

Borough of Ligonier  
**Zoning Ordinance #545**

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**BOROUGH OF LIGONIER**

# ZONING ORDINANCE

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# ZONING ORDINANCE

## ARTICLE I Title, Intent and Purposes

### **§2009-100. Enactment.**

The classes of Zoning Districts specified herein and the following regulations are hereby established in full effect.

### **§2009-101. Short Title.**

In accordance with and exercising the authority of the Pennsylvania Municipalities Planning Code, as amended, this Ordinance shall be known as and may be cited as the “Borough of Ligonier Zoning Ordinance” and the map shall herein be part of the Ordinance and shall be known as the “Borough of Ligonier Official Zoning District Map.”

### **§2009-102. Purpose and Community Development Objectives.**

This Zoning Ordinance is designed and adopted for the following purposes.

- A. To protect public health, safety, morals and general welfare of the residents, businesses and general public in the Borough.
- B. To encourage practical and coordinated community development.
- C. To establish proper density of population in the various Zoning Districts and provide adequate light, air and safety.
- D. To facilitate the provision of adequate public highways and streets, vehicle parking and loading, public transportation, water supply, sewage disposal, public and private schools, parks and open spaces and other public requirements, such as public utilities and rights-of-way.
- E. To prevent the overcrowding or improper or incompatible development or use of land and to prevent blighting conditions and congestion or hazard in travel and transportation.
- F. To secure safety of health, life and property from fire, flood, panic, noise, noxious fumes, explosion and other dangers.
- G. To preserve natural resource lands from conflict with intense development and from erosion, and to manage the release of storm water to minimize downstream flooding.
- H. To facilitate generally orderly and compatible development and redevelopment within the community and public programming of improvements.
- I. To be generally consistent with the Borough’s other community planning efforts.

### **§2009-103. Abrogation.**

Other than enumerated in §2009-104 herein, it is not intended by this Zoning Ordinance to repeal, abrogate, annul, or interfere with any existing Ordinance or enactment or with any rule, regulation, or

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permit adopted or issued. If this Zoning Ordinance imposes greater restrictions upon the use of buildings or land, then the provisions of this Zoning Ordinance shall control.

### **§2009-104. Repealer.**

This ordinance repeals any prior zoning ordinances including, but not limited to, Ordinance 465 as prepared by the Borough of Ligonier.

### **§2009-105. Severability.**

Should any section or provision of this Zoning Ordinance be declared by the courts to be unconstitutional or invalid, such a decision shall not affect the validity of this Zoning Ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

In any challenge to the validity of the municipal Zoning Ordinance, the court shall consider the validity of the Ordinance as it applies to the entire area of its jurisdiction as enacted.

### **§2009-106. Interpretation.**

In the event of conflicts between the provisions of this Zoning Ordinance and any other Ordinance or regulation, the more restrictive provisions shall apply.

In interpreting and applying this Zoning Ordinance, its provisions shall be considered minimum requirements adopted for the promotion of the health, safety and general welfare of the public.

In interpreting the language of this Zoning Ordinance to determine the extent of the restriction upon the use of property, the language shall be interpreted, where doubt exists as to the intended meaning of the language written and enacted by the community, in favor of the landowner and/or developer and against any implied extension of the restriction.

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## ARTICLE II Definitions

### §2009-200. Definitions.

Certain words used in this Zoning Ordinance are defined below. Words used in the present tense shall include the future. The singular number shall include the plural and the plural the singular. The word “shall” is mandatory and not permissive. The word “may” is permissive. The word “person” refers to a firm, association, organization, trust, partnership, company or corporation as well as an individual. The word “lot” includes “plot,” “piece” and “parcel.” The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, maintained or designed to be used or occupied.” In the case of any difference of meaning or implications between the text of this Zoning Ordinance and any caption or illustration, the text shall control.

For the purposes of this Zoning Ordinance, the following words, terms or phrases shall have the specific meanings indicated:

**ACCESS** - a means of vehicular or pedestrian approach, entry to, or exit from.

**ACCESSORY STRUCTURE** - a structure clearly and customarily subordinate to and on the same lot as the principal building and/or structure and used exclusively for purposes constituting an accessory use, including, but not limited to, private garages, barns, utility sheds, greenhouses and buildings for housing household pets and excluding signs, antennae communication towers, communication facilities, telecommunications equipment buildings, collocation/shared use communication facilities and power-mounted/shared use communication facilities. Operable or inoperable vehicles or any portion thereof shall not be considered accessory structures.

**ACCESSORY USE** - a use customarily incidental and subordinate to the principal use of the principal building and located on the same lot with such principal use or principal building.

**ADMINISTRATOR** - the designated employee and/or contact representing the Borough to be the administrative head of community planning activities.

**AGRICULTURAL USE** - farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, keeping of poultry and animals less than two hundred (200) pounds in weight or harvesting for the production of food and fiber products (except commercial logging and timber harvesting).

**ALL OTHER USES** - any land use not specified in Table I of Land Use §2009-305.

**ALLEY** - a public or private vehicular drive permanently reserved as a secondary means of access to an abutting property.

**AMENDMENT** - a change in the wording, context or substance of this Zoning Ordinance or a change in the zoning or district boundaries of the Official Zoning Map to be made a part of this title.

**AMUSEMENT ACTIVITIES** - activities for the general public that are completely contained indoors that may include billiard tables, bowling alleys, mechanical amusement devices, automatic merchandise vending machines, and/or juke boxes.

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**ANIMAL HOSPITAL/CARE FACILITY** - a place where animals or pets are given medical or surgical treatment and may be cared for and housed overnight within an enclosed principal structure during the time of such treatment or stay.

**ANTENNA, SATELLITE DISH** - a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally-based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, tapered rolling strip antennae (TAROS) and satellite microwave antennas.

**ANTENNA SUPPORT STRUCTURE** - any building, tower or structure used for the purpose of supporting an antenna.

**APARTMENT, CONVERSION** - an existing principal building on a lot, previously either residential or non-residential, that is converted to a dwelling for not more than three (3) families, without substantially altering the exterior of the building.

**APPLIANCE STORE** - a retail establishment which specializes in the sale or rental of household appliances and/or related equipment such as refrigerator, ovens, ranges, and various smaller devices such as microwaves, toaster ovens and blenders for domestic uses.

**ARCADE** – an overhead pedestrian-scale architectural feature consisting of posts and roof members integral to a sidewalk and building façade.

**AREA** - the two-dimensional measurement of space contained within known lines or boundaries.

**ART GALLERY/CRAFTSMAN SHOP** - a business establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art or craft and where classes may or may not occur as an accessory use.

**AUTOMOBILE/MOTOR VEHICLE** - any device in, upon which or by which any person or property is or may be transported or drawn upon a street, excepting tractors, agricultural machinery, devices moved by human power or used upon stationary rails or tracks. An automobile refers to any vehicle licensed as a passenger vehicle and under five thousand (5,000) pounds delivered weight. Any other vehicle refers to those including, but not limited to, motor homes, recreational vehicles, trailers, and boats.

**AUTOMOTIVE SALES (NEW)** - the use of land and/or buildings primarily for the display and retail sale and/or long-term leasing of new automobiles, vans, motorcycles, and light trucks. Long-term leasing shall mean the leasing of new vehicles for time periods of at least one (1) year. Includes minor and major automotive repair facilities for automobiles as an accessory use. All automotive repairs shall be conducted entirely within an enclosed building. An automotive rental enterprise shall not be included within said definition.

**AUTOMOBILE DEALER (USED CARS)** - the use of land and/or buildings primarily for the display and retail sale of used automobiles, vans, motorcycles, and light trucks. This term includes automotive repair facility (minor) as an accessory use. All automotive repairs shall be conducted entirely within an enclosed building. An automotive rental enterprise shall not be included within said definition.

**AUTOMOTIVE RENTAL ENTERPRISE** - a business establishment engaged in the leasing or renting of automobiles, motorcycles, and light load vehicles.

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**AUTOMOTIVE REPAIR SHOP/ SERVICE STATION** - any area of land, including any structures thereon, or any building or part thereof, that is used for the mechanical and/or body repairs of motor vehicles, retail sale of gasoline, oil, other fuel, or accessories for motor vehicles and which may include facilities used for polishing, greasing, washing, dry cleaning, or otherwise cleaning or servicing such motor vehicles.

**AWNING** - any rigid frame with a membrane covering which is attached to and projects from a building.

**BAKERY, RETAIL** - a business establishment engaged in the production and sale of baked goods including, but not limited to pastries, cakes and breads.

**BAKERY, WHOLESALE** - a business establishment engaged in the production and sale of baked goods including, but not limited to pastries, cakes and breads in mass quantities for the purpose of selling said merchandise to retailers, institutional, commercial or professional business customers or other wholesalers rather than to the general public or acting as a broker for such merchandise sales.

**BALCONY** - an elevated platform that projects from the wall of a structure and is enclosed by a parapet or railing.

**BANKING / FINANCIAL SERVICE (WITH DRIVE THRU)** - a business in which money is kept for saving or commercial purposes, invested, supplied for loans or exchanged. The facility includes provision for the conduct of banking services directly to the occupants of motor vehicles.

**BANKING / FINANCIAL SERVICE (WITHOUT DRIVE THRU)** - a business in which money is kept for saving or commercial purposes, invested, supplied for loans or exchanged. The facility does not include provision for the conduct of banking services directly to the occupants of motor vehicles.

**BASEMENT** - The space enclosed by the foundation or ground floor walls of a building partly or wholly below the average level of the adjacent ground. A basement shall not be counted as a story for purposes of height measurements unless one-half (1/2) or more of its height is above the average finished grade level of the lot.

**BED AND BREAKFAST** - an owner-occupied or manager-occupied business which occupies a single-family dwelling and associated accessory structures where limited overnight lodging and breakfast is provided for compensation to guests and where said use may or may not also host accommodations for private events (e.g. such as weddings and conferences). The dwelling may or may not include a publicly accessible restaurant as a related use. Overnight lodging occurs within individual sleeping rooms which do not contain cooking facilities.

**BEVERAGE DISTRIBUTOR** - a business establishment engaged primarily in the sale of alcoholic and non-alcoholic beverages for off-site consumption.

**BILLBOARD** - an off-premise sign that advertises an establishment, activity, person, product, or service that is unrelated to or unavailable on the premises where said sign is located.

**BOARDING KENNEL** - an establishment where four (4) or more dogs or six (6) or more cats who are six (6) months old or older are kept, bred, trained or boarded at any one (1) time, whether for profit or not.

**BOROUGH** - the Borough of Ligonier, Westmoreland County.

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**BUFFER/BUFFERYARD** - a strip of land, together with a specified type and amount of planting thereon, and any structures such as fences or walls which may be required between land uses to eliminate or minimize conflicts between them.

**BUILDING** - any fully enclosed structure having a roof supported by columns or walls, intended for the shelter, housing or enclosure of persons, animals, equipment or belongings.

**BUILDING FOOTPRINT** - the area of a lot included within the surrounding exterior walls of a building or portion of a building, exclusive of courtyards. In the absence of surrounding exterior walls, the building footprint shall be the area under the horizontal projection of the roof.

**BUILDING HEIGHT** - the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to (1) highest point of the roof for flat roofs, (2) the deck lines for mansard roofs, (3) the mean height between eaves and ridge for gable, hip, and gambrel roofs, and (4) the highest vertical point for other types and styles and roofs.

**BUILDING LINE** - a line delineating the location of the principal structure's front, side or rear exterior wall(s) parallel and in closest proximity to the applicable front, side or rear lot line.

**BUILDING PERMIT** - a certificate attesting that a project has been reviewed and approved by the Borough for the construction, major repair, alteration or renovation, or addition of a building or structure in accordance with this Zoning Ordinance.

**BUILDING MATERIAL / SUPPLIES, RETAIL** - a business establishment specializing in the sale of wholesale and/or retail construction supplies and materials as well as garden supplies for home improvement.

**BUILDING MATERIAL / SUPPLIES, WHOLESALE** - a business establishment specializing in the sale of wholesale and/or retail construction supplies and materials as well as garden supplies for home improvement for the purpose of selling said merchandise to retailers, institutional, commercial or professional business customers or other wholesalers rather than to the general public or acting as a broker for such merchandise sales.

**BUSINESS SERVICES** - establishments engaged in rendering services to businesses and offices on a fee or contract basis, including but not limited to advertising and mailing; data processing; secretarial; financial; photocopying; quick printing and fax; office supplies; building maintenance; equipment servicing, rental, leasing and sales; employment service; management and consulting services; and other similar business services.

**CANOPY** - a rigid, multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points and/or by columns or posts embedded in the ground at other points. Any structure that extends above any adjacent parapet or roof of supporting building is not included within the definition of canopy.

**CARPENTRY / WOODWORKING SHOPS** - a business establishment engaged in the making, finishing, and repairing of wooden objects and furniture.

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**CAR WASH** - a building or structure used for the purpose of cleaning or reconditioning the exterior and interior surfaces of motor vehicles but not including an incidental one (1)-bay washing facility in a service station where washing facilities are accessory to the operation of said service station. A self-operated vehicular laundering facility not requiring attendants or employees, regardless of capacity, is also considered to be a car wash. No vehicle repairs or sale of petroleum, fuels or lubricants shall occur in association with the car wash.

### CARE FACILITIES:

- A. **DAY CARE CENTER (YOUTH)** - any premises, which is licensed by the Pennsylvania Department of Welfare as a “day care center” where care is provided for twelve (12) or more children less than sixteen (16) years of age, at any one (1) time for part of a twenty-four (24) hour day.
- B. **DAY CARE CENTER (ADULT)** - any premises, which is licensed by Pennsylvania Department of Welfare as a “day care center” where care is provided for adults, who are not relatives of the operator, at any one (1) time for part of a twenty-four (24) hour day.
- C. **FAMILY DAY CARE HOME** - a residence offering baby-sitting services and child care services for four (4) to six (6) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.
- D. **GROUP CARE FACILITY** - a facility providing shelter, counseling, and other rehabilitative services in a family-like environment for more than nine (9) but fewer than fifteen (15) residents, plus such minimum supervisory personnel as may be required to meet standards of the licensing agency. Residents may not be legally related to the facility operators or supervisors and, by reason of mental or physical disability, chemical or alcohol dependency, or family or school adjustment problems, require a minimal level of supervision but do not require medical or nursing care or general supervision. A group care facility must be licensed and/or approved by the Pennsylvania Department of Public Welfare.
- E. **GROUP DAY CARE HOME** - a residence offering baby-sitting services and child care services for seven (7) to eleven (11) children unrelated to the resident household and meeting all applicable licensing/registration requirements of the Pennsylvania Department of Public Welfare.
- F. **LIFE CARE FACILITY** - a health care facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family, assisted living, personal care, nursing home to hospice care units to congregate living where residents may or may not share common meals and culminating in a full health and continuing care nursing home facility.
- G. **NURSING HOME/PERSONAL CARE HOME** - an establishment, licensed by the Commonwealth of Pennsylvania, engaged in providing a patient nursing and health-related personal care, utilizing in whole or part licensed and/or registered nurses, excluding hospital services and excluding day-to-day personal care which is not health care by licensed or registered nurses.

**CARPORT** - a structure with a roof and no more than three (3) sides that is used to cover a single vehicle.

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**CEMETERY** - property used for interment of the dead, including mausoleums and columbarium, but not including crematoriums.

**CERTIFICATE OF USE** - a certificate issued and enforced by the Zoning Officer upon completion of the construction of a new building or structure or upon a change or conversion of the structure or use of a building which certifies that all requirements and regulations, including this Zoning Ordinance, have been satisfied.

**CLEAR SIGHT LINE** - an unoccupied space extending along the full width of the front lot line between side lot lines and extending ten (10) feet from the abutting street right-of-way. Such space shall remain clear of obstructions between three (3) and twelve (12) feet above grade.

**COMMERCIAL GREENHOUSE** - a commercial building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent wholesale or retail sale.

**COMMUNICATIONS ANTENNA** - any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service, or any other wireless communications signal. This definition shall not include a satellite dish less than twenty-four (24) inches in diameter or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

**COMMUNICATIONS TOWER** - any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, or masts, intended primarily for the purpose of mounting a communications antenna or similar apparatus above ground.

**COMMUNITY GARDENS** - an area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be used collectively by members of the group and may include common areas maintained and use by group members.

**CONDITIONAL USE** - an authorized use which may be created only by a Borough Council pursuant to express standards and criteria prescribed in this Zoning Ordinance after review and recommendations by the Planning Commission and a public hearing conducted by Borough Council pursuant to public notice.

**CONSIGNMENT / SECOND HAND SHOP / ANTIQUITIES** - a business establishment in which objects that have been used or are antiques are offered for sale. Antiques being objects having special value or significance because of their age and belonging to, made in, or typical of an earlier period of history.

**CONSTRUCTION** - the erection, reconstruction, renovation, repair, extension, expansion, alteration, improvement or relocation of a building or structure including the placement of mobile homes.

**CONVENIENCE STORE** - a small retail establishment that offers convenience goods for sale, such as prepackaged or limited prepared food items, tobacco, periodicals, and other household goods but does not include the sale of fuel.

**CONVENIENCE STORE, WITH FUEL/ENERGY RECHARGE** - a small retail establishment that offers convenience goods for sale, such as prepackaged or limited prepared food items, tobacco, periodicals, and other household goods in conjunction with the sale of fuel / energy recharge for vehicles.



## ZONING ORDINANCE

COUNCIL, BOROUGH - the governing body of The Borough of Ligonier.

DECK - a flat, floored, unenclosed, elevated structure adjoining a building or another structure.

DENSITY - a term used to express the allowable number of dwelling units per net acre of land.

DRIVEWAY - a private vehicular access connecting a dwelling unit, garage, carport, other building or parking space with a public street or alley.

DRIVE-THRU - any accessory use which involves a window, service lane, bay, or other facility where customers are provided services while inside their vehicles. Such uses include but are not limited to "drive-in" or "drive-thru" windows at fast food restaurants, pharmacies, financial institutions and car washes.

DRUG STORE / PHARMACY - a retail store which primarily sells prescription drugs, patent medicines and surgical and sickroom supplies.

DWELLING - a building or structure designed for occupancy or living quarters for one or more persons or families.

- A. APARTMENT - a suite of rooms or a single room in a building containing at least three (3) or more dwelling units, each with its own cooking, food storage, bathing and toilet facilities and with access directly or by a common hallway to the outside. See also DWELLING - MULTI FAMILY.
- B. MOBILEHOME - a transportable, single-family detached dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation. For floodplain management purposes, this definition includes park trailers, travel trailers, and other similar vehicles located onsite for greater than one hundred eighty (180) consecutive days.
- C. MULTI-FAMILY - a building used by three (3) or more families living independently of each other and doing their own cooking, including apartment houses, wherein each dwelling unit or apartment shall contain private kitchen and bathing facilities.
- D. SINGLE FAMILY, DETACHED - a building used by one (1) family, with one (1) dwelling unit surrounded by open space on the same lot.
- E. TOWNHOUSE - a single-family dwelling unit, with a private entrance from the outside, which is part of a structure that includes dwelling units attached horizontally in a linear arrangement, and having a totally exposed front and rear wall.
- F. TWIN OR DUPLEX - a building used by two (2) families, with one (1) dwelling unit arranged over the other or side-by-side and having two (2) side yards.

DWELLING UNIT - one (1) or more habitable rooms which are intended or designed to be occupied as a residence by one family, with facilities for living, sleeping, cooking and dining.

## **BOROUGH OF LIGONIER**

**EMERGENCY SERVICES** - a building, structure and/or lot used for the maintenance, fueling, storage, dispatching or parking of vehicles and/or equipment utilized to provide private and/or public rescue or ambulatory services, fire and/or police services.

**ESSENTIAL SERVICES** - a building or structure used for the distribution, collection and/or maintenance of underground or overhead gas, electrical, steam, digital telephone, cable or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, cable television, or other telecommunications transmission lines provided by public or private entities, and other similar equipment and accessories in connection therewith, 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. Communication antennas/towers shall not be considered essential services for the purposes of this Zoning Ordinance.

**ERECT** - to build, construct, attach, hang, place, suspend, or affix, and shall also include the painting of signs on walls, windows, and doors.

**FAMILY** - a group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit and a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability. If not related by blood, marriage, adoption or guardianship, such a group shall be limited to a maximum of five (5) individuals.

**FLOODPLAIN** - a relatively flat or low area adjoining a river, stream, or watercourse which is subject to partial or complete inundation as defined by the Federal Emergency Management Agency (FEMA) as part of said agency's Flood Insurance Rate Map.

**FLOODWAY** - the channel of a river and adjacent land area that must be reserved in order to discharge the waters of the base flood (100-year flood) so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

**FLOOR:**

- A. **MAIN FLOOR** - the floor that fronts the street to which the address of the structure is designated. Any other adjacent floor that is within eighteen (18) inches of the designated main floor elevation, regardless of access from the exterior, may be designated as part of the main floor. If an entrance on the front of said structure accesses a floor other than the main floor, said entrance and floor shall be excluded from the main floor designation.
- B. **UPPER FLOOR** – any floor above the main floor elevation.
- C. **BASEMENT** – any floor below the main floor elevation.

**FLOOR AREA RATIO** - the ratio of gross floor area of all buildings and structures on a lot to total lot area.

**FORESTRY AND RELATED ACTIVITY (Forestry)** - the management of forests and timberlands when practiced in accordance with accepted silvicultural principles through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes which does not involve any land development.

## ZONING ORDINANCE

**FUEL/ ENERGY RECHARGE STATION** - a business establishment with or without the sale of food products, which supplies automotive fuel or the recharging of automotive power supply.

**FUNERAL HOME** - a building, including mortuaries, licensed by the Commonwealth of Pennsylvania that contains a suitable storage room for the deceased and may include embalming facilities and rooms for the display of burial ceremonies of the deceased, but excludes crematories.

**GAS WELL** - a pierced or bored hole in the ground used to extract a naturally occurring commodity such as petroleum oil or natural gas.

**GRANNY FLAT** - a residential suite to the principal dwelling of a lot where said suite is contained within an accessory structure (either attached or detached) and normally having its own entrance, kitchen, bathroom and living area.

**GROCERY MARKET** - a business establishment, generally pedestrian oriented, devoted to the sale of pre-package food products and/or fresh foods for home preparation and consumption, other home care and personal care products.

**GROCERY STORE** - a business establishment, generally vehicular oriented, where most of the floor area is devoted to the sale of pre-package food products and fresh produce for home preparation and consumption, other home care and personal care products and where on-site eating facilities may be accessory to the established principal use.

**GROSS FLOOR AREA** - the sum of floor areas of a building as measured to the outside surfaces of exterior walls and/or all areas, either interior or exterior, intended for conduct of a use.

**HABITABLE FLOOR AREA** - the sum of the floor areas of a dwelling unit, as measured to the outside surfaces of exterior walls and including all rooms used for habitation, such as living room, dining room, kitchen, basement, bedroom, bathroom, family room, closets, hallways, stairways, and foyers, but not including cellars or attics, service or utility rooms, nor unheated areas such as enclosed porches.

**HARDWARE STORE** - a business establishment primarily engaged in the retail sale of various basic hardware lines, such as tools, builders' hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery.

**HEALTH / FITNESS CLUB** - a business establishment, generally by membership, where passive or active exercises and related activities are performed in a gymnasium or organized exercise facility with equipment and/or classes for the purpose of physical fitness, improved circulation or flexibility and/or weight control. The activities shall be conducted entirely within an enclosed building.

**HEARING** - a public hearing held pursuant to public notice intended to inform and obtain public comment and take evidence, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

**HISTORIC STRUCTURE** - any structure that is listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirement for individual listing on the National Register, individually listed on a local inventory of historic places, at either the County or Borough level, that has been certified by an approved state program or determined by the Secretary of the Interior.

## **BOROUGH OF LIGONIER**

**HOME-BASED BUSINESS/OCCUPATION, LOW IMPACT** - a business or activity administered or conducted as an accessory use within a dwelling which is clearly accessory to the use as a residential dwelling but does not meet the requirements of a no-impact home based business.

**HOME-BASED BUSINESS/OCCUPATION, NO-IMPACT** - a business or commercial activity satisfying the following requirements:

- A. The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- B. The business shall employ no employees other than family members residing in the dwelling.
- C. There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- D. There shall be no outside appearance of a business use, including, but not limited to, parking, signs, or lights.
- E. The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- F. The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- G. The business activity shall be conducted only within the dwelling and may not occupy more than twenty-five (25) percent of the habitable floor area.
- H. The business may not involve any illegal activity.

**HOSPITAL/HOSPICE** - a health care facility, but not including a laboratory or clinic, that provides for the short-term care of patients suffering from physical or mental illnesses but not including narcotics addiction or those found to be criminally insane and which may or may not include facilities for major surgery and which may be publicly or privately operated.

**HOTEL** - a business establishment inclusive of a building or portion thereof designed or used for transient rental for sleeping purposes. All room access is through interior hallways or courtyards. Individual rooms may contain kitchen and dining rooms. Accessory shops and services catering to the general public can be provided. The structure may include a restaurant as an accessory use. Kitchens not located in rented rooms shall not be accessible to occupants. Supervision is provided in shifts by on-site management.

**HOUSEHOLD** - any group of persons, not necessarily related by blood, marriage, or legal adoption, who reside in the same dwelling unit.

**IMPERVIOUS SURFACE** - any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, graveled areas, sidewalks, paved recreation areas, golf courses, swimming pools, and the like.

## ZONING ORDINANCE

**INSTITUTION** - a business establishment that provides a public service and is operated by a federal, state, or local government, public or private utility, public or private school or college, church, public agency, tax-exempt organization, or charitable organization.

**JUNK STORAGE AND SALES** - where one or more of the following occur(s) as the principal land use of a lot: storage, collection, recycling, resource recovery, salvage, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery, vehicular parts, or two (2) or more unregistered, inoperable motor vehicles or other types of junk. In no district shall this use be considered to be accessory or incidental to another use.

**LANDOWNER** - any person, agent, firm, corporation, or partnership that alone, or severally with others: (1) has legal or equitable title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the deed(s) as recorded by Westmoreland County or designated equivalent of the county to be the owner of a particular property shall be presumed to be the person in control of that property.

**LANDSCAPING** - the modifications of the landscape for an aesthetic or functional purpose or to mitigate the impacts of development. It includes the preservation of existing vegetation and the continued maintenance thereof together with grading and installation of minor structures and appurtenances.

**LAUNDROMAT / DRY CLEANERS** - a facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

**LAWN CARE / LANDSCAPE MAINTENANCE** - a business with a primary purpose of providing landscape related services to the private sector either residential or commercial scale.

**LIBRARY** - a building or structure utilized for the storage and sharing of books, media and information with the general public and may or may not include areas for public meeting and the like.

**LIGHT MANUFACTURING AND/OR ASSEMBLY FACILITY** - the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products and incidental storage, sales, and distribution of such products, but excluding heavy industrial processing and manufacturing.

**LOADING BERTH/SPACE** - an off-street lot for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**LOT** - a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a single principal use.

**LOT AREA** - the total area within the lot, excluding the area within any street right of way.

**LOT, CORNER** - any lot situated adjacent to the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees. A corner lot shall maintain front yard requirements along the street upon which the principal building faces.

**LOT COVERAGE** - the portion or percentage of the lot area covered by impervious surfaces.

## **BOROUGH OF LIGONIER**

**LOT FRONTAGE** - that part of a lot (a lot line) abutting on a street or way; except that the ends of incomplete streets, or streets without a turning circle, shall not be considered frontage.

**LOT, INTERIOR** - a lot other than a corner lot.

**LOT LINE, FRONT** - that boundary of a lot which abuts an existing or dedicated public street, and in the case of a corner lot, it shall be the shortest dimension on a public street. If the dimensions of a corner lot are equal, the front lot line shall be designated by the owner and filed with the borough.

**LOT LINE, REAR** - the boundary of a lot that is more distant from and is most nearly parallel to the front lot line.

**LOT LINE, SIDE** - any boundary of a lot that is not a front lot line or a rear lot line.

**LOT, NON-CONFORMING** - a lot which fails to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

**LOT OF RECORD** - an area of land designated as a lot by a plan which has been recorded in Westmoreland County, or its designated equivalent.

**LOT, THROUGH** - a lot other than a corner lot with frontage on more than one street.

**MAJOR STREET** - Streets in the Borough commonly known as Main and Market Streets.

**MANUFACTURED / MOBILE HOME PARK** - a parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**MARQUEE** - any type of permanent construction projecting from the wall of a building above an entrance and extending over a street or sidewalk, or part thereof, and not supported by ground posts.

**MASSAGE THERAPY ESTABLISHMENT** - any business establishment or part thereof where massage services are provided by a person having graduated from a massage therapy training program approved by the authorizing board within the Commonwealth of Pennsylvania or equivalent agency if trained in another state; by a person certified through a massage therapy certification examination approved by the National Commission for Certifying Agencies; by a person certified through the National Certification Board for Therapeutic Massage and Bodywork; or by a practitioner or member of either of the American Massage Therapy Association (AMTA), Associated Bodywork and Massage Professionals (ABMP), or International Massage Association (IMA). Said massage therapy establishment shall not contain any activity which could be define as part of an adult facility.

**MEDICAL CLINIC** - a building or structure where two (2) or more licensed medical professionals provide diagnostic health, medical, surgical and/or psychiatric services and/or treatment diagnosis and treatment to the general public without overnight accommodation and may include uses such as reception areas, waiting areas, consultation rooms, x-ray and minor operating rooms and a dispensary, providing that all such uses are accessed only from the interior of the building or structure, and provided further that any facility for methadone treatment or other narcotic treatment programs approved by the Pennsylvania Department of Health shall be considered a medical clinic use.

**MIXED USE** - occupancy of a building or land for more than one (1) type of principal land uses.

## ZONING ORDINANCE

**MOTEL** - a building or group of buildings, whether detached or in connected units, used as individual sleeping units with separate exterior entrances and designed for temporary year-round occupancy, primarily for transient automobile travelers. Structures shall provide for accessory off-street parking areas. Supervision is provided in shifts by twenty-four (24) hour on-site management.

**MUNICIPAL USE** - any building, structure or use of land by a Borough, a municipal-related use or a municipal authority/commission created by the Borough Council. These uses shall include an administrative facility, firehouse and/or emergency medical services.

**MUSEUM/CULTURAL CENTER** - a business establishment or institution for the purpose of creating, acquiring, studying, interpreting, exhibiting, or selling items to the public for its instruction and enjoyment a collection of historic, pictorial or sculptural objects.

**OCCUPANCY PERMIT** - a certificate issued by the Zoning Officer attesting to that the proposed use or reuse of premises is in accordance with the requirements of this Ordinance or with a previously issued building permit and may be legally occupied.

**OCCUPANT** - a resident or tenant of a dwelling unit or commercial facility on a temporary or permanent basis.

### OFFICE, PROFESSIONAL/MEDICAL:

- A. **PROFESSIONAL OFFICE** - an office which generally serves clients and operates on an appointment basis, with relatively low pedestrian or vehicular traffic, including offices of accountants, architects, attorneys, consultants, designers, engineers, insurance agents, realtors, and the like.
- B. **MEDICAL** - a building or series of buildings or rooms where a doctor licensed to practice medicine, osteopathy, dentistry, chiropractic, optometry and/or podiatry along with supporting personnel provide diagnosis and treatment to the general public without overnight observation or accommodations. A medical office may include such uses as reception areas, offices, examination rooms and x-ray rooms, provided that all such uses have access only from the interior of the building. A medical office shall not include a pharmacy or surgical suites.
  - 1. Low intensity medical office - such facility that contains one (1) doctor.
  - 2. High intensity medical office - such facility that contains more than one (1) doctor.

