Zoning Ordinance and may result in the suspension of zoning approval.

Applicants are required to submit the following:

1. *Coordinates and Well Survey Plat.* Applicant shall include Well Survey Plat as well as GIS coordinates and 911 locations of each proposed well site, compressor station and processing plant included in the application and laterals for each well that the applicant may eventually drill.
2. *Narrative:* A narrative description of the various phases of activities that will occur on the site along with expected community impacts during each phase. Narrative shall include a 10-year plan to illustrate where all fracking-related infrastructure, such as well pad, compressors, pipelines would be located.
3. *Schedule of Operations.* A schedule/timeline indicating the anticipated beginning and ending dates for the following activities:
  - a. well site preparation
  - b. drilling
  - c. fracturing
  - d. completion flowback
  - e. production
  - f. plugging
  - g. site restoration
4. *Transmission Plan.* A plan and diagram for the transmission of oil and gas beyond the area of the well site, compressor station or processing plant, including the proposed pipeline route from the oil and gas drill site to the transmission line and how fluids will be brought to and from the site. This plan will identify, but not be limited to, gathering lines, compressor stations, and other mid and downstream facilities located within the Township and extending 800 feet beyond the Township boundary line.
5. *Disposal Plan.* A plan that identifies the means for disposal of drill cuttings, fracturing fluids and all other waste products generated from within the boundaries of the well site, compressor station or processing plant.
6. *Prior Notices.* Copies of any and all previous enforcement notices, fines or penalties assessed against the applicant and/or applicant's contractors or consultants involved in the development of the proposed oil and gas operation.
7. *Survey.* A survey of the drill site showing the general area where associated gas production equipment (tanks or other surface installations) will be located and locations and distances to property lines. All sensitive natural features including, but not limited to, waterways, wetlands, steep slopes, and floodplains including those 100' outside the limits of disturbance, as defined on the approved PA DEP Erosion and Sedimentation Plan, must also be shown.
8. *Environmental Impact Analysis.* The facility and/or its operation shall comply with all applicable permits and requirements of the PA DEP, the United States Environmental Protection Agency, and any other governmental authority having jurisdiction over its operations and with all federal, state and local laws, ordinances and regulations promulgated to protect the environment or otherwise relating to environmental matters. The applicant shall demonstrate that the drill site operations will not violate the citizens of Ligonier Township's right to clean air and pure water as set forth in Art. 1 Sec. 27 of the Pennsylvania Constitution (The Environmental Rights Amendment). The applicant will have the initial burden to demonstrate that its operations will not affect the health, safety or welfare of the citizens of Ligonier

Township or any other potentially affected landowner. The application submittal shall include reports from qualified environmental individuals attesting that the proposed location will not negatively impact the Township residents' Environmental Rights and will include air modeling and hydrogeological studies as potential pathways that a spill or release of fluid may follow.

To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted, or where no such permit is required, the Applicant, at its cost, shall provide a comprehensive Environmental Impact Analysis performed by a qualified credentialed professional who is agreed upon by the Township. The Environmental Impact Analysis shall describe, identify and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations or the ultimate use (e.g. multiple wells and pads) proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Township Planning Commission and the Board of Supervisors. The Environmental Impact Analysis shall include, but not be limited to, all impact areas on or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on all areas, the protective measures and procedures to protect the areas from damage, and the actions to be taken to minimize environmental damage to the areas on site and surrounding areas during and after completion of the operation. For this purpose, environmental damage shall include, but not be limited to, all impacts to underground and surface waters, air, soil, and roads.

Impact areas include, but are not limited to stream corridors; streams; wetlands; slopes in excess of twenty-five percent (25%); sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards; Class I agricultural lands; highly acidic or erodible soils; carbonate or highly fractured bedrock; aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat and areas of historical, cultural and /or archeological significance. The Township reserves the right at any time to require additional impact studies and/or details of existing studies conducted specifically for the site.

9. *Hydrogeological Study.* To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted, the applicant shall provide a Hydrogeological Study. The study shall be prepared by a hydrogeologist acceptable to the Township. The study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies where such historical data, in the judgment of the Planning Commission, is inadequate. The study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table and analyze and delineate the effects of the proposed use of the hydrology, including surface and groundwater quantity and quality. Acceptance of the study is subject to final approval by the Board of Supervisors. If the study shows an alteration to the groundwater, the permit shall be denied. Hydrogeological studies will identify the

potential pathways that a spill or release of fluids may follow.

The Hydrogeological Study shall include an examination of hydrologic impact, including:

- a. A description inventory, analysis, and evaluation of the existing groundwater conditions and modeling of the impact on groundwater and surface water of a leak, spill or release from within the well site along with analytes that could signify and impact, which will include, at a minimum, identification of water wells and springs within a (3,000') radius of the oil and gas well, the owners of those properties, reference to the availability of public water on those properties, and telephone contract information for these property owners/tenants so they may be contacted in the case of an emergency.
  - b. Description of storm water run-off controls from the operation related to any increase in impermeable ground, change in grade and contour of land, increased sediment load and focused points of discharge.
  - c. Steps that the Operator will implement to address any potential impacts identified by this examination.
10. *Studies of Water Quality & Quantity.* The applicant shall be responsible for testing all existing water supplies (surface and groundwater) within 3,000 feet of the surface location of the well, compressor station or processing plant. The purpose of testing is to determine the baseline quality and quantity of surface water and groundwater in the immediate vicinity of the proposed site and to evaluate resultant changes that may occur or have an impact on the water supply of the site and surrounding area. Operators will be required to drill a test well outside of the limits of the well pad but no more than 750 feet from the well location to a depth that intersects all known or viable aquifers for the purposes of obtaining a baseline assessment of water quality in the vicinity of the site. The test well shall be located such that it is part of the hydrologic system of the drill site. All testing shall adhere to the following:
- a. Pre-drilling testing results, both from existing water supplies and from the Operator-drilled test well, shall be submitted as part of the Conditional Use application.
  - b. The Operator shall be responsible for all costs associated with drilling and testing
  - c. Testing shall be done by an independent state-certified water testing laboratory agreed upon by the Township.
  - d. The applicant shall hire a consultant (hydrogeologist) agreed upon by the Township to conduct water quantity testing. The consultant shall submit a pre-testing and a pre-drilling plan to be approved by the Township. The consultant shall test for gallons per minute (gpm) flow rates, yield, groundwater levels, and other pertinent information for all viable aquifer zones via draw down tests or other suitable means. The consultant shall measure and record flow rates in gallons per minute (gpm) for all surface water sources. Groundwater levels and other pertinent information via draw down tests or other suitable means shall be measured from all available wells. Also, GPS coordinate information shall be recorded for all surface water and groundwater sites. The results shall be certified by the hydrologist and provided to the Township with the Conditional

Use application.

- e. The applicant shall test water quality using the following list of parameters for all surface water and groundwater sources. This list is not exhaustive, and the Township reserves the right to add additional parameters.

## Water Quality Test Parameters

### Analyte

Inorganic	Trace Metal	Organic	Microbiology	Other
Alkalinity	Barium	Ethane	Total Coliform/ E. Coli	Volatile Organic Compounds
Chloride	Calcium	Methane		Detergents (MBAS)
Conductivity	Iron	Propane		Total Organic Carbon
Hardness	Magnesium	Total Petroleum Hydrocarbons		Nitrate
Oil & Grease/ Bromide	Manganese	Acetone		Radionuclides gross alpha, radium
Ph	Potassium			Radon
Sulfate	Sodium			Lead
Total Dissolved Solids	Strontium			Total Coliform Bacteria
Residue – Filterable	Arsenic			
Total Suspended Solids	Zinc			
Residue – Non Filterable	Aluminum			
Turbidity	Lithium			
Ethylene Glycol	Selenium Boron			

11. *Air Quality Study*. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required,

the applicant shall provide an Air Quality Study. The Study shall be prepared by experts acceptable to the Township and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted, and the conclusions and recommendations of the professionals preparing the report as to measure which would be required in order to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use. Applicant shall be responsible for all costs associated with air quality testing and reporting.

To be submitted to the Township:

- a. An itemized list of all emissions that will be generated from the well site, compressor station or processing plant (whether temporary or permanent), with identification of any emissions that have been identified as Volatile Organic Compounds, Semi-Volatile Organic Compounds or Hazardous Air Pollutants carcinogenic and the duration of such emissions;
- b. An Air modeling study of the direction and concentration of emissions from the well site, compressor station or processing plant, inclusive of the effect of topography, wind conditions, vegetation and structures and evaluating the effect and interaction of emissions from the well site, compressor station or processing plant with existing emissions and identification of impact on nearby structures, along with telephone contact information for the owners/tenants occupants of the identified structures to be alerted in the case of an emergency;
- c. A description of air monitoring to be utilized during and/or after development activities.

12. *Soil Survey.* Applicant shall be responsible for testing and reporting soil conditions within the area of the site but no greater than 500 feet from the surface location of the well, compressor station or processing plant. The purpose of the testing is to determine the baseline soil conditions in the immediate vicinity of the proposed well site, compressor station or processing plant and evaluate resultant changes that may occur or have an impact on the soils of the site and surrounding area. Applicant shall be responsible for all costs associated with sample collection and testing, and testing shall be done by an independent state-certified testing laboratory agreed upon by the Township.

