

BOROUGH COUNCIL OF THE BOROUGH OF LAUREL MOUNTAIN
Westmoreland County, Pennsylvania

ORDINANCE NO: 01-92-07

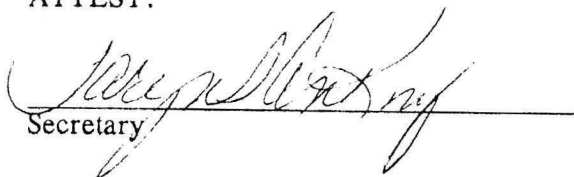
AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO. 02-83-05,
BOROUGH OF LAUREL MOUNTAIN ZONING ORDINANCE OF 1983, AS AMENDED.

BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Laurel Mountain and it is hereby ordained and enacted pursuant to the authority of the same to amend and supplement as follows:

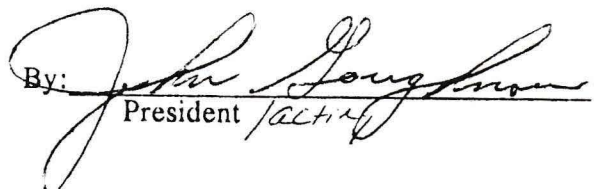
The Borough of Laurel Mountain Zoning Ordinance of 1983 is hereby amended, supplemented, and reaffirmed to read in accordance with the attached twenty (20) pages.

THIS ORDINANCE ORDAINED AND ENACTED this 12 day of August, 1992 by the Borough of Laurel Mountain, Westmoreland County, Pennsylvania.

ATTEST:

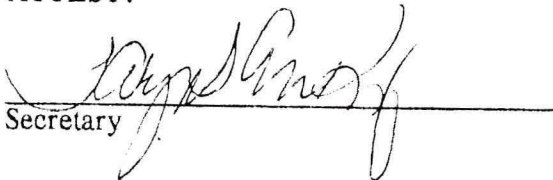

Secretary

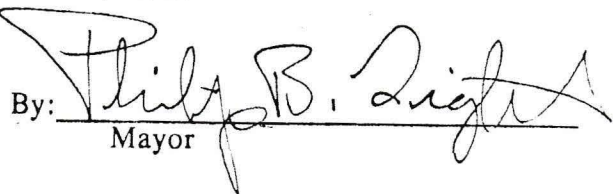
Borough of Laurel Mountain

By: 
President *acting*

Examined and approved this 12 day
of August, 1992.

ATTEST:


Secretary

By: 
Mayor

ZONING ORDINANCE
BOROUGH OF LAUREL MOUNTAIN
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 02-83-05 Effective May 11, 1983
Amendments included through Ordinance No. 01-92-07 of July _____, 1992.

An Ordinance to regulate and restrict the location, use and occupancy of buildings, structures and land for residence, for public and semipublic and other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the area of yards, courts and other open spaces; to regulate and limit the density of population; to provide enforcement and administration of this Ordinance; to prescribe penalties for violations, and fees for the execution of its provisions.

THIS ORDINANCE ORDAINED AND ENACTED this 11th day of May, 1983 by the Borough Council of the Borough of Laurel Mountain, Westmoreland County, Pennsylvania.

for the BOROUGH OF LAUREL MOUNTAIN

ATTEST:

/S/ Retta Welsh	by: /S/ James L. Foster, Jr.
Secretary	Vice President

EXAMINED AND APPROVED this 11th day of May, 1983.

ATTEST:

/S/ Retta Welsh	by: /S/ Bill Leipold
Secretary	Mayor

ARTICLE I: PRELIMINARY PROVISIONS

SECTION 101: SHORT TITLE

This Ordinance shall be known and may be referred to as the "Borough of Laurel Mountain Zoning Ordinance of 1983, as amended."

