

LIGONIER TOWNSHIP ZONING ORDINANCE 2015-OR-04 AND ZONING MAP OF 2015

ARTICLE 1 – GENERAL PROVISIONS

1-1. 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.

1-2. Short Title

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

1-3. 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.

1-4. 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

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under its district regulations for another type of dwelling or structure permitted in that district.

1-5. 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.

1-6. 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.

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1-7. 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.

1-8. 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. 1987, 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 (1st 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.

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1-9. Repealer

The "Ligonier Township Comprehensive Development Ordinance" as amended, is hereby repealed as of the effective date of this Ordinance.

1-10. 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 Ordinance.

ARTICLE II – DISTRICTS, USES AND DIMENSIONAL STANDARDS

2-1. 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.

2-2. 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.

2-3. 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.

2-4. 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

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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.

2-5. 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).

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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 AGROTOURISM 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 interest 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 ordinance.
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.

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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 ordinance.
- 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.

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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,

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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.

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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 ordinance, subject to the following requirements:

- i. 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;
- ii. 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;
- iii. A sign not larger than four (4) square feet in area shall be permitted and cannot be animated or illuminated by direct light;
- iv. Not more than thirty-five (35) percent of the gross floor area of a dwelling unit may be devoted to a home occupation;
- v. The use will not involve any waste product other than domestic sewerage or municipal waste;
- vi. The use is clearly an incidental and secondary use of a residential dwelling unit;
- vii. The use does not require mechanical equipment other than that customarily used for domestic or hobby purposes;
- viii. The site for the use can accommodate parking on-site in accordance with this Ordinance;
- ix. 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;
- x. The use will not be one that creates dust, heat, glare, smoke, vibration, audible noise, or odors outside the building; and
- xi. The home occupation use shall involve the provision and services and shall not involve the sale of goods.

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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:

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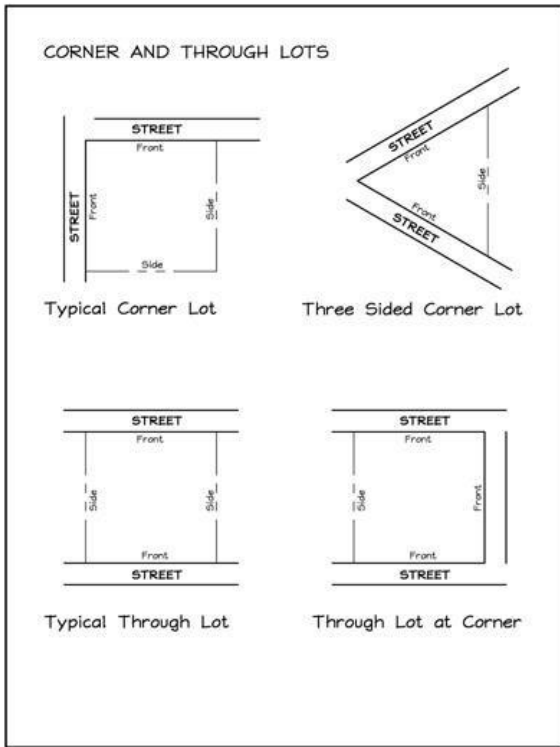
- a. Church towers and spires
 - b. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building.
 - c. Fire or parapet walls, skylights, towers, steeples, flag poles, chimneys, smokestacks, wireless masts, 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.

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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.

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ARTICLE III – AGRICULTURAL DISTRICT

3-1 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.

3-2. Uses

- A. Principal uses permitted-by-right in the Agricultural District are listed in the table of uses located in Appendix A of this ordinance.
- 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

4-1. 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.

4-2. 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.

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ARTICLE V – R-2 SUBURBAN RESIDENTIAL DISTRICT

5-1 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.

5-2. 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)

6-1. 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.

6-2. 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.

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ARTICLE VII - HIGHWAY COMMERCIAL DISTRICT

7-1. 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.

7-2. 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

8-1. 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.

8-2. 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.

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- C. Conditional uses permitted in the Industrial District are listed in the table of uses appended to this ordinance.

ARTICLE IX – VILLAGE DISTRICT

9-1. 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.

9-2. 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

10-1. 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

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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.

10-2. 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.

10-3. 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

11-1. 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.