Operators shall test for the following list of parameters for soils. The list is not exhaustive, and the Township reserves the right to add additional parameters:

## Soil Quality Test Parameters

Analyte

Inorganic	Trace Metal	Microbiology	Other
Alkalinity	Barium	Total Coliform/ E. Coli	Volatile Organic Compounds
Chloride	Calcium		Nitrate
Hardness	Iron		Radionuclides gross alpha, radium
Oil and Grease	Magnesium		Lead
Ph	Manganese		
Sulfate	Potassium		
Residue – Filterable	Sodium		
Residue – Non-Filterable	Strontium		
Bromide	Arsenic		

13. *Truck Routes.* A plan showing the proposed truck routes to be utilized during the drilling operation. The proposed hauling routes must be designed to minimize the impact on Township roads. The Township reserves the right to designate reasonable required truck hauling routes consistent with the Pennsylvania Motor Vehicle Code and Pennsylvania Department of Transportation throughout the Township. The Township shall consider all potential routes and, when possible, designate routes that are the least intrusive to the Township, its operation, and the general public. When determining the least intrusive routes, the Township shall account for roadway jurisdiction, traffic, physical characteristics/conditions, location of school bus stops/routes, and the amount of residential units along potential routes. Routes shall be coordinated with the school district to minimize impact on peak school bus operation hours. Operators shall be responsible for clearly posting designated routes with identification signs in a manner (style and location) approved by the Township.
14. *Emergency Management Plan.* The following information shall be required:

- a. Examination of Thermal Impact of Fire or Explosion
  - i. Identification of any safety buffer zone or similar feature surrounding the Related Operation related to fire, explosion or other emergency and the basis for the identification of such zone;
  - ii. Modeling of the impact of fire or explosion of the well(s), compressor station(s) or processing plant(s) or any substances stored at the Related Operation, with identification of radii of impact and association of the radii of impact to the timing of impact, so as to provide an overview of how long between an ignition and/or explosion and its impact on citizens at varying distances from the Related Operation;
  - iii. Expected response times to address fire and/or explosion issues;
  - iv. Evacuation radius in the event of a fire and/or explosion if different than a safety buffer zone identified in this subsection, along with telephone contact information for the owners/tenants/occupants to be alerted in the case of an emergency;
  - v. Any structure, including but not limited to Protected Structures that should be evacuated in the event of an emergent situation if outside of an identified safety buffer zone.
- b. Risk Assessment
  - i. A risk assessment report will be prepared by an expert in that field that identifies the potential hazards stemming from a well, compressor station or processing plant at the proposed site and determines the quantitative and qualitative risk associated with the identified hazards.
  - ii. The quantitative risk assessment shall include calculations of two components of risk (R), the magnitude of potential loss (L), and the probability (P) that the loss will occur. The report shall include a public health risk assessment including potential impacts to water supply. This assessment is the process of characterizing the nature and likelihood of harmful effects to individuals or populations within one linear mile from the well site, compressor station or processing plant.
  - iii. The applicant will provide discussion for such potential impacts as man-caused accidents and natural catastrophes and their probabilities and risks, with supporting statistics developed by an analysis of similar use in similar locations.
- c. Emergency Response Plan in the Event of an Incident, addressing methods to handle the following:
  - i. Well leakage
  - ii. Spill containment
  - iii. Vandalism creating unknown conditions
  - iv. Defective casing or cementing
  - v. Potential contamination between the well and the public and/or private water supply
  - vi. Emissions
- d. Emergency Notification Protocol to Property Owners

The Operator shall provide detail of its emergency protocol that is applicable to an incident at the Related Operation that is not part of the ordinary course of operations. This emergency protocol must include, at a minimum:

- i. The addresses and telephone number for all property owners within any radius identified by air modeling, hydrogeological or thermal impact studies as being impacted by a circumstance that is out of the ordinary;
- ii. A decision of the means by which impacted residents will be alerted of a circumstance that is out of the ordinary and the relation of the timing of this to the occurrence of the relevant circumstance;
- iii. An evacuation plan and exclusion plan for residents in the event of a circumstance that is out of the ordinary.

15. *Preparedness, Prevention and Contingency Plan.* Applicant shall provide the Township Fire Departments with a copy of the PA DEP approved preparedness, prevention and contingency (PPC) plan. Prior to drilling its first gas well or constructing a compressor station or processing plant in the Township, applicant shall make available with at least thirty (30) days' notice, at the applicant's sole expense, one appropriate group training program for emergency responders. Such training shall be made available at least annually during any year in which a drill site, compressor station or processing plant is active.

16. *Contact Lists.* Applicant shall provide the Township and Emergency Management Services with the name of the person supervising the site operations and a phone number where such person can be reached twenty-four (24) hours a day. Also, a list of contact information for all sub-contractors associated with the oil and gas operations must be provided. The list shall include written verification that all Supervisors/Operators and subcontractors are aware and understand the rules and guidelines set forth in the Ligonier Township Ordinance. At the time of application, contact information of the Operator and the availability of the Operator to hold a meeting will be provided to residents to present Operator's plans for the site and to allow for questions and answers. The meeting(s) shall be held prior to an application being approved.

17. *Noise Level Study.* Applicant shall establish the residual or background noise level baseline. The baseline shall be established over a seventy-two (72) hour period with at least one (1) twenty-four (24) hour reading on a Saturday or Sunday. A noise consultant/engineer mutually agreed upon by the Township and owner/operator will be responsible for determining the residual background noise level baseline. Applicant shall provide results of the baseline noise study and a plan for reducing noise generated during oil and gas operations at the time of application. The applicant, owner/operator shall be responsible for all costs associated with noise consultant/engineer and noise mitigation.

18. *Property Owner Permission.* Applicant shall provide written permission from the property owner(s) who hold legal or equitable title in and to the site of the proposed Operation, or a demonstrable documentation of the applicant's authority to occupy

the property for the purpose of mineral extraction and any proposed oil and gas operations.

19. *Indemnification and Express Negligence Provisions.* Applicant shall provide a Statement of Indemnification, signed by the Operator. The Operator shall fully defend, protect, indemnify, and hold harmless Ligonier Township, its departments, officials, officers, agents, employees and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, legal and expert fees, and expenses incurred in defense of Ligonier Township including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the performance by the Operator.

20. *Additional Conditions.* Other information may be deemed by the Planning Commission or Supervisors relevant to address public health and safety concerns regarding the proposed oil and gas operations. Therefore, the Township reserves the right to impose any other additional conditions necessary to protect the public health, safety and welfare of its residents in order to address any unique characteristics of a particular proposed site, which are not otherwise within the jurisdiction of federal and state regulations in accordance with the Pennsylvania Municipalities Planning Code (PAMPC), or included in the requirements listed above.

B. *Review of Application:* The Township shall review the documentation contained in the Conditional Use Application and determine, at its discretion, whether all potential environmental impacts of the drilling, compressor station or processing plant activity have been adequately addressed. The Township reserves the right to require additional studies and testing as part of its evaluation of the Conditional Use application to assure that potential environmental impacts are properly mitigated.

C. *Compliance with Conditional Use Approval:* During the active operation of a drill site, compressor station, or processing plant, Township Staff or consultants designated by the Township Manager, shall have access to the site to determine continuing compliance with the Conditional Use approval. The Township may, from time to time, employ a professional consultant or consultants. The function of the consultant(s) shall be to advise, counsel, represent and/or aid the Township in ensuring compliance with this section and any other applicable Township codes on such matters relating to the oil and gas development within the Township. During site development, drilling/fracking and distribution operations and completion/reclamation activities, the Township may require the services of an on-site inspector with proven background and experience in oil and gas development whose role will include and not be limited to the following:

1. Review of applications for oil and gas developments. All conditional uses shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this section, the governing body may obtain a qualified consultant to testify, whose cost for services shall be borne by the Applicant.

2. Inspection of site during key phases of development.
3. Inspection of site upon receipt of a complaint.
4. Communication with appropriate Township personnel if the inspector believes the Operator is violating a Township code not addressed in this section.

Consultant shall have authority to request and receive any records, logs, and reports relating to the status or condition of the approved development necessary to establish and determine compliance with this section and the permit approval.

In the event a professional consultant is employed for the purpose of advising, counseling or representing the Township relative to ensuring compliance with this section and the terms of the permit, or relative to an Operator's or Owner's particular set of circumstances, case or requesting relating to this section, then the cost for such services of the professional Consultant shall be assessed against and paid for by such Operation in addition to any fees or charges assessed pursuant to this section.

#### **§ 120-84. Injection Wells**

- A. An Injection Well shall be evaluated as a Conditional Use in the Industrial (I-1), subject to the following express standards and criteria:
1. The minimum parcel size require shall be 50 acres
  2. The site shall have frontage on and direct vehicular access to an arterial or collector street.
  3. The site shall be a minimum of 6,600 feet (1.25 miles) from any protected structure, stream, or Natural Resource Protection Overlay District.
  4. Adjacent public streets shall be adequate to accommodate traffic volumes and weight limits associated with truck traffic to and from the site.
  5. The storage, handling, transportation and disposal of hazardous or potentially hazardous materials shall be in accordance with all applicable permits and requirements of the Pennsylvania Department of Environmental Protection (PA DEP) and the U.S. Environmental Protection Agency (EPA).
  6. No permanent component of the injection well site shall be closer than 750 feet from the property line in which the well is located.
  7. Written permission from the property owner(s) with legal or equitable title to the property where the proposed development or facility is located or demonstrable documentation of the applicant's authority to occupy the property.
  8. The GPS location and 911 address of the Injection Well shall be provided upon submission of the Conditional Use Application.
  9. Copies of any and all applications and permits required from all applicable local, county, state, and federal agencies for development of the Injection Well shall be provided upon submission of the Conditional Use application. The Applicant shall meet the requirements of the Conditional Use Application Checklist for the Oil & Gas Operations provided in this Article, including but not limited to the items listed below.

10. Site Plan. A plan prepared by an engineer or surveyor licensed in Pennsylvania shall be provided at the time of application to establish compliance with all applicable regulations. All temporary and permanent structures, equipment, machinery, and sediment and erosion controls shall be identified. All protected structures and streams within 6,000 feet (1.25 miles) of the property lines shall be identified. All roads related to the development or facility must also be shown. A sufficient number of copies of the site plan shall be provided for review and comment by all Township emergency service organizations.
11. Scheduling. The applicant shall provide a schedule with the application indicating the anticipated beginning and ending dates for all proposed activities.
12. Risk Assessment Report. A report prepared by a professional expert in that field shall be included at the time of application identifying the potential hazards stemming from the injection well at the proposed site and determining the quantitative and qualitative risk associated with the identified hazards. The quantitative risk assessment shall include calculations of two components of risk (R), the magnitude of the potential loss (L), and the probability (P) that the loss will occur. The report shall include a public health risk assessment including potential impacts to water supply. This assessment is in the process of characterizing the nature and likelihood of harmful effects to individuals or populations within one linear mile from the well site. The report shall also include an assessment of potential seismic impacts created by the operations of the injection well.
13. Traffic Impact Study. The study shall be provided at the time of application and shall include:
  - a. A description of plans for the transportation and delivery of equipment, machinery, water, chemicals, products, materials and other items to be utilized in the sitting, drilling, stimulating, completion, alteration and operation of the development or facility. Such description shall include a map showing the planned vehicular access roads and the transportation infrastructure being proposed and the type, weight, number of trucks and delivery schedule necessary to support each phase of the development.
  - b. An inventory, analysis and evaluation of existing road conditions on Township roads along the proposed transportation route identified by the application, including photography, video and core boring as determined to be necessary by the Township engineer(s).