**OTHER TOWER (non-communications/ non-water)** - any tower not defined as a communications tower and/or water-tower.

**PARK/OPEN SPACE** - a lot or portion of land specifically defined or set aside for use by and for the general public in both active or passive recreational uses; and includes all landscaping, facilities and apparatus, playing fields, utilities, buildings and other structures that are consistent with the general purposes of public parkland, and whether or not such recreational facilities are publicly operated or operated by other organizations pursuant to arrangements with the public authority owning the park.

**PARKING, SURFACE** - any public or private lot, including parking aisles that provide access to the parking spaces, but excluding any streets, driveways or access drives that provide access to the parking lot.

## **BOROUGH OF LIGONIER**

**PARKING STRUCTURE** - a building of two (2) or more stories, whether privately or publicly owned, used for parking more than four automobiles.

**PERMITTED USE** - an authorized use allowed by right, which may be granted by the Zoning Officer upon compliance with the requirements of this Zoning Ordinance.

**PERSON** - any individual, partnership, corporation, stock association, or any city or state or any subdivision thereof; and includes any trustee, receiver, assignee or personal representative thereof.

**PERSONAL SERVICES** - a business establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, pet groomers, shoe repair shops, and tailor shops.

**PLACE OF ASSEMBLY** - a building and/or lot that is designed for the assembly or collection of persons, for civic, political, religious, educational, or social purposes, and where recreation, amusement, or dining may occur as accessory activities. A place of assembly does not include a social club.

**PLACE OF WORSHIP** - a building and/or lot where people regularly observe, practice, or participate in religious or spiritual services, meeting and/or activities.

**PLAT** - a map or layout plan that indicates the location, boundaries, and ownership of any land, lot, tract, or parcel that has been or is planned to be subdivided. The individual properties shall conform to lots as designated on the Official Zoning Map.

**PLANNING COMMISSION** - the Planning Commission of the Borough of Ligonier.

**PLUMBING, HEATING & ELECTRICAL SHOPS** - a business establishment primarily engaged in the retail sale or provision of technical service for plumbing, heating and/or electrical supplies.

**POST OFFICE** - a building used by the Postal Service of the United States of America for the purpose of collecting and/or distributing mail to the public.

**PORCH** - a covered area adjoining an entrance to a building and usually with a separate roof.

**PRIVATE** - designed or intended for one's exclusive use.

**PRINCIPAL BUILDING** - a building which conducts the main or principal use of the lot on which said building is situated.

**PRINCIPAL USE** - the primary use(s) of land or buildings as distinguished from a subordinate or accessory use.

**PROFESSIONAL CONSULTANTS** - any firm, or individual, venture or team of firms and/or individuals (including any sub-consultants enlisted by the consultant) contracted for design, management, or other consulting services relating to projects.

**PUBLIC** - anything owned or operated by the federal government, state government or any political subdivision thereof.

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



## ZONING ORDINANCE

**PUBLIC NOTICE** - for the purposes of this Ordinance in context of the provisions outlined by the Pennsylvania Municipalities Planning Code, public notice shall refer to a notice published once a week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven days from the date of the hearing. If and where applicable for other business of the Borough of Ligonier, this definition shall not replace said definition for public notice as defined by the Act of July 3, 1986 (P.L. 388, No. 84 as amended), known as the "Sunshine Act."

**PUBLIC WORKS** - a building, structure, lot or portion of a lot utilized for the provision of maintenance and construction of public facilities as conducted by the Borough.

**QUADPLEX** - a detached building divided by two (2) common party walls into four (4) distinct and separate dwelling units where each dwelling unit has direct access to the outdoors.

**RECREATION FACILITY, PUBLIC** - an activity operated as a business and open to the public, that typically does not charge a fee for admission for the provision of recreation or entertainment for all ages of the general public.

**RECREATION FACILITY, OTHER** - an activity operated as a business that normally charges a fee for the provision of recreation or entertainment including but not limited to theaters, dance halls, bowling alleys, billiard and pool halls, video and other coin-operated game parlors, miniature golf courses, indoor rifle range, indoor archery range, go-kart tracks and automobile race tracks/speedways.

**RESEARCH AND DEVELOPMENT FACILITY** - a building or group of buildings, including incubator facilities, but not medical laboratories, used primarily for applied and developmental research, where product testing may be an integral part of the operation and goods or products may be manufactured as necessary for testing, evaluation, and test marketing. This usage excludes the use of toxic, corrosive, flammable, carcinogenic, or explosive materials, chemicals, liquids, gases, or solids.

**RESTAURANT, FAST-FOOD, DRIVE-IN** - a retail use which serves ready-to-eat food, desserts or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption off the premises, typically including a public service area with counter and queuing areas or by order from and service to motor-vehicular passengers outside the structure.

**RESTAURANT, FAST-FOOD, NON-DRIVE-IN** - a retail use which serves ready-to-eat food, desserts or beverages available upon a short waiting time, generally in disposable containers or wrappers for immediate consumption off the premises, typically including a public service area with counter and queuing areas.

**RESTAURANT, NON-FAST-FOOD, NON-DRIVE-IN** - a retail eating and drinking establishment with kitchen facilities, which provides food for consumption on the premises at all times and includes tables and chairs with table service where customers are provided with an individual menu.

**RETAIL** - a business establishment located entirely within an enclosed building which sells goods, services or merchandise to the general public for personal, household or office consumption and which shall not include wholesaling, manufacturing or processing of the goods offered for sale.

**ROOF** - the cover of any building, including the eaves and similar projections.

## **BOROUGH OF LIGONIER**

**ROOMING/BOARDING HOUSE** - a building other than a motel, hotel or bed and breakfast where lodging or rooms, or both, are provided for compensation, whether directly or indirectly.

**SCHOOL, ACADEMIC** - an establishment offering instruction in any branch of knowledge under the supervision of the Commonwealth of Pennsylvania or a lawfully constituted ecclesiastical governing body, person, partnership, or cooperation meeting the requirements of the Commonwealth of Pennsylvania.

**SCHOOL, COMMERCIAL** - a specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, computer repair, vocational trades and/or equipment usage.

**SECONDARY STREET** - Streets in the Borough not otherwise defined as a Major Street or an Alley.

**SENIOR CENTER** - a building without overnight sleeping facilities or accommodations that is used to provide daytime care, education, entertainment and dining services to elderly persons.

**SETBACK** - the minimum distance by which any building or structure must be separated from a street right-of-way, alley, or lot line.

**SEXUALLY-ORIENTED BUSINESS** - See Borough Code of Ordinance Chapter 112.

**SIGN** - any structure or device for visual communications that is used for the purpose of bringing the subject to the attention of the public. Any awning sign, backlit sign, billboard, ground sign, illuminated sign, marquee, neon sign, projecting sign, roof sign, temporary sign, wall sign, window graphics, window sign, which shall include any other device making any announcement, declaration, demonstration, display, illustration, or insignia used to advertise or promote the interests of any person when the same is placed outdoors in view of the general public or when the same is placed indoors where the basic intent is for view by the general public outside of the building.

- A. A-Frame - any sandwich board or sign structure with a triangular cross-section.
- B. ADA Signs - any sign needed for a facility or building to achieve compliance with the requirements of the American Disabilities Act.
- C. Advertising Sign - a sign relating to commercial, industrial, private, recreational, public utility, or other similar business conducted on the premises on which the sign is located.
- D. Awning Sign - an awning with advertising or a message.
- E. Banner - a sign intended to be hung across or within a public right of way, and includes pennants or streamer designs.
- F. Bulletin Board - a structure constructed with flat face(s) used for posting notices.
- G. Center Sign - a business sign that provides information at the entrance of a complex such as a shopping plaza or mall, office complex, or industrial park that indicated the businesses located therein.
- H. Directional Sign - a sign directing traffic but bearing no advertising matter.

## ZONING ORDINANCE

- I. Directory - a sign listing business or occupants of a building. A directory is commonly, but not always, located at or near the building entrance.
- J. Election Sign - a sign directing attention to a candidate, political party, or a ballot.
- K. Flag - a piece of cloth or bunting varying in size, color, and design, used as a symbol, sign, signal, emblem, or advertisement.
- L. Ground Sign - any sign, including A-Frame signs, supported by uprights or braces placed upon the ground and not attached to any building or structure, having no more than two (2) faces, and not exceeding ten (10) feet above the surrounding ground surface.
- M. Identification Sign - signs that identify school, churches, hospitals, or similar institutions and for lodges, clubs, residential development, parks, recreational areas, and other public assets and properties.
- N. Illuminated Sign - any sign that has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.
- O. Mobile Sign - signs on wheels, runner, casters, parked trailers, parked vehicles, or other mobile devices.
- P. Motion Sign - any illuminated or non-illuminated sign on, or in, which the light source or elements of the sign itself are not constant or stationary.
- Q. Off-premise Sign - A sign located on a lot other than that which information on said sign is applicable.
- R. Pole Sign - a sign suspended from or supported by a structure which is anchored to or placed in the ground and which elevates the highest most point of the sign or structure more than ten (10) feet.
- S. Real Estate Sign - a sign advertising the sale, rental, leasing, or development of the premises.
- T. Residential District Sign - a sign located in any residential Zoning District.
- U. Roof Sign - any sign erected, constructed, and maintained wholly upon or over the roof or parapet wall of any building or the topside of a marquee with the principal support on the roof structure or the marquees.
- V. Temporary Sign - a wall, window, awning, projecting, or ground sign relating to a seasonal or other brief activity that is to be located at a site for a short period of time.
- W. Wall Sign - any sign painted on, or attached to, or erected against the wall of a building, the front or sides of a marquee or canopy with the exposed face of the sign in a plane parallel to the plane of the wall or the marquee or canopy so that only one side is visible.
- X. Window Sign - a sign attached to, or placed upon, or painted on the interior or exterior of a window or door of a building or otherwise intended for viewing from the exterior.

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**SHED** - a subordinate structure or building used primarily for storage purposes, of a height no greater than seven feet, and the total square footage of which does not exceed one hundred and twenty (120) square feet.

**SIGN PERMIT** - a certificate issued by the Borough in which the sign is located attesting that the proposal for the design, construction and maintenance of a sign has been reviewed and approved in accordance with the requirements of this Ordinance. Issuance of a sign permit is required prior to the commencement of any construction activities.

**SITE PLAN** - a plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, buildings, major landscape features, and depending on requirements, the locations of proposed utility lines.

**SOCIAL CLUB** - a group of people formally organized for a common interest, usually cultural, service, religious, political or entertainment (not including any adult facility) with regular meetings and formal written membership requirements.

**SOLICITOR** - the legal review and/or recommending body as designated by a Borough.

**SPECIAL EXCEPTION** - a special exception is a use that would not be appropriate generally or without restrictions throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provisions for such special exceptions are made in this Ordinance.

**STORAGE FACILITY (SELF-STORAGE/PORTABLE STORAGE)** - any lot designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.

**STREET** - a public thoroughfare, including street, avenue, boulevard, road, highway, freeway, parkway, land alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private, which affords primary means of vehicular access to abutting property.

- A. **Collector Street System** - The collector street system provides both land access service and traffic circulation within residential neighborhoods and commercial and industrial areas. It differs from the arterial system in that it hosts smaller traffic volumes and less consistent or no through traffic.
- B. **Arterials** - The primary thoroughfares historically established in the community and supported by the Major Streets and/or the highest traffic volume corridors in the community.

**STORAGE FACILITY (SELF-STORAGE/PORTABLE STORAGE)** - any lot designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.

**STRUCTURE** - any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land.

**STRUCTURE, NON-CONFORMING** - a structure or part of a structure manifestly not designed to comply with the use or extent of use provisions of this Ordinance or amendment heretofore or hereafter

## ZONING ORDINANCE

enacted, where such structure lawfully existed prior to the enactment of this Ordinance or amendment or prior to the application of this Ordinance or amendment. Such nonconforming structures include, but are not limited to nonconforming signs.

**STRUCTURE, TEMPORARY** - a structure without any foundation or footing and removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

**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.

**STUDIO** - a building or portion of a building used as a place of work by an artist, photographer, or artisan or used for radio or television broadcasting.

**TAVERN/PUB** - a business establishment where the principal use is the serving of alcoholic beverages by the drink to the general public and where food or packaged beverages may be served or sold as an accessory use.

**THEATER** - a building or part of a building devoted to the showing of moving pictures or theatrical productions on a paid admission basis. This term shall not refer to a place of assembly.

**USE** - the purpose or activity for which the land or building thereon is designed, arranged, or intended or for which it is occupied or maintained.

**UTILITY USE** - a service operated for the general population, other than by the Borough, for distributing water, gas, electricity, oil or steam, or collecting sanitary sewage by means of a network of overhead or underground conduits and requiring at various locations, to maintain efficiency of the system, pumping, regulating, transformer, switching or other devices or structures, but not including business offices.

**VARIANCE** - a relaxation of the terms where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the results of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. Such a relaxation shall be granted pursuant to the provisions of this Ordinance and Articles VI and IX of the Pennsylvania Municipal Planning Code.

**WAREHOUSE** - a building used primarily for the storage of goods and materials awaiting sale on another lot or location. Incidental sales may occur on the lot.

**WATER TOWER** - a vessel for the use of water storage by a public or private authority, agency or corporation for the purposed of providing water supply.

**WHOLESALE BUSINESS** - a business establishment primarily engaged in selling merchandise, dry goods and food stuffs to retailers, institutional, commercial or professional business customers or other wholesalers, rather than to the general public which includes the warehousing of merchandise and which may include distribution of such merchandise on the site of the principal business.

**WIND TURBINE, COMMERCIAL** - a device for commercial- or industrial-scale purposes which converts wind energy to mechanical or electrical energy.

**YARD** - the area of property between property lines and setback lines, or dimensions as herein noted in the Zoning Ordinance for each Zoning District, within which enclosed buildings, or structures, or any

## **BOROUGH OF LIGONIER**

enlaced portion thereof, shall not be constructed. Fences, walls, and storage may be permitted in any yard subject to height limitations as indicated herein.

- A. Front Yard - the land area extending across the full width of the lot and abutting the front lot line. The depth of the front yard shall be considered to be the horizontal distance between the front lot line and a line parallel thereto known as the front line of the buildable area of the lot.
- B. Rear Yard - the land area extending between the side lot lines of the lot and abutting the rear lot line. The depth of the rear yard shall be considered to be the horizontal distance between the rear lot line and a line parallel thereto known as the rear line of the buildable area of the lot.
- C. Side Yard - the land area extending between the rear line of the front year and the rear lot line and abutting the side lot line. The width of the side yard shall be considered to the horizontal distance between the side lot line and the line parallel thereto known as the side line of the buildable area of the lot. If no front yard is required, the front lot line shall be the front boundary of the side yard. In the case of through lots, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards.

**ZONING** - the designation of specified districts within a community, reserving them for certain uses together with limitations on lot size, heights of structures and other stipulated requirements.

**ZONING DISTRICT** - an area accurately defined as to boundaries and location on the Zoning Map and within which area only certain types of land uses are permitted and within which other types of land uses are excluded.

**ZONING HEARING BOARD** - the Zoning Hearing Board of the Borough of Ligonier.

**ZONING MAP** - a part of this Ordinance, the official map of the Zoning Districts of the Community, showing precisely the boundaries and title of each Zoning District.

**ZONING OFFICER** - the person(s) designated by the Borough Council to administer the Zoning Ordinance.

**ZONING PERMIT** - a document signed by the Zoning Officer, as required in this Zoning Ordinance, as a condition precedent to the commencement of a use or erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building, which document acknowledges that such use, structure or building complies with the provisions of this Zoning Ordinance or an authorized variance there from.

# ZONING ORDINANCE

## ARTICLE III District Regulations

### §2009-300. Establishment of Districts.

For the purposes of carrying out the provisions of this Ordinance, Ligonier Borough is divided into the following Zoning Districts, which are shown by the district boundaries on the Official Zoning Map.

- A. R1 - Single Family Residential.
- B. R2 - Two-Family Residential.
- C. R3 - Multi-family Residential A.
- D. R4 - Multi-Family Residential B.
- E. VR - Village Residential.
- F. C1 - Diamond Commercial.
- G. C2 - General Commercial.
- H. C3 - Highway Commercial.
- I. LW - Light Industrial/Warehouse.
- J. CPO - Cultural Protection Overlay.

### §2009-301. District Purposes.

- A. R1 - Single Family Residential - To protect the character of existing single family neighborhoods and accommodate additional single-family infill-type residential development at a similar scale and density.
- B. R2 - Two-Family Residential - To expand single-family residential opportunities through varying development forms and products which complement established development patterns.
- C. R3 - Multi-family Residential A - To accommodate a variety of housing types including primarily multi-family dwellings within close proximity to community services.
- D. R4 - Multi-Family Residential B - To provide a full-range of residential uses within the Borough inclusive of those uses which are non-traditional to the Borough's historic development patterns.
- E. VR - Village Residential - To enhance the character and vibrancy of the Borough's established non-residential core through the extension of services which complement surrounding residentially-scaled development.

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- F. C1 - Diamond Commercial - To enhance the historic and architectural character and vibrancy of the traditional downtown business district while promoting pedestrian access and a dense urban form.
- G. C2 - General Commercial - To provide sufficient space and pedestrian access for the development of small-scale retail business and consumer service-oriented business geared toward the needs of adjoining residential neighborhoods.
- H. C3 - Highway Commercial - To provide sufficient space for safe, convenient and efficient vehicular access from Route 30 necessary to accommodate larger community-scale businesses catering to the needs of the immediate and/or surrounding communities.
- I. LW - Light Industrial/Warehouse - To encourage the development of manufacturing or similar industrial uses in appropriate locations where access and topography protects the character of surrounding residential neighborhoods.
- J. CPO - Cultural Protection Overlay - To protect the Borough's historic, cultural and institutional uses.

### **§2009-302. District Boundaries.**

- A. District boundaries that coincide with roads, streets, alleys, property lines, streams and transportations rights-of-way shall be deemed to follow their center lines. The vacation of streets, roads or rights-of-way shall not affect the location of such district boundaries. When the Zoning Officer is unable to determine the location of a district boundary by such center lines, by the scale of dimensions stated on the Official Zoning Map or by the fact that it clearly coincides with a property line, the Zoning Officer shall refuse action and submit the requested review to the Zoning Hearing Board.

### **§2009-303. Official Zoning Map.**

- A. The Borough of Ligonier is hereby divided into Zoning Districts as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Zoning Ordinance.
- B. The Official Zoning Map shall be identified by the signature of a designated representative of the Borough and shall bear the seal of the borough under the following words: "This is to certify that this is the Official Zoning Map referred to in Article III of Ordinance Number 2009 of The Borough of Ligonier, Westmoreland County, Pennsylvania," together with the date of adoption of this Zoning Ordinance. When there is disagreement on the location of any Zoning District boundary, a decision shall be rendered by the Planning Commission, with appeal from the decision made to the Zoning Hearing Board.
- C. No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Zoning Ordinance. Any unauthorized change by any person shall be considered a violation of this Zoning Ordinance and punishable as provided.
- D. The Official Zoning Map, on file in the municipal building of The Borough of Ligonier, shall serve as the final authority in designating the current zoning status of lots, buildings, and other structures.



## ZONING ORDINANCE

- E. Any amendments legally adopted to change any district boundaries of the Official Zoning Map shall be noted on such map by Ordinance number and date of adoption of the amendment. The Official Zoning Map shall be changed to reflect the amendment within thirty (30) days of adoption.

### **§2009-304. Permitted Uses, Conditional Uses and Uses by Special Exception.**

- A. No building, structure or lot shall be constructed or improved or used for any purpose or in any manner other than the one (1) or more of the principal permitted uses, conditional uses or uses by special exception granted by right to the Zoning District in which such building, structure or lot is located.
- B. In addition to the basic zoning requirements defined by this Article of this Zoning Ordinance, all uses by special exception shall conform to all applicable requirements and provisions defined by this Zoning Ordinance. All conditional uses shall conform to all applicable requirements and provisions defined by this Zoning Ordinance.
- C. The letter “P” denotes a permitted use by right, subject to the requirements specified by this Chapter and after a zoning certificate has been issued in accordance with this Ordinance.
- D. The letter “C” denotes a use that is conditional, subject to the requirements specified by this Chapter and provided that Council grants the conditional use pursuant to this Ordinance.
- E. The letter “S” denotes a use that is a special exception subject to the requirements specified by this Ordinance and provided that the Zoning Hearing Board grants the special exception pursuant to this Ordinance.
- F. If no Permitted Use, Conditional Use or Use by Special Exception designation appears in a box on Table 1, the applicable use is not permitted in any circumstance.

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### §2009-305. Land Uses.

**Table I: Land Use Table**

Legend

P Permitted Use  
C Conditional Use

	Land Use	Zoning Designation												
		R-1	R-2	R-3	R-4	VR	C1	C2	C3	LW	CPO			
<b>A</b>	<b>Residential Use</b>													
1	All Other Residential Uses (not otherwise listed)				C									
2	Family Day Care Home			C	C	C	C	C						
3	Group Care Facility							C						
4	Group Day Care Home			C	C			C						
5	Life Care Facility, or Portions Thereof					C		C	C					
6	Mixed Use, Residential/Non-Residential					P	C	C						
7	Manufactured/Mobile Home Park				C									
8	Nursing Home/Personal Care Home					C				C				
9	Quadplex				C									
10	Rooming/Boarding House					C		C						
11	Dwelling, Apartment			C	P	C	C	C						
12	Dwelling, Single-family Detached	P	P	P	P	P	C	P						
13	Dwelling, Townhouse			P	C	C								
14	Dwelling, Twin or Duplex		P	P	P	P								
15	Apartment, Conversion	C	C	C	C	C		C						
<b>B</b>	<b>Non-Residential Use</b>													
1	All Other Non-Residential Uses (not otherwise listed)												C	
2	Agricultural Uses											C		
3	Amusement Activities (billiards, bowling, etc.)						C	P						
4	Animal Hospital/Care Facility							C	P					
5	Art Gallery/Craftsman Shop					P	P	P	P					
6	Appliance Store						C	P	C					
7	Automotive Sales									P				
8	Automotive Repair/Detailing Shop									P				
9	Bakery, Retail					C	P	P	P					
10	Bakery, Wholesale									P				
11	Banking/Financial Service, with Drive-Thru						C	C	P					
12	Banking/Financial Service, without Drive-Thru					C	C	P	P					
13	Bed and Breakfast				C	P		P						
14	Beverage Distributor							C	P					
14	Billboard											P		
15	Boarding Kennel									C	P			
16	Building Materials/Supplies, Retail							C	P					
17	Building Materials/Supplies, Wholesale											P		
18	Business Services					P	C	P	P					
19	Carpentry/Woodworking Shops									P	P			
20	Car Wash									P	C			
21	Cemetery											C	C	
22	Commercial Greenhouse									C	C			
23	Communication Antennae	P	P	P	P	P	P	P	P	P				
24	Communication Tower											C		
25	Community Gardens	P	C	C	C	C								
26	Consignment/Second Hand Shop/Antiquities					P	P	P	P					
27	Convenience Store, with Fuel/Energy Recharge							C	P					
28	Convenience Store							C	C					

## ZONING ORDINANCE

**Table 1: Land Use Table Continued**

Legend

- P Permitted Use
- C Conditional Use

	Land Use	Zoning Designation									
		R-1	R-2	R-3	R-4	VR	C1	C2	C3	LW	CPO
29	Crematorium									P	
30	Day care center (youth), pre-school, nursery school or kindergarten					C		P	P		
31	Day Care Center (adult)					C		P	P		
32	Drugstore/Pharmacy, without Drive-thru					P	P	P	P		
33	Drugstore/Pharmacy, with Drive-thru							C	P		
34	Emergency Services					P		P	P	P	
35	Forestry	P	P	P	P	P	P	P	P	P	P
36	Fuel/energy Recharge Station (Retail)								C	P	
37	Funeral Home							P			
38	Gas Wells									C	
39	Grocery Market					C		C	P		
40	Grocery Store								P		
41	Hardware Store <20,000 SF					C	P	P			
42	Hardware Store >20,000 SF							C	P		
43	Health/Fitness Club					P	C	P			
44	Home-based Business/Occupation, Low Impact	C	C	C	C	C	C				
45	Home-based Business/Occupation, No Impact	P	P	P	P	P	P				
46	Hospital/Hospice				C	C					
47	Hotel						C	C	C		
48	Junk Storage and Sales									C	
49	Laundromat/Dry Cleaners								P		
50	Lawn Care/Landscape Maintenance								C	P	
51	Library					C	P	P			
52	Light Manufacturing and/or Assembly Facility									C	
53	Massage Therapy Establishment					C	C	C		P	
54	Medical Clinic							C	C		
55	Mortician/Funeral Services					C		P			
56	Motel							C	C		
57	Municipal Use					P	P	P	P	P	
58	Museum/Cultural Center					C	C	P			P
59A	Office, Professional					C	C	C	P	P	C
59B	Office, Medical Low Intensity					C	C	C	P	P	C
59C	Office, Medical High Intensity						C	C	P	P	C

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**Table 1: Land Use Table Continued**

Legend

- P Permitted Use
- C Conditional Use

	Land Use	Zoning Designation									
		R-1	R-2	R-3	R-4	VR	C1	C2	C3	LW	CPO
60	Park/Open Space	P	P	P	P	P	P	P	P	P	
61	Parking Lot, Surface					C	C			C	C
62	Parking Structure					C	C	C			
63	Personal Services					C	C	P	P		
64	Place of Worship / Assembly	C	C	C	C	C	C	C	C		
65	Plumbing, Heating & Electrical Shops								P	P	
66	Post Office					P		P	P		
67	Printing Shop							C		P	
68	Public Essential Services								C	P	
69	Public Works								C	P	
70	Recreation Facility, Public					P		P	P		
71	Recreation Facility, Other					C		P	P		
72	Research and Development									C	
73	Restaurant (Fast-food, Drive-in)								P		
74	Restaurant (Fast-food, Non-drive-in)						C	C	P		C
75	Restaurant (Non-fast-food, Non-drive-in)					C	P	P	P		C
76	Retail (large-scale (>10,000sf), on-premise sales)							C	P		
77	Retail (small-scale (≤10,000sf), on-premise sales)					C	P	P	P		C
78	Retail (off-premise sales)					C	C	P	P		
79	School, Academic			C		P					
80	School, Commercial								C	P	
81	Senior Center					P	C	P			
82	Social Club							C	P		
83	Storage Facility (Self-storage/Portable Storage)									C	
84	Studio (photography, artistic or musical)					C	C	P	P	P	
85	Tavern/Bar						C	C	P		
86	Theater					C		P	P		C
87	Utility Use	C	C	C	C	C	C	P	P	P	
88	Water Tower									C	
89	Warehouse									P	
90	Wholesale Business								C	C	
91	Wind Turbine, Commercial								C	C	
92	Wind Turbine, Residential	C	C	C	C	C					

## ZONING ORDINANCE

### §2009-306. Dimensional Standards.

#### A. Lot Dimensions.

1. Development that occurs on a private street shall be developed to the dimensional standards applicable to development on a public street.
2. Lot dimensions shall be in accordance with Table II and/or Table III as applicable.

**Table II: Residential District Lot Dimensions**

		LOT AREA per DWELLING UNIT MIN. (SQUARE FEET)	LOT WIDTH per DWELLING UNIT (MIN.)		MAX. COVERAGE (%)
			INTERIOR	CORNER	
<b>RESIDENTIAL</b>					
1	R1				
	Residential and Non-Residential	5,000	50'	50'	Single Family-40 Non-Residential-30
2	R2				
	Single-Family Detached	4,000	40'	55'	40
	Single-Family Attached	3,000	30'	45'	
	Two-Family Detached	4,000	30'	45'	
	Non-residential	4,000	40'	55'	30
3	R3 and R4				
	Single-Family Detached	3,000	30'	45'	40
	Single-Family Attached	2,000	20'	35'	50
	Two-Family Dwelling	3,000	30'	45'	40
	Multi-family Dwelling	750			40
	Apartment Conversion	750			
	Non-residential	4,000	40'	50'	
4	VR				
	Single-Family Detached	4,000	30'	45'	40
	Single-Family Attached	3,000	20'	35'	
	Two-Family Dwelling	4,000	30'	45'	
	Multifamily Dwelling	750			30
	Apartment Conversion	750			
	Non-residential	4,000	30'	45'	

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**Table III: Non-Residential Lot Dimensions**

		<b>LOT AREA MIN.</b>	<b>LOT WIDTH MIN.</b>	<b>MAX. COVERAGE (%)</b>
<b>NON-RESIDENTIAL</b>				
1	C1	1,500	15'	100
2	C2	6,000	20'	80
3	C3	7,000	20'	80
4	LW	20,000	20'	80
5	CPO	2,000	20'	80

**B. Front and Side Yard Setbacks and Heights.**

In cases of any development, redevelopment or infill, the following provisions apply:

1. Interior Lot not adjoining a Corner Lot.

a) Front Yard Setback.

- 1) The front yard setback for a subject lot shall be no less than the front yard setback for the adjoining lot whose principal structure is located closer to its front lot line and no more than the front yard setback for the adjoining lot whose principal structure is located further from its front lot line.
- 2) If an adjoining lot is vacant, the landowner and/or developer shall assume the setback of the adjoining lot is the minimum front yard setback defined in Table IV (Residential) or Table V (Non-Residential).

2. Side Yard Setback.

- a) The side yard setback for a subject lot shall be no less than the side yard setback for the adjoining lot.
- b) If an adjoining lot is vacant, it shall be assumed that the established setback of the adjoining lot is the minimum side yard setback defined in Table IV (Residential) or Table V (Non-Residential).

## ZONING ORDINANCE

- C. Corner Lot.
1. Front Yard Setback.
    - a) The front yard setback of the subject lot shall be equivalent to that of the adjoining lot(s).
    - b) If one or more adjoining lot(s) are vacant, the front yard setback of the subject corner lot shall be equivalent to the minimum front yard setback defined in Table IV (Residential) or Table V (Non-Residential).
  2. Side Yard Setback.
    - a) The side yard setback for a subject lot shall be no less than the side yard setback for the adjoining lot. In no cases shall a side yard setback for a residential use be less than five (5) feet unless otherwise defined in Table IV (Residential) or Table V (Non-Residential).
    - b) If an adjoining lot is vacant, it shall be assumed that the established setback of the adjoining lot is the minimum side yard setback defined in Table IV (Residential) or Table V (Non-Residential).
- D. A lot shall have one (1) front yard and said front yard shall abut a public right-of-way not inclusive of an alley.
- E. Height. In order to maintain the character of existing historic and/or established development, building height for proposed development, infill, redevelopment and/or replacement shall be determined based upon the context of existing development on a block.
1. The minimum height of any principal building and/or structure in the C1 district shall be thirty (30) feet.
  2. Proposed roof heights, cornice lines, eaves, parapets and porches of a proposed building or structure shall respect the architectural context of the adjoining lots and, when feasible, shall maintain the scale and character of existing development. If a lot adjacent to the subject lot is not developed and/or no principal structure exists, a building height of thirty (30) feet shall be assumed. If development on any lot adjacent to the subject lot is greater than one story, then development or redevelopment on the subject lot shall be greater than one story.
  3. The maximum height for buildings shall be as defined for the zoning district in which it is located, unless the heights for the majority of buildings on the block are greater than the maximum permitted for the zoning district. In this circumstance, the maximum height shall be the height of the adjoining properties.