11-2. Purpose; General Design; Conflicting Provisions

- A. Historic Conservation Overlay District is intended to implement the goals and objectives of the Ordinance.
- B. The general design pattern for the Historic Overlay District is to preserve the

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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

12-1. Intent

The intent of the Natural Resource Protection Overlay District is to designate areas of the Township in which the extraction of natural gas, whether through conventional means or via the use of “hydraulic fracturing” or other, as yet to be developed methods of resource extraction, would be detrimental to the health, welfare, and well-being of Township residents, would negatively impact the Township watershed or other vital resources of the Township, or would impact the historic nature of the community.

12-2. Purpose; General Design; Conflicting Provisions

- A. The Natural Resource Protection Overlay is intended to implement the goals and objectives of this Ordinance.
- B. The general design pattern for the Natural Resource Protection Area is to preserve and protect the natural resources, beauty, and residential nature of designated areas within the Township by preventing the use of hydraulic fracking within the zone.
- 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

13-1. 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.

13-2. Purpose; General Design; Conflicting Provisions

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

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ARTICLE XIV – SPECIAL PROVISIONS

14-1. 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.

14-2. Sign Regulations

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

- A. Permits to construct install and maintain signs shall be obtained from the Zoning Officer, and shall be in accordance with the requirements of the respective Zoning District.
 - 1. Civic banners/signs, including signs of a historical or educational nature, are permitted in all zoning districts, are exempt from permits and fees but (a) must comply with all other applicable requirements in this section and (b) shall be removed within seven (7) days after the cessation of the posted event.
- B. Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.
- C. Signs shall not contain moving mechanical parts or use flashing or intermittent illumination.
- D. No sign shall be placed in a position, or have illumination that it will cause any danger or distraction to pedestrians or vehicular traffic.
- E. Floodlighting of any sign shall be arranged so that the source of light is not visible nor glare is detected from any property line or vehicular access, and that only the

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sign is illuminated.

- F. No signage other than official traffic signs or other approved signage shall be mounted within the right-of-way lines of any street, pending approval by the Pennsylvania Department of Transportation in the case of State highways or the Township in the case of municipal roadways.
- G. Every sign must be constructed of durable material and be kept in good condition. Any sign that is allowed to become dilapidated shall be removed by the owner, or upon failure of the owner to do so, by the Township at the expense of the owner or lessee.
- H. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, fire escape, sidewalk or driveway.
- I. No sign shall be erected which emits smoke, visible vapors or particles, sound or odor.
- J. No sign shall be erected which uses an artificial light source, or reflecting device, which may be mistaken for a traffic signal.
- K. No sign shall be erected containing information that implies that a property may be used for any purpose not permitted under the provisions of this Ordinance.
- L. No sign shall be placed on any tree except 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
 - 9. Home occupations may have an identification sign indicating the name, profession, or activity of the occupant of a dwelling, provided:

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- a. The area of any one side of any such sign shall not exceed four (4) square feet
 - b. One such sign shall be permitted for each permitted use or dwelling.
 - c. A sign indicated the permitted home occupation use shall be erected on the property where that use exists.
 - d. The sign shall not be illuminated or animated.
10. Real estate signs, including signs advertising the rental or sale of premises, provided that:
- e. The area on any one side of any such sign shall not exceed six (6) square feet.
 - f. A sign shall be located within the lot of the property to which it refers, except for signs under two (2) square feet that direct attention to properties for sale or rent located on side streets.
 - g. Such signs shall be removed within seven (7) days upon the closing of the premises.
 - h. Not more than one such sign shall be placed on any one street frontage.
11. Temporary signs of contractors, architects, special events, and the like, provided that:
- i. Such signs shall be removed within fourteen (14) days upon completion of the work or special event
 - j. The area of such signs shall not exceed six (6) feet.
 - k. Such signs shall be located on the applicable property
12. Signs necessary for the identification and protection of public utility corporation facilities, provided that the area of one side of such sign shall not exceed four (4) square feet.
13. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two (2) square feet.
14. Trespassing signs and signs indicating the private nature of the premises. The area of any one side of such signs shall not exceed two (2) square feet and the signs shall be placed at intervals of not less than one hundred (100) feet along any street frontage.
15. Sign denoting the name of a subdivision or development, provided that:
- m. The area on one side of such sign shall not exceed twenty-four (24) square feet.
 - n. The sign shall be erected only on the premises on which the subdivision or development is located.
 - o. No more than one such sign shall be erected on any one street frontage.