Traffic Impact Study Guidelines: The Traffic Impact Study shall be performed by a qualified professional traffic engineer. The following is an outline of issues to be addressed by the Study.

- c. Description of the proposed project in terms of land use type and magnitude.
- d. An inventory of existing conditions in the site environs including:
  - i. Roadway network and traffic control;
  - ii. Existing traffic volumes in terms of peak hours and Average Daily Traffic (ADT)
  - iii. Planned improvement to roadways by others.
- e. An analysis of existing traffic conditions including:
  - i. Intersection levels of service;
  - ii. Roadway levels of service (where appropriate);

- iii. Other measures of roadway adequacy; i.e, lane widths; traffic signal warrants; vehicle delay studies, etc.
    - f. Projected site generated traffic volumes in terms of:
      - i. Peak hours and ADT;
      - ii. Approach/departure distribution including method of determination;
      - iii. Site traffic volumes on roadways;
      - iv. Comparison of existing zoning to proposed site generation
    - g. An analysis of future traffic conditions including:
      - i. Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic);
      - ii. Intersection levels of service;
      - iii. Roadway levels of service (where appropriate)
      - iv. Other measures of roadway adequacy; i.e., lane widths, traffic signals warrants, vehicle delay studies, et cetera.
    - h. A description of the recommended access plan and off-site improvements.
      - i. Schematic plan of access and on-site circulation;
      - ii. General description of off-site improvements required. The aforementioned guidelines shall be used to determine a scope of work. The specific roadways and intersections to be studied shall be identified along with the planned data collection and analysis procedures.
14. Environmental Impacts Analysis. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an environmental impact analysis. The environmental impact analysis shall describe, identify and analyze all environmental aspects of the site and of neighboring properties that may be affected by the proposed operations or the ultimate use proposed to be conducted on the site. The limits of the impact area to be studied shall be reviewed and approved by the Township Supervisors. The environmental impact study shall include, but not be limited to, all critical impact areas on or off-site that may be impacted by the proposed or ultimate use of the facility, including the impact on the critical areas, the protective measures and procedures to protect the critical areas on the site and surrounding areas during and after completion of the operation. Critical impact areas include, but are not limited to, stream corridors, streams, wetlands, slopes in excess of twenty-five (25%), sites where there is a history of adverse subsurface conditions or where available soils information or other geotechnical data, including data from the Bureau of Mines indicates the potential for landslides, subsidence or other subsurface hazards, Class I agricultural lands, highly acidic or erodible soils, carbonate or highly fractured bedrock, aquifer recharge and discharge areas; areas of unique or protected vegetation, wildlife habitat, and areas of historic, cultural and/or archaeological significance.
15. Air Quality Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide an Air Quality Study. The Study shall be prepared by

- experts acceptable to the Township and submitted with the application and shall include an analysis of the existing and predicted air quality levels, including smoke, odors, fumes, dust, and pollutants at the site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report that would be required to maintain the air quality at a level equal to or better than the existing background level prior to the proposed use; or the applicant/developer shall submit a statement prepared by an engineer warranting that the nature of the use will produce no impact on air quality.
16. Geological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units and herewith submitted or where no such permit is required, the applicant shall provide a Geological Study. The Study shall be prepared by experts acceptable to the Township and submitted with the application and shall include an analysis of the existing geological formations in and surrounding the proposed site. This report shall contain the sources of the information, the data and background tests that were conducted and the conclusions and recommendations of the professionals preparing the report regarding the potential geological impact of the proposed use.
  17. Hydrological Study. To the extent that the same is not otherwise included or provided within copies of applications for permits from the Commonwealth of Pennsylvania or other governmental units, and herewith submitted or where no such permit is required, the applicant shall provide a hydrological study. The study shall be prepared by a hydrogeologist acceptable to the Township. The study shall evaluate the existing surface and subsurface hydrogeology, based upon historical data and on-site investigation and studies. The study shall identify groundwater discharge and recharge areas that may be affected by the proposed use, map the groundwater table and analyze and delineate the effects of the proposed use on the hydrology, including surface and ground water quantity and quality, following the water testing parameters outlined in this Article. Acceptance of the study is subject to final approval by the Ligonier Township Board of Supervisors. If the study shows an alteration to the groundwater, the application shall be denied.
  18. Pre-Development and Post-Development Soil Testing. Prior to beginning any injection well development activities, the operator shall be responsible for testing soil conditions within 750 feet of each Injection Well site, following the soil testing parameters outlined in this Article. The purpose of testing is to determine the baseline soil conditions surrounding the proposed Injection Well site and address resultant changes that may occur or have an impact on the soils of the site and surrounding areas.
    - a. Pre-drilling testing results shall be submitted as part of the application.
    - b. Post-development testing shall be completed twelve (12) months after operations have begun.
    - c. The results shall be submitted
    - d. The operator shall be responsible for all costs associated with testing and testing shall be done by an independent state-certified testing laboratory agreed upon by the Township.

19. Indemnification and Express Negligence Provisions. The operator shall fully defend, protect, indemnify, and hold harmless Ligonier Township, its departments, officials, officers, agents, employees and contractors from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, legal and expert fees, and expenses incurred in defense of Ligonier Township including, without limitation, personal injuries and death in connection therewith which may be made or asserted by any third parties on account of, arising out of, or in any way incidental to or in connection with the performance by the operator.
20. Seismic Monitoring. Operator shall install a seismometer and continuous recorder, with operating, calibration, service and maintenance information, at the disposal well site, and shall provide the contact information for the person responsible for conducting seismic monitoring activities. Operator shall provide verification that seismic data is captured at the disposal well site and provided to the Incorporated Research Institutions for Seismology (IRIS) Network in real time. At the time of Conditional Use Application, Applicant shall provide:
  - a. A detailed description of the seismic monitoring installation to allow optimal identification, location, and reporting of seismic events.
  - b. A Tectonic Seismic Event Contingency Plan to include monitoring, reporting and mitigation provisions, as well as provisions for updating the plan, retaining seismic data and equipment records, and submitting reports on the use of monitoring equipment.
21. Conditional Use approval is non-transferrable without consent of the Ligonier Township Board of Supervisors and shall automatically terminate, unless extended, if operations have not commenced within one (1) year from the date of issuance of the approval. The Conditional Use approval may be extended by the Township upon written request by the Operator, after notice and hearing. The Operator shall provide proof that the requested Conditional Use approval for such location has not changed and that the operator meets all applicable criteria contained in this Section.

ARTICLE XXI  
**Wireless Communications Facilities**  
[Adopted 7-23-2019 by Ord. No. 2019-1]

**§ 120-85. Purposes.**

A. Purposes.

- a) The purpose of this Article is to establish uniform standards for the siting, design, permitting, maintenance, and use of wireless communications facilities in Ligonier Township (referred to herein as the “Township”). While the Township recognizes the importance of wireless communications facilities in providing high quality communications service to its residents, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse effects of such facilities through the standards set forth in the following provisions.
- b) By enacting these provisions, the Township intends to:
  1. Accommodate the need for wireless communications facilities while regulating their location and number so as to ensure the provision of necessary services;
  2. Provide for the managed development of wireless communications facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
  3. Establish procedures for the design, siting, construction, installation, maintenance, and removal of both tower-based and non-tower based wireless communications facilities in the Township, including facilities both inside and outside the public rights-of-way;
  4. Address new wireless technologies, including but not limited to, distributed antenna systems, data collection units, small wireless communications facilities, cable Wi-Fi, and other wireless communications facilities;
  5. Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color, and finish and by requiring that competing providers of wireless communications services collocate their commercial communications antennas and related facilities on existing towers;
  6. Promote the health, safety, and welfare of the Township’s residents

**§ 120-86. Wireless Communications Facilities Provisions.**

A. General and Specific Requirements for Non-Tower Wireless Communications Facilities.

- a) The following regulations shall apply to all Non-Tower WCF
  1. *Permitted in all zones subject to regulations.* Non-Tower WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to generally applicable permitting by the Township.

2. *Eligible facilities requests.* WCF Applicants proposing the Collocation of a Non-Tower WCF that does not Substantially Change the physical dimensions of the Wireless Support Structure to which they are attached shall obtain a building permit from the Township Building Inspector or Codes Administrator. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
3. *Non-commercial usage exemption.* Township residents utilizing satellite dishes, citizen and/or band radios, and Antennae for the purpose of maintaining television, phone, and/or internet connections at their residences shall be exempt from the regulations enumerated in this section § 120-86.
4. *Non-conforming Wireless Support Structures.* Non-Tower WCF shall be permitted to collocate upon non-conforming Tower-Based WCF and other non-conforming structures. Collocation of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.
5. *Prohibited on Certain Structures.* No Non-Tower WCF shall be located on single-family detached residences, single-family attached residences, semi-detached residences, or duplexes.
6. *Conditional Use Authorization Required.* Any WCF Applicant proposing the construction of a new Non-Tower WCF or the Substantial Change of an existing Non-Tower WCF, shall first obtain conditional use authorization from the Township Board of Supervisors. The conditional use application shall demonstrate that the proposed facility complies with all applicable provisions in the Ligonier Township Zoning Ordinance.
7. *Standard of care.* Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, or to the industry standard applicable to the structure. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.
8. *Wind and ice.* All Non-Tower WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
9. *Aviation safety.* Non-Tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.
10. *Public safety communications.* Non-Tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

11. *Radio frequency emissions.* A Non-Tower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.
12. *Development Regulations.* Non-Tower WCF shall be Collocated on existing structures, such as existing buildings or Tower-Based WCF, subject to the following conditions:
  - i. The total height of any Wireless Support Structure and mounted WCF shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district.
  - ii. In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Township justifying the total height of the WCF
  - iii. If the WCF Applicant proposes to locate the Accessory Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
  - iv. A security fence with a minimum height of six (6) feet shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
13. *Design Regulations.* Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology utilized by the WCF Applicant shall be subject to the approval of the Township.
14. *Removal, Replacement, and Substantial Change.*
  - i. The removal and Replacement of Non-Tower WCF and/or Accessory Equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not Substantially Change the overall height of the WCF or increase the number of Antennae.
  - ii. Any Substantial Change to a WCF shall require notice to be provided to the Township Zoning Officer, and possible supplemental permit approval as determined by the Township Zoning Officer.
15. *Inspection.* The Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the lease area of any property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
16. *Removal.* In the event that use of a Non-Tower WCF is to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF, or portions of WCF, shall be removed as follows:

- i. All abandoned or unused WCFs and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Township.
  - ii. If the WCF or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
17. *Insurance.* Each Person that owns or operates a Non-Tower WCF shall annually provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.
18. *Indemnification.* Each Person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees, and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by, or connected with any act or omission of the Person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the Non-Tower WCF. Each Person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.
19. *Maintenance.* To the extent permitted by law, the following maintenance requirements shall apply:
- i. The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or Emergency repair.
  - ii. Such maintenance shall be performed to ensure compliance with applicable structural safety standards and radio frequency emissions regulations
  - iii. All maintenance activities shall conform to industry maintenance standards.
20. *Timing of Approval.*
- i. Within ninety (90) days of receipt of a complete application for a Non-Tower WCF on a preexisting Wireless Support Structure that Substantially Changes the Wireless Support Structure to which it is attached, the Township Board of Supervisors shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.