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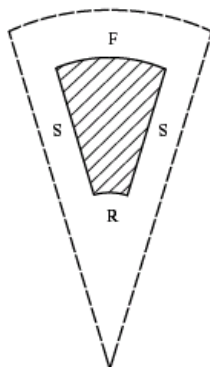
**Table IV: Residential District Setback Standards.**

	R1	R2	R3	R4	VR
<b>Setbacks</b>					
<b>Interior Lot</b>					
Front Yard	Not less than 20'	Not less than 20'	Not less than 20'	Not less than 20'	Not less than 5'
Side Yard	Not less than 10'	Not less than 10'	Not less than 10'	Not less than 10'	Not less than 5'
Rear Yard	Not less than 25'	Not less than 25'	Not less than 15'	Not less than 15'	Not less than 15'
<b>Corner Lot</b>					
Front Yard	Not less than 20'	Not less than 20'	Not less than 20'	Not less than 20'	Not less than 5'
Side Yard Abutting Street	Not less than 20'	Not less than 15'	Not less than 15'	Not less than 15'	Not less than 10'
Side Yard Not Abutting Street	Not less than 10'	Not less than 10'	Not less than 10'	Not less than 10'	Not less than 5'
Rear Yard	Not less than 25'	Not less than 25'	Not less than 15'	Not less than 15'	Not less than 15'

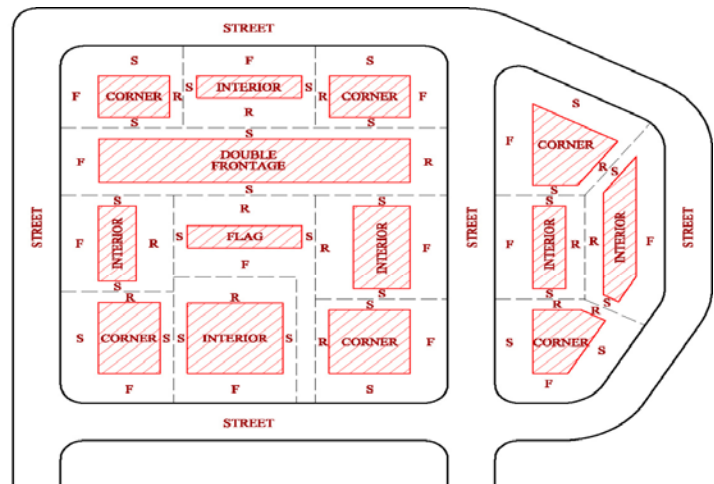
**Table V: Non-Residential District Setback Standards.**

	C1	C2	C3	LW
<b>Setbacks</b>				
Front Yard	1' Minimum, 5' Maximum	1' Minimum, 5' Maximum	15' Minimum	20' Minimum
Side Yard Abutting Commercial/Mixed Use				
Side Yard Abutting Residential	20' Minimum	20' Minimum	20' Minimum	30' Minimum
Side Yard Abutting LW District				10' Minimum
Rear Yard		15' Minimum	15' Minimum	10' Minimum

**A. Triangle Lot**



**B. Basic Lot Types**

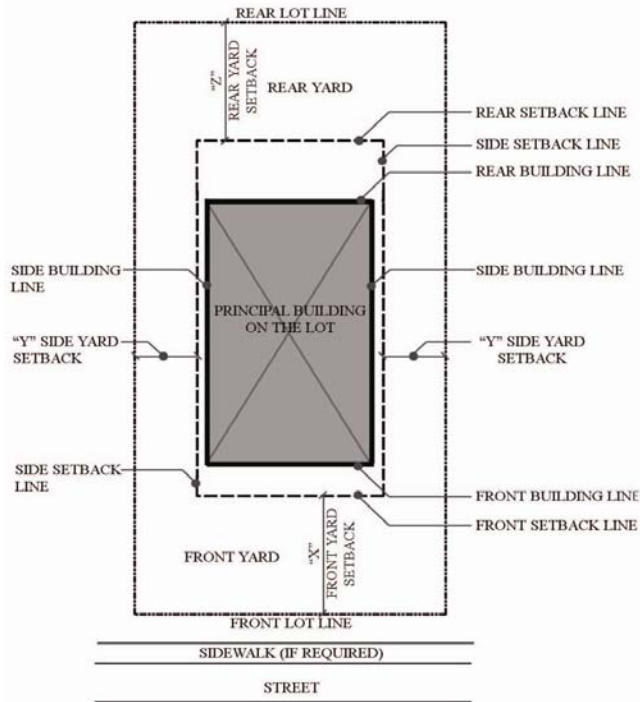


S - SIDE YARD  
F - FRONT YARD  
R - REAR YARD

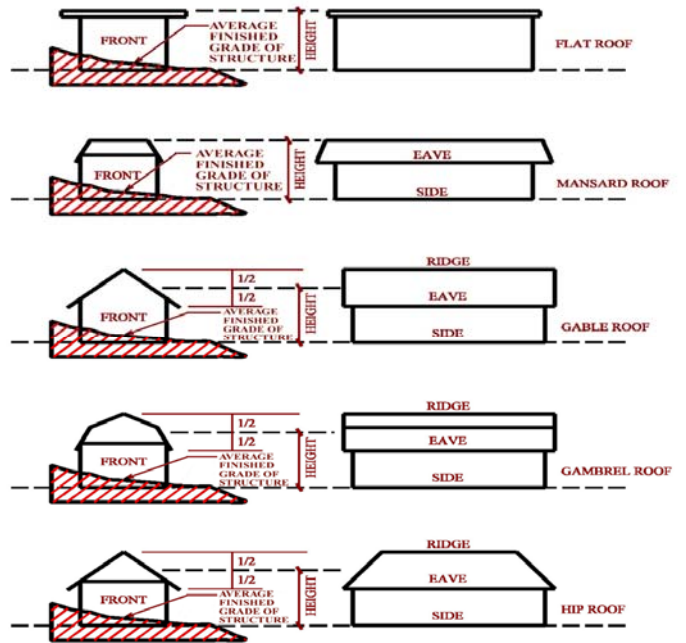


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## C. Basic Lot Standards



## D. Building Height



### §2009-307. Permitted Projections into Required Yards.

- A. The following shall be permitted to project into any required yard in any Zoning District as follows:
1. Typical architectural features, including, but not limited to, bay windows, window sills, cornices and eaves, shall be permitted to project into required yards no more than thirty-six (36) inches.
  2. Decks and unenclosed porches without enclosed habitable foundations shall be permitted to project into required front and side yards no more than three (3) feet and into the required rear yard no more than twenty (20) feet so long as a minimum of five (5) feet remain between the structure and the lot line.
  3. Steps and open fire escapes shall be permitted to project into required yards no more than six (6) feet.
  4. Awnings and/or sunscreens shall be permitted to project into required front and side yards no more than four (4) feet.

### §2009-308. Height Exceptions.

- A. The height limitations of this Zoning Ordinance shall not apply to the following structures. Place of worship steeples or spires; steeples; chimneys; elevator bulk heads and other mechanical equipment that is part of a principal structure; conveyors; flagpoles; silos;

## BOROUGH OF LIGONIER

standpipes; water towers; derricks; public utility structures; and other structures not intended for human habitation which do not exceed the height limitations of the Zoning District by more than fifteen (15) feet.

- B. All principal buildings or structures and accessory parking structures shall also be subject to all applicable Federal Aviation Administration (FAA) height restrictions.

### **§2009-309. Accessory Buildings/Structures.**

- A. Accessory buildings/structures permitted within Residential Zoning Districts of Ligonier include:
1. Fences, walls or hedges in accordance with §2009-309.C.2.
  2. Garage or parking area meeting requirements of Article IV limited to one (1) detached garage per lot.
  3. Shelter for domestic pets but not including a kennel when located not less than sixty (60) feet from any street line and not less than twenty-five (25) feet from any lot line.
  4. Private swimming pool, tennis court, or similar private recreation facility for the use of the residents of the lot containing the facility and their guests only.
  5. Private satellite dish or antenna less than twenty-four (24) inches in diameter.
  6. Signs in conformance with Article V of this Zoning Ordinance.
  7. Awnings.
  8. Residential Wind Turbines and Residential Solar Collection Panels.
  9. Granny Flat. The owner of said lot on which a granny flat exists shall reside on said lot.
  10. When an accessory building not on a permanent foundation will occupy one hundred twenty (120) square feet of area on the ground or less, it may be located no closer than three (3) feet from any side or rear lot line but not forward of the front setback line. Other accessory structures, regardless of size, when the use is for a garage, carport or picnic shelter, but not including a barn for animals, shall be located as follows:
    - a) 3' minimum side yard setback;
    - b) 5' minimum setback for façade with doors opening to an alley;
    - c) 0' minimum setback for façade with no doors opening to an alley.

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- B. Permitted Accessory Buildings and Structures in Non-residential Zoning Districts.
1. Fences, hedges and/or walls subject to provisions of §2009-309.C.2.
  2. Swimming pool, tennis court or similar accessory recreational facility when the principal permitted use is a motel, bed and breakfast, public park, club, or cultural or institutional use or when there are residential apartments on the same lot.
  3. Temporary structure incidental to the development of a lot, to be removed upon completion of development.
  4. Other structures or buildings customarily incidental to principal uses permitted in a district.
- C. In all Zoning Districts, the following regulations shall apply to accessory buildings and structures.
1. No accessory building and/or structure shall exceed the size and scale of the principal building and/or structure on the lot.
  2. Fences.
    - a) In all residential Zoning Districts, fences no greater than six (6) feet in height shall be permitted in rear and side yards between the rear building line and the rear lot line.
    - b) In commercial and industrial districts, fences no greater than ten (10) feet in height shall be permitted in rear and side yards between the rear building line and the rear lot line.
    - c) In Residential Zoning Districts, fences no greater than forty-two (42) inches in height shall be permitted in front yards and side yards between the rear building line and the front lot line. All fences shall be constructed such that the finished side of the fence faces all adjacent properties and public rights-of-way. Fences which contain openings equal to at least seventy-five (75) percent of the area of the fence shall be permitted in a lot's front and/or side yards.
    - d) In Non-Residential Zoning Districts, the maximum height of a fence shall be six (6) feet unless otherwise defined for commercial, industrial uses and/or service structures. Fences shall be permitted in a lot's rear and/or side yard(s). Fences shall contain openings that are at least fifty (50) percent of the area of the fence, unless an opaque screening fence is otherwise required by this Ordinance.
    - e) A swimming pool shall be enclosed by a fence or other enclosure six (6) feet in height as measured from the existing ground elevation which can be locked to prevent accidental or unauthorized entry.

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3. Clear Sight Distance. All fences, walls, screens and bufferyards or landscaping shall be located so as to not obstruct pedestrian access, visibility for traffic on adjacent streets or traffic entering or leaving a lot or adjacent lots. Minimum sight distances shall be maintained and located in accordance with the Clear Sight Line definition.
4. Satellite Dish Antennas in Residential Districts. In all Residential Zoning Districts, the maximum diameter of any satellite dish antenna installed on any lot, building or structure shall be twenty-four (24) inches.
  - a) Only one (1) satellite dish antenna shall be permitted on a residential lot.
  - b) Satellite dish antennas shall not be permitted in front yards or on front facades unless a variance is granted by the Zoning Hearing Board upon presentation of evidence that such location is the only feasible method of obtaining reception because of the physical characteristics of the lot and the location of existing structures on the lot.
  - c) A satellite dish antenna shall not project above the peak of a roof, and if said satellite dish is roof-mounted, no point of the satellite dish shall be greater than three (3) feet from the roof's surface. A satellite dish antenna shall be permitted to be mounted on a flat roof so long as the satellite dish projects less than three (3) feet from the roof surface and is mounted in an inconspicuous location.
5. Radio or Television Antennas. A radio or television antenna shall be permitted as an accessory use, subject to the following requirements:
  - a) A radio or television antenna structure may be installed in a rear yard area or mounted on a roof, provided that the structure shall not be located within twenty (20) feet of any lot line.
  - b) The antenna shall be no more than twelve (12) feet higher than the structure on which it is to be mounted and shall be designed so as to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located. If placed on a roof, any antenna exceeding eight (8) feet in overall height shall be mounted with guy wires.
  - c) Any such structure shall comply with applicable Federal Communications Commission regulations.
  - d) Radio or television antenna structures located on the ground shall be screened from adjacent lots by evergreen trees or other suitable landscaping material.
6. Regulations are applicable to communications antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles and communications equipment building/cabinets. Communications antennas mounted or located on existing or newly constructed non-residential buildings, light poles/standards or on utility transmission poles

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and communications equipment building/cabinets shall be permitted in all Zoning Districts, subject to the following criteria:

- a) The applicant shall provide a certification from an engineer, having demonstrated capability and competence in matters of structural integrity, that the proposed installation will not exceed the structural capacity of the pole or building upon which the communications antenna is proposed to be located, considering wind, ice, snow and other loads associated with the communications antenna location.
- b) The applicant shall provide detailed construction drawings indicating how the communications antenna(s) will be mounted for review by the Borough Engineer.
- c) There shall be no minimum building setback requirements for the antenna.
- d) The antenna shall be no more than twelve (12) feet higher than the structure on which it is to be mounted and shall be designed so as to have minimal visual impact to the building or structure, utilizing techniques such as being the same color as the building or pole on which it is located.
- e) The applicant shall provide authorization from the legal owner of the lot to install the communications antenna and any structure accessory to the communications antenna.
- f) The applicant shall provide agreements, easements, or rights-of-way necessary to ensure access for the purpose of installation and maintenance.
- g) Any existing or newly constructed light pole/standard or utility transmission pole may be constructed, reconstructed or altered for the purpose of accommodating the location and/or installation of communications antenna, provided that the height of the light pole/standard or utility transmission pole, once constructed, reconstructed or altered, shall not exceed sixty-five (65) feet.
- h) All communications antennas shall be operated so that they will not cause interference with other communications antennas.
- i) If any accessory communications equipment building/cabinets are proposed for the operation of the communications antenna, the following regulations shall be adhered to:
  - 1) The communications equipment building/cabinets and associated equipment may be located at or near the base of any existing or newly constructed light pole/standard. If the communications equipment building/cabinets are proposed for a communications antenna located on a non-residential building or structure other than an existing or newly constructed light pole/standard, such communications equipment building/cabinets may be located on the structure or building on which the communications antenna is located.

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- 2) For those communications antennas that are mounted on utility transmission poles, the communications equipment building/cabinets shall be located within the utility easement or right-of-way.
  - 3) Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is equal to or less than one hundred (100) square feet shall be subject to the height and setback requirements of the Zoning District for an accessory structure. Any communications equipment building/cabinets where the area encompassing the communications equipment building/cabinets is greater than one hundred (100) square feet shall be subject to the height and setback requirements of the Zoning District for a principal building or structure.
7. Canopies and Similar Structures. Those canopies and similar permanent freestanding roofed structures greater than one hundred fifty (150) square feet in lot coverage shall be permitted to cover outdoor seasonal display and sales areas or fuel dispensing areas accessory to authorized uses, provided that:
- a) No portion of such structure shall be located less than twenty (20) feet from any lot line or street right-of-way.
  - b) Such structure shall not be enclosed or incorporate walls.
  - c) A minimum of fifty (50) percent of the vertical supports utilized for the structure shall be designed to incorporate the same primary exterior material of the lot's principal building.
  - d) Any lighting associated with said structures shall be reduced to one half (½) normal operating power between the hours of 11:00 pm and 6:00 am.
  - e) Such structure shall be removed immediately, once the principal use or the use of the structure is discontinued.
8. Residential Wind Turbine.
- a) No turbine shall exceed twenty five (25) feet in height.
  - b) Turbines shall not be located within a front, side or rear setback.
9. Residential Solar Collector Panels.
- a) The location of solar collection panels shall be approved by the Zoning Officer to ensure glare is minimized on adjacent lots.
  - b) Panels shall not be located within a front, side or rear yard.
10. All Other Accessory Activities. The location of all other accessory buildings, structures, uses or events not defined are subject to Borough approval. Unless otherwise controlled by this Ordinance or defined by the Borough, all other accessory buildings, structures, uses or events shall be located at least ten (10)

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feet from any principal building, except that a detached garage may be connected to the principal building by contiguous walls, breezeways or similar connections. Said accessory activities shall be a minimum of ten (10) feet from the lot line unless otherwise defined by the Borough.

### D. Accessory Uses/Events.

#### 1. Residential.

- a) Cultivation of plants as an avocation, including the erection and maintenance of greenhouses and garden equipment storage buildings, trellises, etc., but involving no commercial sales or advertising.
- b) Signs in conformance with Article V of this Zoning Ordinance.
- c) No-Impact Home-Based Business.

#### 2. Non-residential.

- a) Amusement game machines not located in a commercial recreation and entertainment facility limited to three machines per establishment located within and accessible only from the principal use.
- b) Ancillary business services limited to serving the offices occupying the same building, such as copying and printing services, mail packaging and receiving, secretarial services and retail sales of office supplies, etc.
- c) Automated teller system accessory to a use.
- d) Day care center restricted to children of employees or users of services offered by principal use.
- e) Individual apartment of the owner, or manager, or an employee of the business occupying the lot, such apartment in the same principal structure on the lot occupied by the business.
- f) Laboratory and/or pharmacy within a clinic and a branch bank within an office building.
- g) Off-street loading areas subject to requirements of Article IV.
- h) Off-street parking areas and/or garages for the exclusive use of customers patronizing the establishment on the premises and for employees of the establishment in accordance with requirements of Article IV.
- i) Retail sales of books, magazines and newspapers (excluding adult bookstores), standard restaurant, fast-food restaurant, drug store, on the first floor of an office building occupying not more than twenty-five (25) percent of the building's floor area exclusive of basement, and provided there shall be no exposed entryway serving the business on the exterior of such building.

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- j) Satellite dish or antenna mounted on the ground and located not less than one and a quarter (1 1/4) times its maximum height from any side or rear lot line but not forward of the front setback line; or mounted on the roof.
- k) Signs in conformance with Article V of this Zoning Ordinance.

### §2009-310. Bufferyards.

- A. Bufferyard requirements for side and rear yards.
  - 1. Any non-residential use in C2 or C3 adjoining a residential lot.
    - a) Ten (10) foot landscaped buffer.
    - b) Bufferyard plant materials consist of a mixture of fifty (50) percent deciduous and fifty (50) percent evergreen trees at a maximum spacing of fifteen (15) feet apart, measured from the vertical centerline of adjacent trees.
  - 2. Any non-residential use in LW adjoining a single family or multi-family residential lot.
    - a) Twenty (20) foot landscaped buffer.
    - b) Bufferyard plant materials shall consist of a mixture of fifty (50) percent deciduous and fifty (50) percent evergreen trees at a maximum spacing of twelve (12) feet apart, measured from the vertical centerline of adjacent trees.

### §2009-311. Vegetation within Bufferyards.

- A. Any existing trees within the required bufferyard that are a minimum of two and one-half (2.5) inches in diameter at breast height (dbh) in accordance with American Nurseryman's Association standards shall count as required trees within the bufferyard. At no point, however, shall any existing trees and required trees be separated at a distance greater than the distance specified in the required bufferyard.
- B. All trees required to be planted within the bufferyard shall be a minimum of two and one-half (2.5) inches in diameter at breast height (dbh) in accordance with American Nurseryman's Association standards and shall be planted in accordance with accepted landscape conservation practices. All required trees shall be a minimum of six (6) feet in height at the time of planting as measured from the ground at the base of the tree to the top of the tree.
- C. It shall be the responsibility of the landowner and/or developer to assure the continued growth of all required landscaping and/or to replace the same in the event of freezing, drought, vandalism, disease or other reasons for the discontinued growth of the required trees, shrubs and bushes.



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### **§2009-312. Conflict Between Bufferyard and Yard Requirements.**

When the width of a required bufferyard is in conflict with the minimum yard requirements of the Zoning Ordinance, the greater distance shall apply. The landowner and/or developer shall adhere to the bufferyard planting requirement regardless of what the yard requirement is.

### **§2009-313. Existing Structures in Bufferyards.**

In instances where an existing building or structure houses the principal use of the lot, and is located within any required bufferyard, a bufferyard of not less than the minimum distance from the existing structure to the lot line shall be required. This reduced bufferyard width shall apply only to the yard area upon which the existing structure encroaches. If the existing building or structure is located within the required bufferyard on one (1) side of the building or structure, the required bufferyard as determined by this Zoning Ordinance shall apply on all other yard areas. All planting requirements shall be adhered to regardless of the bufferyard width.

### **§2009-314. Storm water Management Facilities within Bufferyards.**

Storm water management facilities and structures may be maintained within a bufferyard, but the existence of such facilities or structures shall not be a basis for a failure to meet the planting requirement.

### **§2009-315. Screening and Landscaping for Off-Street Parking and Service Structures.**

- A. A planting strip at least five (5) feet wide shall be provided between the edge of the right-of-way and any parking area associated with a non-residential use which fronts on a public or private street or roadway. Planting strips between the right-of-way and the parking area shall be suitably landscaped and maintained with ground cover, shrubbery, trees or other landscape or decorative materials across the entire frontage of the lot in order to prohibit vehicle access, except at approved ingress and egress points. Landscaping of appropriate mature heights shall not obstruct visibility for traffic entering or leaving the lot or traveling on the public street.
- B. In parking areas containing more than twenty (20) spaces, at least twenty (20) percent of the interior parking area shall be landscaped with plantings including one (1) tree for each ten (10) spaces.
  1. Surface parking area.
    - a) Interior landscaping shall be required for new parking areas or expansion of existing parking areas containing more than four thousand (4,000) square feet or ten (10) parking spaces, whichever is lesser. Where a pre-existing parking area is altered or expanded to increase the size to four thousand (4,000) or more square feet of area or ten (10) or more parking spaces, interior landscaping for the entire parking area shall be provided and not merely to the extent of its alteration or expansion.
    - b) One (1) internal landscape island shall be provided for every ten (10) parking spaces.
    - c) No more than ten (10) parking spaces shall be provided in an unbroken row without the provision of interior landscape islands.

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- d) At least one (1) shade tree shall be provided in each interior landscape island. The remaining area of the required interior landscape islands and/or interior landscape area shall be landscaped with shrubs or perennials, either of which should not exceed two (2) feet in height, or with turf grass.
  - e) All trees and shrubs required to be planted by this section shall be of the minimum diameters and heights set forth in this Zoning Ordinance.
  - f) There shall be a minimum distance of five (5) feet from the edge of paving to the center of all shade trees.
  - g) All landscape islands shall be enclosed by appropriate curbing or a similar device at least six (6) inches wide and six (6) inches in height above the paving surface.
- C. Landscaping for service structures. All service structures shall be fully screened. For the purposes of this subsection, service structures shall include propane tanks, dumpsters, air conditioning units and condensers, electrical transformers and other equipment or elements providing service to a building or a lot.
- D. Location of screening. A continuous planting, hedge, fence, wall or earthen mounding shall enclose any service structure on all sides unless such structure must be frequently moved, in which case screening on all but one (1) side is required. The average height of the screening material shall be one (1) foot more than the height of the enclosed structure, but shall not be required to exceed eight (8) feet in height unless specified otherwise by this Zoning Ordinance. When a service structure is located next to a building wall, perimeter landscaping material may fulfill the screening requirements for that side of the service structure if that wall or screening material is of an average height sufficient to meet the height requirement set out in this section. Although service structures are screened by plant material, such material may not count towards the fulfillment of required landscaping.
- E. Protection of screening material. Whenever screening material is placed around any trash disposal unit or waste collection unit that is emptied or removed mechanically on a regular basis, a fixed barrier to contain the placement of the container shall be provided within the screening material on those sides where there is such material. The barrier shall be at least eighteen (18) inches from the material and shall be of sufficient strength to prevent possible damage to the screening when the container is moved. The minimum front opening of the screening material shall be twelve (12) feet to allow service vehicles access to the container.

### **§2009-316. Vegetation Preservation.**

Vegetation preservation is governed by the specifications in this Section and the provisions of the Pennsylvania Municipalities Planning Code.

- A. Vegetation preservation. The removal of trees, shrubbery, foliage, grass or other natural growth shall be permitted when in conformance with the provisions of this Zoning Ordinance regulating land use, development and logging. The grubbing activity shall be permitted with the expressed approval of the Zoning Officer.

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### B. Cutting and clearing of vegetation; violations and penalties.

1. Forestry activities of timber harvesting and/or logging, whether by clear-cutting, selective cutting or other common practice, shall be permitted in any Zoning District. All forestry activities shall comply with the Borough's Ordinances.
2. The cutting of trees and/or clearing of vegetation within the maximum bufferyard which would be applicable to the lot as required by this Zoning Ordinance, or within the minimum building setback as required by this Zoning Ordinance, whichever is greater, is prohibited. Grubbing activity is permitted where the purpose is to improve the appearance of the lot.
3. In addition to any other remedy available to the Borough and in the event that the construction of structures and/or infrastructure on the lot does not commence despite an approved development plan in accordance with the Subdivision Ordinance or its designated equivalent(s) within six (6) months of the completion of the clearing operations as determined by the Borough, a landowner and/or developer shall reforest the disturbed site in accordance with requirements for the applicable bufferyard or, if in the area of any required minimum setback not within a required bufferyard, in accordance with the spacing and planting variety specified in this Zoning Ordinance. Should this six (6) month period fall during a season not conducive to planting, the Borough may permit the landowner, and/or developer to delay this reforestation until a time more conducive to growth, but shall commence no later than April 1. Furthermore, at the time of the development plan or plat approval, the Borough shall require that a performance bond be provided, in the favor of said Borough, to guarantee this reforestation, in an amount approved by the Borough Engineer. The lot must be reforested with a species comparable to the predominant species on the lot prior to the commencement of the clearing operations.

### **§2009-317. Basement Structures.**

Occupancy of a basement or foundation structure prior to the completion of the overall building or structure shall not be permitted.

### **§2009-318. Temporary Construction Trailers or Sheds.**

Temporary construction trailers or sheds shall be permitted in all Zoning Districts subject to the following conditions:

- A. Temporary construction trailers or sheds shall be permitted only during the period that the construction work is in progress. A permit for the temporary structure shall be obtained from the Zoning Officer prior to the commencement of construction and shall be renewed every six (6) months.
- B. Temporary construction trailers or sheds shall be located on the lot on which the construction is progressing and shall not be located within ten (10) feet of any lot line adjoining an existing residential use.
- C. Temporary construction trailers or sheds shall be used only as temporary field offices and for storage of incidental equipment and supplies and shall not be used for any dwelling use.

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- D. A temporary construction trailer may be permitted for use as a sales center for residential lots. The maximum gross floor area of such a temporary sales center shall be five hundred (500) square feet. A permit for the temporary trailer shall be obtained from the Zoning Officer.
- E. No combustible materials shall be stored in temporary construction trailers or sheds.

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## ARTICLE IV Parking and Loading

### §2009-400. Off-Street Parking Requirements.

#### A. General Requirements for Parking.

1. Whenever a use is new development, enlarged or changed, the additional parking required to serve such enlargement or change shall be in accordance with the requirements of this Chapter.
2. Minimum Dimensions.
  - a) Minimum Dimensions. Each parking space in a parking lot or structure shall be defined in accordance with the dimensions of §2009-401. A standard ninety (90) degree space is a minimum of nine (9) feet wide and eighteen (18) feet long. Each handicapped parking space shall be thirteen (13) feet wide by eighteen (18) feet long.
  - b) A parking bay, for purposes of this Chapter, shall include the area within a parking lot containing an access lane and the parking spaces to which the lane provides access. A double loaded parking bay denotes parking spaces on both sides of an access lane.
  - c) The minimum dimension, including access lane, across a double loaded parking bay with parking spaces at right angles to the access lane shall be sixty (60) feet and for a single loaded bay forty-four (44) feet. Where parking spaces form a forty-five (45) degree angle with the access lane, the dimension across a double loaded bay shall be at least fifty (50) feet and across a single loaded bay thirty-one (31) feet. Where parking spaces form a sixty (60) degree angle with the access lane, the dimension across a double loaded bay shall be at least fifty-six (56) feet and across a single loaded bay thirty-six (36) feet.

#### B. Maximum Distances of Parking from Use.

1. Parking to serve any multi-family residential building shall be located so that no required space is more than two hundred (200) feet from the building such space is designed to serve.
2. Parking to serve any non-residential use shall be located so that no required space is more than four hundred (400) feet from the building or use such space is designed to serve.
3. On-street parking in front of the subject lot shall be permitted to be credited to the requirement of parking for a lot with a non-residential use.
4. Enlargement or Change of Structure or Use.

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- a) Whenever a structure or use is enlarged or changed, whereby twenty-five (25) percent or more additional parking area is required to serve such enlargement or change, all parking areas for the new portion of development shall be in accordance with this Article.
  - b) Any change from a residential to commercial or industrial use shall comply in full with the requirements of this Article.
5. Where a structure or lot is of mixed uses, the total parking requirements for the various uses shall be added together to determine the total parking required on the lot.
  6. On a single-family lot or townhouse lot, a garage and the access drives to it may count as required parking areas. Where dwelling units and/or commercial uses share parking and/or garage space, parking designated for one (1) dwelling or commercial use shall not block that designated for other dwellings or commercial uses. Driveway entrances shall be located to create maximum sight distances in both directions at the street, and embankments, vegetation or other physical obstructions shall be cut back or removed to enhance the driver's view of the street.
  7. Design of Parking Lots.
    - a) All parking areas serving any commercial, industrial, public or semi-public use or any residential development where more than two (2) dwelling units share the same parking area shall be surfaced within a minimum of stable aggregate surface.
    - b) Parking lot surfaces shall be constructed in accordance with applicable Borough construction, Subdivision and Land Development and storm water management standards and approved by the Borough Engineer.
    - c) Where interconnections between parking lots of two (2) independent developments are provided, a landowner and/or developer may be entitled to one of the following incentives upon Borough Council approval:
      - 1) A twenty-five (25) percent reduction in required parking lot landscaping.
      - 2) A five (5) foot decreased side or front yard setback requirement.
- C. Handicapped-Accessible Parking Space Requirements. The number of handicap-accessible parking spaces shall be in accordance with the following table unless otherwise defined by the Americans with Disabilities Act or equivalent provisions. The percentage of van accessible spaces shall also be provided in accordance with the Americans with Disabilities Act or equivalent provisions.

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**Table VI: Required Handicapped Spaces**

Total Parking in Lot	Required Min. # of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

- D. Requirements for Off-Street Parking. The following Table outlines the requirements for calculating minimum parking for and identified use. Where identified in the Table, the first two thousand (2,000) square feet of said developed building/structure square footage shall not be applicable to said calculation.
- E. For all parking for land developments subject to Borough Review and Approval, the landowner and/or developer shall prepare an analysis acceptable to the Borough Engineer. The analysis shall be submitted to the Zoning Officer as part of the site plan review process and recommendation to the applicable Reviewing Body of the Borough. Off-street parking requirements and plan approval shall be based on the effectiveness of parking availability on site, parking otherwise available to the public within six hundred (600) feet of the subject lot and overall potential peak hour demand of employee, visitor spaces and/or resident spaces.