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

1. Any signs permitted in the R-1 and R-2 Residential Districts are permitted in these Districts.
2. Commercial business signs provided that:
 - a. The total area on one side of all business signs placed on or facing any one street frontage of any one premise shall not exceed one square foot for every one lineal foot in lot frontage up to a maximum of **80 sq. ft.** in the C-1 District and 80 square feet in the C-2 and A1 District.
 - b. In the case of a building, or tract of land housing more than one use, one permanent directory or identifying sign for the building or tract may be erected. The sign area on one side shall not exceed that identified in this Subsection. In addition, for each use located within that building, or on the same lot, one wall-mounted sign shall be permitted. The area of such sign shall not exceed that identified in the Table of Maximum Square Footage in this Subsection.
 - c. No more than two (2) separate signs shall face any one street frontage for any one use.
3. Free-standing signs, provided that:
 - a. No more than one (1) freestanding sign exclusive of all directional signs shall be allowed on any one property.
 - b. The sign area on one side of a freestanding sign shall conform to the table of maximum square footage in this Subsection.
4. Wall Signs – No wall sign shall project more than ten (10) inches from the building surface nor extended beyond the ends of the wall to which it is attached.
5. Window Signs – The total area of any window sign shall not exceed twenty five percent (25%) of the total glass area in the C-1 and A-1 District and ten percent (10%) in the C-2 District of that window and such sign shall advertise only on premise use, activity, goods, services or products. Signage advertising civic, social and/or charitable events and activities held off-premises are exempt from the above percent threshold.
6. Billboards 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.

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- 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.
7. Marquee/Awning Signs are allowed in the C-1 and C-2 Commercial Districts, subject to the following:
- a. Such sign may be painted on or attached flat against the surface of the marquee but may not extend or project beyond the marquee or be attached to the underside hereof.
 - b. Letters or symbols on such sign shall not exceed sixteen (16) inches in height.
 - c. The bottom of such sign shall have a minimum clearance of ten (10) feet above the sidewalk.
8. Shopping Center Signs in the C-1 District – Occupants of a Shopping Office or Commercial Center, Mall or Complex are permitted one on-premises identification sign in addition to the common sign identifying the occupants of such a center of complex. Said common sign identifying the occupants of such a center or complex is the Shopping Center sign.
9. Digital/Electronic Message Display signage may be allowed for on-premises and off-premises signage as a Special Exception in the C-1 District, provided that
- a. Off-premises signage conforms to section 14-2.
 - b. On-premises signage conform 14-2 Sign Regulation.
 - c. Message Display Time: Sign display remains static for a minimum of 8 seconds and requires instantaneous change of the display (i.e.no “fading” in/out of the message).
 - d. Message Change Sequence: The change of message shall occur within one (1) second or less.
 - e. Scrolling: Scrolling and animation within the sign message is prohibited.
 - f. Luminance: Brightness is limited to 7,500 nits during daylight and 500 nits at night.
 - g. Brightness: Signage shall have automatic brightness control keyed to

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ambient light levels.

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

10. 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 Ordinance.

11. Place of Worship

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

14.3. Parking

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

Use	Parking Space Requirement
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)

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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

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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

a. 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

15-1 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 Ordinance (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.

15-2 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

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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 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:
 - a. The extension becomes an attached part of the main structure or uses 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.
 - b. 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.
 - c. 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.
 - d. 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-confirming.
 - e. Adequate parking can be provided in conformance with this Chapter to serve both the original and expanded use.
 - f. Such expansion does not present a threat to the health or safety of the community or its residents.
2. 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.

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3. 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.

15-3 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:

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- 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.

15-4 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.

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- 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.

15-5 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

16-1 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.

16-2 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.

16-3 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

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Chapter. The Board shall, among other things, require that any proposed use and location be:

1. In accordance with this Ordinance 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 Ordinance.

16-4. Express Standards for Uses Permitted in Certain Areas and Subject to Special Exception in Others

Unless expressly stated otherwise, for those uses which are permitted in certain zones and subject to special exception in other zones, the Express Standards of this Article shall apply in all zones unless specifically stated otherwise.

16-5. 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 (l) 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.

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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.

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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

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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.