- ii. Within sixty (60) days of receipt of a complete application for a Non-Tower WCF on a preexisting Wireless Support Structure that does not Substantially Change the Wireless Support Structure to which it is attached, the Township Zoning Officer shall issue the required building and zoning permits authorizing the construction of the WCF. All applications for such WCF shall designate that the proposed WCF meets the requirements of an Eligible Facilities Request.
  - 21. *Historic Buildings.* No Non-Tower WCF may be located within two hundred fifty (250) feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the Township, unless the WCF Applicant provides evidence that compliance with such requirement will materially inhibit the provision of Wireless service.
  - 22. *Permit Fees.* The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township Fee Schedule and shall comply with the applicable requirements of the FCC.
- b) *Regulations Applicable to all Non-Tower WCF located in the Public Rights-of-Way.* In addition to the applicable Non-Tower WCF provisions listed in Section 120-86 (A)(a), the following regulations shall apply to Non-Tower WCF located in the public Rights-of-Way:
- 1. *Design Requirements:*
    - i. WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the least visibly intrusive equipment feasible.
    - ii. Antenna and Accessory Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
  - 2. *Time, Place, and Manner.* The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Non-Tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
  - 3. *Equipment Location.* All Accessory Equipment shall be mounted on the Wireless Support Structure to which the Non-Tower WCF is attached. If it is not technically feasible to mount the Accessory Equipment on the Wireless Support Structure, then such Accessory Equipment shall be located underground or, if underground is demonstrated to be unfeasible, shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or

motorists or to otherwise inconvenience public use of the ROW as determined by the Township Board of Supervisors. In addition:

- i. In no case shall ground-mounted Accessory Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, within four (4) feet of the edge of the cartway, or within an easement extending onto a privately-owned lot;
  - ii. Ground-mounted Accessory Equipment that cannot be placed underground shall be screened from surrounding views, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township Board of Supervisors. Ground-mounted Accessory Equipment shall be screened, when possible, by utilizing existing structures.
  - iii. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township Board of Supervisors. The WCF owner shall be solely responsible for this requirement.
  - iv. Any graffiti on any Accessory Equipment shall be removed within thirty (30) days upon notification by the Township at the sole expense of the owner.
  - v. Any proposed underground vault related to Non-Tower WCF shall be reviewed and approved by the Township Board of Supervisors.
  - vi. Accessory equipment attached to the Wireless Support Structure shall have a minimum of eight (8) feet of vertical clearance above finished grade.
4. *Relocation or Removal of Facilities.* Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
- i. The construction, repair, maintenance, or installation of any Township or other public improvement in the Right-of-Way;
  - ii. The operations of the Township or other governmental entity in the Right-of-Way;
  - iii. Vacation of a street or road or the release of a utility easement; or
  - iv. An Emergency as determined by the Township.
5. *Reimbursement for ROW Use.* In addition to permit fees as described in this section, every Non-Tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the

Township. The owner of each Non-Tower WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. Such fees shall be established by the Township Fee Schedule and shall comply with the applicable requirements of the FCC.

B. General and Specific Requirements for Tower-Based Wireless Communications Facilities and Pole Facilities.

a) The following regulations shall apply to all Tower-Based Wireless Communications and Pole Facilities that do not meet the definition of a Small WCF.

1. *Standard of Care.* Any Tower-Based WCF or Pole Facility shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, the Pennsylvania Uniform Construction Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF or Pole Facility shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.
2. *Conditional Use Authorization Required.* Tower-Based WCF and Pole Facilities are permitted by conditional use and a height necessary to satisfy their function in the WCF Applicant's wireless communications system, subject to the requirements of this Section § 120-86(B).
  - i. Upon submission of an application for a Tower-Based WCF or Pole Facility and the scheduling of the public hearing upon the application, the WCF Applicant shall send via First Class Mail notice to all owners of every property within three hundred (300) feet of the proposed facility, advising of the subject matter and date of such hearing. Such notice shall be sent ten (10) days in advance of any such hearing. The WCF Applicant shall provide proof of the notification to the Township Board of Supervisors along with the list of return receipts received.
  - ii. The conditional use application shall be accompanied by a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.
  - iii. The conditional use applicant shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF or Pole Facility complies with all state and federal laws and regulations concerning aviation safety.
  - iv. Where the Tower-Based WCF or Pole Facility is located on a property that is not owned by the WCF Applicant, the WCF Applicant shall

- present documentation to Township Board of Supervisors that the owner of the property has granted an easement or other property right, if necessary, for the proposed WCF and that vehicular access will be provided to the facility.
- v. **Engineer Inspection.** Prior to the Township Zoning Officer's issuance of a zoning permit authorizing construction and erection of a Tower-Based WCF or Pole Facility, a structural engineer licensed in the Commonwealth of Pennsylvania shall issue to the Township Zoning Officer a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.
  - vi. **Collocation and siting.** An application for a new Tower-Based WCF or Pole Facility shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building. Township Board of Supervisors may deny an application to construct a new Tower-Based WCF or Pole Facility if the WCF Applicant has not made a good faith effort to mount a Non-Tower WCF on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within the search radius of the site proposed, sought permission to install a Non-Tower WCF on those structures, buildings, and towers, and was denied for one of the following reasons:
    - a. The proposed Non-Tower WCF would exceed the structural capacity of the existing building, structure, or tower, and its reinforcement cannot be accomplished at a reasonable cost.
    - b. The proposed Non-Tower WCF would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
    - c. Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function
    - d. A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
  - vii. The conditional use application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF or Pole Facility complies with all applicable provisions of this Chapter.
3. **Wind and ice.** Any Tower-Based WCF or Pole Facility shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering

- department of the Telecommunications Industry Association (ANSI/TIA-222, as amended).
4. *Public Safety Communications.* No Tower-Based WCF or Pole Facility shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
  5. *Maintenance.* The following maintenance requirements shall apply:
    - i. Any Tower-Based WCF or Pole Facility shall be fully automated and unattended on a daily basis and shall be visited only for maintenance, repair, or replacement.
    - ii. Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents and utilize industry standard technology for preventing failures and accidents.
  6. *Radio Frequency Emissions.* A Tower-Based WCF or Pole Facility shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The owner or operator of such WCF shall submit proof of compliance with any applicable radio frequency emissions standards to the Township Secretary on an annual basis.
  7. *Historic Buildings.* No Tower-Based WCF or Pole Facility may be located within two hundred fifty (250) feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, located within a historic district, or is included in the official historic structures list maintained by the Township, unless the WCF Applicant provides evidence that compliance with such requirement will materially inhibit the provision of Wireless service.
  8. *Signs.* All Tower-Based WCFs or Pole Facilities shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an Emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
  9. *Lighting.* No Tower-Based WCF or Pole Facility shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.
  10. *Noise.* Tower-Based WCF or Pole Facility shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in Emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
  11. *Timing of Approval.*

- i. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF or Pole Facility is filed with the Township Zoning Officer, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF or Pole Facility and the Township Board of Supervisors shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
- 12. *Non-Conforming Uses.* Non-conforming Tower-Based WCF or Pole Facilities which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section. The Collocation of Antennae is permitted on non-conforming structures.
- 13. *Removal.* In the event that use of a Tower-Based WCF or Pole Facility is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
  - i. All unused or abandoned Tower-Based WCFs or Pole Facilities and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Township.
  - ii. If the WCF and/or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
  - iii. Any unused portions of Tower-Based WCF or Pole Facility, including Antennae, shall be removed within ninety (90) days of the time of cessation of operations. The Township must approval all Replacements of portions of a Tower-Based WCF or Pole Facility previously removed.
- 14. *Permit Fees.* The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Tower-Based WCF or Pole Facility, as well as related inspection, monitoring, and related costs. Such permit fees shall be established by the Township fee schedule and shall comply with the applicable requirements of the FCC.
- 15. *Insurance.* Each Person that owns or operates a Tower-Based WCF shall provide the Township Zoning Officer with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of

\$5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Pole Facility shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Tower-Based WCF.

16. *Indemnification.* Each Person that owns or operates a Tower-Based WCF or Pole Facility shall, at its sole cost and expense, indemnify, defend, and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by, or connected with any act or omission of the Person, its officers, agents, employees, or contractors arising out of, but not limited to, the construction, installation, operation, maintenance, or removal of the Tower-Based WCF. Each person that owns or operates a Tower-Based WCF or Pole Facility shall defend any actions or proceedings against the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance, or removal of Tower-Based WCF or Pole Facility. The obligation to indemnify, hold harmless, and defend shall include, but not be limited to, the obligation to pay judgements, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs, and all other costs of indemnification.

17. *Engineer signature.* All plans and drawings for a Tower-Based WCF or Pole Facility shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.