SECTION 102: INTENT AND PURPOSE

Pursuant to the authority conferred by the Pennsylvania Municipalities Planning Code enacted July 31, 1968, P. L. 247, as amended, this Ordinance is adopted for the following purposes:

1. To promote and protect the health, safety and general welfare of the inhabitants of the Borough of Laurel Mountain and of the public generally;
2. To encourage and maintain the appropriate use of land and facilitate the orderly growth and expansion of the Borough;
3. To protect the character and value of land and buildings within the Borough;
4. To provide adequate light, air, privacy and convenience of access to property;
5. To provide protection against fire, panic, explosion, noxious fumes and other hazards;
6. To establish building lines and the location of buildings designed for appropriate use within such lines so as to prevent the overcrowding of land;
7. To regulate therein the location, construction, reconstruction, alteration and use of buildings, structures and land for residential, and other specified uses;
8. To insure that land uses, buildings or structures are compatible with the character of development and permitted uses within the Borough;
9. To lessen congestion in the streets by providing for adequate off-street parking of motor vehicles;
10. To facilitate the adequate provision of water, sewerage, transportation, parks, playgrounds and other public requirements;
11. To facilitate the programming and execution of public and private development in harmony with the above purposes so as to safeguard the health, safety and general welfare of the community.

SECTION 103: VALIDITY CLAUSE

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

SECTION 104: INTERPRETATION OF REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements. Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, deed restricting covenants, or Ordinances, the more restrictive, or that imposing the higher standards, shall govern.

All requirements of this Ordinance shall apply uniformly to each class or type of land or structure and particularly as herein provided:

1. No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved or structurally altered unless in conformity with all of the requirements of this Ordinance;

2. No part of a yard or other open space or off-street parking or other space required in connection with the provisions of this Ordinance for any use or structure shall be considered as providing a yard, open space, parking space, or other required space for any other use or structure;

3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 105: OTHER ORDINANCES AND REPEAL

In accordance with Resolution Number R-02-82 of January 4, 1982, this Ordinance is continuous with the Ligonier Township Zoning Ordinance of December 22, 1969 (No. 69-10) and amendments, revisions, and decisions taken thereunder prior to January 4, 1982 and until superseded herewith by this Ordinance.

No provisions of this Ordinance shall permit any action, activity or condition otherwise prohibited by law.

Except as provided for in this Section, all previously adopted Ordinances, Resolutions, Amendments, or parts thereof are hereby repealed so as to give this Ordinance full force and effect.

SECTION 106: EFFECTIVE DATE

The effective date of this Ordinance shall be May 11, 1983.

ARTICLE II: DEFINITIONS

SECTION 201: EXPLANATION OF TERMS

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows: words used in the present tense include the future; the singular includes the

plural and the plural includes the singular; the word "person" refers to a firm, association, organization, partnership, trust, company or corporation, as well as to an individual; the word "shall" is mandatory; the word "may" is permissive; the word "lot" includes "plot", "piece", and "parcel"; the word "building" includes all other structures; the words "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."

SECTION 202: DEFINITIONS

ACCESSORY BUILDING, STRUCTURE OR USE--A building, structure, or use which is subordinate to the main building on the lot and is used for purposes clearly incidental to the use of the main building or lot.

ALTERATIONS, STRUCTURAL--Any exterior change, other than for incidental repairs, which alters the shape or location of a building or increases its height or size.

AREA, OF BUILDING(S), GROUND COVERAGE--The total area covered by the principal building and all accessory buildings exclusive of uncovered: porches, decks, terraces and steps.

AREA, LOT--The total area within the property lines excluding external streets.

BASEMENT--The space enclosed by the foundation or ground floor walls or a building partly below the average level of the adjacent ground. A basement shall be counted as a story for purposes of height measurements when one-half (1/2) or more of its volume is above the average level of the adjacent ground.

BOARD--The Zoning Hearing Board of the Borough of Laurel Mountain.

BOROUGH COUNCIL--Council members of the Borough of Laurel Mountain, acting as a Council.

BUILDING--Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or any other property.

BUILDING, HEIGHT OF--The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs and to the highest point of any other type of roof. Chimneys, spires, masts and similar projections shall not be included in the height, provided that such projections shall not have an aggregate area greater than ten percent (10%) of the roof area.

BUILDING, PRINCIPAL--A building in which is conducted the main or principal use of the lot on which said building is situated.

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

CONDITIONAL USE--A use which requires approval of the Borough Council under conditions prescribed herein.

COVERAGE--That percentage of the plot or lot area covered by the building area.