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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 (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%)

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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 year 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.

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- 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

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- 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.

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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 14-1 of this chapter.

Q. Salvage Yard

- a. 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.
- b. 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.
- c. 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.
- d. No garbage or other organic waste shall be stored on such premises.
- e. 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.
- f. 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.
- g. 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

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provisions of Subsection F hereof. Such fence or wall shall not be less than eight (8') feet in height.

- h. 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.
- i. No burning shall occur on the premises.
- j. 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.
- k. 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.
- l. 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 Ordinance*.
 - c. For the purpose of this ordinance, a minor subdivision is defined by the Ligonier Township SALDO.

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- 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

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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)

16-5.1 Uses Not Specifically Listed

- A. Any use not listed in this ordinance 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 14.1
 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 14.1 of this chapter.

16-5.2 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

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adding 20 feet to the required front yard setback distance identified in the charts section of this ordinance.

- 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 ordinance. 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

17.1 Membership

The membership of the Zoning Hearing Board shall consist of five residents of the Township appointed by the Board of Supervisors. 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.

17.2 Removal of Members

Any Zoning Hearing Board member may be removed for malfeasance, misfeasance or nonfeasance in office 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.

17.3 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.

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- 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.

17.4 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.

17.5 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.

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- 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.

17.6 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

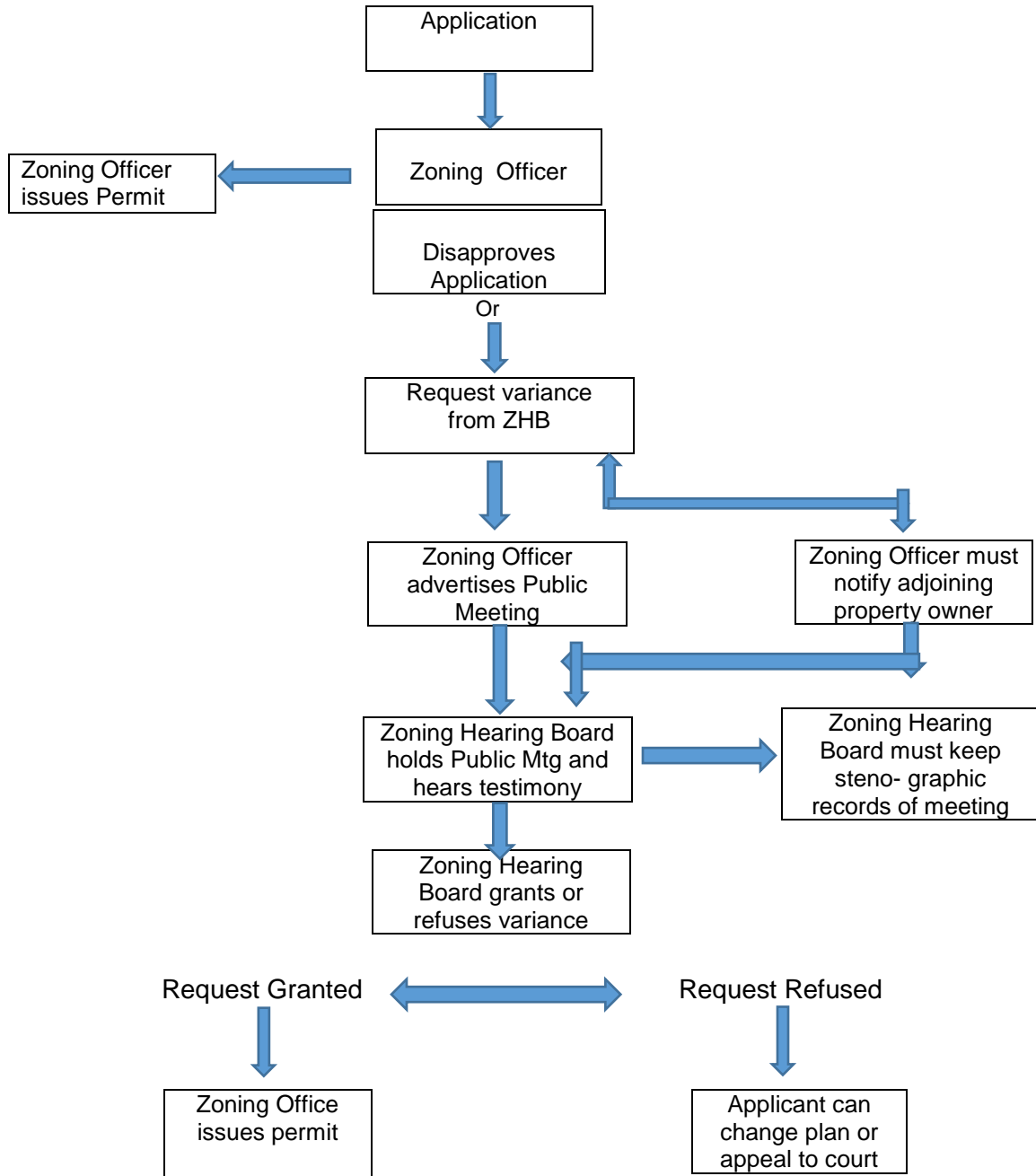
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contested questions and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.