- b) In addition to the applicable regulations in Section § 120-86(B) the following regulations shall apply to Tower-Based Wireless Communications Facilities located outside the Public Rights-of-Way:
1. Development Regulations.
    - i. Tower-Based WCF shall not be located in, or within fifty (50) feet of an area in which utilities are primarily located underground, unless the WCF Applicant proves to the satisfaction of the Township that installing its facility in such a location is necessary to provide Wireless service and that no other feasible alternative exists.
    - ii. Tower-Based WCF are permitted outside the public Rights-of-Way in the following zoning districts by conditional use, subject to the requirements of this Chapter:
      - a. A Agricultural District
      - b. I Industry District
      - c. C-2 Highway Commercial District
    - iii. *Sole use on a lot.* A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum requirements of the underlying zoning district. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street Right-of-Way line shall equal 110% of the proposed WCF structure's height, unless the Applicant shows to the satisfaction of the Township Board of Supervisors that the proposed Tower-Based

WCF has been designed in such a manner that a lesser setback will have no negative effects on public safety.

- iv. *Combined with another use.* A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
  - a. The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the WCF.
  - b. *Minimum lot area.* The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting.
  - c. *Minimum setbacks.* The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street Right-of-Way line shall equal 110% of the proposed height of the Tower-Based WCF, unless the Applicant shows to the satisfaction of the Township Board of Supervisors that the proposed Tower-Based WCF has been designed in such a manner that a lesser setback will have no negative effects on public safety.

2. Design Regulations.

- i. *Height.* Tower-Based WCFs shall be designed and kept at the minimum functional height. The maximum total height of a Tower-Based WCF, which is not located in the public ROW, shall not exceed one hundred eight (180) feet, as measured vertically from the ground level to the highest point on the structure, including Antennae and subsequent alterations. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF Applicant shall demonstrate that the Tower-Based WCF is the minimum height necessary for the service area.
- ii. *Visual Appearance and Land Use Compatibility.* Tower-Based WCF shall employ Stealth Technology which may include the tower portion to be painted brown or another color approved by Board of Supervisors or shall have a galvanized finish. All Tower-Based WCF and Accessory Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like façade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.
- iii. Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
- iv. Any Tower-Based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.

3. Surrounding Environs.

- i. The WCF Applicant shall ensure that the existing vegetation, trees, and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.
  - ii. The WCF Applicant shall submit a soil report to the Township Board of Supervisors complying with the standards of Appendix I: Geotechnical Investigations, ANSI/TIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.
- 4. Fence/Screen.
  - i. A security fence with a minimum height of six (6) feet shall completely surround any Tower-Based WCF located outside the Public Rights-of-Way, as well as guy wires, or any building housing WCF equipment.
  - ii. A screen consisting of a hedge planted three (3) feet on center maximum or consisting of evergreen trees each at least four (4) feet in height and planted ten (10) feet on center maximum, shall surround the Tower-Based WCF and security fence. Existing vegetation shall be preserved to the maximum extent possible.
- 5. Accessory Equipment.
  - i. Ground-mounted Accessory Equipment associated or connected with a Tower-Based WCF shall not be located within fifty (50) feet of a lot in residential use.
  - ii. Accessory Equipment associated, or connected, with a Tower-Based WCF shall be placed underground or screen from public view using Stealth Technology. All ground-mounted Accessory Equipment, utility buildings, and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
  - iii. Either one single-story wireless communications equipment building not exceeding five hundred (500) square feet in area for each unrelated company sharing commercial communications Antenna(e) space on the Tower-Based WCF outside the public ROW.
- 6. *Additional Antennae.* As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Township Board of Supervisors with a written commitment that it will allow other service providers to collocate Antennae on Tower-Based WCF where technically and economically feasible.
- 7. *FCC License.* Each Person that owns or operates a Tower-Based WCF shall submit a copy of its current FCC license, including the name, address, and Emergency telephone number for the operator of the facility.
- 8. *Access Road.* If necessary, an access road, turnaround space, and parking shall be provided to ensure adequate Emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the

Township that the property owner has granted an easement or other property right for the proposed facility.

9. *Inspection.* The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the lease property upon which as WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- c) In addition to the applicable regulation in Section § 120-86(B), the following regulations shall apply to Pole Facilities located in the Public Rights-of-Way that do not meet the definition of a Small WCF.
1. Location and development standards.
    - i. Pole Facilities in the public ROW are prohibited in areas in which utilities are located underground.
    - ii. Pole Facilities in the public ROW shall not be located directly in the front yard area of any residential structure.
    - iii. Pole Facilities in the public ROW shall be permitted along certain arterial and collector roads throughout the Township, regardless of the underlying zoning district. A map of such permitted roads is kept on file at the Township Zoning Office.
  2. *Time, Place, and Manner.* The Township Zoning Officer shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Pole Facilities in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
  3. *Equipment Location.* Pole Facilities and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township Board of Supervisors. In addition:
    - i. In no case shall ground-mounted Accessory Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb or within four (4) feet of the edge of the cartway.
    - ii. Ground-mounted Accessory Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township Board of Supervisors.
    - iii. Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township Board of Supervisors.
    - iv. Any graffiti on the Pole Facility or any Accessory Equipment shall be removed at the sole expense of the owner within thirty (30) days of notification by the Township.
    - v. Any underground vaults related to Pole Facilities shall be reviewed and approved by the Township Board of Supervisors.
  4. Design regulations.

- i. The Pole Facility shall employ Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township Board of Supervisors.
  - ii. Pole Facilities in the public ROW shall not exceed fifty (50) feet in height.
  - iii. Except in the case of Eligible Facilities Requests pursuant to 47 CFR §1.40001, any height extensions to an existing Pole Facility shall require prior approval of the Township Zoning Officer and shall not increase the overall height of the Pole Facility to more than fifty (50) feet.
  - iv. Any proposed Pole Facility shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
5. *Relocation or Removal of Facilities.* Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a Pole Facility in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
- i. The construction, repair, maintenance, or installation of any Township or other public improvement in the Right-of-Way;
  - ii. The operations of the Township or other governmental entity in the Right-of-Way;
  - iii. Vacation of a street or road or the release of a utility easement; or
  - iv. An Emergency as determined by the Township.
6. *Reimbursement for ROW Use.* In addition to permit fees as described in this section, every Pole Facility in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each Pole Facility shall pay an annual fee to the Township to compensate the Township for the Township's cost incurred in connection with the activities described above. Such fees shall be established by the Township Fee Schedule and shall comply with the applicable requirements of the FCC.

C. *Regulations Applicable to all Small Wireless Communications Facilities.* The following regulations shall apply to Small Wireless Communications Facilities:

- a) *Location and development standards.*

1. Small WCF are permitted by administrative approval by the Township Zoning Officer in all zoning districts, subject to the requirements of this Section § 120-86(C).
  2. Small WCF in the public ROW requiring the installation of a new Wireless Support Structure shall not be located in front of any building entrance or exit.
  3. All Small WCF shall comply with the applicable requirements of the American with Disabilities Act and all Township Code requirements applicable to streets and sidewalks.
- b) *Non-conforming Wireless Support Structures.* Small WCF shall be permitted to collocate upon non-conforming Tower-Based WCF and other non-conforming structures. Collocation of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.
  - c) *Standard of care.* Any Small WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, or to the industry standard applicable to the structure. Any WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any Person or any property in the Township.
  - d) *Wind and ice.* All Small WCF shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/TIA-222, as amended), or to the industry standard applicable to the structure.
  - e) *Aviation safety.* Small WCF shall comply with all federal and state laws and regulations concerning aviation safety.
  - f) *Public safety communications.* Small WCF shall not interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
  - g) *Radio frequency emissions.* A Small WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.
  - h) *Time, Place, and Manner.* The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all Small WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations.
  - i) *Accessory Equipment.* Small WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, create safety hazards to pedestrians and/or motorists, or to otherwise inconvenience public use of the ROW as determined by the Township.
  - j) *Graffiti.* Any graffiti on the tower or on any accessory equipment shall be removed at the sole expense of the owner within thirty (30) days of notification by the Township.

- k) *Design regulations.* All Small WCF shall be designed in accordance with the standards of the Township “Small Wireless Communications Facility Design Manual,” a copy of which is kept on file at the Township Zoning Office.
- l) *Timing of Approval.*
  - 1. Within sixty (60) days of receipt of an application for Collocation of a Small WCF on a preexisting Wireless Support Structure, the Township Board of Supervisors shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
  - 2. Within ninety (90) days of receipt of an application for a Small WCF requiring the installation of a new Wireless Support Structure, the Township Board of Supervisors shall make a final decision on whether to approve the application and shall notify the WCF Applicant in writing of such decision.
- m) *Relocation or Removal of Facilities.* Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a Small WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:
  - 1. The construction, repair, maintenance, or installation of any Township or other public improvement in the Right-of-Way;
  - 2. The operations of the Township or other governmental entity in the Right-of-Way;
  - 3. Vacation of a street or road or the release of a utility easement; or
  - 4. An emergency as determined by the Township
- n) *Reimbursement for ROW Use.* In addition to permit fees as described in this section, every Small WCF in the ROW is subject to the Township’s right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township’s actual ROW management costs, including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each Small WCF shall pay an annual fee to the Township to compensate the Township for the Township’s cost incurred in connection with the activities described above.

**§ 120-87. Miscellaneous.**

- A. *Police powers.* The Township, by granting any permit or taking any other action pursuant to this chapter, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, state, and local laws and regulations.
- B. *Severability.* If any section, subsection, sentence, clause, phrase, or word of this Chapter is for any reason held illegal or invalid by any court of competent jurisdiction, such provision

shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this Chapter invalid.

- C. *Effective Date.* This Ordinance shall become effective five (5) days after enactment by the Board of Supervisors of Ligonier Township.

ARTICLE XXII  
**Definitions and Word Usage**  
[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04.]

**WORD USAGE:** The following rules of construction shall apply to this chapter:

- A. For the purpose of this chapter, certain terms and words are herein defined. Whenever used in this chapter, they shall have the meanings indicated in this Article, except where there is indicated in context a clearly different meaning.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this chapter and any caption or illustration, the text shall control.
- D. The word “shall” is mandatory and not discretionary; the word “may” is permissive.
- E. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- F. The phrase “used for” includes “arranged for”, “designed for”, “intended for”, “maintained for” and/or “occupied for”.

**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. Incinerator incidental to residential use
- E. 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
- F. 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.
- G. 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.
- H. Servants’ quarters or servants’ house
- I. Off-street motor vehicle parking area; loading and unloading facility
- J. Advertising sign
- K. Home office of a clergyman or minister of religion, situated 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.