DWELLING--A permanent building or portion thereof, designed or used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, but not including hotels, motels, rooming houses, institutional homes, and the like.

DWELLING UNIT--One (1) or more living or sleeping rooms within a building, with or without cooking facilities, ordinarily occupied by or rented to members of one family.

DWELLING, SINGLE FAMILY--A house constructed for the use of and occupied by related members of one family. A house which has not more than three (3) rooms for the use of not more than three (3) unrelated persons who live with the family on a permanent basis shall be considered a single family dwelling.

FENCE, WALL--A fabricated barrier, a function of which is to enclose or set apart an area of land.

GARAGE--An accessory private structure or part of a main structure used primarily for the parking of not more than three (3) automobiles and not more than seven hundred (700) square feet in size, with a door not more than eight (8) feet in height measured from the floor of the garage.

LOT, BUILDING AREA OF--That area of a lot which is no closer than sixteen (16) feet from any street line and not closer than eight (8) feet from any other peripheral lot line.

LOT OF RECORD--An area of land designated as a lot on a plat of subdivision or described on a deed duly recorded or registered, pursuant to statute, with the Recorder of Deeds of Westmoreland County.

LOT, ZONING--A contiguous parcel, lot, group of lots, or portions thereof, the division of which would create or worsen a nonconforming condition, and which was under distinct and separate ownership on the effective date of this Ordinance.

NONCONFORMING LOT--A lot, occupied or unoccupied by buildings or structures, which is of insufficient size or dimensions to meet the requirements for one of the uses permitted. A nonconforming lot shall be one which, by documentary evidence acceptable to the Zoning Officer, is shown to be, prior to and continuously since the effective date of this Ordinance, in separate and distinct ownership from all abutting land.

NONCONFORMING STRUCTURE--A structure or portion thereof lawfully existing on the effective date of this Ordinance, or amendment thereto, which does not conform with the regulations of this Ordinance.

NONCONFORMING USE OF LAND OR STRUCTURE--Any use of land, buildings, or structures lawfully existing on the effective date of this Ordinance, or amendment thereto, which does not comply with all of the regulations of this Ordinance.

OFFSET, OF A STRUCTURE--the distance required between a structure and a peripheral lot line (defines the building area of a lot).

SIGN--A name, identification, description, display, or illustration which is affixed to, or painted, or represented directly or indicated upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person(s), institution, organization, business or profession.

SIGN, IDENTIFICATION--A sign used to identify only the name of the individual or organization occupying the premises or the name of the building on which the sign is attached.

SPECIAL EXCEPTION--A use which requires approval of the Zoning Hearing Board under conditions prescribed herein.

STORY--That part of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above.

STREET--A public way, having a right-of-way of sixteen (16) feet or more between property lines.

STREET LINE--A peripheral lot line coincident with the property line of any public right of way.

STRUCTURE--Anything constructed or erected on or under the ground or attached to something on or under the ground. Structures include, but are not limited to, buildings, garages, walls, fences, signs, etc.

STRUCTURE, TEMPORARY--Any structure not designed to remain intact and which will be removed and not replaced within ninety (90) days or upon completion of associated permanent construction.

STRUCTURE, HEIGHT OF (other than building)--The vertical distance measured from the lowest adjacent grade level to the highest point of the structure.

VARIANCE--A variance is a relaxation of the terms of the Land Use Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in an unnecessary and undue hardship. As used in this Ordinance, a variance shall be authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of other nonconformities in the Borough.

YARD--A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the ground level of the graded lot upward; provided, however, that fences, walls and hedges may be permitted in any yard subject to height limitations and regulations as indicated in this Ordinance.

ZONING OFFICER--The Zoning Officer shall be the Borough Secretary, Ordinance Officer, or whoever is appointed by Borough Council.

ARTICLE III: ESTABLISHMENT OF A LAND USE DISTRICT

SECTION 301: NUMBER AND TYPE OF THE LAND USE DISTRICT

For the purposes of carrying out the provisions of this Ordinance, the area of the Borough is hereby divided into one type of zoning district and one land use district classification.