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**Table VII: Parking Requirements**

Land Use	Minimum Parking Requirement
<b>A Residential Use</b>	
1 All Other Residential Uses (not otherwise listed)	For Borough Review and Approval
2 Family Day Care Home	2 spaces
3 Group Care Facility	1 for every 4 residents, plus 1 for each employee on peak shift
4 Group Day Care Home	2 spaces, plus 1 space for each employee on peak
5 Life Care Facility, or Portions Thereof	1 for every 4 residents, plus 1 for each employee on peak shift
6 Mixed Use, Residential/Non-Residential	For Borough Review and Approval
7 Manufactured/Mobile Home Park	2 per dwelling unit
8 Nursing Home/Personal Care Home	One (1) per four (4) beds plus one (1) for each two (2) employees
9 Quadplex	2 per dwelling unit
10 Rooming/Boarding House	1 for each 2 employees, plus 1 for every 2 beds
11 Dwelling, Apartment	2 per dwelling unit
12 Dwelling, Single-family Detached	2 per dwelling unit
13 Dwelling, Townhouse	2 per dwelling unit
14 Dwelling, Twin or Duplex	2 per dwelling unit
15 Apartment, Conversion	2 per dwelling unit
<b>B Non-Residential Use</b>	
1 All Other Non-Residential Uses (not otherwise listed)	For Borough Review and Approval
2 Agricultural Uses	For Borough Review and Approval
3 Amusement Activities (billiards, bowling, etc.)	1 per 500 SF above the first 2,000 SF
4 Animal Hospital/Care Facility	1 per employee and 2 per exam table
5 Art Gallery/Craftsman Shop	1 per 500 SF above the first 2,000 SF
6 Appliance Store	1 per 500 SF above the first 2,000 SF
7 Automotive Sales	For Borough Review and Approval
8 Automotive Repair/Detailing Shop	2 per service bay
9 Bakery, Retail	For Borough Review and Approval
10 Bakery, Wholesale	For Borough Review and Approval
11 Banking/Financial Service, with Drive-Thru	For Borough Review and Approval
12 Banking/Financial Service, without Drive-Thru	For Borough Review and Approval
13 Bed and Breakfast	1 per guest room + 1 per owner/manager
14 Beverage Distributor	For Borough Review and Approval
14 Billboard	Not Applicable
15 Boarding Kennel	1 per 500 SF above the first 2,000 SF
16 Building Materials/Supplies, Retail	1 per 1,000 SF net lot area
17 Building Materials/Supplies, Wholesale	1 per 2,000 SF net lot area
18 Business Services	1 per 500 SF above the first 2,000 SF
19 Carpentry/Woodworking Shops	1 per 500 SF above the first 2,000 SF
20 Car Wash	1 per 200 SF office plus 4 stacking spaces per bay
21 Cemetery	2 + 1 for each 2 employees
22 Commercial Greenhouse	NA



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**Table VII: Parking Requirements Continued**

	<b>Land Use</b>	<b>Minimum Parking Requirement</b>
23	Communication Antennae	NA
24	Communication Tower	1 space
25	Community Gardens	NA
26	Consignment/Second Hand Shop/Antiquities	1 per 500 SF above the first 2,000 SF
27	Convenience Store, with Fuel/Energy Recharge	1 per employee and employer on peak shift
28	Convenience Store	1 per employee and employer on peak shift
29	Crematorium	1 space
30	Day care center (youth), pre-school, nursery school or kindergarten	1 per staff on peak shift and 1 space per 5 students
31	Day Care Center (adult)	1 per staff on peak shift and 1 space per 5 attendees
32	Drugstore/Pharmacy, without Drive-thru	1 per 2,000 SF net floor area
33	Drugstore/Pharmacy, with Drive-thru	1 per 2,000 SF net floor area
34	Emergency Services	NA
35	Forestry	NA
36	Fuel/energy Recharge Station (Retail)	1 per employee and employer on peak shift
37	Funeral Home	25 for first parlor plus 10 for each additional parlor
38	Gas Wells	NA
39	Grocery Market	1 per 500 SF above the first 2,000 SF
40	Grocery Store	1 per 500 SF above the first 2,000 SF
41	Hardware Store <20,000 SF	1 per 500 SF above the first 2,000 SF
42	Hardware Store >20,000 SF	1 per 2,000 SF net floor area
43	Health/Fitness Club	1 per 500 SF above the first 2,000 SF
44	Home-based Business/Occupation, Low Impact	1 per employee
45	Home-based Business/Occupation, No Impact	NA
46	Hospital/Hospice	For Borough Review and Approval
47	Hotel	For Borough Review and Approval
48	Junk Storage and Sales	NA
49	Laundromat/Dry Cleaners	1 per 5 washing machines
50	Lawn Care/Landscape Maintenance	For Borough Review and Approval
51	Library	For Borough Review and Approval
52	Light Manufacturing and/or Assembly Facility	1 per 2,000 SF net floor area
53	Massage Therapy Establishment	1 per table
54	Medical Clinic	5 spaces per doctor on duty
55	Mortician/Funeral Services	see Funeral Home
56	Motel	1 space per room
57	Municipal Use	1 per peak shift employee
58	Museum/Cultural Center	1 per 8 seats in the largest meeting room
59	Office, Professional and Medical	1 per 500 SF above the first 2,000 SF
60	Park/Open Space	NA
61	Parking Lot, Surface	NA
62	Parking Structure	NA
63	Personal Services	1 per 500 SF above the first 2,000 SF

**BOROUGH OF LIGONIER**

**Table VII: Parking Requirements Continued**

	<b>Land Use</b>	<b>Minimum Parking Requirement</b>
64	Place of Worship / Assembly	1 per 8 seats in the largest meeting room
65	Plumbing, Heating & Electrical Shops	1 per 500 SF above the first 2,000 SF
66	Post Office	NA
67	Printing Shop	1 per 500 SF above the first 2,000 SF
68	Public Essential Services	1 per employee on peak shift
69	Public Works	1 per employee on peak shift
70	Recreation Facility, Public	For Borough Review and Approval
71	Recreation Facility, Other	For Borough Review and Approval
72	Research and Development	For Borough Review and Approval
73	Restaurant (Fast-food, Drive-in)	1 per 500 SF
74	Restaurant (Fast-food, Non-drive-in)	1 per 500 SF
75	Restaurant (Non-fast-food, Non-drive-in)	1 per 3 patron seats and 1 space per 2 employees
76	Retail (large-scale (>10,000sf), on-premise sales)	1 per 200 SF above the first 2,000 SF
77	Retail (small-scale (≤10,000sf), on-premise sales)	1 per 200 SF above the first 2,000 SF
78	Retail (off-premise sales)	1 per 500 SF above the first 2,000 SF
79	School, Academic	For Borough Review and Approval
80	School, Commercial	1 per employee + 1 per 5 students
81	Senior Center	1 per 500 SF
82	Social Club	For Borough Review and Approval
83	Storage Facility (Self-storage/Portable Storage)	1 space per 2 employees + 1 space per 10 storage units
84	Studio (photography, artistic or musical)	1 per 500 SF
85	Tavern/Bar	1 per 500 SF
86	Theater	For Borough Review and Approval
87	Utility Use	NA
88	Water Tower	1
89	Warehouse	1 per employee on peak shift
90	Wholesale Business	1 per employee on peak shift
91	Wind Turbine, Commercial	NA
92	Wind Turbine, Residential	NA

- F. Uses within the C1 District may include spaces provided in a Borough operated parking lot as part of any required off-street parking calculation. The landowner and/or developer shall submit a written and notarized agreement to the Borough stating the provisions of said shared parking strategy, applicable parties and the terms, if any, which shall apply to ensuring the continual use and access of identified parking spaces on the Borough lot. In the event the land use undergoes change of ownership or the like, the agreement shall be updated to reflect current landowner and/or developer of the lot. No agreement shall be terminable by a land owner except upon cessation of the use.

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### §2009-401. Off-Street Parking Design Standards.

A. The minimum dimensions of parking facilities to be provided shall be as follows:

1. Parking lot dimensions shall be not less than those listed in the following table.

**Table VIII: Parking Dimensional Requirements.**

	Aisle-Width			
	Stall Width	Stall Depth	One-Way	Two-Way
90 degrees	9'	18'	24'	24'
60 degrees	10'	22'	18'	20'
45 degrees	10'	21'	15'	20'
30 degrees	10'	19'	12'	20'
Parallel	8'	22'	12'	20'

\* Depth of stall is the perpendicular measurement from curb or edge of the parking lot toward the interior portion of the lot to be occupied by the parking vehicles and not including any part of the drive.

2. All dead end parking lots shall be designed to provide sufficient back-up area for the end stalls of the parking area.
  3. Parking areas shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle.
  4. Where more than ten (10) parking spaces are required, a maximum of forty (40) percent of the parking spaces may be provided for compact vehicles. Each such compact parking space shall be not less than eight (8) feet wide by seventeen (17) feet long. All compact parking spaces shall be located in the same area and be marked to indicate spaces designated for compact parking.
- B. Setback for parking areas shall be provided as follows:
1. All parking spaces shall be located at least five (5) feet from any multi-family dwelling building, office, commercial, institutional, industrial, and other similar non-residential buildings located on the lot. The five (5) foot corridor thus established between the parking area and building shall be for the purpose of providing a pedestrian access walkway.
  2. All parking spaces shall be at least five (5) feet from any exterior lot line, except where bufferyards are required, in which case such parking spaces may not encroach on the bufferyard area.
  3. No off-street parking area shall be located within a public right-of-way.

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- C. Separation.
1. Except at entrance and exit drives, parking areas shall be physically separated from any public and/or private streets by a minimum five (5) foot planting strip.
  2. In no case shall parking areas be designed to require or encourage cars to back into a public or private street in order to leave the parking areas.
  3. All paved off-street parking spaces shall be marked so as to indicate their location.
  4. Unless deemed unnecessary by the Borough Engineer, pedestrian crosswalks and landscaped refuge islands to separate the parking spaces from the exit, entrance, and circulatory drives shall be provided for and approved by the Borough Engineer. Such landscaped areas may be considered as part of the vegetative coverage requirements set forth in the applicable zoning district provisions or as provided elsewhere in this Chapter.
- D. Bufferyards. Bufferyards and screening shall be required for parking lots for four (4) or more vehicles located on a lot adjacent to a residential use and shall be provided on each side which faces a residential use. Such bufferyard and screening shall be in accordance with bufferyard standards set forth in this Article.
- E. Curb Radius. No less than a five (5) foot radius of curvature shall be permitted for all curb lines in all parking lots.

### **§2009-402. Off-Street Loading, Unloading and Parcel Access.**

- A. In order to maintain traffic circulation safety within the Borough, any drive-thru constructed shall only be accessible from a secondary street. As of the date of this Ordinance, no additional curb cuts for use as a driveway, service access, drive-thru or the like shall be permitted to be constructed where said curb cut accesses Main and/or Market Streets.
- B. Required Berths and Spaces.
1. In addition to the off-street parking requirements set forth herein, any building erected, converted, or enlarged for commercial, office, manufacturing, institutional, hospital, or other similar uses requiring the delivery or pick up of products or materials shall provide adequate off-street areas for the loading and unloading of vehicles. Such areas shall be provided for as follows:
  2. All off-street loading and unloading areas shall be provided and maintained so long as the use exists which the facilities were designed to serve.
- C. Design Standards. Off-street loading facilities shall be designed to conform to the following specifications:
1. Each required berth shall be not less than twelve (12) feet in width, forty-five (45) feet in length and fourteen (14) feet in height, exclusive of drives and maneuvering space and located entirely on the lot being served.

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2. There shall be appropriate means of access to a street or alley, as well as adequate maneuvering space.
3. The maximum width of the driveways and sidewalk openings measured at the street lot line shall be twenty (20) feet; the minimum width shall be ten (10) feet.
4. All accessory driveways and entrance ways shall be graded, surfaced and drained in accordance applicable codes and Ordinances of the Borough.
5. Maneuvering space shall be provided adjacent to the loading area, if necessary, so that vehicles may change direction and leave as well as enter the loading area moving in a forward direction. Public roads except alleys as designated by the Borough, adjacent to a loading area shall not be used for maneuvering. Areas established for off-street parking shall not be utilized for off-street loading or vehicle repair work.
6. Where there are multiple uses within a development, shared loading areas shall be used among as many uses as practical. Loading areas shall be adjacent to the use or building served except that in a group of buildings in the same use on the same lot, one (1) building may be designated to receive and dispatch goods, provided the total applicable floor area in all buildings on the lot is aggregated in determining the total required loading spaces.
7. Whenever a use is enlarged or changed, the additional loading required to serve such enlargement or change shall be in accordance with the requirements of this Chapter.
8. Loading areas and adjacent maneuvering space shall be surfaced with a permanent all-weather material placed over at least 6 (six) inches of well compacted base course, capable of bearing the weight of vehicles ordinarily traveling over or parking upon the surface, and shall be sloped to assure positive drainage to an approved storm water management facility.
9. Loading areas may be lighted but such lighting shall not create glare conditions on adjacent residential properties or streets.
  - a) Access to the loading area on any lot shall be via a road or lane at least twelve (12) feet in width for one-way traffic or twenty-two (22) feet wide for two-way use, with a clearance of at least fourteen (14) feet six (6) inches its entire length. Between the hours of 9:00 am and 4:00 pm, alleys may be permitted for loading use.
  - b) When a loading area is to occur on a lot that abuts a Residential Zoning District, the edges of such loading area between the residential zone and the loading area uninterrupted by buildings or screening topography shall be planted in accordance with the bufferyards defined by this Chapter. A solid fence or wall at least six and (6) feet in height may be constructed in lieu of hedging as required by the bufferyard requirements provided such fence or wall is maintained in good condition.

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- c) Nothing in this Section shall compel uses existing prior to passage of this Chapter to comply with these loading requirements except that any additions or intensifications of use upon the same lot shall be provided with loading areas in accordance with these requirements.

10. Required Berths and Spaces.

- a) In addition to the off-street parking requirements set forth herein, any building erected, converted or enlarged for any non-residential land use requiring the delivery or pick up of products or materials shall provide adequate off-street areas for the loading and unloading of vehicles. Such areas shall be provided for as follows:

**Table IX: Required Loading/Unloading Spaces**

Use	Gross Floor Area (SF)	# of Spaces
Commerical, wholesale manufacturing, hospitals laundry, institutional and similar uses	<8,000	1
	8,000 - 40,000	2
	>40,000 - 100,000	3
	>100,000 - 250,000	4
	each additional 200,000	1
Office buildings and hotels	<100,000	1
	100,000 - 300,000	2
	>300,000	3

# ZONING ORDINANCE

## ARTICLE V Signage

### §2009-500. Purpose.

- A. The sign regulations, controls and provisions set forth in this Chapter are made in accordance with an overall plan and program related to residential and non-residential uses. The regulations, controls and provisions are intended to guide public safety, area development, and preservation of lot values and the general welfare of the Borough. To maintain the Borough's established historic integrity, within all zoning district all proposed signage - whether associated with new development, infill, replacement or redevelopment - shall seek to promote compatibility with existing surrounding development and activity. The regulations, controls and provisions are also intended to aid in traffic control and traffic safety; lessen congestion of land and air space; guard against concentrations of signs which distract and endanger traffic safety and traffic flow; establish reasonable standards for non-residential and other advertising through the use of signs in order to maintain and encourage business activity and economic development; avoid uncontrolled proliferation of signs; recognize the rights of the public in roads, streets, highways and the areas adjacent to those roads, streets and highways; preserve the wholesome and attractive character of the Borough; and to recognize that the general welfare include a community plan that shall be attractive as well as healthy spacious, clean and well balanced in its growth and development.

### §2009-501. Sign packages, permits, fees and procedures.

- A. Sign package shall mean a detailed description, including but not limited to type, size, and location of all signs for each unit within the complex/center, as well as the ground sign. The Zoning Officer shall review all sign packages for completeness. Any application determined to be incomplete shall be returned to the applicant with a description of missing and/or incomplete items. This provision shall apply to:
1. New construction after the effective date of this Chapter.
  2. A change of tenant.
  3. The proposal of new, or changes to, the material(s), structure, lighting mechanisms of signs of an existing use.
- B. A sign permit shall be required in order to erect, install, relocate, modify or change any sign within the Borough unless otherwise indicated in this section. "Modify," as it is used herein shall mean a cabinet or face replacement because of a change in the nature of the business or a change in the name and ownership of a business; or replacement of supporting structures.
- C. The application for a permit shall be signed by the landowner, developer or tenant.
- D. Failure to conform to the conditions of a sign permit, including any conditions and/or stipulations attached thereto shall render such permit void.
- E. Fees for sign permits shall be required and payable in such sums as the Borough Council may from time to time establish by resolution.

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- F. No sign permit shall be valid or effective after six (6) months from the date of issuance thereof and shall thereafter be void unless the sign is in place as of the expiration date.
- G. To obtain a sign permit, a sign permit application must be completed and include the following information.
  - 1. A drawing prepared to scale, of the proposed sign showing: all sign dimensions, including the height of the sign and grade level of base of sign; sign materials; connections to ground plane where applicable; and colors.
  - 2. Site plan showing proposed locations of sign;
  - 3. Any building elevations showing proposed location of sign;
  - 4. The sources of sign illumination and applicable details of the fixture and screening.
- H. Sign installation. All signs shall be installed in accordance with engineering practices approved by the Borough.
- I. Sign maintenance.
  - 1. Every permitted sign must be constructed of durable material, kept in good condition and repair and otherwise comply with the Borough Property Maintenance Code. If the durability and/or condition of said sign is not repaired or improved within the time specified by the Zoning Officer or the Codes Officer, the sign shall be removed by the owner, the Borough may remove the sign at the expense of the owner or person in possession of the lot on which the sign is located. The Zoning Officer will notify the responsible party with a certified letter prior to any removal action being taken by the Borough.
  - 2. Any damaged sign shall be repaired within sixty (60) days.
  - 3. Any sign which has been damaged to such extent that it may pose an imminent hazard to the public, as determined by the Zoning Officer or Codes Offices, shall be repaired or removed immediately.
  - 4. Any internally illuminated sign cabinets or sign panels which have been damaged shall remain non-illuminated until repaired.
  - 5. Failure to comply with these sign maintenance requirements shall constitute a violation of the Borough Zoning Ordinance.
- J. Size.
  - 1. The square footage of the sign shall refer to the graphic area of the sign facing. Size of individually mounted letters or logos shall be measured as the area enclosed by the smallest single rectangle or square which will enclose all sign copy and logos. Ground signs mounted as individual letters and/or graphics



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against a wall or fence incorporated in the landscaping of a building shall be measured from the outermost length and height dimensions of the sign.

2. The height of any decorative base or architectural or landscape feature erected to support or ornament the sign shall be measured at average grade as part of the sign height. Maximum sign height shall be measured from the existing or proposed average ground level to the top of the sign structure provided the ground level is not deliberately elevated to increase the height of the sign.
3. Ground signs installed perpendicular to a street may be double faced with the allowable square footage on each face. Double-faced signs that are erected at an angle to each other will be subject to the following as to whether they are intended as two (2) signs or for all intents and purposes only constitute one (1) sign for N/S, E/W orientation on the serving street. If the interior angle formed by the two faces of the double-faced sign is greater than forty-five (45) degrees, then both sides of such sign shall be considered in calculating the sign area.
4. Wall signs shall not exceed the width of the front of the building on which it is located and shall not protrude more than twelve (12) inches from the facade on which the sign is mounted.
5. In no case shall a wall, projecting or awning sign exceed the height of building allowed in the Zoning District.
6. Gasoline service stations shall be allotted ten (10) additional square feet to display price per gallon figures divided as they select between logo and prices on the one ground sign permitted on the lot.
7. Automobile dealers are permitted one (1) "Used Car" ground sign not to exceed twelve (12) feet in height and ten (10) square feet in area; or the ten (10) additional square feet can be incorporated into the existing sign to advertise used cars divided as the sign owner selects.
8. Sign copy mounted or painted on an illuminated surface (including awnings) or illuminated architectural element of a building shall be measured as the entire illuminated surface or architectural element which contains sign copy. A non-illuminated sign placed on an awning shall be measured as if placed on any other architectural element.

### K. Signage placement.

1. No sign shall be placed, erected or located so that:
  - a) It is pasted, stapled or otherwise attached to public utility poles or trees within the street right-of-way line.
  - b) It is on a public lot or public rights-of-way, unless approved or erected by the Borough.
  - c) It is painted on, attached to, or supported by a tree, stone, cliff or other natural objects.

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- d) It is displayed on a vehicle parked and visible from a public right-of-way unless the vehicle is used for the normal day-to-day operation of a business on the premises. The intent of this provision is to prohibit the use of a sign on a vehicle to circumvent sign limits on a lot.
2. Sign font and logos shall not be legible from the rear of the sign.
  3. Business signs in Non-residential Zoning Districts shall be placed on the front face of the building only, except in instances where the entrance door to the business is on the side or the rear of the building. However, no signs in Non-residential Zoning Districts may face an immediately adjacent Residential Zoning District.
  4. Illuminated Window Signs shall include lit signs placed inside a window facing the exterior of the building. A permit shall be required for illuminated window signs.
    - a) Illuminated window signs shall not be placed above the ground floor of the building and/or more than ten (10) feet above grade level of the building.
    - b) Illuminated window signs shall not exceed a size of sixteen (16) square feet. Anything exceeding this size shall be deemed the business sign to which the business is entitled. Any combination of illuminated window signs grouped in an area not to exceed sixteen (16) square feet will be permitted.
  5. One (1) sign designating each business located in the arcade area in the CI-Diamond Commercial District may be erected on the arcade adjacent to such business, provided that such sign is five and one-half (5 1/2) feet long, one and one-half (1 1/2) feet high, and three (3) inches thick and made of wood. The sign shall be erected along the outer edge of the arcade on the arch between supporting exterior posts, is centered in the arch and is attached to the underside of the arch, and further provided that the lower edge of said sign is at least seven and one-half (7 1/2) feet from the sidewalk. Said square footage shall not be included in the signage square footage permissible for said business. See §2009-504.
- L. Sign landscaping.
1. Ground signs. For each visible sign face, the landowner and/or developer shall provide landscaping equivalent to one and one-half (1 1/2) square feet for each square foot of sign area (both faces). Landscaping shall consist of a combination of deciduous and evergreen ornamental grasses, groundcover and/or small shrubs. Turf grass shall not be considered as landscaping for ground signs.
- M. Liability.
1. The provisions of this Section shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, erecting or owning any sign, or resulting from the negligence or willful acts of such person, firm or corporation, its agents, employees or workmen, in the

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construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit be construed as imposing on the Borough or its offices or employees, any responsibility or liability by reasons of approval of any signs structural integrity, construction methods, materials, electrical or mechanical devices or other components which shall be the sole responsibility of the person, firm or corporation erecting, owning, repairing or removing such sign.

### §2009-502. General Regulations.

- A. A sign permit shall be required for all proposed signs or modifications to existing signs.
- B. No signs illuminated by a flashing, pulsating or intermittent source, no strung pennants or bare bulbs, and no signs lighted in such a manner as to create glare conditions on adjacent properties or any adjacent street shall be permitted.
- C. Internally illuminated. The maximum projection of a sign shall be five (5) feet from the building face and have a minimum of seven and one half (7 1/2) feet between the bottom of said sign and the sidewalk unless otherwise regulated by the signage provisions associated with the arcade.
- D. Signs containing an integral lighting source, as well as their structural supports, shall be made of non-combustible materials, meaning those materials which will not ignite or deform at temperatures below one thousand two hundred (1,200) degrees Fahrenheit.
- E. The construction of each sign shall comply with applicable provisions of the Borough Building Code.
- F. No sign shall be located so as to block doors, fire escapes, operable windows or access to them; nor shall a sign be attached to a fire escape. No sign shall by reason of location or message content create a traffic hazard by obstructing sight distances or confusing motorists.
- G. No sign, unless approved as a community-oriented mural, shall be painted directly on a wall, but letters or other devices prepared elsewhere may be applied directly to a wall or to a display window.
- H. Where wire glass, shatter-proof glass or consist of a minimum of one-fourth (1/4) inch safety or plate glass.
- I. No sign shall be permitted to hang from or be placed over a second sign except that signs may be placed on, but not extended beyond, any vertical face of a marquee or canopy. This does not exclude separate placards from being independently attached to the same supporting structure as long as the total area of all combined does not exceed the area limitation.

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### §2009-503. Prohibited Signs.

- A. An "A-Frame," sandwich board or other incidental sign which is in excess of 24"x40". No more than one (1) total sign of said type per storefront shall be permitted and said sign shall be removed during non-business operating hours. Said sign shall not block required clear space or areas needed for pedestrian and/or vehicular circulation and shall be located within 30' of the building's front wall.
- B. Wheeled signs.
- C. Other than those authorized by the Borough Council, banners and pennants; banners used as temporary signs are permitted as long as they are secured, not waving or fluttering, comply with the maximum size permitted (36" x 48") and erected no more than fourteen (14) days prior to an event and are removed within five (5) days of the event. National, State or Municipal Flags, as well as banners displaying "open," shall not be considered a banner or pennant.
- D. Moving or flashing signs otherwise not authorized by this Chapter;
- E. Roof signs;
- F. Signs on trees, utility poles or official traffic control devices or signs;
- G. Signs that imitate traffic control devices;
- H. Signs painted on walls or chimneys of a building or on fences or walls;
- I. Signs on or affixed to vehicles and/or trailers which are parked on a public right-of-way, public lot or private lot, other than temporarily for overnight storage on the site of a business or for maintenance, repair, loading, unloading or rendering a service at any location, which are visible from the public right-of-way and where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby lot.
- J. Signs that by reason of size, location, content, coloring or manner of illumination, obstruct the vision of drivers or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads.
- K. Any sign that obstructs free ingress to or egress from a fire escape, door, window or other required exit way.
- L. Signs that make use of words as "Stop," "Look," "One Way," "Danger," "Yield," or any similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead, or confuse traffic.
- M. Misleading Information. No sign shall be created which states or implies that a lot may be used for any purpose not permitted under the provisions of the Ordinance.

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### §2009-504. Major Types of Permanent Signs.

Signs in all Zoning Districts shall be categorized according to the types described below and shall comply with the requirements for those types described in this section.

<b>Permitted for all Zoning Districts:</b>	
Nameplate	Not exceeding one (1) square foot
Memorial or historical sign	Not exceeding fifteen (15) square feet
On-lot directional sign, Private property	Not exceeding six (6) square feet
No trespassing and Warning sign, Private property	Not exceeding one (1) square foot per sign
<b>Permitted for Residential R-1, R-2, R-3, and R-4 Districts</b>	
Identification sign, Multi-family structure or development	Not exceeding fifteen (15) square feet
Identification sign, Daycare center, personal care home, group residence	Not to exceed twelve (12) square feet
Identification sign, Residential	Not to exceed one (1) square foot
<b>Permitted for VR District</b>	
Identification sign, Multi-family structure or development	Not exceeding fifteen (15) square feet
Identification sign, Daycare center, personal care home, group residence	Not to exceed twelve (12) square feet
Identification sign, Residential	Not to exceed one (1) square foot
Non-residential uses	Not to exceed fifteen (15) square feet
<b>Permitted for C-1 District</b>	<b>From the following, a maximum of two sign types per business plus an arcade sign will be allowed</b>
Arcade Sign	Not to exceed five and one half (5 1/2) feet long, one and one half (1 1/2) feet high and three (3) inches thick
Flush-mounted sign	Not to exceed one (1) square foot for every two (2) feet of building frontage, but not exceeding fifteen (15) square feet in area
Awning or canopy	Not to exceed a total of eight (8) feet
Projecting sign mounted perpendicular to the structure	Not to exceed fifteen (15) square feet
Window graphic sign	Not to exceed twenty (20) percent of the gross window area
Free standing sign	Not to exceed fifteen (15) square feet
Identification sign, Place of worship, public use/building, recreational facility, multi-family structure, group residence, personal care, or boarding	Not to exceed fifteen (15) square feet

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<b>Permitted for C-2 and C-3 Districts</b>	<b>From the following, a maximum of two sign types per business will be allowed</b>
Flush-mounted sign	Not to exceed one (1) square foot for every two (2) feet of building frontage, but not exceeding sixteen (16) square feet in area
Awning or canopy	Not to exceed a total of eight (8) feet
Projecting sign mounted perpendicular to the structure	Not to exceed sixteen (16) square feet
Window graphic sign	Not to exceed twenty (20) percent of the gross window area
Free standing sign	Not to exceed sixteen (16) square feet
Identification sign, Place of worship, public use/building, recreational facility, multi-family structure, group residence, personal care, or boarding home	Not to exceed sixteen (16) square feet
<b>Permitted for the LW District:</b>	<b>From the following, a maximum of two sign types per business will be allowed</b>
Flush-mounted sign	Not to exceed one (1) square foot for every one (1) foot of building frontage, but not exceeding 120 square feet in area
Awning, canopy or marquee	Not to exceed eight (8) square feet per sign face
Window graphic sign	Not to exceed twenty (20) percent of the gross window area
Free standing sign	Not to exceed one (1) square foot for every one (1) foot of building frontage, but not exceeding 120 square feet in area

- A. Off-premises advertising sign structures, including poster panels, bulletins, and the like, may be erected and maintained in a manufacturing district subject to the following regulations:
  - 1. No advertising sign shall be permitted to be erected within (5) five feet of an adjoining residential zoning district if visible from and designed to face into such zoning district.
  
- B. Public utility signs required in connection with the identification, operation, or protection of a public utility, provided the area of one side of any such sign shall not exceed eight (8) square feet.

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- C. Any sign lawfully existing at the time of the passage of this Chapter that does not conform with the regulations of the zoning district in which such sign is located shall be considered nonconforming and may continue subject to the following provisions:
1. Signs which are nonconforming by reason of their absolute prohibition shall be removed within five (5) years following enactment of this Chapter or from any other date of the establishment of their nonconformity.
  2. Signs which are nonconforming by reason of dimensions may continue in their present location until replacement or rebuilding becomes necessary, at which time a zoning permit will be required and the sign brought into conformity with this Chapter.

### §2009-505. Temporary Signs.

The following classes of temporary signs are permitted for all land uses and within all Zoning Districts.

Temporary Signs		Time Limit
Real estate signs	Not to exceed ten (10) square feet in residential districts or thirty (30) square feet in nonresidential districts	One (1) year
Construction signs	Not to exceed ten (10) square feet	One (1) year or one (1) week after building/occupancy permit is signed
Political campaign signs	Not to exceed four (4) square feet	Three (3) months before an election; Removed two (2) weeks after an election
Garage and yard sale signs	Not to exceed four (4) square feet	One (1) week prior to event; Removed two (2) days following event
Sandwich Board: Beyond 30" of a building façade	Not to exceed 24" by 40"	Fourteen (14) days
Sandwich Board: Within 30" of a building façade	Not to exceed 24" by 40"	No Permit Required
Other signs	As permitted by the Borough Council	As defined by the Borough

### §2009-506. Other Sign Provisions.

- A. Lots with Multiple Street Frontage. In all Zoning Districts, lots fronting on more than one (1) street shall be permitted to have one (1) sign of authorized sign types as defined by this part for each street frontage.
- B. Visibility. No sign shall be located in such a position that it will cause a hazard by obstructing visibility for traffic on a street or obscuring a traffic signal or other traffic control device.
- C. Illumination.
  1. Illumination, when authorized by this Chapter, shall be directed upon the sign face and not towards adjoining lots or streets so that the source of illumination is not visible.

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2. Internal illumination of signs shall be permitted only for signs with “cut” letter format only and with accordance of the lighting performance standards established with this Chapter.
3. Lighting shall be stationary and constant in intensity and color at all times. The intensity of any source of illumination of any sign, whether indirect or internal, shall be controlled so as to not create glare and to be compatible with the intensity of ambient light and illumination on surrounding lots.
4. Electronic variable message signs, meaning an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming shall not be permitted, with the exception of for time and temperature. See also §27-909 Glare.

### D. Removal of Signs.

1. Whenever any business, activity or product on a lot is discontinued, vacated or no longer sold, all signs relating to the discontinued or vacated business shall be removed within thirty (30) days of the vacation or discontinuance of the business or activity.
2. If the landowner and/or developer fails to remove the sign by the end of the thirtieth (30) day from the permit expiration date, the Borough shall be permitted to remove the sign at the landowner and/or developer's expense.

### E. Permits.

1. No permit shall be required for temporary signs: real estate, construction, political, or garage/yard sale. Permits shall be required for all other signs authorized by this Chapter. The Zoning Officer shall issue the required permits upon submission of an application that complies with all applicable provisions of this Chapter and payment of the required fee established from time to time by resolution of the Borough Council.

### F. Expiration of Permits.

1. Any permit issued by the Zoning Officer for erection, alteration, replacement or relocation of any sign shall expire automatically within six (6) months of the date of issuance if work authorized by the permit has not been initiated and diligently pursued.

### G. Sign Location.

1. Except for permitted off-premise signs in conformance with this Chapter or otherwise approved by the Borough, all signs shall be located on the premises which they are intended to serve.