L. Outdoor furnace

M. 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, except as defined herein

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

**ACCESSORY EQUIPMENT:** Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term “Accessory Equipment” includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.

**ACRE/ACREAGE:** Shall mean Forty Three Thousand Five Hundred Sixty (43,560 sq. ft.) Square Feet.

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

**AGRICULTURE:** Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, game animals, or animal or poultry husbandry. Accessory structures are permitted to the extent that they are required for the above agricultural operations and may include barns, stables, corn cribs, silos, but excluding tourist or recreational activities, banquet facilities, or bed and breakfasts.

**ARGITOURISM or AGROTOURISM** – An activity designed to promote visiting a working farm or any agricultural or horticultural use for purposes of enjoying, being educated about or becoming involved in the existing agricultural or horticultural use of the property. The terms AGRITOURISM or AGROTOURISM may include farm tours for families and school children, day camps, hands-on participation with farm chores, milking cows, feeding animals, the self-harvesting of produce or fruits, hay or sleigh rides; horse-back rides, the road-side or open air sale of fruits or vegetables grown on the property or hand-crafted gifts made or produced on the property, corn mazes and other similar activities. When authorized within a zoning district, a Bed & Breakfast may be used for overnight accommodations for those persons participating in AGRITOURISM or AGROTOURISM activities on the property.

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

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

**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.

**ANTENNA:** an apparatus designed for the purpose of emitting radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to Federal Communications Commission authorization, for the provision of wireless service and any commingled information services.

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

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

**APPLICANT:** A land owner, or holder of an agreement to purchase land, lessee, or other person having a proprietary interest in land or the heirs, successors, assigns of such person who has filed an application for the use, improvement, or development of any parcel or structure, or for subdivision of land or land development under the terms of this Chapter.

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

**ARTERIAL STREET or ARTERIAL** – A public road intended to provide for high-speed travel between or within communities or to and from Collector Streets. Access is controlled so that only regionally significant land uses may take direct access to these streets.

**AUTOMOTIVE REPAIR GARAGE:** A facility for the maintenance and repair of automotive, which does not include an attached gas station.

**BANK:** A commercial bank, savings and loan company, credit union, stock broker, or closely related business. The definition includes a drive-up window or automated teller machine that is attached to the main bank building.

**BANQUET FACILITY** – an establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not for the general public; and 3) outdoor gardens or reception facilities.

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

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

**BARBER OR BEAUTY SHOP:** A facility for the styling of cutting of hair.

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

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

**BOARD OF SUPERVISORS** – the Board of Supervisors of Ligonier Township, Westmoreland County.

**BUFFER, BUFFERYARD or BUFFER AREA:** a strip of land with natural or planted vegetation that is located between uses of different character and is intended to mitigate negative impacts of the more intense use on the other.

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

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

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

**CAMPING FACILITIES** – An area of land, managed as a unit, providing short-term accommodation for tents, tent trailers, travel trailers, recreational vehicles and camper, or permanent structures if they are in the nature of outdoor facilities.

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

**CEMETERY:** Land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**CLUB** -- An establishment operated for social, athletic, recreational or educational purposes but open only to members and not the general public.

**CHILD CARE CENTER:** Any place, home, or institution which cares for eight (8) or more children under the age of sixteen (16) years apart from their parents, guardians, or custodians for

regular periods of time for compensation; provided, however, that the term "child care center" shall not include bona fide schools or churches and other religious or public institutions caring for children within an institutional building or apply to custody fixed by a court, children related by blood or marriage within the third degree of the custodial person.

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

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

**CO-LOCATION:** the mounting of one or more WCFs, including antennae, on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure.

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

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

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

**COMMUNICATIONS ANTENNA:** Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communication signals, including without limitation omni-directional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communication Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

**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.

**COMMUNICATIONS TOWER:** A structure other than a Building such as a monopole, self-supporting or guyed tower, designed and used to support Communications Antennas.

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

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

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

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

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

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

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

**COUNTY:** Westmoreland County, Pennsylvania.

**CUL-DE-SAC:** A short street having one end open to traffic and 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:** Any present or prospective landowner or agent of such landowner who makes or causes to be made a development plan and an application for a Site Development Plan, Subdivision, Land Development, or Planned Development.

**DEVELOPER'S AGREEMENT:** A written agreement entered into between the Township and

the developer, ensuring acceptance of conditions of approval, guaranteeing performance of all required improvements and amenities, and recorded to run with the deed to the subject property.

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

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

**DISTRIBUTED ANTENNA SYSTEM (DAS):** network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

**DISTRICT** – see ZONING DISTRICT.

**DRIVE IN RESTAURANTS:** (See Fast Food Restaurants)

**DRIVE IN THEATER:** A movie theater in which customers drive cars into for viewing and generally watch from their vehicles.

**DRIVEWAY** – an entrance or exit used by vehicular traffic to or from properties abutting a highway, street, lane, court or way.

**DRIVING RANGE, STAND ALONE** — a public or private area operated for the purpose of developing golfing techniques, including a miniature golf course, which is not operated as part of a GOLF COURSE.

**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.

**DUPLEX** – see Dwelling

**DWELLING** - A building or portion thereof which is designed for and/or occupied in whole or in part as a residence for one (1) or more dwelling units, not including hotels, boarding or rooming houses, institutional homes or residence clubs. The following are specific structural types of "dwellings":

- A. **DWELLING, SINGLE FAMILY, DETACHED** - A residential building containing one (1) dwelling unit only, which is located on an individual lot with yards on all sides.
- B. **DWELLING, MULTI-FAMILY** - A building containing two or more individual dwelling units. Multi-family dwellings shall include the following types:
1. **Single Family Attached** – a building containing two (2) side-by-side dwelling units, each on its own lot and with direct access to the outside. The wall attaching the units shall be located on the side lot line separating the two lots.
  2. **Duplex** – a building on a single lot, containing two (2) dwelling units, either side-by-side or over one another, with each having its own access directly to the outside.
  3. **Triplex** – a residential building designed containing three (3) dwelling units, either side-by-side or over one another, or both, with each unit having its own access directly to the outside.
  4. **Quadplex** – a residential building containing four (4) dwelling units, either side-by-side or both, with each having its own access directly to the outside.
  5. **Townhouse** – a residential building containing three (3) to eight (8) dwelling units in a row connected by a party wall or walls, with the first floor and all stories directly above it as part of the same dwelling unit, and each having its own access directly to the outside.
  6. **Apartment** – a residential building containing three (3) or more dwelling units having access to the outside by way of a common entrance or entrances and a common interior hallway.

**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.

**EASEMENT** – an interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title.

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

**ELEVATION:** The vertical distance above mean sea level elevation.

**EMERGENCY:** a condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

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

**EQUIPMENT COMPOUND:** an area surrounding or adjacent to a wireless support structure within which base stations, power supplies, or accessory equipment are located.

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

**ESSENTIAL SERVICES** -- The erection, construction, alteration or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

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

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

**FAMILY UNIT:** The following may be a family unit:

- A. A single person occupying a dwelling unit and maintaining a household
- B. Two or more persons related by blood or marriage, occupying a dwelling unit, living together and maintaining a common household.
- C. Not more than five (5) unrelated person occupying a dwelling unit, living together and maintaining a common household.
- D. This definition excludes occupants of a fraternity house, sorority house and a student home.

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

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

**FARM POND:** A pond necessary for farming and agriculture.

**FAST FOOD RESTAURANT OR FAST FOOD EATING ESTABLISHMENT:**

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

**FCC:** Federal Communication Commission.

**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.

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

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

**FLOOD:** A temporary inundation of normally dry land areas.

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

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

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

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

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

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

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

**FRONT YARD DEPTH:** The prescribed minimum open space extending across the entire width

of the lot between the front line of building and street right of way.

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

**GARAGE, DETACHED:** An accessory building used for the storage of motor vehicles.

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

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

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

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

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

**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.

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

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

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

**HAZARDOUS MATERIAL:** Any of the following materials or substances: acetone, ammonia, benzene, calcium carbide, carbon disulfide, celluloid, chlorine, hydrochloric acid, hydrocyanic acid, magnesium, nitric acid, nitric oxides, petroleum products, phosphorus, potassium, sodium, sulfur, sulfur products, pesticides, insecticides, fungicides, and all poisons, flammable gasses, and radioactive substances.

**HAZARDOUS WASTE:** Any garbage, refuse, 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).

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

**HEIGHT OF A TOWER-BASED WCF:** the vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.

**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.

**HOTEL** - A building in which primarily temporary lodging is provided and offered to the public for compensation with and in which ingress and egress to and from rooms is made from an inside lobby or office supervised by a person in charge at all hours, in contradistinction to a boardinghouse, lodging house or rooming house, and where incidental business may be conducted.

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

**IMPERVIOUS SURFACE** – any hard-surfaced, man-made area that does not readily absorb water, including but not limited to building roofs, parking areas, driveways, sidewalks and paved recreation areas.

**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.

**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.

**KENNEL** – An establishment where four or more dogs, cats or other domestic animals, excluding livestock, for commercial purposes, boarded, trained or bred.

**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.

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

**LIGHT MANUFACTURING** - The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties. Light manufacturing includes the production of the following goods: home appliances; electrical instruments, office machines; precision instruments; electronic devices; timepieces; jewelry, optical goods; musical instruments; novelties; wood products; printed material; lithographic plates; type composition; machine tools; dies and gauges; ceramics; apparel; lightweight non-ferrous metal castings; film processing; light sheet metal products; plastic goods; pharmaceutical goods; and food products but not animal slaughtering, curing, nor rendering of fats.

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

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

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

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

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

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

**LOWEST FLOOR** - The lowest floor of the lowest fully enclosed area (including basement). An unfinished flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this 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/m<sup>2</sup>). 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).

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

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

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

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

**MINERAL** - any aggregate or mass of mineral matter, whether or not coherent, including, but not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat, crude oil and natural gas.