1. Classification: (R-1) One Family Residence District
2. Units per acre: One (1) per recorded lot

SECTION 302: INTERPRETATION OF BOUNDARIES

1. Boundaries shown as approximately following lot lines of recorded lots or parcels of land shall be construed as exactly following such lot lines.
2. Boundaries indicated as approximately following Borough limits shall be construed as exactly following such Borough limits.

ARTICLE IV: BOROUGH REGULATIONS

SECTION 401: PERMITTED USES

Land and structures shall be used and structures shall be constructed, altered or enlarged for only the uses listed in this Section.

1. Residential uses are limited to single-family dwellings, (R-1).
2. Except as provided for in this section and in Section 501, any non-residential use is considered non-conforming and is prohibited except as provided for by Section 703.
 - (a) The use of up to two rooms totaling not more than three hundred (300) square feet in the primary residence building for clerical and administrative functions related to the business, occupational or professional interest of a resident of the primary residence building shall be considered conforming and permitted provided:
 - (1) There is no external evidence of such use.
 - (2) Such use does not encourage visits by non-residents of the primary residence building on more than a clearly incidental basis.
 - (b) The use of up to two rooms totaling not more than three hundred (300) square feet for the conduct of one or more hobbies of a resident of the primary residential building shall be conforming and permitted provided:
 - (1) There is no external evidence of such use.

(2) Such use does not encourage visits by non-residents of the primary residence building on more than a clearly incidental basis.

(3) The hobby shall not be conducted primarily for the production of income and shall produce no more than clearly incidental income.

3. Public and semi-public uses are permitted as follows in the Borough of Laurel Mountain.

(a) Public parks, playgrounds and other municipal recreation.

(b) Municipal buildings, including offices, fire house and police station.

(c) Public utility structures necessary for the service of the area, provided it is demonstrated to the Borough Council that the location is suitable and that such use does not involve storage of material outside a building.

(d) Community club for the use of the residents of the neighborhood in which it is located so long as no alcoholic beverages are offered for sale and in the opinion of the Borough Council it will not detract from the character of the District.

4. Accessory uses and structures customarily incidental to any of the above principal uses, located within the building area of the lot unless otherwise specified.

(a) Fences, walls or hedges shall not be in excess of six (6-1/2) feet in height.

(b) Private garage or off-street parking area(s) for non-commercial use only.

(c) Private swimming pools accessory to dwellings, for the exclusive use of residents and their guests (See Article V, Section 502-5).

(d) Semi-public swimming pools (See Article V, Section 501).

(e) Travel trailer or campers: A single travel trailer, motor home, or camper may be parked on the premises of a dwelling, or on a lot, for a period not to exceed fifteen (15) days, provided that the occupants of the same are guests of the property owner and that no charge is made for this location or for any facilities offered, and that adequate sewage and water are provided.

5. All open space, recreation, and nature uses shall comply with all of the provisions of the Ordinance, including but not limited to provisions as to area, height, parking, and signs, subject to the limitations and provisions of Article V, Section 501. All of these uses shall be considered Conditional Uses under Article V of this Ordinance and may only be allowed according to the provisions of Article VIII, Section 805.

SECTION 402: HEIGHT AND SIZE REQUIREMENTS

For the uses enumerated in Section 401, the size of structures hereafter erected or enlarged shall not exceed the limitations prescribed in this Section.

1. Single-family dwellings: number of stories--two and one half (2-1/2); maximum height--thirty five (35) feet; minimum width--twenty (20) feet.
2. Garages: number of stories--two (2); height of eighteen (18) feet.
3. Tool sheds, and other accessory structures: number of stories--one (1); height of fifteen (15) feet.
4. For height exceptions permitting the erection above, the height limits of towers, flag-poles, and similar structures, see Article V, Section 502-1.
5. For height requirements for fences, see Article V, Section 502-5-(a) and Article VI, Section 603.

SECTION 403: AREA REQUIREMENTS

For the uses enumerated in Section 401, on each unimproved zoning lot and on each zoning lot upon which a structure is hereafter erected or enlarged the following lot areas, yards and other open areas shall be provided and maintained:

1. Residential district (R-1)

- (a) Maximum density--one (1) dwelling unit per lot.
- (b) Minimum lot area per dwelling unit--as set forth in the plan of Laurel Mountain Park, or one (1) acre per dwelling unit.
- (c) Maximum coverage of lot by all structures--twenty five (25) percent.
- (d) Minimum lot width--as set forth in the plan of Laurel Mountain Park, or one-hundred-fifty (150) feet.