- 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.

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Variance Procedure



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17.7 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.

17.8 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.

17.9 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.

17.10 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.

17-11 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.

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- 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.

17-12 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

18-1 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

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18-2 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.

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18-3 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.

18-4 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.

18-5 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.

18-6 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

19-1 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.

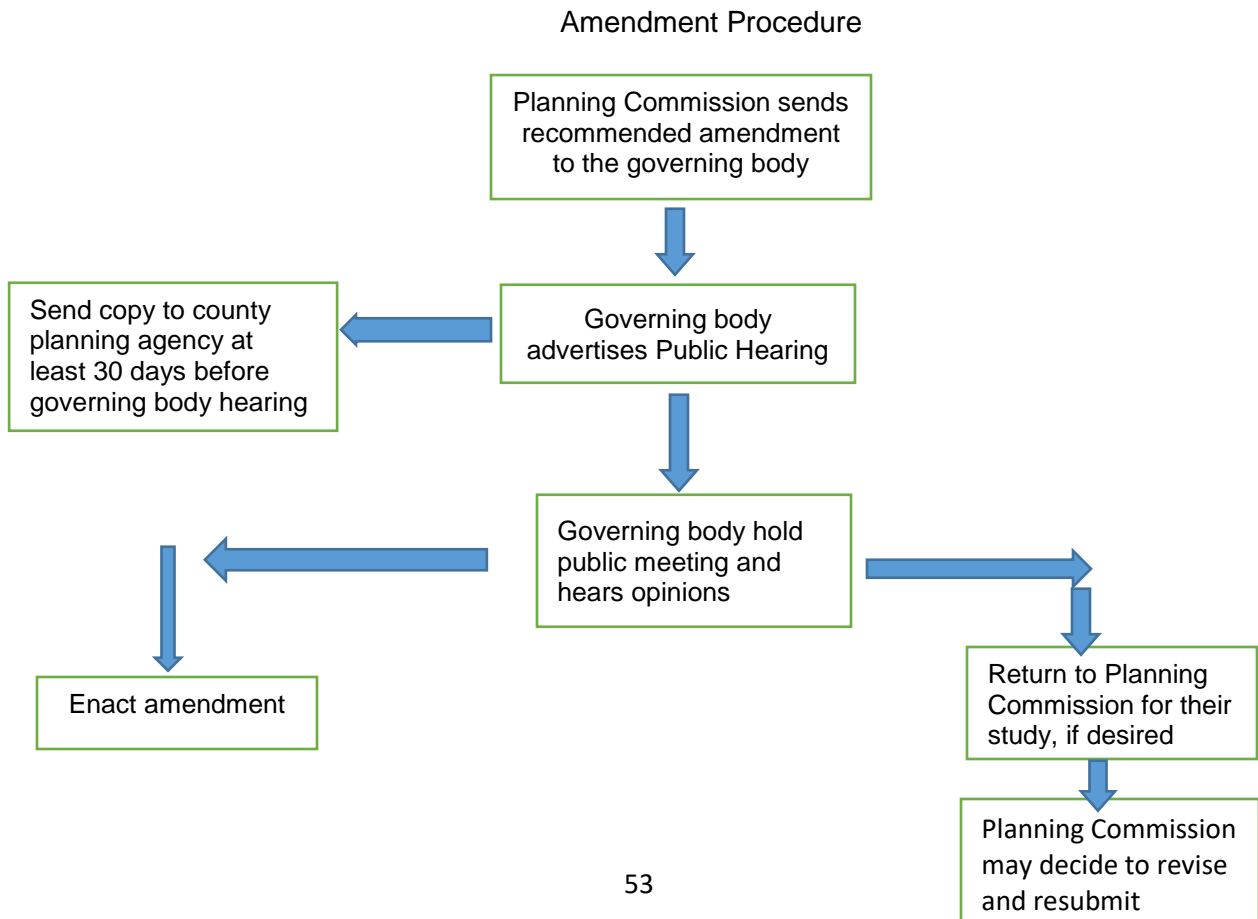
19-2 Enactment

- 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

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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.



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19-3 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.

19-4 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

20-1 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.

20-2 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 ordinance unless otherwise specified by the Pennsylvania Municipalities Planning Code or this ordinance. 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.

20-3 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 Ordinance and consistent with the spirit, purposes, and intent of this Chapter.
 2. In the best interests of the Township and the public welfare.

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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 Ordinance.

20-4 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

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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 Ordinance, 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 Ordinance.

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- 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.

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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

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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 Ordinance, 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:

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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

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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,

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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:

- a. 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;
- b. Shall be equipped with vapor recovery and/or vapor destruction units;
- c. 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 no 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.

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Applicant shall submit all Conditional Use Application Requirements listed in **Section 20.8** of the Ordinance 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.

20-5 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:
 - a. 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:
 - 1. Lawful existing or authorized uses of adjacent properties
 - 2. Neighboring flood-prone or landslide prone areas
 - 3. 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 20.8** of this Ordinance, 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

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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.
 - a. 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.
 - b. 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.
 - c. 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:
 - a. Access roads must be 50' from adjacent property lines unless written consent is given
 - b. 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
 - c. 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

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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 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 (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:
 - a. The complainant's Protected Structure property line nearest to the well site equipment generating the noise or
 - b. One hundred feet from the Protected Structure, whichever is closer. If the Operator engages in any noise testing as required by this Ordinance, 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.