**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.

**MINOR GRADING OPERATIONS** - Grading where neither the cut or fill exceeds a vertical change of five feet and the Township Engineer determines that there is little possibility of

erosion and sedimentation; or grading involved in the reasonable, regular, normal maintenance and landscaping improvements by individual homeowners where the standards of this Chapter are not violated; or the stock-piling of rock, sand, and aggregate on an approved site, or earth moving for the construction of a one-family house in an approved plat where erosion and sedimentation control measures are being employed in accordance with the approved grading plans and specifications for the plat, or temporary excavation below finished grade for basements, additions to existing one-family houses, accessory swimming pools or structures for which a building permit has been issued and where the Township Engineer determines that the possibility of erosion and sedimentation exists. Earth disturbance should be less than five thousand (5000) square feet.

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

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

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

**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.

**MONOPOLE** - A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications antennae and connecting appurtenances.

**MOTEL** – A building in which lodging is provided and offered to the transient public for compensation and in which egress and ingress to and from rooms may be made either through an inside lobby or office supervised by a person in charge at all times or directly from the exterior and wherein incidental business may be conducted.

**MOTOR VEHICLE SALES AND SERVICES** - A facility to service and/or sell new or used automobiles.

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

application for a building permit has been made, but not referring unconventional natural gas drilling, also known as “hydraulic fracking.”

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

**NIGHTCLUB/DANCE HALL/TAVERN/BAR** - A facility open to the general public where alcohol may be served, and which may or may not include dancing, music, or other entertainment.

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

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

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

**NON-TOWER WIRELESS COMMUNICATIONS FACILITIES (non-tower WCF):**  
Wireless communications facilities located or collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

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

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

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

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

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

**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.

**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.

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

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

**PERSON (in relation to Wireless Facilities):** 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 CARE HOME** - A facility licensed by the Commonwealth of Pennsylvania as a personal care home.

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

**PLACE OF WORSHIP** – A building dedicated to religious worship, including a church, synagogue, temple, or assembly hall, and that may include such accessory uses as a nursery school, a convent, a monastery or a parish hall.

**PLANNED DEVELOPMENT** - An Economic Development Unit or Planned Residential Development.

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

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

**POLE FACILITY:** A wireless communications facility located in the public rights-of-way with a support structure consisting of a single new utility pole installed for the primary purpose of supporting one or more WCF.

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

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

**PRINCIPAL USE** - The main or primary purpose for which a building, other structure and/or lot is designed, arranged or intended, or for which it may be used, occupied or maintained under this Chapter.

**PROFESSIONAL OFFICE** -- The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects and engineers, among other professions.

**PUBLIC UTILITY/UTILITIES** -- Any business activity regulated by a government agency in which the business is required by law to:

- A. Serve all members of the public upon reasonable request
- B. Charge just and reasonable rates subject to review by a regulatory body
- C. File tariffs specifying all of its charges; and
- D. Modify or discontinue its service only with the approval of the regulatory agency

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

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

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

**RECREATIONAL VEHICLE:** A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (iv) not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

**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.

**RESTAURANT:** A public eating place primarily offering sit down counter or table service and custom prepared foods for on premises consumption. If carry out service is available. This shall constitute less than 10% of sales.

**RETAIL:** The sale of commodities and service directly to consumers.

**RETAIL, LARGE:** A retail store with a gross floor area of 5,000 square feet or more.

**RETAIL, SMALL:** A retail store with a gross floor area less than 5,000 square feet.

**RETAINING WALL:** A wall of four feet or more in height constructed for the purpose of stabilizing soil, retarding erosion, or terracing a lot or site.

**RIDING ACADEMY:** An educational facility for the riding of horses and ponies.

**RIGHT-OF-WAY** – An area of land dedicated and publicly owned that can be used by the public for travel and for the location of public water lines, public sewer lines and utilities regulated by the Pennsylvania Public Utilities Commission.

**RIPARIAN BUFFER** - Area surrounding a watercourse that intercepts surface water runoff, wastewater, subsurface flow, and/or deep groundwater flows from upland sources and functions to remove or buffer the effects of associated nutrients, sediment, organic matter, pesticides, or other pollutants prior to entry into surface waters. This area may also provide wildlife habitat, control water temperature, reduce flooding, and provide opportunities for passive recreation. The buffer area may or may not contain trees and other native vegetation.

**SALVAGE MOTOR VEHICLE AUCTION OR POOL OPERATOR** – A person who, on his own or as an agent for a third party, engages in business for the purpose of offering wrecked or salvaged motor vehicles through auction or private bid process to vehicle salvage dealers.

**SALVOR** – A person engaged in the business of acquiring abandoned vehicles for the purposes of taking apart, recycling, selling, and rebuilding or exchanging the vehicle or the parts thereof and who is certified as a salvor pursuant to the certification provisions of the Commonwealth of Pennsylvania.

**SALVAGE YARD** – Any place where a salvor, a vehicle salvage dealer, a salvage motor vehicle auction or pool operator or where an automobile dismantler and recycler engages in business.

**SCHOOL** - A public or non-public educational facility serving students used for training and teaching children and youths through grade 12, licensed and certified by the Commonwealth of Pennsylvania.

**SCREENING:** A fence, evergreen hedge, or wall at least six feet high, provided in such a way that it will block a line of sight. The screening may consist either of one or several rows of bush or trees or of a constructed fence or wall.

**SEAT:** A fixed seat in a theater, auditorium, or meeting room, or 24 lineal inches of an installed bench or pew, or in the absence of these, six square feet of floor space in the seating area.

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

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

**SEDIMENTATION:** The process by which sediment is deposited on stream bottoms or any other location. .

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

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

**SETBACK** – the minimum distance by which any building or structure must be separated from a street or lot line.

**SEWAGE TREATMENT PLANT** – A facility designed for the collection, treatment, and disposal of waterborne sewage generated within a given service area

**SEXUALLY ORIENTED BUSINESS** -- Includes massage personal services, adult arcades, adult bookstores, adult novelty stores or adult video stores, adult cabaret, adult entertainment business or establishment, adult motion picture theater business, adult theater, escort personal services, escort agency, nude model studio, sexual encounter center or any other commercial establishment or viewing booth business.

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

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

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

**SMALL WIRELESS COMMUNICATIONS FACILITY:** A wireless communications facility that meets the following criteria:

1. The structure on which antenna facilities are mounted-
  - a) Is 50 feet or less in height, or
  - b) Is no more than 10 percent taller than other adjacent structures, or
  - c) Is not extended to a height of more than 50 feet or by more than 10 percent above is preexisting height as a result of the collocation of new antenna facilities; and
2. Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and
3. All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.
4. The facilities do not require antenna structure registration under 47 CFR Part 17;
5. The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and
6. The facilities do not result in human exposure to radiofrequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

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

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

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

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

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

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

**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.

**STABLE, COMMERCIAL:** A structure or land use in or on which horses and/or ponies are kept for sale, hire, breeding, boarding or training.

**STABLE, PRIVATE:** An accessory building in which horses are kept for riding, driving or stabling for private use and not for hire or sale.

**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.

**STEEP SLOPE:** A slope having a 20% or more grade.

**STORAGE SHED:** A structure whose dimensions are not less than 60 square feet nor more than 144 square feet in square footage area and not exceeding 14 feet in height, with only one story or floor and used solely for the storage of household materials and/or equipment, not to include four-wheel motor vehicles as defined by the Pennsylvania Motor Vehicle Code.

**STORM WATER RETENTION FACILITY:** A facility designed to safely contain and manage storm water runoff by impoundment, infiltration, and other accepted means by basins, rain gardens, trenches, pervious pavements, and other best management practices

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

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

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

- A. Arterial Streets – Streets providing traffic movements between traffic generation area
- B. Collector Streets – Streets providing connection primarily between regional streets or regional and local streets.
- C. Local Streets – Streets serving primarily as access to abutting properties and not intended as major arteries carrying through traffic.

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

**SUBSTANTIALLY CHANGE or SUBSTANTIAL CHANGE:** A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

1. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
  - a) Changes in height should be measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height should be measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved

prior to the passage of the Spectrum Act.

2. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
4. It entails any excavation or deployment outside the current site;
5. It would defeat the concealment elements of the eligible support structure; or
6. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in § 1.40001(b)(7)(i) through (iv).

**SUBDIVISION:** The division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building, or land development, provided however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

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

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

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Township Zoning Officer or other municipal officer so authorized and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a “historic structure” provided that the alteration will not preclude the structures continued designation as a “historic structure”.

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

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

**TEMPORARY STRUCTURES:** Structures which are designed and intended to erected for a period of no more than six (6) months.

**TIMBER HARVESTING:** The harvesting of trees for the purposes of selling lumber and lumber based products.

**TOWER-BASED WIRELESS COMMUNICATIONS FACILITY):** any structure that is used for the purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be tower-based WCFs. For the purpose of this chapter, a Public Emergency Services Telecommunications Facility is considered a separate use from a tower-based wireless communications facility (tower based WCF).

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

**TOWNSHIP:** Township of Ligonier, Westmoreland County, Pennsylvania.

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

**UNCONVENTIONAL DRILLING OPERATIONS:** Hydraulic Fracking or other non-traditional drilling method.

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

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

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

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

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

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

**WBCA:** Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

**WETLANDS:** Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. More specifically, any area meeting the official wetland definition of the U.S. Army Corps of Engineers or the Pennsylvania Department of Environmental Protection, as amended, shall be considered a wetland for the purposes of this Chapter. In the event there is a conflict between the definitions of these agencies, the more restrictive definition shall apply.

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

**WIRELESS:** transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.

**WIRELESS COMMUNICATIONS FACILITY:** the set of equipment and network components, including antennas, transmitters, receivers, base stations, cabling and accessory equipment used to provide wireless data and telecommunications services. The term shall not include the wireless support structure. For the purpose of this chapter, a Public Emergency Services Telecommunications Facility is considered a separate use from a Wireless Communications Facility (WCF).

**WIRELESS COMMUNICATIONS FACILITY APPLICANT (WCF APPLICANT):** any person that applies for a wireless communications facility building permit, zoning approval and/or permission to use the public right-of-way or other Township owned land or property.

**WIRELESS SUPPORT STRUCTURE:** a pole, tower, base station, or other building, whether or not it has an existing antenna facility, that is used or to be used for the provision of wireless service (whether on its own or comingled with other types of services).

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

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

**ZONING OCCUPANCY PERMIT:** A document issued by the Zoning Officer upon

completion of the construction of a structure, or change in use of structure or parcel of land, or change of occupancy of structure, validating that all conditions attached to the granting of the zoning permit have been met, and that the structure and land may be occupied and used for the purposes set forth in this Chapter.