NOTE: For exceptions to area standards, see Article V.

ARTICLE V: CONDITIONAL USES AND SPECIAL EXCEPTIONS

SECTION 501: CONDITIONAL USES

The following conditional uses may be allowed by the Borough Council according to the provisions of these Sections.

1. Public and semi-public uses listed in Article IV shall be permitted in residence districts when approved by the Borough Council. In determining and insuring that such public or semi-public use will not detract from the character and quality of the neighborhood, the Borough Council may require any of the following: wider or deeper yards; screening from abutting properties; provision of off-street parking and adequate access and egress; and may impose such restrictions on building design and placement and methods and hours of operation as it deems necessary to protect the surrounding residential properties.

2. Otherwise non-conforming private use or construction for which a variance may not be issued under section 804 of this ordinance may be allowed by the Borough Council by issuance of a Conditional Use Permit in accordance with Section 805 of this ordinance subject to the following restrictions:

(a) Both the Zoning Hearing Board and the Borough Council shall find that the proposed nonconformance involves unique circumstances and that the issuance of a conditional use permit would be in the best interests of the Borough.

(b) The existence of other nonconformances, however created, shall not be a factor in such determination.

(c) The conditional use permit shall automatically expire and be without effect if the use of the property changes, or if the Borough Council shall determine that the stipulations of the permit have not been met.

(d) Any conditions stipulated by Borough Council shall be agreed to in writing by the property owner(s) prior to issuance of the permit.

SECTION 502: SPECIAL EXCEPTIONS

The following special exceptions may be permitted by the Zoning Hearing Board according to the provisions of this Section and Article VIII, Section 805.

1. Towers, spires and similar structures--erection above the height limits of the district shall be permitted for antennas, flagpoles and chimneys.

2. Erection of buildings above height limits--The erection of buildings above the height limits of any district shall be permitted as a height exception after application to the Zoning Hearing Board in accordance with the provisions of Article VIII, Section 805. In granting such exception the Zoning Hearing Board shall require that the width or depth of all yards be increased by one (1) foot for every one (1) foot that a building exceeds the height limit. They shall, furthermore, insure that such height exception will not adversely affect surrounding properties or detract from the character of the area.

3. Permanent private swimming pools--Private swimming pools which remain erected year round shall be permitted as accessory uses to residential buildings provided they meet the requirements of this Section and Article VIII, Section 805.

(a) Such pools shall be enclosed by a fence or other enclosure at least four (4) feet high but not more than six and one half (6-1/2) feet high which can be locked to prevent accidental or unauthorized entry.

(b) All lights shall be shielded and reflected away from abutting properties.

4. Nonconforming uses which are shown by documented evidence satisfactory to the Zoning Hearing Board to have been legally in existence prior to the effective date of this Ordinance.

ARTICLE VI: SUPPLEMENTAL PROVISIONS

The regulations of this Ordinance shall be subject to the supplementary provisions, additions or modifications provided hereunder.

SECTION 601: PARKING REQUIREMENTS

1. Automobile parking space requirements--There shall be provided, at the time of the erection or enlargement of any principal building, minimum off-street automobile parking space including the required number of parking stalls, plus at least twenty-five (25) percent of the total parking area for access, egress and general circulation.

(a) Residential Uses--Minimum requirement for single-family dwellings is two (2) spaces per dwelling unit;

(b) Other--An adequate number as determined by the Zoning Hearing Board.

2. Regulation of parking areas--For the purposes of this Section, one automobile parking space shall be assumed to be two hundred (200) square feet of area, exclusive of adequate interior driveways or ingress driveways to connect the parking space with a public street or alley. Parking areas shall be at least ten (10) feet from the street line.

SECTION 602: SIGNS

A residential identification sign (name, address, area name, etc.) affixed or painted on a wall, mail box, mail box support, or free standing sign post with letters or numbers not exceeding five (5) inches in height and two (2) square foot in size is permitted. Other signs are not permitted.