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- 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 20-7**. 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 20-8** of the Ordinance 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

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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.

20-6 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 Section 20 of this Ordinance, 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.

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- 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

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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 Ordinance, 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 20-7**. 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 20-8** of the Ordinance 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

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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.

20-7 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.

In the event of an emergent condition such as a fire, spill, leak or release for all gas sites and related accessory uses:

- a. The Operator shall contact the appropriate Emergency Responders and, if necessary, commence any evacuation;
- b. The Operator shall take immediate action to contain the emergent condition;
- c. Clean-up operations must begin immediately upon the Operator's knowledge that a spill, leak or malfunction occurs;
- d. Notice shall be provided as follows:

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.

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.

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.

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

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certification that the spill, leak or release has been satisfactorily remediated and that there is no health risk.

20-8 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,

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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

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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 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.
- Description of storm water run-off controls from the operation related to any increase in impermeable ground, change in grade and contour of

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land, increased sediment load and focused points of discharge.

- 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:

- 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.
- The Operator shall be responsible for all costs associated with drilling and testing
- Testing shall be done by an independent state-certified water testing laboratory agreed upon by the Township.
- 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.
- 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.

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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

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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:

- 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;
- 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;
- 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:

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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.

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14. **Emergency Management Plan.** The following information shall be required:

a. Examination of Thermal Impact of Fire or Explosion

- 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;
- 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;
- Expected response times to address fire and/or explosion issues;
- 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;
- 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

- 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. 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.
- 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:

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1. Well leakage
2. Spill containment
3. Vandalism creating unknown conditions
4. Defective casing or cementing
5. Potential contamination between the well and the public and/or private water supply
6. 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:

1. 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;
2. 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;
3. 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.

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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

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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.

20-9 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.

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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 Section 20 of this Ordinance, 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.

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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.