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

**ZONING MAP** – the map or maps that are a part of this zoning ordinance and that delineate the boundaries of all Zoning Districts established by this zoning chapter, as amended from time to time.

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

## ARTICLE XXIII

### Appendix A, table of uses

[Adopted 5-5-2015 and 7-21-2015 by Ord. No. 2015-OR-04]

#### § 120-88. “A-1” Agriculture

##### A. Permitted Uses

1. Accessory Uses
2. Agriculture
3. Cemeteries
4. Natural Resource Extraction
5. Places of Worship
6. Essential Services
7. Farm Ponds
8. Golf Courses
9. Home Occupations
10. Parks and Recreation
11. Storm Water Retention Facilities
12. Animal Housing
13. Riding Academy
14. Kennel
15. Sportsman’s Club
16. Camping Facility
17. Single Family Dwellings

##### B. Conditional Uses

1. Communications Antennae and Communications Equipment Building
2. Sewage Lagoons Subordinate to AG uses
3. Unconventional Drilling Operations
4. Compressor Stations

5. Processing Plants
6. Bed and Breakfast

C. Special Exceptions

1. Airports & Heliports
2. Heavy Equipment Storage
3. Temporary Structures
4. Outdoor Recreation
5. Concentrated Animal Feeding Operation
6. Agricultural Supplies and Equipment Sales
7. Animal Hospitals
8. Student Home

D. Minimum Lot Area: 65,000 square feet

E. Minimum Lot Area, without sewer or water/with sewer or water Minimum Lot Area/Per Family: 65,000 square feet

F. Minimum Lot Width: 150 feet

G. Minimum Frontage: 100 feet

H. Minimum Front Yard: 35 feet

I. Minimum Side Yard: 20 feet

J. Minimum Rear Yard: 20 feet

K. Maximum Height: 45 feet

L. Maximum Lot Coverage: 20%

**§ 120-89. "R-1" Rural Residential**

A. Permitted uses

1. Accessory Uses
2. Agriculture
3. Schools
4. Places of Worship
5. Essential Services
6. Home Occupations
7. Parks and Recreation
8. Storm Water Retention Facilities
9. Natural Resource Extraction
10. Parks and Recreation

11. Signs
12. Single Family Dwellings
13. Riding Academy

B. Conditional uses

1. Mobile Home Parks Communities

C. Special Exceptions

1. Bed & Breakfast Inns
2. Group Homes
3. Temporary Structures
4. Senior Citizen Residential
5. Cemeteries
6. Camping Facility
7. Golf Course
8. Public Utility Structure
9. Student Home
10. Skilled Care Facilities

D. Minimum Lot Area: 43,560 square feet

E. Minimum Lot Area, without sewer or water/with sewer or water Minimum Lot Area/Per Family:

1. Without: 43,560 square feet
2. Minimum lot area per family: 20,000 square feet

F. Minimum Lot Width: 90 feet

G. Minimum Frontage: 75 feet

H. Minimum Front Yard: 35 feet

I. Minimum Side Yard: 15 feet

J. Minimum Rear Yard: 20 feet

K. Maximum Height: 45 feet

L. Maximum Lot Coverage: 20%

**§ 120-90. "R-2" Suburban Residential**

A. Permitted uses

1. Accessory uses
2. Agriculture

3. Duplexes
4. Schools
5. Places of worship
6. Essential services
7. Home occupations
8. Parks and recreation
9. Stormwater retention facilities
10. Natural resource extraction
11. Signs
12. Single family dwellings

B. Conditional uses

1. Camping facilities
2. Mobile home parks

C. Special exceptions

1. Bed & breakfast inns
2. Group homes
3. Assisted living facility/personal care facility
4. Hospitals
5. Temporary structures
6. Senior citizen residential
7. Apartments & multi-family housing
8. Camping facility
9. Public utility structure
10. Student home
11. Skilled care facilities

D. Minimum Lot Area: 10,000 square feet

E. Minimum Lot Area, without sewer or water/with sewer or water Minimum Lot Area/Per Family: 10,000 square feet

F. Minimum Lot Width: 70 feet

G. Minimum Frontage: 50 feet

H. Minimum Front Yard: 30 feet

I. Minimum Side Yard: 10 feet

J. Minimum Rear Yard: 15 feet

K. Maximum Height: 45 feet

L. Maximum Lot Coverage: 20%

## **§ 120-91. “C-1” Neighborhood Commercial**

### **A. Permitted Uses**

1. Accessory Uses
2. Agriculture
3. Family
4. Animal Clinics
5. Automobile Repair Garages
6. Banks
7. Barber & Beauty Shops
8. Car Washes
9. Child Day Care Centers
10. Schools
11. Places of Worship
12. Essential Services
13. Fire & Police Stations
14. Assisted Living Facility/Personal Care Facility
15. Indoor Recreation
16. Hotels & Motels
17. Motor Vehicle Sales & Service
18. Professional Office Buildings
19. Public Parks & Playgrounds
20. Storm Water Retention Facilities
21. Retail Business
22. Restaurants
23. Natural Resource Extraction
24. Recreation Facilities
25. Signs
26. Hospitals
27. Mini-Storage Unit

### **B. Conditional Uses**

1. Nightclubs, dance halls, taverns, and clubs
2. Outdoor recreation

### **C. Special Exceptions**

1. Bottle Clubs
2. Group & Community Residential Facilities
3. Temporary Structures
4. Drive In Theaters
5. Camping Facility
6. Agricultural Supplies and Equipment Sales
7. Civic and Social Clubs
8. Public Utility Structure

9. Stables

- D. Minimum Lot Area: 43,560 square feet
- E. Minimum Lot Area, without sewer or water/with sewer or water Minimum Lot Area/Per Family: 40,000 square feet
- F. Minimum Lot Width: 150 feet
- G. Minimum Frontage: 100 feet
- H. Minimum Front Yard: 35 feet
- I. Minimum Side Yard: 15 feet
- J. Minimum Rear Yard: 20 feet
- K. Maximum Height: 45 feet
- L. Maximum Lot Coverage: 30%

**§ 120-92. "C-2" Highway Commercial**

A. Permitted Uses

- 1. Accessory Uses
- 2. Agriculture
- 3. Arcades & Amusement Parks
- 4. Family
- 5. Animal Clinics
- 6. Automobile Repair Garages
- 7. Banks
- 8. Barber & Beauty Shops
- 9. Banquet Facilities
- 10. Campgrounds
- 11. Car Washes
- 12. Child Day Care Centers
- 13. Schools
- 14. Places of Worship
- 15. Essential Services
- 16. Fire & Police Stations
- 17. Hotels & Motels
- 18. Motor Vehicle Sales & Service
- 19. Professional Office Buildings
- 20. Storm Water Retention Facilities
- 21. Retail Business

22. Restaurant, Sit Down
23. Natural Resource Extraction
24. Recreation Facilities
25. Signs
26. Assisted Living Facility/Personal Care Facility
27. Hospitals
28. Mini-Storage Unit

B. Conditional Uses

1. Nightclubs, dance halls, taverns, and clubs
2. Restaurants, Fast Food

C. Special Exceptions

1. Bottle Clubs
2. Group & Community Residential Facilities
3. Temporary Structures
4. Senior Citizen Residential
5. Outdoor Recreation
6. Camping Facility
7. Civic and Social Club
8. Stable
9. Skilled Care Facilities

D. Minimum Lot Area: 43,560 square feet

E. Minimum Lot Area, without sewer or water/with sewer or water Minimum Lot Area/Per Family: 40,000 square feet

F. Minimum Lot Width: 150 feet

G. Minimum Frontage: 100 feet

H. Minimum Front Yard: 35 feet

I. Minimum Side Yard: 15 feet

J. Minimum Rear Yard: 20 feet

K. Maximum Height: 45 feet

L. Maximum Lot Coverage: 30%

**§ 120-93. "I-1" Industry**

A. Permitted Uses

1. Accessory Uses
2. Agriculture
3. Animal Clinics
4. Automobile Repair Garages
5. Banquet Facilities
6. Car Washes
7. Essential Services
8. Heavy Equipment Storage
9. Professional Office Buildings
10. Storm Water Retention Facilities
11. Natural Resource Extraction
12. Signs

B. Conditional Uses

1. Sexually Oriented Businesses
2. Light Industrial Manufacturing
3. Unconventional Drilling Operations
4. Compressor Stations
5. Processing Plants

C. Special Exceptions

1. Bottle Clubs
2. Temporary Structures
3. Salvage Yard
4. Sewage Treatment Plant
5. Halfway House
6. Single Family Home or minor subdivision.
7. 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

D. Minimum Lot Area: 43,560 square feet

E. Minimum Lot Area, without sewer or water/with sewer or water Minimum Lot Area/Per Family: 43,560 square feet

F. Minimum Lot Width: 150 feet

G. Minimum Frontage: 100 feet

H. Minimum Front Yard: 50 feet

I. Minimum Side Yard: 15 feet

J. Minimum Rear Yard: 20 feet

K. Maximum Height: 45 feet

L. Maximum Lot Coverage: 35%

**§ 120-94. "V" Village**

A. Permitted Uses

1. Accessory Uses
2. Agriculture
3. Banks
4. Barber & Beauty Shops
5. Business Offices
6. Essential Services
7. Professional Office Buildings
8. Restaurant, Sit Down
9. Retail Shops less than 5,000 square feet
10. Single Family Dwellings
11. Storm Water Retention Facilities
12. Signs
13. Duplexes
14. Health and Fitness
15. Bed & Breakfast Inns
16. Places of Worship

B. Conditional Uses

1. Restaurants, Fast Food

C. Special Exceptions

1. Automotive Repair Garages
2. Temporary Structures

D. Minimum Lot Area: 5,000 square feet

E. Minimum Lot Area, without sewer or water/with sewer or water Minimum Lot Area/Per Family: 5,000 square feet

F. Minimum Lot Width: 50 feet

G. Minimum Frontage: 50 feet

H. Minimum Front Yard: 25 feet

I. Minimum Side Yard: 7 feet

J. Minimum Rear Yard: 10 feet

K. Maximum Height: 35 feet

L. Maximum Lot Coverage: 25%