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## ARTICLE VI Performance Standards

### §2009-600. Compliance Required.

- A. All uses shall comply with the requirements of this section. Compliance shall be determined by the Zoning Officer with respect to permitted uses by the Zoning Hearing Board with respect to special exceptions and by the Borough Council with respect to conditional uses. In order to determine whether a proposed use will conform to the requirements of this Zoning Ordinance, the Borough may obtain a qualified consultant's report, whose cost for services shall be borne by the applicant.
- B. All projects that require the additional use of new facilities or essential services, such as sewers, storm drains, fire hydrants, potable water, public streets, street lighting and similar services, shall obtain such approval as required by the agency providing such service prior to project approval. Non availability of essential services shall be permitted to be grounds for denying permits for additional development until such services are available. The jurisdiction is not obligated to extend or supply essential services if capacity is not available. If capacity is available, the extension of services shall be by and at the cost of the developer, unless the jurisdiction agrees otherwise. All service extensions shall be designed and installed in full conformance with the jurisdiction's standards for such service, and shall be subject to review, permit and inspection as required by other policies or Ordinances of the jurisdiction.

### §2009-601. Fire Protection.

Fire protection and fire-fighting equipment acceptable to the National Fire Protection Association shall be readily available by a landowner and/or developer where there is any activity involving the handling or storage of flammable or explosive material.

### §2009-602. Radioactivity; Electrical Disturbances.

No activity shall emit radioactivity at any point or cause electrical disturbance adversely affecting the operation of radio or other equipment in the vicinity.

### §2009-603. Noise.

Noise which is determined to be objectionable because of volume, frequency or beat shall be muffled or otherwise controlled, except that fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement. Noise in excess of ninety (90) decibels as measured on a decibel or sound level meter of standard quality and design operated on the A-weighted scale at a distance of twenty-five (25) feet from any property line of the property on which the noise source is located shall not be permitted.

### §2009-604. Vibrations.

Vibrations detectable without instruments on neighboring property in any district shall be prohibited, except that temporary vibration as a result of construction activity shall be permitted.

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### **§2009-605. Odors.**

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

### **§2009-606. Smoke.**

The maximum amount of smoke emission permitted shall be determined by the use of the Standard Ringelmann Chart issued by the United States Bureau of Mines. No smoke of a shade darker than No. 2 shall be permitted.

### **§2009-607. Air Pollution.**

No pollution of air by fly ash, dust, vapors or other substance shall be permitted which is harmful to health, animals, vegetation or other property or which can cause soiling of property.

### **§2009-608. Glare.**

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

### **§2009-609. Erosion.**

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

### **§2009-610. Water Pollution.**

Water pollution shall be subject to the standards established by the Pennsylvania Department of Environmental Protection (DEP) and the Pennsylvania Fish and Boat Commission.

### **§2009-611. Excavation, Filling and Grading.**

- A. All finished cut and fill slopes shall have a grade of not more than two (2) feet horizontal for every one (1) foot vertical. All cut and fill slopes greater than twenty (20) feet in elevation or depression must be designed by a certified soils engineer or a certified geologist. The soils engineer or geologist who designs the slope must certify that it is stable upon completion. The Borough Engineer may require that a fence or other barrier be placed in a location which will prevent anyone from nearby properties access to a cut or fill slope.
- B. All lands, regardless of their slope, from which structures or natural cover has been removed or otherwise destroyed shall be appropriately graded and seeded within a reasonable time of such clearance activity. The phrase "a reasonable time" shall be interpreted to be within two weeks after construction activities are completed, unless those activities are completed between a time period of November 1 and April 1. In such case, the required sodding or seeding shall occur within two weeks of April 1. This shall be rigidly applied to construction activities in order to accomplish the intent of keeping erosion to an absolute minimum. During non-growing seasons, appropriate measures shall be taken, such as but not limited to siltation dams, to prevent erosion by wind or water. In addition to the measures stated above, the developer/property owner shall provide

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assurances that all requirements will be complied with at the beginning of the next growing season.

### **§2009-612. Floodway Development.**

No development, cutting or filling of land or natural vegetation is permissible within a floodway, except as permitted by action of the Borough Zoning Hearing Board and/or federal, state, county or municipal agencies having jurisdiction over such matters.

### **§2009-613. Disturbance Near Water Courses.**

No cutting, fill or other disturbing of land or natural vegetation is permissible within fifty (50) feet of the edge of perennial and intermittent streams, except as permitted by action of the Zoning Hearing Board and/or federal, state, county or municipal agencies having jurisdiction over such matters. In cases where the Zoning Hearing Board determines that a hardship running with the land exists as a result of this requirement, a variance may be granted, provided that special precautions can be and are ordered to be taken to ensure against continuing erosion or other circumstances which may be harmful to the immediate watercourse or in any way pollute the stream.

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## ARTICLE VII Conditional Uses

### §2009-700. Overview.

- A. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
1. The number of employees.
  2. The 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 this Chapter.
  6. The hours of operation.
  7. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
  8. Architectural plans as submitted as part of approval. Architectural plans shall be required to be submitted as part of said application for conditional use.
- B. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
- C. Is in general conformity with the Borough Comprehensive Plan and harmony with the area in which it is proposed.
- D. The Borough may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to bufferyard requirements, parking, circulation, and setbacks.

### §2009-701. All Other Residential Uses (not otherwise listed).

A residential use not expressly as a permitted use, conditional use or special exception may be permitted as a conditional use upon the applicant's demonstration that the proposed use:

- A. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
1. The number of units.

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2. The floor area of the building or gross area of the lot devoted to the proposed use.
  3. Vehicular and pedestrian circulation patterns.
  4. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
  5. Architectural plans shall be required to be submitted as part of said application for conditional use.
- B. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
- C. Is in general conformity with the Borough Comprehensive Plan and harmony with the area in which it is proposed.
- D. Complies with any applicable standards and criteria specified in this Article for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed.
- E. Is in compliance with all other standards of this Chapter and all other applicable Ordinances.

### **§2009-702. Family Day Care Home.**

In zoning districts where a Family Care Facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. In the C1 district, said use shall not occur on the main floor of the principal structure.
- B. In the C1 district, the minimum distance between any two family day care homes shall be five hundred (500) feet.
- C. Off-street parking shall be provided in accordance with the provisions of Article IV, "Off-Street Parking."
- D. Whenever a party or parties seeks to occupy a dwelling or other building as a family care facility, the party or parties shall file a detailed statement of intent with the Borough Council describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- E. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.

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- F. Lot area, width, and yard regulations shall be in accordance with applicable zoning district requirements.
- G. A family care facility shall not be located within one thousand (1,000) feet of another family care and/ or group care facility. Said distance shall be measured from lot line of one facility to the nearest lot line of the other facility.
- H. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- I. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use. Such modifications shall also include not enclosing of porches or modifications of doors.

### **§2009-703. Group Care Facility.**

In zoning districts where a Group Care Facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Off-street parking shall be provided in accordance with the provisions of Article IV, "Off-Street Parking."
- B. Whenever a party or parties seeks to occupy a dwelling or other building as a group care facility, the party or parties shall file a detailed statement of intent with the Borough Council describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- D. Lot shall be determined on the basis of building size, yard requirements, parking and access requirements and other applicable standards, but in no case shall be less than seven thousand five hundred (7,500) square feet plus five hundred (500) square feet for every resident over ten (10).
- E. A group care facility shall not be located within one thousand (1,000) feet of another family care and/ or group care facility. Said distance shall be measured from lot line of one facility to the nearest lot line of the other facility.
- F. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- G. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use. Such modifications shall also include not enclosing of porches or modifications of doors.

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### **§2009-704. Group Day Care Home.**

In zoning districts where a Group Day Care Home is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Off-street parking shall be provided in accordance with the provisions of Article IV, "Off-Street Parking."
- B. The party or parties of said use shall file a detailed statement of intent with the Borough Council describing the proposed use. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.

### **§2009-705. Life Care Facility, or Portions Thereof.**

- A. In zoning districts where a Life Care Facility or portions thereof is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
- B. Off-street parking shall be provided in accordance with the provisions of Article IV, "Off-Street Parking."
- C. Whenever a party or parties seeks to occupy a dwelling or other building as a life care facility or portion thereof, the party or parties shall file a detailed statement of intent with the Borough Council describing the proposed use of the dwelling or building. Such statement shall detail the proposed number and nature of the anticipated occupants. The statement shall identify how said use satisfies a demonstrative need and shall be conducted in a responsible manner without detriment to surrounding properties and neighborhood.
- D. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- E. Open space area of one hundred (100) square feet per bed shall be provided exclusive of the front yard setback, bufferyard and parking area.
- F. Sidewalk gradients shall be constructed at five (5) percent maximum.
- G. The facility shall be accessible for firefighting purposes and evacuation at all levels and on all sides, otherwise the facility shall not be more than two (2) stories.
- H. Safe vehicular access and areas for discharging and picking up guests shall be provided.
- I. The location, orientation and lot circulation shall be coordinated with the Borough in order to minimize the disturbance of surrounding land uses.



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1. If the parking area for a life care community is adjacent to a single-family residential lot, any parking areas that demand greater than ten (10) automobiles, the following shall apply:
  - a) An additional ten (10) foot setback with one (1) of the following shall be provided along the parking lot's perimeter to minimize the impact of inappropriate noise, dust, light and other disturbances on adjacent residential lots.
  - b) One and one-half (1 ½) times the required number of plants for screening and buffering off-street parking and loading areas; or
- J. A mound, a minimum of three and one-half (3 1/2) feet in height at its peak, shall be constructed whereas the sides do not exceed a four (4) foot horizontal to one (1) foot vertical change in elevation. The mound shall be landscaped with plants that provide four (4) seasons of interest not including turf grass. The landowner and/or developer shall coordinate lot drainage so that lot development and grading do not create any adverse effects on adjacent lots.
- K. The facility shall meet all state requirements for life care or nursing/convalescent care facilities in addition to those defined in this Subsection.
- L. The landowner and/or developer shall conduct a traffic analysis to show that adequate traffic controls are in place to minimize potential negative impacts.
- M. Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the Borough Planning Commission and/or Council shall be complied with by the landowner and/or developer.
- N. Two (2)-story buildings with second story dwelling units are permitted. A minimum of fifty (50) percent of the second-story dwelling units shall have at-grade or elevator access.
- O. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the site or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures.
- P. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- Q. The Borough shall review all applications for life care facilities and approve or disapprove such applications and require such covenants or legal restrictions deemed necessary to insure the intent of the Ordinance.

### **§2009-706. Mixed Use, Residential/Non-Residential.**

In zoning districts where a Mixed Use, Residential/Non-Residential is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Dwellings may be shall be located on any floor except the main floor.

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- B. Entrance to all dwellings may be shall be located on any floor except the main floor.
- C. To preserve the historically established character of the C1 district, non-retail-oriented uses shall only be located on a floor not designated as the main floor of the principal building.
- D. Any additional standards that are needed to protect public health, safety and welfare or to address unique characteristics of a particular site defined by the Borough Planning Commission and/or Council shall be complied with by the landowner and/or developer.

### **§2009-707. Manufactured/Mobile Home Park.**

In zoning districts where a Mobile Home Park is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. An office manager shall reside within the Mobile Home Park.
- B. Gross Lot Requirements. The following provisions shall apply to the overall development.
  - 1. Gross Lot. Ten (10) acres (435,600 square feet) minimum.
  - 2. Gross lot width (at street line).
    - a) One hundred (100) feet for portions used for vehicular ingress/egress;
    - b) Two hundred (200) feet for portions containing mobile home berths.
  - 3. Access point on streets. As specified in the Subdivision and Land Development Ordinance.
  - 4. Bufferyard. Each mobile home park shall be surrounded by a buffer area at least fifty (50) feet wide along the inside of the lot lines.
  - 5. Side and rear yards of gross lot. Fifty (50) feet minimum from any mobile home berth to any lot line.
  - 6. Minimum setback of all mobile homes and accessory structures. Seventy-five (75) feet from any road, street or alley right-of-way adjacent to the mobile home lot.
- C. Net Lot Requirements.
  - 1. Berth size.
    - a) 5,000 square feet area and forty (40) feet wide as a minimum for a ten (10) to twelve (12) foot wide mobile home.
    - b) 10,000 square feet area and eighty (80) feet wide for any mobile home with enclosed projections or a double mobile home.
  - 2. Open space. Four hundred (400) square feet per berth, not to be located in any required lot setback, bufferyard, or yard (berth) areas.

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3. Bufferyard and lot setbacks. As specified above.
4. Distance between mobile homes. A total of twenty-eight (28) feet in both side yards, with a minimum of ten (10) feet per side.
5. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.

### **§2009-708. Nursing Home/Personal Care Home.**

In zoning districts where a Nursing Home/Personal Care Home is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The minimum site area required shall be one (1) acre.
- B. The site shall be served by public water and public sewers.
- C. All nursing home/personal care home facilities shall be licensed by the Commonwealth of Pennsylvania.
- D. Water pressure and volume shall be adequate for fire protection and shall be referred to the applicable local fire company for review and comment.
- E. Ingress, egress and internal traffic circulation shall be designed to ensure access by emergency vehicles. A twelve (12) foot wide fire/emergency access route shall be provided around the perimeter of each building. Topography or other characteristics of the lot or the development that might affect the use of emergency equipment between buildings may dictate a greater separation of structures. The parking and circulation plan shall be referred to local fire companies for comments regarding traffic safety and emergency access.
- F. All property lines adjoining an existing residential use or residential district zoning classification shall, at a minimum, be screened per regulations set forth in this Chapter.
- G. Any development shall be provided with public sewage as approved by the Borough.

### **§2009-709. Quadplex.**

In zoning districts where a Quadplex is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Bufferyards between a quadplex development and adjacent residential lots shall be increased by ten (10) feet in width. Landscaping, within this additional width, shall be provided in accordance with the spacing, quantity and type of plants recommendations made by the individual Borough.
- B. Slopes shall be graded at a maximum of a three-foot horizontal to one-foot vertical (3:1) ratio.

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- C. The primary vehicular entrance to the quadplex shall, at a minimum, have direct access to a collector road.
- D. Maximum height of outdoor parking area and roadway lighting shall be twenty-five (25) feet.
- E. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.
- F. Any development shall be provided with public sewage as approved by the Borough.

### **§2009-710. Rooming/Boarding House.**

In zoning districts where a Rooming or Boarding House is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Any single-family dwelling occupied by a family may also accommodate not more than three (3) individual boarders, who also take meals in the dwelling, or two (2) individual roomers, who do not take meals there. Said boarders shall be unrelated and, subsequently, shall not be part of said family.
- B. One (1) parking space shall be provided on the premises for each guest sleeping room plus three spaces per dwelling on premises.
- C. Any single-family dwelling occupied by a family and containing no boarders or roomers may also accommodate foster persons, placed by court order.
- D. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use. Such modifications shall also include not enclosing of porches or modifications of doors.

### **§2009-711. Dwelling, Apartment.**

In zoning districts where an apartment dwelling is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. In the C1 district, said use shall not occur on the main floor of the principal structure.
- B. The primary vehicular entrance to the development shall complement the existing pattern of lot access on the block in which development is proposed.

### **§2009-712. Dwelling, Single-Family Detached.**

In zoning districts where a Dwelling, Single-family Detached is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The primary vehicular entrance to the development shall complement the existing pattern of lot access on the block in which development is proposed.

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### §2009-713. Dwelling, Townhouse.

In zoning districts where a Dwelling, Townhouse is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Bufferyards between a townhouse development and adjacent residential lots shall be increased by ten (10) feet in width. Landscaping, within this additional width, shall be provided in accordance with the spacing, quantity and type of plants recommendations from the Borough.
- B. The primary vehicular entrance to the development shall complement the existing pattern of lot access on the block in which development is proposed.
- C. Maximum height of outdoor parking area and roadway lighting shall be twenty-five (25) feet.
- D. The landowner and /or developer shall provide a plan for photometrics of the lot. To minimize undesirable impacts on adjacent lots, illumination, when measured at a lot line, shall be a maximum of one (1) foot-candle.
- E. Access to the rear of any townhouse lot shall not be encumbered by development.
- F. Comments and restrictions shall be required for the final approval of all major land developments that incorporate townhouses and/or condominiums.
- G. Any development shall be provided with public sewage as approved by the Borough.

### §2009-714. Apartment, Conversion.

In zoning districts where an Apartment Conversion is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Off-street parking shall be provided in accordance with the provisions of Article IV, "Off-Street Parking."
- B. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- C. Conversions of a single-family dwelling to multi-family dwelling shall create no more than three (3) total dwelling including the existing single-family dwelling unit.
- D. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- E. The design and size of the apartment conforms to all applicable State and Borough standard/codes.
- F. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use. Such modifications shall also include not enclosing of porches or modifications of doors.

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### **§2009-715. All Other Non-Residential Uses (not otherwise listed).**

A non-residential use not expressly as a permitted use, conditional use or special exception may be permitted as a conditional use upon the applicant's demonstration that the proposed use:

- G. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
  - 1. The number of employees.
  - 2. The 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 this Chapter.
  - 6. The hours of operation.
  - 7. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
  - 8. Architectural plans as submitted as part of approval. Architectural plans shall be required to be submitted as part of said application for conditional use.
- H. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
- I. Is in general conformity with the Borough Comprehensive Plan and harmony with the area in which it is proposed.
- J. Complies with any applicable standards and criteria specified in this Article for the most nearly comparable conditional uses or use by special exception specifically listed in the Zoning District in which it is proposed.
- K. Is in compliance with all other standards of this Chapter and all other applicable Ordinances.

### **§2009-716. Agriculture Uses.**

In zoning districts where agriculture uses are designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

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- A. Surface water run-off shall be diverted away from adjacent properties and shall not contaminate downstream watercourses.
- B. As regulated by Article VI, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced. The impacts of traffic and environmental conditions shall also be considered as part of Borough evaluation.
- C. Sufficient screening and buffering of parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- D. Any new operation as part of an existing agricultural operation shall not be approved by the Borough until erosion and sedimentation control plan has been prepared and found satisfactory by the Westmoreland County Conservation District, if said plan is applicable.

### **§2009-717. Amusement Activities (billiards, bowling, etc.).**

In zoning districts where an amusement activity is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Will not endanger the public health and safety if located where proposed and that the use will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration.
- B. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 11:00 P.M. and shall be screened as per this Ordinance.
- C. Hours for operation of said use shall be similar to that of surrounding uses.
- D. All dumpsters, not incorporated into the principal building, shall be located in the rear yard setback and shall be screened with masonry or vegetation. All screens shall be a minimum of eight (8) feet high and shall have a minimum opacity of eighty (80) percent.

### **§2009-718. Animal Hospital/Care Facility.**

In zoning districts where an animal hospital/care facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Such uses shall be located at least one hundred (100) feet from any lot line adjoining a residential use or zoning district and at least fifty (50) feet from any other lot line.
- B. Animal holding areas shall be within an enclosed building.
- C. If adjacent properties are developed for all residential dwellings, the kennels shall be soundproofed to minimize noise impact on adjacent properties.
- D. The facility shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and local/County Health Department shall be maintained.
- E. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.

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- F. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- G. No disposal of dead animals shall occur on the lot.

### **§2009-719. Appliance Store.**

In zoning districts where an Appliance Store is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- B. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.

### **§2009-720. Bakery, Retail.**

In zoning districts where a Bakery, Retail is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- B. Any and all odors and smoke generated as part of the operation shall be in conformance with the regulations set forth in the Borough.
- C. Sufficient screening and buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.

### **§2009-721. Banking/Financial Service, with or without Drive-Thru.**

In zoning districts where a Banking/Financial Service is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Banking/Financial Service (With Drive-Thru) shall have a maximum of one point of ingress/egress to a major street as defined by this Chapter.
- B. Said use shall have frontage on a major and/or arterial street.
- C. In the C1 district, the minimum distance between any two banks shall be five hundred (500) feet.
- D. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.



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- E. A Circulation Plan shall be submitted identifying the location of parking, movement and stacking.

### **§2009-722. Bed and Breakfast.**

In zoning district where a Bed and Breakfast is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. One and (1) off-street parking space for each bedroom shall be provided. All parking spaces and driveways shall be surfaced with all weather paving material.
- B. The owner of the facility or resident manager must reside therein.
- C. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- D. Accessory uses shall be permitted so long as they complement the bed and breakfast use and do not encumber activities of surrounding lots.
- E. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use. Such modifications shall also include not enclosing of porches or modifications of doors.

### **§2009-723. Beverage Distributor .**

- A. In zoning district where a Beverage Distributor is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
- B. No outdoor storage shall be permitted.
- C. Sufficient buffering or parking areas must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- D. A Circulation Plan acceptable to the Borough Engineer shall be submitted identifying the location of parking, movement and stacking.

### **§2009-724. Boarding Kennel.**

- A. In zoning district where a Boarding Kennel is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:
- B. Such uses shall be located at least one hundred (100) feet from any property line adjoining an existing residential lot and at least fifty (50) feet from any other property line or public right of way as defined by this Chapter.
- C. The minimum lot area shall be two (2) acres.

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- D. Outdoor runs and similar facilities shall be constructed for easy cleaning, shall be adequately secured by a fence with a self-latching gate and shall be screened by a six (6) foot high compact hedge or one hundred (100) percent opaque fence on all sides which are visible from an existing residential lot or a public right of way.
- E. If adjacent properties are developed as residential lots, the kennels shall be soundproofed to minimize noise impact on adjacent properties.
- F. The kennel shall be licensed by the Commonwealth of Pennsylvania, and compliance with all applicable rules and regulations of the Commonwealth of Pennsylvania and the Westmoreland County Health Department shall be maintained.
- G. At no time shall the animals be permitted to run loose on the lot other than in a completely enclosed area.

### **§2009-725. Building Materials/Supplies, Retail.**

In zoning districts where a Building Material/ Garden Supply Store is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. All outdoor storage areas shall be screened from adjacent uses in accordance with this Chapter.
- B. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- C. Outdoor storage and sales shall be aligned and displayed in an orderly fashion and shall not be permitted in a front yard.

### **§2009-726. Business Services.**

In zoning districts where Business Services are designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
  - 1. The number of employees.
  - 2. The 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 this Chapter.

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6. The hours of operation.
7. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.
8. Architectural plans as submitted as part of approval. Architectural plans shall be required to be submitted as part of said application for conditional use.

### **§2009-727. Car Wash.**

In zoning districts where a Car Wash is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The maximum size of the lot shall be one (1) acre.
- B. A car wash shall provide a minimum of three (3) stacking spaces per washing bay.
- C. Paved off-street stacking spaces shall be arranged in an orderly fashion so as not to cause blockage of any means of ingress or egress and to insure that the traffic flow on public street rights-of-way is not endangered in any way. A separate means of ingress shall be established and clearly marked, as shall be a separate means of egress from the car wash. It shall be the responsibility of the owner to avoid any congestion in the public street right-of-way by directing traffic away from the facility by posting a "Temporarily Closed" sign or other means. Traffic studies and associated improvements may be required by the Borough as a condition of approval.
- D. The car wash shall have direct access to a major street as defined by this Chapter or shall have a point of ingress/egress from a public or private street within the lot of another retail use. The road shall have sufficient capacity to handle traffic generated by the facility.
- E. All equipment related to the operation of the car wash shall be properly screened to minimize nuisances to an adjoining lot.
- F. A car wash that adjoins an existing non-residential lot shall be buffered in accordance with this Chapter. Grass, sod or turf shall not be considered an acceptable plant for use within landscaped bufferyards.

### **§2009-728. Cemetery.**

In zoning districts where a Cemetery is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A drainage plan, showing the lot's existing and proposed runoff characteristics, shall be submitted with the application for approval.
- B. Plans for ingress, egress and internal traffic circulation on the lot shall be submitted for comments regarding public safety to PennDOT and/or Borough Engineer.
- C. Parking for principal structures such as chapels or mausoleums shall be provided in accordance with the requirements of this Chapter.

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- D. An additional ten (10) feet of yard setback with landscaping a minimum of six (6) feet in height for off-street parking, loading areas, outdoor service areas and storage areas shall be provided as defined by this Chapter to protect the surrounding residences from in appropriate light and other disturbances.
- E. At no time shall a corpse be exposed or visible from a public right of way or adjacent lot.
- F. The hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from inappropriate noise, dust, odor, vibration, light or other disturbance on interruption as defined by this Chapter.
- G. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids is permitted.
- H. The owner(s) and operator(s) of a cemetery shall incorporate Best Managements Practices as outlined in the Pennsylvania Handbook of Best Management Practices for Developing Areas to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

### **§2009-729. Commercial Greenhouse.**

In zoning districts where a Commercial Greenhouse is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. All outdoor storage areas shall be screened from adjacent uses in accordance with this Chapter.
- B. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- C. Outdoor storage and sales shall be aligned and displayed in an orderly fashion and shall not be permitted in a front yard.

### **§2009-730. Communication Tower.**

In zoning districts where a Communication Tower is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Use Regulations.
  - 1. A telecommunication tower with antenna that is attached to an existing communications tower, smoke stack, water tower, or other tall structure, is permitted as a conditional use in designated Zoning Districts. The height of the antenna shall not exceed the height of the existing structure by more than twelve (12) feet. If the antenna is to be mounted on an existing structure, a full site plan shall not be required.

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2. A telecommunication tower that is not mounted on an existing structure or that is more than twelve (12) feet higher than the structure in which it is mounted, is only permitted as a conditional use in designated Zoning Districts.
3. All other uses ancillary to the communication tower and associated equipment (including a business office, maintenance depot, vehicle storage, etc.) are prohibited from the communication tower unless otherwise permitted in the Zoning District in which the communication tower is located.

### B. Standards of Approval.

1. The owner of the communication tower is required to demonstrate, using technological evidence that this tower must go where it is proposed, in order to satisfy its function in the company's grid system.
2. If the communication tower owner proposes to erect a new tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it contacted the owners of tall structures within a one mile radius of the site proposed, asked for permission to install the antenna on those structures and was denied for reasons other than economic ones. This would include smoke stacks, water towers, tall buildings, antenna support structures of other communication phone companies, other communications (fire, police, etc.), and other tall structures. The Borough may deny the application to construct a new tower if the applicant has not made a good faith effort to mount the antenna on an existing structure.
3. Tower Height. The applicant shall demonstrate that the tower is the minimum height required to function satisfactorily. No communication tower that is taller than this minimum height shall be approved.
4. Set backs from the base of the communication tower support structure. If a new communication tower support structure is constructed (as opposed to mounting the antenna on an existing structure), the minimum distance between the base of the support structure and any lot line or street right-of-way shall be one hundred fifteen (115) percent of the tower's height with the minimum setback equal to twenty-five (25) feet.
5. The communication tower must be erected to comply with manufacturer requirements and accepted engineering standards.
6. The communication tower shall be securely anchored in a fixed location on the ground, and the applicant shall provide qualified documentary evidence that the proposed structure will withstand wind, snow, ice and other natural forces. The applicant shall also demonstrate that the proposed tower and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, radio frequency, falling ice or other debris. The communication tower shall meet radio emission standards adopted by the Federal Communications Commission (FCC).
7. The communication tower, or the yard area containing the communication tower, shall be protected and secured to guarantee the safety of the general public.

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Fencing shall consist of galvanized chain link, eight (8) feet in height, and installation of anti-climbing safety devices will be required at a minimum to demonstrate compliance with this Subsection. Associated supports and guide wires shall not be located within the required setbacks.

8. The applicant shall submit to the Planning Commission a site plan or survey of the lot certified by an Engineer, Landscape Architect or Architect. The applicant must also submit a fencing and landscaping plan with the application for conditional use.
  9. Only one (1) communication tower shall be permitted per lot.
  10. The communication tower in its operation will not endanger the health, safety and welfare of the public.
  11. The applicant will provide, at the Borough's request, copies of FCC licenses for all users of the facility. Conditional use approval is contingent upon the maintenance of FCC licenses for all users of the communications facility. Any grant of conditional use hereunder will automatically expire if said license ever expires.
  12. Communication tower owners shall be responsible for removing all communication towers whose licenses have expired. Removal of the tower shall occur within one (1) calendar year following the expiration date of the license.
  13. Landscaping. Outside of the required fencing, a landscaping screen of evergreen trees planted ten (10) feet on center and a minimum six (6) feet in height shall be required.
  14. In order to reduce the number of antenna support structures needed in the community in the future, the proposed support structure shall be required to accommodate other users, including other cellular phone companies, and police, fire and ambulance companies and other public and emergency management entities.
  15. Communication tower and support structures fewer than two hundred (200) feet in height should be painted silver or have a galvanized finish retained in order to reduce the visual impact. Where a communication tower and support structure are located within existing woodland, the communication tower and support structure shall be painted dark green.
- C. Additional Standards. In addition to the foregoing, the following standards shall also apply to communication towers and the applications for conditional use:
1. Inspection. The Borough Council may require periodic inspections of communication towers to insure structural integrity. Such inspections may be required by owners as follows:
    - a) Monopole Towers - at least once every three (3) years;
    - b) Self-Support Towers - at least once every three (3) years;

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- c) Guyed Towers - at least once every three (3) years.
2. Inspections shall be conducted by an Engineer licensed by the Commonwealth of Pennsylvania. The result of such inspections shall be provided to the Borough. Based upon results of an inspection, the Borough may require repair or removal of a communication tower.
3. Equipment in a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. The applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs and traffic, noise, or safety impact of such maintenance. Where the site abuts or has access to a collector and local street, access for maintenance vehicle shall be exclusively the means of the collector street. A surfaced and maintained driveway or with parking inside the fence boundaries must also be constructed.
4. When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented inward so as not to project onto a surrounding lot.
5. Prior to the site plan certification, the applicant shall provide documentation that the proposed communication tower has been reviewed and is not determined to be a hazard by the FAA or the authorized Cumberland County Department. Said Department shall review the communication tower application to determine if it is a hazard to any FAA flight paths.
6. Applicants will be required to execute a Developers Agreement with the Borough Council.

### **§2009-731. Community Gardens.**

The following shall be permitted as part of a community garden and/or market garden:

- A. Greenhouses, hoophouses, cold-frames, and similar structures used to extend the growing season.
- B. Open space associated with and intended for use as garden areas.
- C. Signs limited to identification, information and directional signs, including sponsorship information where the sponsorship information is clearly secondary to other permitted information on any particular sign.
- D. Benches, bike racks, raised/accessible planting beds, compost bins, picnic tables, seasonal farm stands, fences, garden art, rain barrel systems, chicken coops, beehives, and children's play areas.
- E. Buildings, limited to tool sheds, shade pavilions, barns, rest-room facilities with composting toilets, and planting preparation houses.
- F. Off-street parking and walkways, in conformance with the regulations of this Chapter.

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- G. Uses and structures in an urban Garden District shall be developed and maintained in accordance with the following regulations.
1. Location. Buildings shall be set back from property lines of a Residential District a minimum distance of five (5) feet.
  2. Height. No building or other structure shall be greater than twenty-five (25) feet in height.
  3. Building Coverage. The combined area of all buildings, excluding greenhouses and hoopouses, shall not exceed fifteen (15) percent of the garden site lot area.
  4. Parking and Walkways. Off-street parking shall be permitted only for those garden sites exceeding fifteen thousand (15,000) square feet in lot area. Such parking shall be limited in size to ten (10) percent of the garden site lot area and shall be either unpaved or surfaced with gravel or similar loose material or shall be paved with pervious paving material. Walkways shall be unpaved except as necessary to meet the needs of individuals with disabilities.
  5. Signs. Signs shall not exceed four (4) square feet in area per side and shall not exceed six (6) feet in height.
  6. Seasonal Farm stands. Seasonal farm stands shall be removed from the premises or stored inside a building on the premises during that time of the year when the garden is not open for public use.

### **§2009-732. Convenience Store.**

In zoning districts where a Convenience Store is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- B. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.
- C. Loading areas and docks shall be screened with either landscaping or fencing from neighboring uses.
- D. Lighting associated with any canopy constructed on the lot shall be installed as internal illumination of the canopy only.
- E. Dumpsters shall be located in the rear of a lot and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a maximum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- F. Access driveways shall be a minimum of twenty-eight (28) feet wide and separated by one hundred (100) feet from one another, if located along the same frontage as measured from edge to edge.