1. Description of the proposed project in terms of land use type and magnitude.
2. An inventory of existing conditions in the site environs including:
 - A. Roadway network and traffic control;
 - B. Existing traffic volumes in terms of peak hours and Average Daily Traffic (ADT)
 - C. Planned improvement to roadways by others.
3. An analysis of existing traffic conditions including:
 - A. Intersection levels of service;
 - B. Roadway levels of service (where appropriate);
 - C. Other measures of roadway adequacy; i.e, lane widths; traffic signal warrants; vehicle delay studies, etc.
4. Projected site generated traffic volumes in terms of:
 - A. Peak hours and ADT;
 - B. Approach/departure distribution including method of determination;
 - C. Site traffic volumes on roadways;
 - D. Comparison of existing zoning to proposed site generation
5. An analysis of future traffic conditions including:
 - A. Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic);
 - B. Intersection levels of service;
 - C. Roadway levels of service (where appropriate)
 - D. Other measures of roadway adequacy; i.e., lane widths, traffic signals warrants, vehicle delay studies, et cetera.

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6. A description of the recommended access plan and off-site improvements.
 - A. Schematic plan of access and on-site circulation;
 - B. 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

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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 Section 20 of this Ordinance. 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 Section 20 of this Ordinance. 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,

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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 – DEFINITIONS AND WORD USAGE

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”,

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“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.

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.

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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: any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An antenna may include an omnidirectional antenna (rod), directional antenna (panel), parabolic antenna (disc) or any other wireless antenna. An antenna shall not include tower-based wireless communications facilities defined herein.

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

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

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

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

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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

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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 placement or installation of a new wireless communication facility on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers or any other structure not classified as a wireless support structure that can support the placement or installation of a wireless communication facility if approved by the Township. The term includes the placement, replacement or modification of accessory equipment within a previously approved equipment compound.

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

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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 Ordinance which requires approval by the Supervisors under terms and procedures and with conditions prescribed in this Ordinance.

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

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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.

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":

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1. **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.
2. **DWELLING, MULTI-FAMILY** - A building containing two or more individual dwelling units. Multi-family dwellings shall include the following types:
 - a. **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.
 - b. **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.
 - c. **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.
 - d. **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.
 - e. **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.
 - f. **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 Ordinance.

ELEVATION: The vertical distance above mean sea level elevation.

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

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

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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.

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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.

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

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

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

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

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when improperly treated, stored, or transported, disposed of, or otherwise managed.

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

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

HISTORIC STRUCTURE: Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the Nation Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or 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

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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

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in the Office of the Recorder of Deeds of the County.

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

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

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.

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

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 Ordinance and which was a lot of record or lawfully existed at the time the regulations with which it does not conform became effective.

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

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

NON-TOWER WIRELESS COMMUNICATIONS FACILITIES (non-tower WCF) - All non-tower wireless communications facilities, including, but not limited to, antennae and related equipment. Non-tower WCF shall not include support structures for antennae and related equipment.

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 Ordinance 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

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municipality, municipal authority or otherwise dedicated to public use or owned and operated by a non-profit association for the benefit of the public or the residents of the Township. It may include a municipal golf course, but not miniature golf or driving range. Public recreation shall not include amusement parks, or any purely commercial enterprises.

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

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

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

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 Ordinance.

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

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 Ordinance.

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

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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.

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.

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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.

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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.

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

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

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

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

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

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

SPECIAL PERMIT: A special 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.

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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.

SUBSTANTIAL CHANGE: any increase in the height of a wireless support structure by more than 10 percent, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater, except that the mounting of the

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proposed wireless communications facility may exceed the size limits set forth herein if necessary to avoid interference with existing antennas; or (2) any further increase in the height of a wireless support structure which has already been extended by more than 10 percent of its originally approved height or by the height of one additional antenna array.

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 Ordinance only if it has at least one dimension greater than fifteen (15) feet, or is more than thirty-six (36) inches in depth. As herein defined the term "Swimming Pool" shall be considered to be a structure.

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 ordinance, a Public Emergency Services Telecommunications Facility is considered a separate use from a tower-based wireless communications facility (tower based WCF).

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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 Ordinance which may be granted by the Zoning Hearing Board in accordance with law.

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

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

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

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 Ordinance. 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 ordinance, a Public Emergency Services Telecommunications Facility is considered a separate use from a Wireless Communications

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Facility (WCF).

WIRELESS SUPPORT STRUCTURE: a freestanding structure, such as a tower-based wireless communications facility, electrical transmission tower, water tower or any other support structure that could support the placement or installation of a wireless communications facility if approved by the Township.

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

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

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

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

ZONING 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 ordinance, 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 Ordinance, and authorizing the applicant to proceed to obtain required Building Permits.