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- G. The storage of motor vehicles (whether capable of movement or not) for more than one (1) month is prohibited.
- H. If Fuel/Energy Recharge Station is provided, see also Section 2009-733.

### **§2009-733. Day Care Center.**

In zoning districts where a Day Care Center (youth and/or adult), Pre-School, Nursery School or Kindergarten is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Exterior recreation space shall be located on the lot in an effort to minimize physical conflict between said use and surrounding land uses.
- B. No accommodations for overnight facilities of patrons shall be provided on the lot.
- C. Said use shall possess licensure as issued by the Commonwealth of Pennsylvania to operate as a day care center.

### **§2009-734. Drugstore/Pharmacy, with Drive-thru.**

In zoning districts where a Drugstore/Pharmacy, with Drive-thru is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. A Drugstore/Pharmacy, with Drive-thru shall have a maximum of two (2) points of ingress/egress to a major street as defined by this Chapter.
- D. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- E. Dumpsters shall be located to the rear of the lot and screened with the same building material of the principal building. Screening shall be constructed to achieve eighty (80) percent opacity.

### **§2009-735. Fuel/Energy Recharge Station (Retail).**

In zoning districts where a Fuel/Energy Recharge Station (retail) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Station shall be located to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.

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- B. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- C. Building and parking setbacks shall be consistent with the existing building and parking setbacks of adjoining lots.
- D. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- E. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- F. A Fuel/Energy Recharge Station (retail) shall have a maximum of two (2) points of ingress/egress to a major street as defined by this Chapter unless otherwise prohibited by this Chapter.
- G. Fuel pumps and/or energy recharge access points shall not be located between a building façade and street right-of-way.
- H. An Hours of Operation Plan shall be submitted for Borough review and approval to ensure use does not negatively impact adjacent lot activity specifically as related to noise, light and/or traffic.
- I. A traffic impact study shall be required to be submitted where the proposed development, according to the institute of Transportation Engineers (ITE) standards, will generate one hundred (100) trips in addition to the adjacent roadways' peak hour volumes.

### **§2009-736. Gas Wells.**

In zoning districts where a Gas Well is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A gas well shall not be located closer than two-hundred (200) feet from residential dwelling or fifty-(50) feet from any lot line or right-of-way.
- B. Vehicular access to a gas well shall be paved for a minimum of one hundred (100) feet from where such access intersects with a public right-of-way to the internal portion of the lot. Paving, at a minimum, shall be of aggregate material as approved by the Borough Engineer.
- C. Traffic related to the construction, inspection, maintenance and/or use of a gas well shall occur between the hours of 7:00am and 8:00pm.
- D. A maintenance bond related to potential impacts on adjacent public roadways may be required by the Borough.
- E. With the exception of emergency procedures, no operation shall result in an ambient noise level in excess of sixty (60) decibels.
- F. A gas well shall provide fencing and shrubbery around perimeter of the pump head and support frame.

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### **§2009-737. Grocery Market.**

In zoning districts where a Grocery Market is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- D. Dumpsters shall be located to the rear of the lot and screened with the same building material of the principal building. Screening shall be constructed to achieve eighty (80) percent opacity.

### **§2009-738. Hardware Store >20,000 SF.**

In zoning districts where a Hardware Store is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- D. Dumpsters shall be located to the rear of the lot and screened with the same building material of the principal building. Screening shall be constructed to achieve eighty (80) percent opacity.
- E. Outdoor storage and/or merchandise display shall not occupy any parking spaces on the lot.
- F. In order to ensure pedestrian safety, access and circulation for both customers and deliveries/loading shall be posted on the lot.

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### **§2009-739. Health/Fitness Club.**

In zoning districts where a Health/Fitness Club is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. In the C1 district, said use shall not occur on the main floor of the principal structure.
- B. Hours of operation shall be scheduled to minimize negative impacts on the surrounding neighborhoods.
- C. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.

### **§2009-740. Home-Based Business/Occupation, Low Impact.**

In zoning districts where a Home-Based Business/Occupation, Low Impact is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The home occupation shall be carried on completely within the dwelling unit or accessory building.
- B. Not more than two (2) persons other than the occupants of the dwelling unit shall be employed.
- C. Not more than twenty-five (25) percent of the floor area of a main building shall be devoted to a home occupation.
- D. Parts sold or offered for sale shall be limited to those produced on the premises or to parts which are clearly incidental to the home occupation and directly related thereto, such as hair care products by a barber or beautician. If the gross sales of parts not produced on the premises exceed twenty-five (25) percent of the gross receipts from the home occupation and sales of parts produced on the premises, such sales shall not be deemed to be incidental to the home occupation, and shall not be permitted. It shall be the home occupation operator's responsibility to file an accurate and attested annual report of gross business receipts with the Borough Zoning Officer to serve as proof of compliance with this provision.
- E. There shall be no exterior display or sign (except as permitted in the regulation of signs in this Chapter), no exterior storage of materials, and no other exterior indication of the home occupation or variation of the residential character of the main building.
- F. As regulated by Article VI Performance Standards, no offensive noise, vibration, smoke or other particulate matter, heat, humidity, glare or other objectionable effects shall be produced.
- G. A home occupation may include craft shops, art studios dressmaking or millinery, barbershop, beauty parlor, teaching, music or dance instruction limited to a single pupil at a time, real estate or insurance office, the professional office of a dentist, physician, lawyer,

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engineer, planner, accountant, architect, home telephone sales, or any other activities of a similar nature.

- H. A home occupation shall, under no circumstances, be interpreted to include retail goods, kennels or any occupation where the principal activity involves sales offered across the counter.
- I. Off-street parking shall be provided in accordance with the provisions of Article IV, "Off-Street Parking."

### **§2009-741. Hospital/Hospice.**

In zoning districts where a Hospital/ Hospice is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The institution shall be accredited by the Commonwealth.
- B. The institution shall be the sole occupant of the lot.
- C. Access shall be located to along an arterial or collector road to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- D. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

### **§2009-742. Hotel.**

In zoning districts where a Hotel is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The maximum number of persons permitted in any one (1) room or suite is four (4).
- B. Service of meals and/ or beverages (alcoholic and non-alcoholic) must be secondary to the principal use of room or suite rental.
- C. Accessory restaurant establishments serving alcoholic beverages or accessory tavern must be licensed by the Pennsylvania State Liquor Control Board.
- D. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.
- E. Off-street parking shall be provided in accordance with the provisions of Article IV, "Off-Street Parking."
- F. Sufficient screening and buffering of parking areas and outdoor common spaces must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- G. The owner(s) and operator(s) of a Hotel shall be responsible for the conduct and safety of the renters or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the renters or guests.

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- H. The space between hotel buildings shall be not less than twenty (20) feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units.

### **§2009-743. Junk Storage and Sales.**

In zoning districts where a Junk Storage and Sales is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Salvage operations shall be completely surrounded with a fence or wall eight (8) feet or more in height, maintained in good condition.
- B. Fences or walls shall be set back from all lot lines at least as far as they are high.
- C. Enclosures shall be constructed of materials that:
  - 1. Meet with applicable building codes.
  - 2. Conceal the activity within.
  - 3. Meet with the approval of the Commission.
- D. Appropriate landscaping as described by other Sections of this Chapter shall be provided between the enclosures and any public road.

### **§2009-744. Laundromat, Coin-Operated/Dry Cleaners.**

In zoning districts where a Laundromat, Coin-Operated/Dry Cleaners is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The use shall comply with all performance standards specified in this Chapter.
- B. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- C. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

### **§2009-745. Lawn Care/Landscape Maintenance.**

In zoning districts where Lawn Care/Landscape Maintenance is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. All outdoor storage areas shall be screened from adjacent uses in accordance with this Chapter.

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- B. A Delivery Zone Plan acceptable to the Borough Engineer shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- C. Outdoor storage and/or sales shall be aligned and displayed in an orderly fashion and shall not be permitted in a front yard.
- D. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

### **§2009-746. Library.**

In zoning districts where a Library is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A Circulation Plan acceptable to the Borough Engineer shall be submitted identifying the location of parking, movement and stacking.

### **§2009-747. Light Manufacturing and/or Assembly Facility.**

In zoning districts where a Light Manufacturing and/or Assembly Facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- B. Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.
- C. As part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- D. All materials and equipment shall be stored within a completely enclosed building.
- E. The use shall comply with all performance standards specified in this Chapter.
- F. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- G. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

### **§2009-748. Massage Therapy Establishment.**

See Personal Services.

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### **§2009-749. Medical Clinic.**

In zoning districts where a Medical Clinic is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The use shall be the sole occupant of the lot.
- B. Access shall be located to along a major street to take maximum advantage of sight distances for motorists and shall be as remote as possible from street intersections.
- C. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.

### **§2009-750. Mortician/Funeral Services.**

In zoning districts where a Mortician/Funeral Home is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. All off-street parking must be provided on the lot.
- B. Exterior lighting for parking areas shall be reduced to half power after 11:00 P.M.
- C. Off-street parking shall be screened with an earth berm, landscaped bufferyard, fence or wall within a maximum height of six (6) feet and a minimum opacity of eighty (80) percent.
- D. Building and parking setbacks shall be consistent with surrounding development.
- E. All rooms available for funerals and viewing shall be located within the lot's principal building.
- F. Dumpsters shall be located in the rear yard setback and shall be screened with an earth berm, landscaped bufferyard, fence or wall with a maximum height of eight (8) feet and a minimum opacity of eighty (80) percent.

### **§2009-751. Motel.**

In zoning districts where a Motel is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The maximum number of persons permitted in any one (1) room or suite is four (4).
- B. Service of meals and/ or beverages (alcoholic and non-alcoholic) must be secondary to the principal use of room or suite rental.
- C. Accessory restaurant establishments serving alcoholic beverages or accessory tavern must be licensed by the Pennsylvania State Liquor Control Board.
- D. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.



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- E. Off-street parking shall be provided in accordance with the provisions of Article IV, "Off-Street Parking."
- F. Sufficient screening and buffering of parking areas and outdoor common spaces must be provided to protect the neighborhood from detrimental noise, dust and other disturbances.
- G. The owner(s) and operator(s) of a Motel shall be responsible for the conduct and safety of the renters or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by the renters or guests.
- H. The space between motel buildings shall be not less than twenty (20) feet and the space between the fronts or rears of units shall be not less than the dimensions required for courts, where such are formed by the arrangement of units.

### **§2009-752. Museum/Cultural Center.**

In zoning districts where a Museum/Cultural Center is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. For a use proposed to occupy an existing residential structure, no exterior modifications except in rear and side yards shall occur as part of said re-use. Such modifications shall also include not enclosing of porches or modifications of doors.

### **§2009-753. Office, Professional and Medical.**

In zoning districts where a Professional and/ or Medical Office is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. In the C1 district, said use shall not occur on the main floor of the principal structure.
- B. Unless otherwise demonstrated through an agreement with the Borough and/or surrounding landowners, all patient and employee parking shall be provided off-street. Parking shall be provided in accordance with the provisions of Article IV.
- C. Buffering of parking and loading areas shall be provided in accordance with this Chapter.
- D. A Parking and Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

### **§2009-754. Parking Lot, Surface.**

In zoning districts where a surface parking lot is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The lot owner/developer shall demonstrate proposed parking cannot be accommodated on another lot as an accessory use.

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### **§2009-755. Parking Structure.**

In zoning districts where a Parking Structure is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The parking structure shall be included in all building coverage calculations.
- B. A parking structure shall be illuminated in conformance to the requirements of this Chapter and any applicable provisions outlined in the Borough's Subdivision and Land Development Ordinance.
- C. A parking structure shall not be located any closer to a right-of-way line or a property line than what is permitted by the building setbacks defined in this Chapter.
- D. The perimeter of a parking structure and lot shall be landscaped in conformance to the bufferyard and landscaping requirements of this Chapter.
- E. Lot shall have a maximum of one (1) identification sign per ingress/egress point.
- F. Ingress/Egress points must be designed so as not to impact surrounding development and traffic patterns.
- G. All lots located adjacent to existing residential development shall reduce exterior lights to half power after 9:00 pm and shall be screened per this Chapter.

### **§2009-756. Personal Services.**

In zoning districts where a Personal Services is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Impacts the neighborhood and adjacent streets, circulation and lots equal to or less than any use specifically listed in the Zoning District. In making such determination, the following characteristics shall be considered:
  - 1. The number of employees.
  - 2. The 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 this Chapter.
  - 6. The hours of operation.
  - 7. The extent of pervious and impervious surfaces in relationship to that currently present on adjacent lots and the overall block in which development, infill, reuse and/or redevelopment is proposed.

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8. Architectural plans as submitted as part of approval. Architectural plans shall be required to be submitted as part of said application for conditional use.

### **§2009-757. Place of Worship/Assembly.**

In zoning districts where a Place of Worship/Assembly is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. A traffic impact study acceptable to the Borough Engineer shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. The number of points of ingress/egress shall be based upon projected peak hour traffic for the use and approved by the Borough Engineer to ensure employee and visitor safety.
- D. Hours of operation and events shall be scheduled to minimize negative impacts on the surrounding neighborhood.
- E. For parking demands greater than one hundred (100) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas may be required to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.

### **§2009-758. Printing Shop.**

In zoning districts where a Printing Shop is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The use shall comply with all performance standards specified in this Chapter.
- B. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- C. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemical, liquids, gases or solids stored and/or used on site shall be available upon request.

### **§2009-759. Public Essential Services (Essential Services).**

In zoning districts where Public Essential Services (Essential Services) are designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

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- A. Front, side and rear yards shall be provided in accordance with the regulations of the zoning district in which the facility is located.
- B. Height restrictions shall be as required by the zoning district regulations.
- C. Unhoused equipment shall be enclosed within a fence constructed of materials present on the majority of adjacent principal structures. Said fence shall be a minimum of six (6) feet in height.
- D. Housed Equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the zoning district in which the facility is located.
- E. Screen planting in Residential and Commercial Districts shall be completed in accordance with this Chapter.
- F. The external design of the building/structure shall be to the greatest extent possible in conformity with the design of the majority of buildings on the block, block face and adjacent lots of the subject lot.

### **§2009-760. Public Works.**

In zoning districts where Public Works is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The location, orientation and lot circulation shall be such as to minimize the disturbance of surrounding open space.
- B. If the parking area for a public works facility is adjacent to a single-family residential lot, the following shall apply:
  - C. An additional twenty (20) foot setback with one and one-half (1.5) times the required number of plants for screening and buffering activities that occur on the premises.
  - D. Maximum height of lighting for any outdoor parking area and/or roadway shall be twenty (20) feet.
  - E. As part of all development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of twenty-five-hundredths (0.25) foot-candles.
  - F. The Borough may attach additional conditions pursuant to this section, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased setbacks.
  - G. All off-street parking areas located adjacent to existing residences shall reduce exterior lights to half power after 9:00 pm and shall be screened per this Chapter.
  - H. No storage or transfer of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be permitted with the exception of gasoline, diesel, fuel and oil for the operation and maintenance of motorized vehicles and equipment.

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- I. Facility shall have a maximum of one (1) identification sign.

### **§2009-761. Recreation Facility, Other.**

In zoning districts where a recreation facility, other is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. All pools, tennis courts, or other comparable facilities shall be considered structures for the purpose of this Chapter.
- B. Lot coverage, including structures, parking lots, and buildings, shall not exceed fifty (50) percent of the tract.
- C. The facility area and lot boundaries shall be landscaped as required by the Borough to minimize noise projection and make the grounds aesthetically compatible to the surrounding properties.
- D. All structures shall not be less than one hundred (100) feet from any lot line, and no less than two hundred (200) feet from the nearest house.
- E. All facilities shall have a paved parking area in accordance with this Chapter; and it shall not be closer than twenty-five (25) feet to any residential lot line.
- F. All facilities shall abut a public road and have a permanent access thereto.
- G. Alcoholic beverages without a state liquor control board license, amplified music, and juke boxes shall be prohibited on the premises.
- H. No direct or sky-reflected glare, whether from floodlights or any other kind of light, shall be visible from adjoining public streets or adjacent lots when viewed by a person standing on ground level.
- I. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods. The Borough may limit hours within this time frame based on the use and location of the facility. Operating hours for the purpose of this section shall mean the period of time that the recreational or athletic activity is occurring.
- J. All pools shall be surrounded by a fence at least six (6) feet in height, the entrance to which shall be kept locked when attendant is not present; and shall be constructed in accordance with all applicable state requirements.
- K. Tennis courts shall be protected by a permanent fence ten (10) feet in height behind each base line extending ten (10) feet beyond the playing area in each direction.

### **§2009-762. Research and Development.**

Research and development shall be a conditional use subject to the following express standards and criteria:

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- A. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in this Chapter.
- B. A research and development facility shall have one (1) point of ingress and egress to a public arterial or collector street.
- C. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- D. An inventory of toxic, corrosive, flammable, carcinogenic or explosive materials, chemicals, liquids, gases or solids shall be updated annually and submitted to the Borough for record.

### **§2009-763. Restaurant (Fast-Food, Non-Drive-in).**

In zoning districts where a Restaurant (fast-food, non-drive-in) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A plan for parking and lot circulation shall be submitted for review and approval.
- B. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

### **§2009-764. Restaurant (Non-Fast-Food, Non-Drive-in).**

In zoning districts where a Restaurant (non-fast-food, non-drive-in) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A plan for parking and lot circulation shall be submitted for review and approval.
- B. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

### **§2009-765. Retail (Large-scale (>10,000sf), on premise sales).**

In zoning districts where a Retail Store (large scale) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Hours of operation shall be scheduled to minimize negative impacts on surrounding residential neighborhoods.
- B. A traffic impact study shall be required to be submitted, where the proposed development according to the Institute of Transportation Engineers (ITE) standards will generate one hundred (100) trips in addition to the adjacent roadway's peak hour volumes.
- C. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- D. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential zoning district,

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shall be a maximum of one (1) foot candle. Lighting levels shall also be reduced by one-half (½) their standard operating power, between 11:00 pm and 6:00 am.

### **§2009-766. Retail (Small-scale (≤10,000sf), on premise sales)**

In zoning districts where a Retail Store (small scale) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Retail activity may be permitted on any floor within the building of the lot.
- B. Building setbacks shall be consistent with the existing building setbacks of adjoining lots.
- C. Unless otherwise demonstrated through an agreement with the Borough and/or surrounding landowners, all employee parking shall be provided off-street in accordance with the provisions of Article IV, "Off-Street Parking."
- D. As a part of all land development, the landowner and /or developer shall provide a plan for photometrics of the lot. Illumination on a lot, when adjacent to a residential zoning district, shall be a maximum of one (1) foot candle. Lighting levels shall also be reduced by one-half (½) their standard operating power, between 11:00 pm and 6:00 am.

### **§2009-767. Retail (Off-premise sales).**

In zoning districts where a Retail Store (off-premise sales) is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Hours of operation shall be scheduled to optimize compatibility with surrounding non-residential uses.
- B. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.
- C. Given the general nature of limited display of store inventory, to ensure the safety and welfare of all community residents and business owners, samples of retail inventory shall be made available to the Borough upon Borough request.
- D. A Delivery Zone Plan shall be submitted to demonstrated adequate delivery and associated circulation areas do not conflict with existing Borough development and circulation patterns.

### **§2009-768. School, Academic.**

In zoning districts where a School, Academic is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The school shall be the sole occupant of the lot.
- B. Access drives shall be located to take maximum advantage of sight distances for motorists; shall be as remote as possible from street intersections.

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- C. Parking areas shall be screened from view of neighboring houses or those directly across the street from the lot.
- D. Buildings on the lot shall be set back at least thirty (30) feet from side yard lines and shall be no higher than forty-five (45) feet and two and one half (2 1/2) stories.
- E. If group housing is included on the lot, the setback and density requirements of the base zoning district shall apply.
- F. Recreational areas shall be located no closer than thirty (30) feet to an abutting street or ten (10) feet to other lot lines.
- G. The school's course of instruction or other activities on the lot shall not create noise, dirt, glare, dust or other nuisances on adjacent properties.

### **§2009-769. School, Commercial.**

In zoning districts where Commercial School is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Such use shall not exceed the impact on the environment and adjacent streets of any use specifically listed as permitted in the Zoning District in which the commercial school is located. In making such determination, the following characteristics shall be considered:
  - 1. The number of employees.
  - 2. The number of students.
  - 3. The floor area of the building or gross area of the lot devoted to the proposed use.
  - 4. The type of products, materials, equipment and/or the process involved in the proposed use.
  - 5. The traffic and environmental impacts.
  - 6. The ability of the proposed use to comply with Article VI.
- B. The commercial school shall comply with all applicable area and bulk regulations of the Zoning District in which it is located.
- C. Commercial schools shall have a minimum of one (1) point of ingress/egress to an arterial or collector road as defined by this Chapter. The road shall have sufficient capacity to handle traffic generated by the facility.
- D. As part of all land development, the landowner and/or developer shall provide a plan for photometrics of the lot. Illumination, when measured at a lot line, shall be a maximum of one (1) foot candle.
- E. At no time shall any supply materials or equipment be permitted to be stored outdoors.



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- F. The owner(s) and operator(s) of a commercial school shall be responsible for the conduct and safety of its students, staff, visitors or guests and shall be available to respond to inquiries and promptly quell any disturbances caused by its students, staff, visitors and guests.

### **§2009-770. Senior Center.**

In zoning districts where a Senior Center is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. In the C1 district, said use shall not occur on the main floor of the principal structure.
- B. In the C1 district, the minimum distance between any two senior centers shall be five hundred (500) feet.

### **§2009-771. Social Club.**

In zoning districts where a Social Club is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- B. A Circulation Plan shall be submitted identifying the location of parking, movement and stacking.

### **§2009-772. Storage Facility (Self-storage/Portable Storage).**

In zoning districts where a Storage Facility is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The storage of hazardous materials such as toxic or explosive substances is prohibited.
- B. Wholesale or retail sales, garage sales, flea market, or outside storage is prohibited.
- C. The maximum size of the individual storage units shall be five hundred (500) square feet.
- D. All areas designed for circulation shall be paved in accordance with Borough paving standards.
- E. Hours of operation and activities must be appropriately scheduled to protect the operation of the surrounding neighborhood from detrimental noise, dust, odor, vibration, light or other disturbance or interruption.
- F. The lot shall have direct ingress/egress to a public collector or arterial road, as defined by this Chapter, and points of ingress/egress shall not be through a road on which the current use of the majority of lots fronting on the road is single-family dwellings.

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- G. Vehicular access to the lot shall be limited to one (1) two-way or two (2) one-way driveways from each arterial or collector road on which the lot has frontage and which meets the requirements of Subsection B above.
- H. All one-way driveways shall have a minimum of one (1) ten (10) foot parking lane, plus one (1) fifteen (15) foot travel lane.
- I. All two-way driveways shall provide a minimum of one (1) ten (10) foot parking lane, plus two (2) twelve (12) foot travel lanes. Parking lanes may be eliminated where the driveway does not serve storage units.
- J. All interior driveways shall be paved with an impervious surface sufficient for the loads the driveways are expected to bear.
- K. A minimum eight (8) foot fence with a self-latching gate shall be placed on the interior side of each bufferyard. The fence shall be supplemented with screening material which creates a visual barrier that is at least eighty (80) percent opaque.
- L. The minimum distance from the face of any storage building to the face of any adjacent storage building shall be twenty-eighty (28) feet for storage units which are less than fifteen (15) feet in depth and forty-two (42) feet for storage units which are more than fifteen (15) feet in depth.
- M. The minimum distance from the end of any storage building to the end of any adjacent storage building shall be twenty (20) feet.
- N. The maximum length of any storage building shall be two hundred (200) feet.
- O. Maximum lot coverage by all buildings shall be forty (40) percent.
- P. Office space may be provided which shall not exceed five (5) percent of the total floor area devoted to storage.
- Q. Any outdoor storage conducted on the lot shall comply with the regulations for outdoor storage as defined in by this Chapter and any other applicable Ordinance as enacted by the Borough.
- R. Storage units shall not be equipped with water or sanitary sewer service.
- S. No business activity other than rental of storage units shall be conducted on the premises.

### **§2009-773. Studio (photography, artistic or musical).**

In zoning districts where a studio is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Retail sales shall occur on the lot.
- B. In the C1 district, said use shall not occur on the main floor of the principal structure.

### **§2009-774. Tavern/Bar.**

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In zoning districts where a tavern/bar is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A tavern/pub shall be located in accordance with the provisions of the Pennsylvania Liquor Control Board.
- B. A tavern/pub's hours of operation and activities must be appropriately scheduled to protect the existing neighborhood from detrimental noise, disturbance or interruption. An hours of operations plan shall be submitted as part of any application for such use.
- C. The owner(s) and operator(s) of a tavern/pub shall be responsible for the conduct and safety of the patrons.
- D. Dumpsters, if located on the lot, shall be located in the rear setback yard and shall be screened with an earth berm, landscaped bufferyard, fence or wall within a minimum height of eight (8) feet and a minimum opacity of eighty (80) percent.

### **§2009-775. Theater.**

In zoning districts where a Theater is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. A theater's primary visitor drop-off and pick-up area shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- B. For parking lots that provide space for more than fifty (50) cars, a theater/auditorium shall have two (2) direct points of ingress/egress from the adjoining arterial and/or collector street(s). The points of ingress/egress shall be located in a manner that minimizes detrimental traffic impacts (both pedestrian and vehicular) on the surrounding neighborhood.
- C. For parking demands greater than three-hundred (300) automobiles, additional setbacks, screening and buffering of off-street parking and loading areas shall be incorporated as defined by the Borough to be provided in order to protect the surrounding neighborhood from inappropriate noise, dust, light and other disturbances.
- D. Any additional standards that are needed to protect public health, safety, and welfare or to address unique characteristics of a particular lot defined by the Borough shall be complied with by the landowner and/or developer.
- E. Hours of operation shall be scheduled to ensure compatibility with surrounding land uses. Hours of operation for outdoor facilities shall be approved by the Borough.
- F. Noise generated from any performance activity shall not be exceed one hundred (100) decibels with one hundred (100) feet of the lot line of said use.

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### §2009-776. Utility Use.

In zoning districts where a Utility Use is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Front, side and rear yards shall be provided in accordance with the regulations of the zoning district in which the facility is located.
- B. Height restrictions shall be as required by the zoning district regulations.
- C. Unhoused equipment shall be enclosed within a fence constructed of materials present on the majority of adjacent principal structures. Said fence shall be a minimum of six (6) feet in height.
- D. Housed Equipment. When the equipment is totally enclosed within a building, no fence or screen planting shall be required and the yards shall be maintained in accordance with the zoning district in which the facility is located.
- E. Screen planting in Residential and Commercial Districts shall be completed in accordance with this Chapter.
- F. No outdoor storage shall be permitted.
- G. The external design of the building shall be to the greatest extent possible in conformity with the design of the majority of buildings on the block, block face and adjacent lots of the subject lot.

### §2009-777. Water Tower.

In zoning districts where a Water Tower is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. No water tower shall exceed two hundred-fifty (250) feet in height.
- B. A water tower shall be setback from adjacent lot lines and/or right-of-ways a minimum distance equal to one hundred fifteen (115) percent of the water storage/tower's height but shall not be less than twenty-five (25) feet in width.
- C. The height of a water tower shall be measured from the top of the foundation to the upper most point of the tower.
- D. Lighting shall be required for the water tower as a safety measure for low-flying aircraft in accordance with all Federal Aviation Administration (FAA) regulations and approvals.
- E. Access driveways to a water tower shall be paved with a minimum of six (6) inches of slag or stone.
- F. All water towers, which are principal uses or structures, shall comply with the area and bulk regulations for principal structures in the Zoning District in which they are proposed.

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- G. All aboveground water storage facilities that exceed the height limitations of the district shall increase the required yard clearances by one (1) foot for every two (2) feet of height in excess of the height limitations of the district.

### **§2009-778. Wholesale Business.**

In zoning districts where a Wholesale Business is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. Building shall be substantially similar in design and appearance to a retail sales operation.
- B. The business shall not generate an unusually large volume of truck traffic.
- C. No manufacturing or major assembly of products shall occur on the premises.
- D. Areas associated with loading shall be screened with landscaping or fencing from neighboring use(s).
- E. The goods available for sale shall be the same as those that could be offered at retail by a principal permitted use in the same zoning district.

### **§2009-779. Wind Turbine, Commercial.**

In zoning districts where a Wind Turbine, Commercial is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The minimum lot size for a commercial wind turbine shall be two (2) acres.
- B. The top of a commercial wind turbine shall not exceed two hundred fifty (250) feet not including the blades. The top of a wind turbine located on a residential lot shall not exceed seventy five (75) feet in height including the blades.
- C. The minimum setback of a wind turbine from any lot line shall be equal to one hundred (100) percent of the wind turbine's height.
- D. Noise from any wind turbine shall not exceed fifty (50) decibels when measured from a property line.
- E. The landowner and/or developer shall complete a view shed impact analysis as part of all potential commercial wind turbine development.
- F. The landowner and/or developer shall complete a biological resource survey to identify and determine what conflicts are likely to occur with birds or other sensitive biologic resources.
- G. The owner(s) and operator(s) of a wind turbine shall incorporate Best Management Practices as outlined in the Pennsylvania Handbook of Best Management Practices to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.
- H. All structures more than two hundred (200) feet in height shall have aircraft warning lights and comply with United States Federal Aviation Administration (FAA) requirements.

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### **§2009-780. Wind Turbine, Residential.**

In zoning districts where a Wind Turbine, Residential is designated as a conditional use, the use shall be permitted upon the approval of the Borough Council subject to the following requirements:

- A. The landowner and/or developer shall complete a view shed impact analysis as part of all potential wind turbine development.

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Reserved**

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### ARTICLE VIII Nonconformities

#### **§2009-800. Continuation.**

A. Continuation:

1. Subject to the provisions of this section, a use of a building, structure, or existing land use on the effective date of this Ordinance may be continued even though such use does not conform to the provisions of these regulations for the district in which it is located, provided such nonconforming conditions shall comply with the provisions of this Article.
2. The Zoning officer shall keep and maintain a list of all nonconformities existing at the time of the passage of this Ordinance and which may come to exist in the future.
3. The owner of the nonconforming premises may obtain a certificate of nonconformity, which shall be used for the purpose of ensuring to the owner the right to continue the nonconformity. Application shall be made with the Zoning officer and said officer shall take note of all nonconformities of the property and keep it under record.

#### **§2009-801. Unlawful Use Not Authorized.**

Nothing in this section shall be interpreted as authorization for approval of the continuance of the use of a structure or premises in violation of the zoning regulations in effect at the time of the effective date of this Ordinance.

#### **§2009-802. Nonconforming Structures, Alteration and Repair.**

- A. Nothing in this section shall prevent the restoration or maintenance of a structure, which will return the structure to a safe condition.
- B. A nonconforming building or structure may be altered, repaired, enlarged, or reconstructed provided its nonconformity is not increased and the structure complies with other applicable requirements of this Ordinance.
- C. If a nonconforming use is destroyed totally or partially by natural or artificial disaster, it may be reconstructed to the same nonconforming use, provided that:
  1. Reconstruction must commence within one (1) year of the date of destruction and must be completed within one (1) year of the issuance of the building permit.
  2. Reconstruction must comply with applicable building codes at the time of reconstructions.
- D. A conforming use in a nonconforming structure may expand within the structure.
- E. A nonconforming structure shall not be moved to any other location on the lot or to another lot unless every portion of such structure.

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### **§2009-803. Alteration of a Nonconforming Use.**

- A. To allow for economic growth, a nonconformity may be altered in terms of gross floor area or lot coverage. (measured in square feet). If no building exists, the following regulations shall apply:
  - 1. Residential or mixed residential districts may expand up to a thirty (30) percent increase.
  - 2. Commercial and industrial districts may expand up to a fifty (50) percent increase.
- B. Alteration shall comply with the following:
  - 1. Applicable area and dimensional requirements.
  - 2. Shall not change a presently conforming building, structure or use to a nonconforming one.
  - 3. Shall not extend nonconforming use onto another lot or parcel.
  - 4. Shall not reduce any off-street parking or loading areas that fulfill the regulations of this Ordinance.
- C. The Zoning Hearing Board may authorize an alteration which exceeds the allowable percentages if the expansion is to provide off-street parking or loading areas or to correct a hazardous or unsafe condition in violation of a local, county, state, or federal law and the expansion is not detrimental to surrounding areas.

### **§2009-804. Change of Nonconforming Use.**

- A. When a nonconforming use is changed to a conforming one, it shall not be subsequently changed to a nonconforming use. A nonconforming use may be changed to a similar nonconforming use or one which more closely conforms to the uses authorized in the zoning district. A change of one nonconforming use to another requires review and approval by the Zoning Hearing Board. In accordance with the following:
  - 1. The proposed use is within the same type of use category as the original nonconforming use or is a use that is more closely conforming to the current district regulations. In making a Judgment on similar uses, the Board shall be guided by the Standard Industrial Classification Manual, Federal Office of Management and Budget.
  - 2. The proposed use shall not be any more detrimental than the original nonconforming use and shall be guided by the regulations of this Ordinance.

### **§2009-805. Abandonment of Nonconforming Use.**

- A. A nonconforming use which has been abandoned shall not be returned to a nonconforming use. A nonconforming use shall be deemed abandoned when one (1) or more of the following conditions have been met:

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1. The Intent of the owner to discontinue the use is apparent. Examples of possible abandonment are: discontinued use of the structure, boarding up of windows or entrances, and maintenance or upkeep of structure discontinued.
2. A nonconforming use has been discontinued for a period of twelve (12) consecutive months or a total of twelve (12) months within a period of eighteen (18) months.
3. It has been replaced by a conforming use.
4. It has been changed to another nonconforming use under permit from the Zoning Hearing Board.
5. The characteristic equipment and furnishings of the nonconforming use have been removed and not replaced unless other facts show intent to do so.

### **§2009-806. Nonconforming Lot of Record.**

- A. A single or two (2) family residential dwelling may be erected on any lot of record in any R-1 and R-2 District respectively as long as the following requirements are met:
  1. The lot is displayed on a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such size was not regulated or prohibited by any zoning ordinance in existence at that time.
  2. The lot has remained separate and individual of any other lots during the time that the creation of such lots has been prohibited by the applicable zoning ordinance.
- B. Construction permitted by the above shall comply with all regulations, except lot area and width.

### **§2009-807. Termination of Nonconforming Signs.**

- A. Upon adoption of this Ordinance, the Zoning officer shall prepare a list of all nonconforming signs.
- B. If the existing use ceases, any new use shall be conforming.
- C. If the Zoning Officer designates repairs to a nonconforming sign and the repairs are equal to or greater than sixty (60) percent of the sign's replacement value, the sign shall be brought into conformance as part of the repairs.
- D. Nonconforming signs cannot be enlarged or altered except for safety reasons or to be brought into or closer to conformity with the provisions of this Ordinance.

### **§2009-808. Special Exception and Conditional Uses.**

- A. Any use which a Conditional Use or Special Exception Use permit has been issued as provided for by this Ordinance shall be considered as a lawful conforming use.

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- B. Where a use exists at the effective date of this Ordinance and is permitted (by this ordinance only as a conditional or special exception use in the zoning district in which it is located. then it shall be deemed to be a lawful. nonconforming use in such zoning districts.

### **§2009-809. District Changes.**

Whenever the boundaries of a district change so as to transfer an area from one district to another of a different classification, the foregoing provisions shall apply to any nonconforming use, structure or lot or record existing therein.

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### ARTICLE IX Application and Review Process

#### §2009-900. Requests for Reasonable Accommodation.

- A. Persons with a claim for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act shall submit the request in writing to the Zoning Officer on an application form which shall require that the following information may be reasonably needed to process the request, be provided:
1. Specific citation of the Zoning Ordinance provision from which reasonable accommodation is requested.
  2. The name and address of the applicant.
  3. The specific description of the reasonable accommodation sought and the particulars, including exact admonitions of any proposed structural or locational accommodation.
  4. The condition of the applicants for which reasonable accommodation is sought.
  5. A description of the hardship, if any, that the applicants will incur absent provision of the reasonable accommodation requested.
  6. A description of any alternative methods of relieving the claimed hardship that have been considered and the reason, if any, why applicants have rejected such alternatives.
  7. A statement describing why the requested accommodation is necessary to afford the applicants an opportunity equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
  8. A description of the manner in which the accommodation, if granted, will be terminated or removed if no longer required to afford equal housing opportunity to handicapped or disabled persons.
  9. A statement of any facts indicating whether or not non-handicapped or non-disabled persons would be permitted to utilize the property in question in a manner similar sought by applicants.
- B. The Zoning Officer may hold any meetings and/or hearing necessary in his discretion to elicit information or argument pertinent to the request for accommodation.
- C. The Zoning Officer's decision shall be in writing and shall state the reasons for the decision.
- D. The Zoning Officer shall issue his written decision to the applicants and the Borough within thirty (30) days of filing of the request for accommodation.
- E. A request for reasonable accommodation should be directed in the first instance to the Zoning Officer. In considering a request for reasonable accommodation, the Zoning

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Officer shall, with the advice of the counsel of the Borough Solicitor, apply the following criteria:

1. Whether the applicants are handicapped or disabled within the meaning of the Federal Fair Housing Act Amendments or the Americans with Disabilities Act.
2. The degree to which the accommodation sought is related to the handicap or disability of the applicant.
3. A description of hardship, if any, that the applicants will incur absent provisions of the reasonable accommodation requested.
4. The extent to which the requested accommodation is necessary to afford the applicant(s) an opportunities equal to a non-handicapped or non-disabled person to use and enjoy the dwelling in question.
5. The extent to which the proposed accommodation may impact other property owners in immediate vicinity.
6. The extent to which the proposed accommodation may be consistent with or contrary to the zoning purposes promoted by the Zoning Ordinance, the comprehensive plan, and the community development objectives set forth in the Zoning Ordinance.
7. The extent to which the requested accommodation would impose financial and administrative burdens upon the Borough.
8. The extent to which the requested accommodation would impose an undue hardship upon the Borough.
9. The extent to which the accommodation would require a fundamental alteration in the nature of the Borough's regulatory policies, objectives and regulations.
10. The extent to which the requested accommodation would result in a subsidy, privilege, or benefit not available to non-handicapped or disabled persons.
11. The permanency of the requested accommodation and the conditions under which such accommodation will be removed, terminated or discontinued which no longer needed to provide handicapped or disabled persons with equal opportunity to use and enjoy the dwelling in question.
12. The extent to which the requested accommodation will increase the value of the property during and after its occupancy by applicants.

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### §2009-901. Special Exception Procedures of Approval.

General criteria for evaluation of special exception uses:

- A. In evaluating an application for a special exception use, the Borough shall apply the guidelines and procedures set forth in the Pennsylvania Municipalities Planning Code.
- B. The consideration of a special exception use by the Zoning Hearing Board upon review of recommendations by the Planning Commission shall be predicated on the applicant's submission of written application containing all of the information required together with a site plan.
- C. The written submission shall demonstrate that the development for which the special exception use is sought will meet the primary criteria outlined below:
  - 1. Will not endanger the public health and safety if located where proposed and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as regulated by this Chapter.
  - 2. Meets all other requirements of this Chapter in the Zoning District where the use is proposed.
  - 3. Is in general conformity with the Borough Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
  - 4. Is an appropriate use on the proposed lot as a use by special exception.
  - 5. If defined as part of any special exception approval, said special exception use shall be completed with the identified timeframe. Also, the Zoning Hearing Board may grant an extension of time for any completion date if the applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified timeframe or extended completion period, the special exception use is not completed, and if no extension has been granted, the approval of the special exception use shall be null and void.
  - 6. Upon approval of any special exception by the Zoning Hearing Board, any prior approved special exception for the same tract of land shall become null and void.
- D. In proceedings involving a request for a special exception, both the duty of initially presenting evidence and the burden of persuading the Zoning Hearing Board that the proposed use is available by special exception and satisfies the specific or objective requirements for the grant of a special exception as set forth in this Chapter rest upon the applicant. The burden of persuading the Zoning Hearing Board that the proposed use will not offend the general public interest or be injurious to the health safety and welfare of the neighborhood rests upon the applicant.
- E. The Site Plan shall show to scale the entire lot to be ultimately developed and shall indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed shall also be submitted.

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- F. The Zoning Hearing Board may attach reasonable conditions, in order to protect the public's health, safety, and welfare. These reasonable conditions may include but are not limited to increased screening.
- G. Approval of all uses by special exception contained in this Chapter shall be subject to periodic inspections by the Zoning Officer to insure compliance with the required conditions of approval. Such periodic inspections shall be conducted annually while the use is conducting active operations.

### **§2009-902. Conditional Uses Procedure for Approval.**

General criteria for evaluation of conditional uses:

- A. In evaluating an application for a conditional use, the Borough Council shall apply the guidelines and procedures set forth in the Pennsylvania Municipalities Planning Code.
- B. The granting of a conditional use by the Borough Council upon review of recommendations by the Planning Commission shall be predicated on the applicant's submission of written application submitted to the Borough a minimum of two (2) weeks prior to the meeting agenda which the landowner and/or developer requests to appear, together with a site plan, in accordance with the Borough's requirements, of the proposal to the Zoning Officer.
- C. The written submission shall demonstrate that the development for which the conditional use is sought will meet the primary criteria outlined below:
  - 1. Will not endanger the public health and safety and will not deteriorate the environment or generate nuisance conditions such as traffic congestion, noise, dust, smoke, glare or vibration as prohibited by this Chapter.
  - 2. Meets all other requirements of this Chapter in the Zoning District where the use is proposed.
  - 3. Is in general conformity with the Borough Comprehensive Plan and is attractive and in harmony with the area in which it is proposed.
  - 4. Is an appropriate use on the proposed lot as a conditional use.
  - 5. If defined as part of any conditional use, said conditional use shall be completed with the identified timeframe. Also, the Borough Council may grant an extension of time for any completion date if the applicant or his agent requests such an extension and if good cause for the extension is shown. If, at the end of the identified timeframe or extended completion period, the conditional use is not completed, and if no extension has been granted, the approval of the conditional use shall be null and void.
  - 6. Upon approval of any conditional use by the Borough Council, any prior approved conditional use for the same tract of land shall become null and void.



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- D. In proceedings involving a request for a conditional use, both the duty of initially presenting evidence and the burden of persuading the Borough Council that the proposed use is available by conditional use and satisfies the specific or objective requirements for the grant of a conditional use as set forth in this Chapter rest upon the applicant. The burden of persuading the Borough Council that the proposed use will not offend the general public interest or be injurious to the health safety and welfare of the neighborhood rests upon the applicant.
- E. The Site Plan shall show to scale the entire lot to be ultimately developed and shall indicate the location, height, and use of structure, driveways, sign, parking areas and topographical and/or natural features of the lot. An architectural rendering of the structures proposed shall also be submitted.
- F. Conditional use approvals shall be subject to periodic inspections to insure compliance with the conditions of approval.
- G. The Borough Council and/or Borough Planning Commission may attach additional conditions, in order to protect the public's health, safety, and welfare. These conditions may include but are not limited to increased screening.
- H. Approval of all conditional uses contained in this Chapter shall be subject to periodic inspections by the Zoning Officer to insure compliance with the required conditions of approval. Such periodic inspections shall be conducted annually while the use is conducting active operations.

### **§2009-903. Use of Flood-Prone Land.**

Areas of lot designated as being flood prone should be encouraged for parking, outdoor storage of non-flammables, non-liquid, non-buoyant materials, or planted buffer area. Such areas may be used for all other permitted uses within the Zoning District where located when such use is in strict compliance with the requirements of this Zoning Ordinance.

- A. Identification.
  - 1. Flood-prone areas (floodplain areas) shall be any areas of the Borough which are identified as Zone A (area of special flood hazard) on the current Flood Insurance Rate Map (FIRM) as issued by the Federal Emergency Management Agency (FEMA), and any revision thereto.
  - 2. Determination of the Regulatory Flood Elevation. For the purposes of this Zoning Ordinance, the regulatory flood elevation, i.e., the 100 year flood elevation plus a freeboard safety factor of one and one half (1 ½) feet shall be used. When available, information from other Federal, State and other acceptable sources shall be used to determine the 100-year flood elevation, as well as a floodway area, if possible. When no other information is available, the 100 year flood elevation shall be determined by using a point on the boundary of the identified floodplain area which is nearest the construction site in question. In helping to make this necessary elevation determination, other sources of data, where available, shall be used such as:
    - a) Corps of Engineers - Floodplain Information Reports.

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- b) U.S. Geological Survey - Flood Prone Quadrangles.
  - c) U.S.D.A., Natural Resource Conservation Service - County Soil Surveys (Alluvial Soils).
  - d) Known high-water marks from past floods.
  - e) In lieu of the above, the Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review.
3. Changes in Designation of Area(s). The delineation of any of the identified flood prone area(s) may be revised by the Borough Council where natural or man-made changes have occurred and/or where more detailed studies conducted or undertaken by the U.S. Army Corps of Engineers, River Basin Commission or other qualified agency or individual documents the notification for such changes. However, prior to any such change, approval must be obtained from the Federal Insurance Administration (FIA).
  4. Boundary Disputes. Should a dispute concerning any district boundary arise, an initial determination shall be made by the Borough Planning Commission and any party aggrieved by this decision may appeal to the Zoning Hearing Board. The burden of proof shall be on the appellant.
- B. Application Procedures. All applications for building permits, proposed subdivisions, or other development located within or adjacent to any identified floodplain areas, shall, in addition to all other required information, provide the specific information described herein.
1. A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood prone development or structures, and the location of any existing or proposed stream improvements or protective works. The plan shall show:
    - a) All such proposals are consistent with the need to minimize flood damage.
    - b) All utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated, and constructed to minimize or eliminate flood damage.
    - c) Adequate drainage is provided so as to reduce exposure to flood hazards.
    - d) Existing and proposed contours; information concerning 100 year flood elevations, and other applicable information such as uplift forces, associated with the 100 year flood; size of structures, location and elevation of streets, water supply and sanitary sewage facilities; soil types; and flood proofing measures.

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- e) Adequate information demonstrating the flood carrying capacity of any affected water course whether or not it is to be altered.
  - f) Prior to any proposed alteration or relocation of any stream or any watercourse, etc. within the Borough, a permit shall be obtained from the Department of Environmental Resources, Dams and Encroachment Division, as specified in the Water Obstruction Act of 1913, as amended.
  - g) Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
  - h) Further, notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to both the Federal Insurance Administration and the Department of Community Affairs.
- 2. Applications for a building permit shall show the elevation of the lowest floor (including basement) based upon National Geodetic Vertical Datum of 1929.
  - 3. A document certified by a registered professional engineer or architect that the proposed construction has been adequately designed against flood damage and that the plans for development of the site adhere to the restrictions cited in this Zoning Ordinance. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design, and the level to which any structures have been flood proofed.

### C. Specific Design Requirements.

- 1. Structures.
  - a) All buildings and structures and substantial improvements thereto shall be designed, located and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the height of flood waters.
  - b) All buildings and structures and substantial improvements thereto shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse or lateral movement.
  - c) Within any identified flood-prone area, the elevation of the lowest floor (including basement) of residential structures shall be at or above the regulatory flood elevation.
  - d) Within any identified flood-prone area, the elevation of the lowest floor (including basement) of non-residential structures shall be at or above the regulatory flood elevation or be flood-proofed up to that height.
  - e) Any structure, or part thereof, which is not elevated to the regulatory flood elevation, shall be flood proofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in

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

f) Fully or partially enclosed space below the lowest floor (including basement) is prohibited.

g) Floors, Walls and Ceilings.

1) Wood flooring at or below the regulatory flood elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain, without causing structural damage to the building.

2) Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water resistant" variety.

3) Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water resistant" and will withstand inundation.

4) Windows, doors and other components at or below the regulatory flood elevation shall be made of metal or other "water resistant" material.

h) Paints and Adhesives.

1) Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.

2) Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water resistant" variety.

3) All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

2. Utilities.

a) All new or replacement sanitary sewage systems, water, gas, and oil supply systems shall be designed to prevent infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

b) All stationary mechanical equipment such as water heaters, furnaces, air conditioning and ventilating systems shall be located above the regulatory flood elevation.

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- c) Electrical distribution panels shall be at least three (3) feet above the regulatory flood elevation. Separate electrical circuits shall serve lower levels and shall be dropped from above.
  - d) No part of any onsite sewage disposal system shall be located within any identified flood prone area.
3. No materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal, or plant life, shall be stored below the regulatory flood elevation.
  4. The finished elevation of proposed new streets shall be no less than the regulatory flood elevation.
- D. Existing Structures in Identified Flood prone Areas. Structures existing in any identified flood prone area prior to the enactment of this Zoning Ordinance, but which are not in compliance with these provisions, may continue to remain subject to the following:
1. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.
  2. Any modification, alteration, reconstruction, or improvement of any kind to an existing structure, to an extent or amount of fifty (50) percent or more of its market value, shall be undertaken only in full compliance with the provisions of this Zoning Ordinance.
  3. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the 100 year flood.
- E. Prohibited Activities Within a Floodplain Area. Within any identified floodplain area the following shall be prohibited:
1. The construction, development or operation of any hospital, nursing home or related care facility; jail or prison, mobile homes and/or mobile home parks.
  2. Any other construction or development which may endanger human life.
  3. Any construction or development which would include in its use or operation the production, use of or storage of any dangerous material or substance such as listed below but not limited thereto:
    - a) Acetone
    - b) Ammonia
    - c) Benzene

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- d) Calcium carbide
- e) Carbon disulfide
- f) Celluloid
- g) Chlorine acid
- h) Hydrochloric acid
- i) Hydrocyanic acid
- j) Magnesium
- k) Nitric acid and oxides of nitrogen
- l) Petroleum products (gasoline, fuel oil, etc.)
- m) Phosphorus
- n) Potassium
- o) Sodium
- p) Sulfur and sulfur products
- q) Pesticides (including insecticides, fungicides and rodenticides)
- r) Radioactive substances, insofar as such substances are not otherwise regulated.

F. Variances. If compliance with any of the requirements of this Zoning Ordinance would result in an exceptional hardship to a landowner or developer, the Borough may, upon request, grant relief from the strict application of the requirements. Requests for variances shall be considered in accordance with the procedures contained in the MPC and the following:

1. No variance shall be granted to allow any of the prohibited activities or for any of the other requirements pertaining specifically to development which may endanger human life.
2. No variance shall be granted for any construction, development, use or activity within any floodway area that would cause any increase in the 100 year flood elevation.
3. In reviewing any request for a variance, the Borough shall consider, at a minimum, the following:
  - a) That there is good and sufficient cause.

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- b) That failure to grant the variance would result in exceptional hardship to the applicant.
  - c) That the granting of the variance will (i) neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety or extraordinary public expense; (ii) nor create nuisances, cause fraud on or victimize the public, or conflict with any other State or local Ordinances and regulations.
  - d) Notwithstanding any of the above, however, all structures shall be designed and constructed so as to have the capability of resisting the 100 year flood.
4. Whenever a variance is granted, the Borough shall notify the applicant in writing that:
- a) The granting of the variance may result in increased premium rates for flood insurance.
  - b) Such variances may increase the risks to life and lot.
5. A complete record of all variance requests and related actions shall be maintained by the Borough. In addition, a report of all variances granted during the year shall be included in the annual report to the Federal Insurance Administration.

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## ARTICLE X Rezoning Procedures

### §2009-1000. Purpose of Rezoning Applications.

- A. The purpose of rezoning is to protect the safety, capacity and efficiency of the Borough's existing infrastructure systems; to maintain fiscal responsibility; and to uphold the objectives of the Borough's Comprehensive Plan.
- B. All rezoning applications shall be reviewed within the context and principals of municipal planning; rezoning recommendations shall be based on the projected beneficial and/or detrimental effects on the Borough.

### §2009-1001. Rezoning Application Forms.

- A. All rezoning applications shall be completed on the official forms provided by the Zoning Officer.
- B. All rezoning applications shall be required to prepare a series of plans, analyses and reports to demonstrate the compatibility of a rezoning proposal.

### §2009-1002. Review of Rezoning Applications.

- A. Upon receipt of a rezoning application, the Zoning Officer will review the package for completeness. If the Zoning Officer finds the application to be incomplete or insufficient, the rezoning application will be returned to the applicant. When the rezoning application is found to be complete by the Zoning Officer, one (1) copy shall be forwarded to each member of the Planning Commission and each member of Borough Council. As part of the rezoning approval process, the Planning Commission and Borough Council shall consider the motivation and implications of each plan, analysis and report.
- B. The Planning Commission shall review the application in compliance with the following procedural guidelines:
  - 1. The Planning Commission shall determine if the proposed rezoning is or is not generally consistent with the Comprehensive Plan.
  - 2. If the rezoning proposal is found to be generally consistent with the Comprehensive Plan, the Planning Commission shall consider any projected beneficial and/or detrimental effects on the Borough.
  - 3. Based on these analyses, each Planning Commission member shall submit a recommendation either in favor or not in favor of the rezoning proposal.
  - 4. The final recommendation of Planning Commission shall be forwarded to the Borough Council.
  - 5. Upon receipt of the Planning Commission's final recommendations, Borough Council shall render a decision in favor or not in favor of the rezoning proposal. Borough Council shall compose a brief summary explanation of its decision and forward the decision and explanation to the Zoning Officer.

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6. The Zoning Officer shall receive one decision from the Borough.

### **§2009-1003. Application Criteria.**

There are two categories of rezoning applications - minor and major. Minor and major rezoning applications are differentiated based on the size of the area to be rezoned and the anticipated fiscal, physical, environmental and social impacts on the municipality(s).

- A. Minor Applications. Minor rezoning applications are expected to have a lesser impact on the traffic, fiscal resources and existing physical and environmental character of the community(s). The following situations constitute eligibility for the minor application:
  1. The rezoning of a non-residential parcel, or contiguous parcel(s), that totals one (1) half acre or less and is located in a non-residential district.
  2. The rezoning of an existing residential parcel, or contiguous parcel(s), that totals (1) acre or less in a residential district.
- B. Major Applications. Any rezoning project that does not meet either of the criteria in §2009-1003(A) is a major application.
- C. Application Requirements. The following Section outlines the plans, analyses and reports that a landowner and/or developer shall submit as part of minor or major rezoning applications.

### **§2009-1004. Rezoning Applications Plans, Analyses and Reports.**

The plans, analyses and reports to be submitted as part of a minor application shall include §2009-1004 A-B; a major application shall include §2009-1004 A-I.

- A. A Preliminary Plat.
- B. Topographic Survey. Contours shall be illustrated at intervals of elevation of not more than five (5) feet where the slope is greater than ten (10) percent and at intervals of not more than two (2) feet where the slope is ten (10) percent or less.
- C. Site Conditions Report. The applicant shall describe the following existing characteristics about the site proposed for development.
  1. Total site acreage.
  2. Existing Zoning District(s), land use(s) and covenants.
  3. Existing land characteristics including general topographic form, site accessibility, length of public road frontage, pattern and density of vegetative cover, significant adjacent and long-range views to and from the site, hydrological patterns.
  4. Relationship of proposed subdivision to adjoining, existing and proposed community facilities which serve or influence the site; available utilities; number

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of lots and acreage; business areas; playgrounds; main traffic arteries; elementary and high schools; and street improvements.

5. Reservations, if any, by the landowner and/or developer of any area designed for use as public grounds shall be suitable size and location for designated uses.
6. Land which is subject to flooding, subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for use which shall not endanger life or lot, or further aggravate or increase existing menace.
7. A copy of the option agreement or certificate of title shall be submitted as evidence of the applicant's interest in the lot.

### D. Infrastructure Demand Statement.

1. The infrastructure demand statement shall be submitted to the Borough, containing the following information:
  - a) Pre-development data for overall demand.
  - b) Estimated gallons of sanitary sewage created per average day.
  - c) Estimated gallons of potable water consumed/utilized per average day.
  - d) Estimated number of school age children.
  - e) Estimated total residents and/or employees.
2. Post-development data for overall demand.
  - a) Estimated gallons of sanitary sewage created per average day.
  - b) Estimated gallons of potable water consumed/utilized per average day.
  - c) Estimated number of school age children.
  - d) Estimated total residents and/or employees.

### E. Conceptual Development Plan.

### F. Fiscal Impact Analysis.

1. An evaluation providing the following information shall be completed:
  - a) Potential municipal and school district tax generation of the proposed development.
  - b) Population projections including the number of school-aged children at build-out of the proposed development.

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- c) Length of road to be dedicated to the Borough.
- d) Length of sewer and water lines to be dedicated to the Borough.
- e) The Borough will evaluate the proposed development of the proposed zoning in relationship to the potential development in the existing zoning.

G. Phase One Environmental Assessment.

H. Traffic Letter Report.

### **§2009-1005. Additional Information.**

The Planning Commission and each individual Borough Council reserve the right to request additional information as part of the review and approval process.

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## ARTICLE XI Building and Occupancy Permits

### §2009-1100. Administration and Enforcement.

- A. Appointment and Powers of Zoning Officer.
  - 1. For the administration of this Zoning Ordinance, a Zoning Officer, who shall not hold any elective office in any local government, shall be appointed by the Borough.
  - 2. The Zoning Officer shall meet the qualifications established by the Planning Commission and shall be able to demonstrate to the satisfaction of the Planning Commission a working knowledge of municipal zoning.
  - 3. The Zoning Officer shall administer this Zoning Ordinance 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 Zoning Ordinance.
  - 4. The Zoning Officer is hereby authorized to institute civil enforcement proceedings as a means of enforcement when acting within the scope of his employment.
- B. If the Zoning Officer shall find that any provisions of this Zoning Ordinance are being violated he shall notify the owner of the lot upon which such violation is occurring by certified mail with return receipt, such notice being deemed adequate if persons other than the owner are perpetrating the alleged violation.
- C. Communications regarding violations shall indicate the nature of the violation by specific paragraph relied on and shall order the action necessary to correct it.
- D. Such communications shall order the discontinuance of illegal uses of land or structures, or the removal or moving of illegal structures or additions or alterations thereto, as well as any other action necessary to assure compliance with or prevent violation of this Zoning Ordinance and shall indicate the owner's alternative actions under the terms of this Zoning Ordinance.
- E. The Zoning Officer shall allow the owner of a lot upon which a violation of this Zoning Ordinance has been noted a period of up to thirty (30) days, at the option of the Zoning Officer, to carry out the required action. At the conclusion of the period within which the owner is obliged to correct the violation he shall be subject to penalty as required by this Zoning Ordinance, with each day that the violation remains uncorrected being a separate penalty. The Zoning Officer's notice shall indicate specifically the date on which the owner shall first be subject to penalty.
- F. All questions of interpretation of this Zoning Ordinance shall be first presented to the Zoning Officer, and such questions shall be considered by the Zoning Hearing Board only on appeal from the decision of the Zoning Officer.

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- G. The Zoning Officer shall keep records of all applications either approved or disapproved, including one copy of each permit issued, shall maintain a journal of his/her activities, and shall submit a report annually to Borough Council.
- H. The Zoning Officer shall receive and process all requests for reasonable accommodation under the Fair Housing Amendments Act or the American Disabilities Act as applicable. Criteria and procedures for the handling of such requests shall be in accordance with this Zoning Ordinance.

### **§2009-1101. Building Permits.**

- A. No building or structure shall be erected, moved, expanded or structurally altered without a permit for such action having been issued by the Zoning Officer. Building permits shall be required for construction of fences, exterior walls and patios, but not for the installation or paving of walkways or residential driveways when no earth moving is involved or for erection of any accessory structure less than twenty-five (25) square feet in floor area and not on a permanent foundation. Building permits shall be required for the installation or paving of walkways or residential driveways when earth moving is involved or for those such surfaces that cross public sidewalks. All surfaces shall be subject to inspection for compliance with Borough paving standards.
- B. Applications for building permits shall be made to the Zoning Officer for the project to be covered by the permit, using forms supplied by the Zoning Officer. The permit shall bear the signatures of both the general contractor and the owner of the project.
  - 1. No building permit shall be issued until all other required permits have been obtained from any other office or agency (local, regional, State, County, and Federal).
  - 2. No building permit shall be issued until the Zoning Officer determines whether a storm water management plan is necessary for the project to be covered by the permit, and if so, finds that an approved plan meeting the requirements of the Borough's Subdivision and Land Development Ordinance, or its equivalent, has been submitted.
  - 3. Building permits shall be prominently displayed and maintained in legible form during the entire period of construction.
- C. Building Permit Applications Shall Include the Following, in Triplicate:
  - 1. A site plan of the lot upon which the proposed construction is to occur, drawn to scale and dimensioned, showing the following where applicable:
    - a) The boundaries of the lot, indicating dimensions and total area and names of record of owners of abutting properties.
    - b) Public streets abutting the lot indicating right-of-way and pavement width.
    - c) Public utilities in the streets abutting the lot and/or in easements running across the lot identified by type and line size.

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- d) Existing buildings on the lot and approximate location of walls of buildings or structures within twenty-five (25) feet of the lot boundaries on adjacent properties.
  - e) The proposed building or structure, indicating height, and dimensions between building or structure and all lot boundaries.
  - f) The location of proposed parking and loading areas and drives, indicating the number of parking spaces.
  - g) The location of proposed signs.
  - h) Topographical information for the area to be developed at no greater than five (5) foot contour intervals, showing proposed grade changes and means of collecting and disposing of storm water.
  - i) The seal of approval of the State Department of Labor and Industry, if applicable, or in lieu of such seal, the M.A. number and file number of the project as carried by the department.
2. A narrative statement indicating the following:
- a) The proposed use of the structure to which the permit applies and the use of other buildings or structures on the lot, if any.
  - b) The number of dwelling units, whether for sale or rent, or commercial retail or service units if applicable, that the building is designed to accommodate.
  - c) If the building or structure is part of a larger complex of buildings or structures to be erected over time on the same lot, an indication of location and scheduling of future construction.
  - d) If the building or structure is for commercial, industrial or multi-family residential use, the area of the lot to be occupied on the ground by the building or structure.
  - e) A statement giving the developer permission to build if the developer and owner of the land are not the same person or corporation.
3. The Zoning Officer may waive portions of these requirements where interior work or construction not affecting the outside dimensions of an existing building is involved or no site work is included.
4. The Zoning Officer may, to satisfy requirements of other development Ordinances adopted by the Borough, expand the application form to secure additional information necessary to assure conformance with such other development Ordinances.
5. Building plans and specifications as required by the Borough's Building Code.

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- D. If the application is satisfactory, the Zoning Officer shall inspect the premises where the construction is proposed to occur and shall be satisfied that the structure will be located as specified on the application and that construction can take place on the site without violating this Zoning Ordinance or any other Borough Ordinance. Upon completing his inspection and finding the application and premises compatible the Zoning Officer shall approve the application and return one copy of the documents together with a signed building permit authorizing the applicant to proceed.
- E. If the application is not satisfactory, the Zoning Officer shall return all but one set of the application documents together with a letter indicating the specific reasons why the application cannot be approved and the changes needed to make it acceptable.
- F. The Zoning Officer shall visit the lot where on the approved construction is taking place in order to ensure that the work is proceeding in accordance with the application documents. If new construction is proposed to occupy a previously open area, the Zoning Officer may order the owner to have stakes positioned by a registered surveyor to indicate the lot line and outline of the new construction. Subsequently the Zoning Officer, depending on the type of construction proposed, shall visit the site after pouring of foundation footers, at the conclusion of erection of structural members and rough-in carpentry, and upon completion of the structure. The Zoning Officer shall not be denied access to the lot in order to inspect the construction in progress and may order the work halted pending appeal to the Zoning Hearing Board or corrected to conform to the approved application documents.
- G. If an applicant wishes to amend the use, arrangement or construction of the structure from that shown on the application documents after such documents are approved, he shall file with the Zoning Officer an application for a building permit to cover the proposed amendment. All work shall conform to the approved application documents for which the permit has been issued and any approved amendments thereto.
- H. A building permit shall become void, if after one (1) year from the date of issue, construction for which the permit was issued has not commenced. The life of a building permit shall be two (2) years from the date of issue. Permits may be extended for one (1) additional year upon request of the permit holder and presentation of evidence satisfactory to the zoning officer that construction has been diligently pursued. To continue uncompleted construction after the expiration of a building permit, the permit holder shall apply for a new permit, for which a fee representing the value of the work to be completed shall be collect. Failure to renew a permit after expiration shall be a violation of this Zoning Ordinance and subject to penalty under this Zoning Ordinance.

### **§2009-1102. Occupancy Permits.**

- A. For new use or expansion of existing uses:
  - 1. Upon completion of the entire building or structure for which a building permit has been issued, the contractor or builder for such building or structure shall apply to the Zoning Officer for an occupancy permit.
  - 2. The Zoning Officer shall inspect the premises and, if satisfied that all conditions of the building permit have been met, shall issue an occupancy permit certifying that the premises comply with the provisions of this Zoning Ordinance and may be used for the purposes set forth on the building permit.



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3. If the Zoning Officer upon inspection finds the premises to have been developed in violation of any of the conditions of the building permit, he shall order the violations corrected to conform to the building permit and shall not issue an occupancy permit until satisfied these corrections have been made. The contractor shall be responsible for requesting a re-inspection after violations have been corrected and the Zoning Officer shall not issue an occupancy permit until all violations have been corrected.
4. It shall be a violation of this Zoning Ordinance for a new structure to be occupied without an occupancy permit first having been issued.

### B. For Changing Existing Uses.

1. If a lot owner wishes to change the use of any building or structure on the lot (or properties) he owns, or if a new owner seeks to occupy a lot that is used for commercial or industrial purposes, he shall apply to the Zoning Officer for an occupancy permit. The Zoning Officer shall first determine that no building permit is needed to effect the proposed change. Changes for which an occupancy permit shall be required include addition of a dwelling unit or units in the structure, introduction of a home occupation, conversion of a use, or continuation of the use of a commercial or industrial lot by a new owner.
2. If the Zoning Officer is satisfied that such change is in conformance with all requirements of this Ordinance and of other applicable development Ordinances of the Borough, he shall issue an occupancy permit.
3. Applications for occupancy permits for a change of use that are denied by the Zoning Officer may be appealed to the Zoning Hearing Board. It shall be the responsibility of the owner of a lot to determine that any persons leasing or subleasing the premises will use them only for activities permitted by this Zoning Ordinance, and if a use is contemplated or undertaken by a lessee or sublessee which is not permitted, or is permitted only as a special exception, it shall be the responsibility of the owner to either secure permission from the Borough for the use or to remove the use from the premises.

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### ARTICLE XII Amendments

#### §2009-1200. Enactment of Zoning Ordinance Amendments.

- A. Whenever it is deemed desirable in order to meet the public needs; promote the convenience welfare and safety of the public; conform with good zoning practice and the intent and purpose of this Ordinance; and adhere to the guiding principles of the Comprehensive Master Plan; the Borough may amend, supplement or change the regulations, district boundaries, or classifications of property, now or hereafter established by this Ordinance, subject to the procedure provided in this section. Any amendment, supplement, reclassification, modification or change may be initiated by any of the following:
1. The Planning Commission may initiate action by filing a written report to the Governing Body; or
  2. The Governing Body may initiate action by filing a written request to the Planning Commission; or
  3. If the frontage of a property found between two (2) intersecting streets is proposed for change, the owner(s) may submit a notarized petition of appeal to the Borough.
  4. The owner of a tract of land may submit a petition for a zoning amendment to Borough Council. Owner should be defined as landowner under the Pennsylvania Municipalities Planning Code.
- B. Petition for Map Change, Amendment or Special Exception.  
Unless otherwise required by the Pennsylvania's Municipalities Planning Code, the following shall apply.
1. Form and Content.  

Petitions for change of district boundaries or reclassification of districts as shown on the Official Zoning Map shall be on forms supplied by the Planning Commission. A narrative description which: (1) defines the limits of the requested change by street name or recognizable physical feature; (2) states the specific reason for the requested change and (3) states the specific use, type of development and type of structure to be erected under proposed change. A map and/or preliminary site plans of the area to be rezoned shall also be submitted to the Commission for reference and review by the Commission.
  2. Preliminary Review by Planning Commission.  

After the facts are presented and the data and information from the petition are reviewed and studied by the Planning Commission, the Commission shall, within fifteen (15) days after regularly scheduled meeting, submit the petition with its preliminary recommendations to the Borough Council. The preliminary report by the Planning Commission is not intended to establish final approval by the

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Commission but rather to serve as a means of providing a format for action and review by the Borough Council.

C. Action by The Borough of Ligonier Council.

1. Subsequent to the introduction of the Petition for Zoning Change and Preliminary Report by the Planning Commission to the Borough, the Council Members shall fix a time for a public hearing, pursuant to Public Notice requirements.
2. Public Notice shall include the time and place of the public hearing for consideration of the proposed amendment, supplement, or change, stating when and where a copy of the proposal will be available for public inspection, and briefly describe the change proposed.
3. In addition, if the proposed amendment involves a zoning map change, notice of said public hearing shall be conspicuously posted by the Borough at points deemed sufficient by the Borough along the perimeter of the tract to notify potentially interested citizens. The affected tract or area shall be posted at least one week prior to the date of the hearing.

D. The Borough of Ligonier Planning Commission Review.

In the case of amendments not initiated by the Borough of Ligonier Planning Commission the planning commission shall have been informed of the amendment at least thirty (30) days prior to the hearing.

E. Westmoreland County Review.

The Borough Council shall submit the proposed amendment to Westmoreland County for recommendation at least thirty (30) days prior to the public hearing.

F. Conduct of Public Hearing.

The Borough Council Members or an examining officer appointed by the Borough Council Members shall be responsible for the conduct of the public hearing, advertised in conformance with Public Notice. The purpose of the Public Hearing is to receive relevant facts, data, comments, opinions, and other material desirable and necessary for a decision on the petition for change.

If after the public hearing the proposed amendment is changed substantially, or is revised to utilize land previously not affected by it, the Borough Council shall hold another public hearing, pursuant to Public Notice requirements, prior to proceeding to vote on the amendment.

G. Final Report by Planning Commission.

Within thirty (30) days following the public hearing, the Planning Commission shall review all material, data, testimony and facts submitted for consideration in the petition for change. The Commission shall make a final report on the Petition for change setting forth in detail reasons wherein public necessity, convenience and general welfare do or do not justify the proposed change and determining that the

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change is or is not in accord with the general objectives of the Comprehensive Plan and good zoning practices and shall forward its findings and recommendations to the Borough Council Members.

If the Planning Commission fails to file such a report within the specified time in the specified manner, it shall be presumed that the Planning Commission has approved the proposed amendment, supplement or change. In any event the recommendation of the Planning Commission shall be regarded as advisory in nature and shall not be binding on the Borough or other parties to the issue.

### H. Publication.

Notice of the proposed enactment shall include the time and place of the meeting where passage will be considered, and a reference to the place where copies of the amendment may be examined without charge or obtained at cost. The Borough of Ligonier Council Members shall publish the proposed amendment once each week for two (2) successive weeks in a newspaper of general circulation in Borough of Ligonier. Such notice shall state the time, place of the meeting, and the particular nature of the matter to be considered at the meeting. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the meeting. Publication of the proposed amendment shall include either the full text or the title and brief summary, prepared by the Borough Solicitor. If the full text is not included a copy will be supplied to the newspaper the time public notice is published, and an attested copy of the proposed ordinance will be filed at the Westmoreland County Law Library, substantial changes are made to the amendment after this point, the Borough Council Members shall re-advertise a brief summary setting forth provisions and changes, according to the aforementioned notice requirements enactment in a newspaper of general circulation in the Borough of Ligonier.

### I. Final Action by the Borough Council Members.

1. The passage of an ordinance amending, supplementing, or changing the regulations, district boundaries, or classification of proper now or hereafter established by this ordinance, shall require t affirmative vote of a majority of the members of the Borough Council Members.
2. Any ordinance amending, supplementing or changing the regulations, district boundaries or classifications of proper hereinafter established by this ordinance, if not passed by t Borough within ninety (90) days after the required public hearing shall require a new public hearing.
3. Within thirty (30) days after the enactment, the Borough Council Member shall forward a copy of the amendment to Westmoreland County.

### J. Fees.

Any person other than the Borough Council Members or Planning Commission requesting an amendment of the zoning ordinance shall pay a fee as defined by the Borough at the time the request is filed with the Borough. At the conclusion of the proceedings the Borough may assess the applicant for the cost incurred by the Borough in the conduct of the proceedings. All fees shall be paid to the Borough to

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be deposited in the General Fund. No part of the fees shall be refunded to the applicant.

### K. Appeals to Zoning Hearing Board.

Any persons, corporation, or individual aggrieved by any decision on modification, amendment or special exception by the Borough may, within thirty (30) days after such decision by the Borough, seek a review and hearing by the Zoning Hearing Board in a manner provided by this Ordinance.

### §2009-1201. Procedure for Landowner Curative Amendments.

- A. Curative amendments shall be filed in the Borough within which the landowner's property is located. The challenge shall be directed to the validity of the Zoning Ordinance as it applies to the entire area of its jurisdiction.
- B. A landowner who desires to challenge on substantive grounds the validity of the Zoning Ordinance or Zoning 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 Council with a written request that his challenge and proposed amendment be heard and decided.
- C. The Council shall commence a hearing thereon within sixty (60) days of the request as provided by the MPC. The curative amendment and challenge shall be referred to the Planning Commission and Borough Council and notice of the hearing thereon shall be given as provided in according to the MPC.
- D. The hearing shall be conducted in accordance with section 908 of the MPC and all references therein to the Zoning Hearing Board shall, for purposes of this section be references to the governing body - provided, however, that the provisions of sections 908 (1.2) and (9) of the MPC shall not apply and the provisions of section 916.1 of the MPC shall control. If the municipality does not accept a landowner's curative amendment brought in accordance with this subsection and a court subsequently rules that the challenge has merit, the court's decision shall not result in a declaration of invalidity for the entire zoning Ordinance and map, but only for those provisions which specifically relate to the landowner's curative amendment and challenge.
- E. The Council municipality which has determined that a validity challenge has merit may accept a landowner's curative amendment, with or without revision, or may adopt an alternative amendment which will cure the challenged defects. The Council shall consider the curative amendments, plans and explanatory material submitted by the landowner and shall also consider:
  - 1. The impact of the proposal upon roads, sewer facilities, water supplies, schools and other public service facilities;
  - 2. If the proposal is for a residential use, the impact of the proposal upon regional housing needs and the effectiveness of the proposal in providing housing units of a type actually available to and affordable by classes of persons otherwise unlawfully excluded by the challenged provisions of the Ordinance or map;

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3. The suitability of the site for the intensity of use proposed by the site's soils, slopes, woodlands, wetlands, flood plains, aquifers, natural resources and other natural features;
4. The impact of the proposed use on the site's soils, slopes, woodlands, wetlands, flood plains, natural resources and natural features, the degree to which these are protected or destroyed, the tolerance of the resources to development and any adverse environmental impacts; and
5. The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.

### **§2009-1202. Procedure for Municipal Curative Amendments.**

#### **A. Procedure upon Municipal Curative Amendment.**

1. Borough Council, by formal action, may declare the Zoning Ordinance or portions thereof substantially invalid and propose that the Borough prepare a curative amendment to overcome such invalidity. The formal action shall make specific findings setting forth the declared invalidity of the Zoning Ordinance which may include:
  - a) References to specific uses which are either not permitted, or not permitted in sufficient quantity.
  - b) References to a class of use or uses which require revision, or
  - c) Reference to the entire Ordinance which requires revisions.
2. The Council shall vote, within thirty (30) days following such declaration by the initiating governing body, by formal action whether or not to declare the Zoning Ordinance or portions thereof substantially invalid.
  - a) In the event of the failure of the Borough Council to declare the Zoning Ordinance or portions thereof substantially invalid within the thirty (30) days following such declaration, the declaration by Council shall be deemed null and void.
  - b) In the event that Council votes, by formal action, not to declare the Zoning Ordinance invalid. The declaration of Council shall be deemed null and void.
  - c) The declaration shall be binding upon the community from the moment Council declares the Zoning Ordinance invalid.
  - d) In the event that the Borough Council takes formal action to declare the Zoning Ordinance or portions thereof substantially invalid within thirty (30) days.

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3. Upon the declaration that the Zoning Ordinance is invalid, the Borough shall begin to prepare and consider a curative amendment to the Zoning Ordinance to correct the declared invalidity.
- 
- B. Within one hundred eighty (180) days from the date of the declaration by Council, pursuant to Subsection A.1, the Borough shall enact a curative amendment to or reaffirm the validity of this Ordinance pursuant to the provisions required by this Zoning Ordinance to cure the declared invalidity of this Ordinance.
  - C. Upon the initiation of the procedures by Council as set forth in Section A.1, Council shall not be required to entertain or consider any landowner's curative amendment as provided for by the MPC. Upon completion of the procedures as set forth in Sections A and B, no rights to a cure pursuant to the provisions of the MPC, shall, from the date of the declaration and proposal, accrue to any landowner on the basis of the substantive invalidity of this Ordinance for which there has been a curative amendment pursuant to this Section.
  - D. The Borough utilizing the procedures as set forth in Subsections A and B may not again utilize said procedures for a thirty-six (36) month period following the date of the enactment of a curative amendment or reaffirmation of the validity of this Ordinance pursuant to Subsection B; provided, however, if after the date of declaration and proposal there is a substantially new duty or obligation imposed upon the Council by virtue of a change in statute or by virtue of a Pennsylvania Appellate Court decision, the Borough may utilize the provisions of this Section to prepare a curative amendment to the Zoning Ordinance to fulfill said duty or obligation; provided, however, that the Borough shall not be deemed to have utilized the procedures set forth in Subsections A and B either if the Borough takes formal action to not declare the Zoning Ordinance invalid in accordance with Subsection A.2 or if they fail to act in accordance with Subsection A.2 above.



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### ARTICLE XIII Enforcement

#### §2009-1300. Enforcement

A. Enforcement Notice. The Enforcement Notice shall contain the following information:

1. The name of the owner of record and any other person against whom the municipality intends to take action.
2. The location of the lot in violation.
3. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Zoning Ordinance.
4. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
5. That the recipient of the notice has the right to appeal to the Borough Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Zoning Ordinance.
6. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

B. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor appeals the judgment in a timely manner, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Ordinance shall be paid over to the Borough.
2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

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3. Nothing contained in this Subsection shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Subsection.
- C. Other Remedies. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained or used in violation of this Zoning Ordinance, the Borough Council, or with the approval of the Borough Council, an officer of the Borough, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping, or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the municipality at least thirty (30) days prior to the time the action is begun by serving a copy of the complaint on the Council of the municipality. No such action may be maintained until such notice has been given.

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### ARTICLE XIV Administrative Roles and Duties

#### **§2009-1400. Planning Commission.**

Unless otherwise defined by the Pennsylvania Municipalities Planning Code, as amended, the following shall apply. See also Borough Code of Ordinances Chapter 21.

- A. The Borough shall establish and maintain a Planning Commission consisting of members appointed by the Borough Council.
- B. Upon request of the Borough Council, the Planning Commission shall prepare and update periodically the Comprehensive Plan.
- C. The Planning Commission shall maintain a file of records of its actions, such file being the property of the Borough Council.
- D. The Planning Commission may prepare, hold hearings upon, and recommend for adoption a zoning Ordinance and subsequently may prepare and recommend amendments thereto.
- E. The Planning Commission may prepare and recommend for adoption a subdivision and land development Ordinance and/or planned residential development Ordinance, as well as amendments thereto.
- F. The Planning Commission shall receive, review and make recommendations to the Borough Council on commercial or industrial development proposals, conditional use applications, planned residential developments and subdivision plans.
- G. The Planning Commission shall receive, review and make recommendations to the Zoning Hearing Board on special exception requests.
- H. The Planning Commission may call and hold public hearings on matters relating to development in the Borough including amendments to the zoning and subdivision Ordinances.
- I. The Planning Commission may, at the request of the Borough Council, prepare and recommend an annual capital improvements program, a building code, housing code, environmental study or similar reports or plans necessary to manage land development in the Borough.
- J. The Planning Commission may promote public interest in and understanding of the Comprehensive Plan and Ordinances designed to implement the plan.
- K. The Planning Commission shall hold regularly scheduled advertised meetings that are open to the public.
- L. The Planning Commission shall review all conditional use requests.

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### **§2009-1401. Borough Council.**

- A. Ultimately responsible for the adoption, amendment and enforcement of this Chapter.
- B. Appoint the members of the Planning Commission, the Zoning Hearing Board and the Zoning Officer.
- C. Receive the recommendations of the Planning Commission on matters the Commission Reviews pursuant to this ordinance, but are not obligated to act in accordance with the recommendations.
- D. Must ask for recommendations of the Planning Commission on the adoption or amendment of this Chapter if such recommendations are not prepared by the Planning Commission. In accordance with §303(a) of the Pennsylvania Municipalities Planning Code, the Borough Council must ask for recommendations from the Planning Commission for proposed actions related to:
  - 1. The location, opening, vacation, extension, widening, narrowing or enlargement of any street, public ground, pierhead or watercourse;
  - 2. The location, erection, demolition, removal or sale of any public structure located within the municipality; adoption, amendment or repeal of an official map, subdivision and land development ordinance, zoning ordinance or provisions for planned residential development, or capital improvements program; or
  - 3. The adoption, amendment or repeal of an official map, subdivision and land development ordinance, zoning ordinance or provisions for planned residential development, or capital improvements program: or
  - 4. The construction, extension or abandonment of any water line, sewer line or sewage treatment facility.
- E. Must call and hold a public hearing before adopting a zoning ordinance or any amendment thereto.
- F. May remove members of the Planning Commission or the zoning officers from their jobs, or members of the Zoning Hearing Board upon cause and after hearing.
- G. Must establish fees for the issuance of building, occupancy and sign permits. In accordance with MPC §717.3(e), the Borough Council may also prescribe fees for conditional use applications, landowner curative amendments, municipal curative amendments and for hearings before the Zoning Hearing Board.
- H. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
  - 1. All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P. S. §10702.

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2. All applications pursuant to §508 of the MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P. S. §10501 et seq.
3. Applications for conditional use under the express provisions of this Chapter.
4. Applications for curative amendment to this Chapter or pursuant to §609.1 and 916.1(a) of the MPC, 53 P. S. §10609.1, 10916.1(a).
5. All petitions for amendments to land use ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P. S. §10609.
6. Appeals from the determination of the Zoning Officer or the Borough engineer in the administration of any land use ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P. S. §§10501 et seq., 10701 et seq.
  - I. Where such determination relates only to development not involving an MPC Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough engineer shall be to the Zoning Hearing Board pursuant to this §27-1201.
  - J. Where the applicable land use ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.
  - L. Conditional Uses. Where the Borough Council, in this Zoning Ordinance, has stated conditional uses to be granted or denied by the Borough Council pursuant to express standards and criteria, the Borough Council shall hold hearings on and decide requests for such conditional uses in accordance with such standards and criteria. In granting a conditional use, the Borough Council may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, 53 P. S. §10101 et seq.

### **§2009-1402. Zoning Hearing Board.**

- A. The Borough shall establish and maintain a Zoning Hearing Board (Board) consisting of members appointed by the Borough Council.
- B. A Zoning Hearing Board shall receive recommendations on special exceptions from the Planning Commission and shall act thereon.
- C. There is hereby created a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities Planning Code, 53 P. S. §10901 et seq.
  1. The membership of the Board shall consist of members of the Borough appointed by resolution by the Borough Council. The terms of office shall be for three (3) years and shall be so fixed that the term of office of one member shall expire each year. The Board shall promptly notify the Borough Council of any

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vacancies which occur. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members of the Board shall hold no other office in the Borough.

2. Any Board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Borough Council which appointed the member, taken after the member has received fifteen (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.
  3. The Board shall elect from its own membership its officers, who shall serve annual terms as such and may succeed themselves. 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 Board, but the 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 Board as provided in this Zoning Ordinance.
  4. The Board may make, alter and rescind rules and forms for its procedure, consistent with Ordinances of the Borough and laws of the Commonwealth. The Board shall keep full public records of its business, which records shall be the lot of the Borough and shall submit a report of its activities to the Borough Council as requested by the Borough Council.
  5. Within the limits of funds appropriated by the Borough Council, the Board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services. Members of the Board may receive compensation for the performance of their duties, as may be fixed by the Borough Council, but in no case shall it exceed the rate of compensation authorized to be paid to the members of the Borough Council.
- D. Hearings. The Zoning Hearing Board will conduct hearings and make decisions in accordance with the Municipalities Planning Code. A copy of the Municipalities Planning Code is available for review in the Borough Building. The Borough Council shall establish, by resolution, fees with respect to hearings before the Zoning Hearing Board.
- E. Jurisdiction.
1. The Zoning Hearing Board shall have exclusive jurisdiction to hear and render final adjudications in the following matters within the physical boundaries of the Borough.
    - a) Substantive challenges to the validity of any land use Ordinance, except those brought before the Borough Council pursuant to §609.1 and 916.1(a)(2) of the Pennsylvania Municipalities Planning Code (hereinafter “MPC”), 53 P. S. §10609.1, 10916.1.
    - b) Challenges to the validity of a land use Ordinance raising procedural questions or alleged defects in the process of enactment or adoption which challenges shall be raised by an appeal taken within thirty (30) days after the effective date of said Ordinance.

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- c) Appeals from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot.
  - d) Appeals from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard Ordinance or such provisions within a land use Ordinance.
  - e) Applications for variances from the terms of this Zoning Ordinance and flood hazard Ordinance or such provisions within a land use Ordinance, pursuant to §910.2 of the MPC, 53 P. S. §10910.2.
  - f) Applications for special exception under this Zoning Ordinance or floodplain or flood hazard Ordinance or such provisions within a land use Ordinance, pursuant to §912.1 of the MPC, 53 P. S. §10912.1.
  - g) Appeals from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Zoning Ordinance.
  - h) Appeals from the Zoning Officer's determination under §916.2 of the MPC, 53 P. S. §10916.2.
  - i) Appeals from the determination of the Zoning Officer or Borough Engineer in the administration of any land use Ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving applications under Article V or VII of the MPC, 53 P. S. §10501 et seq., 10701 et seq.
2. The Borough Council shall have exclusive jurisdiction to hear and render final adjudications in the following matters:
- a) All applications for approvals of planned residential developments under Article VII of the MPC pursuant to the provisions of §702 of the MPC, 53 P. S. §10702.
  - b) All applications pursuant to §508 of the MPC, 53 P. S. §10508, for approval of subdivisions or land developments under Article V of the MPC, 53 P. S. §10501 et seq.
  - c) Applications for conditional use under the express provisions of this Zoning Ordinance.
  - d) Applications for curative amendment to this Zoning Ordinance or pursuant to §609.1 and 916.1(a) of the MPC, 53 P. S. §10609.1, 10916.1(a).
  - e) All petitions for amendments to land use Ordinances, pursuant to the procedures set forth in §609 of the MPC, 53 P. S. §10609.

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- f) Appeals from the determination of the Zoning Officer or the Borough Engineer in the administration of any land use Ordinance or provisions thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to applications for land development under Articles V and VII of the MPC, 53 P. S. §§10501 et seq., 10701 et seq.
  - g) Where such determination relates only to development not involving a MPC Article V or VII application, the appeal from such determination of the Zoning Officer or the Borough Engineer shall be to the Zoning Hearing Board pursuant to this Chapter.
  - h) Where the applicable land use Ordinance vests jurisdiction for final administration of subdivision and land development applications in the Planning Commission, all appeals from determinations under this subsection shall be to the Planning Commission and all appeals from the decision of the Planning Commission shall be to court.
3. Variances.
- a) The Zoning Hearing Board shall hear requests for variances where it is alleged that the provisions of this Zoning Ordinance inflict unnecessary hardship upon the applicant. The Board may by rule prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance, provided that all of the following findings are made where relevant in a given case.
    - 1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular lot and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the lot is located.
    - 2) That because of such physical circumstances or conditions, there is no possibility that the lot can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the lot.
    - 3) That such unnecessary hardship has not been created by the applicant.
    - 4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the lot is located, nor substantially or permanently impair the appropriate use or development of adjacent lot, nor be detrimental to the public welfare.
    - 5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.



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- b) In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, 53 P. S. §10101 seq.
- F. Special exception. Where the Borough Council, in this Zoning Ordinance, has stated special exception to be granted or denied by the Zoning Hearing Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exception in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Zoning Ordinance, as it may deem necessary to implement the purposes of this Zoning Ordinance and the Pennsylvania Municipalities Planning Code, 53 P. S. §10101 et seq.
- G. Parties Appellant before the Board. Appeals raising the substantive validity of any land use Ordinance (except those to be brought before the Borough Council pursuant to the Pennsylvania Municipalities Code), procedural questions or alleged defects in the process of enactment or adoption of a land use Ordinance; or from the determination of the Zoning Officer, including, but not limited to, the granting or denial of any permit, or failure to act on the application therefore, the issuance of any cease and desist order or the registration or refusal to register any nonconforming use, structure or lot; from a determination by the Borough Engineer or the Zoning Officer with reference to the administration of any floodplain or flood hazard Ordinance or such provisions within a land use Ordinance; from the determination of any officer or agency charged with the administration of any transfers of development rights or performance density provisions of this Zoning Ordinance; from the determination of the Zoning Officer or Borough Engineer in the administration of any land use Ordinance or provision thereof with reference to sedimentation and erosion control and storm water management insofar as the same relate to development not involving subdivision and land development or planned residential development may be filed with the Zoning Hearing Board in writing by the landowner affected, any officer or agency of the Borough, or any person aggrieved. Requests for a variance and for special exception may be filed with the Board by any landowner or any tenant with the permission of such landowner.
- H. Time Limitations.
- 1. No person shall be allowed to file any proceeding with the Zoning Hearing Board later than thirty (30) days after an application for development, preliminary or final, has been approved by the Borough if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and proves that he has 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. The failure of anyone other than the landowner to appeal an adverse decision on a tentative plan or from an adverse decision by the Zoning Officer on a challenge to the validity of this Zoning Ordinance or an amendment hereto or map or an amendment thereto shall preclude an appeal from a final approval except in the case where the final submission substantially deviates from the approved tentative approval.
  - 2. All appeals from determinations adverse to the landowner shall be filed by the landowner within thirty (30) days after notice of the determination is issued.

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### I. Stay of Proceedings.

1. Upon filing of any appeal proceeding before the Zoning Hearing Board and during its pendency before the Board, all land development pursuant to any challenged Ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action there under, shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the Board facts indicating that such stay would cause imminent peril to life or lot, in which case the development or official action shall not be stayed otherwise than by a restraining order, which may be granted by the Board or by the court having jurisdiction of zoning appeals, on petition, after notice to the Zoning Officer or other appropriate agency or body. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the Board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appeals to order such persons to post bond as a condition to continuing the proceedings before the Board.
2. After the petition is presented, the court shall hold a hearing to determine if the filing of the appeal is frivolous. At the hearing, evidence may be presented on the merits of the case. It shall be the burden of the applicant for a bond to prove the appeal is frivolous. After consideration of all evidence presented, if the court determines that the appeal is frivolous, it shall grant the petition for a bond. The right to petition the court to order the appellants to post bond may be waived by the appellee, but such waiver may be revoked by him if an appeal is taken from a final decision of the court.
3. 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. An order denying a petition for bond shall be interlocutory. An order directing the responding party to post a bond shall be interlocutory.
4. If an appeal is taken by a respondent to the petition for a bond from an order of the court dismissing a zoning appeal for refusal to post a bond and the appellate court sustains the order of the court below to post a bond, the respondent to the petition for a bond, upon motion of the petitioner and after hearing in the court having jurisdiction of zoning appeals, shall be liable for all reasonable costs, expenses and attorney fees incurred by the petitioner.

### J. Accommodations under the Fair Housing Amendments Act and/or the Americans with Disabilities Act.

1. The Board shall hear and determine appeals from decisions of the Zoning Officer with respect to requests for reasonable accommodation under the Fair Housing Amendments Act or the Americans with Disabilities Act. In hearing such an appeal, the Board shall apply the criteria set for in this Ordinance. In granting a request for reasonable accommodation, the Board may attach such reasonable safeguards and/or limitations as it may deem necessary to properly implement this Ordinance and protect the public health, safety and welfare in a manner consistent with the requirements of the Fair Housing Amendments Act or the

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Americans with Disabilities Act. In handling a request for reasonable accommodation, the Board shall be governed by the criteria set forth in this Ordinance to the fullest extent as may be consistent with the Fair Housing Amendments Act and the Americans with Disabilities Act.

### §2009-1403. Zoning Officer.

#### A. Zoning Enforcement:

A Zoning Officer shall be appointed by the Borough Council to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the municipality.

#### B. Duties and Powers of Zoning Officer:

It shall be the duty of the Zoning Officer to enforce literally the provisions of this Ordinance, as amended, and he or she shall have such duties and powers as are conferred on him or her by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include but are not limited to the following:

1. Receive application for and issue zoning permits and sign permits.
2. Keep an official record of all business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the action taken consequent on each such complaint. All such records shall be open to public inspection. File copies of all applications received, permits issued, reports and inspections made in connection with any structure, building, sign and/or land, shall be retained as long as they remain in existence.
3. Make inspections as required to fulfill his duties. He shall have the right to enter any building or structure or enter upon any land at any reasonable hour in the course of his duties.
4. Issue permits for special exception uses and for variances only after such uses and/or buildings have been approved by the Zoning Hearing Board in accordance with the regulations of this Ordinance.
5. Be responsible for keeping this Ordinance and the Zoning Map up to date so as to include all amendments thereto.
6. Institute civil enforcement proceedings as a means of enforcement.
7. Notification about nonconforming uses.

#### C. Notice of Violations:

The Zoning Officer shall serve a notice of violation on any person, firm, corporation, or partnership responsible for violating any of the provisions of this Ordinance, or in violation of a detailed statement or a plan approved there under. Notice of violation shall be in writing, indicating the nature of the violation and action necessary to correct same. If

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the notice of violation is not complied with, the Zoning Officer shall order the discontinuance of such unlawful use of structure, building, sign and/or land.

The violation notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has ruled a written request to receive violation notices regarding that parcel, and to any other person requested in writing by the owner of record. The violation notice shall include at least the following information:

1. Name of the owner of record and any other person against whom the Borough intends to take action;
2. Location of the property in violation;
3. Specific violation(s) with a description of the requirements which have not been met, referring applicable provisions of the Borough of Ligonier Zoning Ordinance;
4. Date before which the steps for compliance must be commenced and the date before which the steps must be completed;
5. Rights of appeal and prescribed appeal time period of the recipient according to the Borough of Ligonier Zoning Ordinance; and
6. Notice that failure to comply within the time period, unless extended by the Zoning Hearing Board, constitutes a violation, and possible sanctions clearly described.

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**ARTICLE XV  
Schedule of Fees**

**§2009-1500. Schedule of Fees.**

The current Schedule of Fees is on file at the Borough of Ligonier Municipal Building.