SECTION 603: FENCES, WALLS AND HEDGES

The following fences, guardrails, walls, or hedges may be permitted provided such structures or features are not so located as to preclude access at all times to the main building. Gates or other appropriate entries shall be provided of at least three (3) feet in width to give necessary access.

1. Fences, walls, hedges, or guardrails are permitted on any yard if maintained at a height of not more than six and one-half (6-1/2) feet above the adjacent ground level and provided they do not create a public health or safety hazard, particularly with respect to driver visibility.

2. Railings not more than three and one-half (3-1/2) feet in height constructed along the perimeter of any balcony, stairway, porch or deck are permitted.

SECTION 604: NUMBER AND USE OF BUILDINGS ON A ZONING LOT

Not more than one principal detached residential building shall be located on a zoning lot; nor shall a principal detached residential building be located on the same lot with any other principal building.

1. Garages or accessory buildings shall not contain or be connected to any sewage disposal system nor shall they be used for or converted to a dwelling or dwelling unit unless divided from the parent parcel in such a manner that all other requirements of this ordinance are satisfied for both the parent and divided parcel.

2. No more than one (1) garage shall be located on a zoning lot.

3. The aggregate total area of all other accessory buildings on a zoning lot shall not exceed two-hundred (200) square feet.

SECTION 605: PERFORMANCE STANDARDS

No use of land or buildings shall involve any materials or cause any condition that may be injurious to the public health, safety and general welfare. Furthermore, every use of land or structures must adhere to the following standards of operation:

1. All activities and all storage of inflammable and explosive materials at any point shall be prohibited unless provided with adequate safety devices against the hazards of fire and explosion.

2. No activities which emit dangerous radioactivity at any point are permitted.

3. No electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance shall be permitted, except that radio frequency interference shall not exceed Federal Communication Commission regulations.

4. No flyash, dust, fumes, vapors, gases, and other forms of air pollution emissions which can cause any damage to health, to animals or vegetation, or other forms of property, or which can cause any excessive soiling at any point shall be permitted.

5. No discharge at any point into any private sewage disposal system, or stream, or into the ground of any materials in such a way or in such nature or temperature as can contaminate any water supply, or otherwise cause the omission of dangerous or objectionable elements, or any accumulations of wastes conducive to the breeding of rodents or insects, is permitted.

6. No vibration which is discernible to the human sense of feeling for three (3) minutes or more duration is permitted in any hour of the day between 7 a.m. and 7 p.m. or for thirty (30) seconds or more between the hours of 7 p.m. and 7 a.m.

7. No activities producing heat, cold, dampness or movement of air are permitted which shall produce any material effect on the temperature, motion, or humidity of the atmosphere at the lot line or beyond.

8. No emission of odorous gases or other odorous matter in such quantities as to be detectable to the human sense of smell when measured at the lot line is permitted.

9. No outside burning of garbage, refuse, or anything other than the product of cut vegetation is permitted.

10. The fully attended and cautious outside burning of leaves, paper, scrap lumber, tree trimmings, brush and the like is permitted except during such times as Borough Council may from

time to time set as "clear air" periods and such times as the Mayor's Office or other regional authority declares that a fire hazard exists.

11. No direct glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, which is detectable from any point on the lot line, is permitted.

SECTION 606: VEHICLES

1. No motor vehicle which is disabled and from which the wheels or engine have been removed, which is not in operating condition, or which does not have a current registration plate and inspection sticker, shall be placed, parked, stored or repaired on any street, right-of-way, or outside of an enclosed building. The foregoing shall not prohibit legitimate parking of registered motor vehicles as provided for in Article VI, Section 601.

2. Except for emergency service vehicles or equipment actually engaged in an emergency, no vehicle or equipment shall be placed, stored, parked or allowed to stand unattended on any street.

3. No construction equipment or wheeled vehicle having over a sixteen (16) inch diameter rim shall be placed, parked or stored in the Borough except on the lot of the permittee during lawful construction. Registered motorcycles or antique automobiles are exempt from this provision.

ARTICLE VII: NONCONFORMING LOTS, SIGNS, STRUCTURES AND USES

SECTION 701: INTENT AND PURPOSE

Within the district established by this Ordinance, or due to amendments that may later be adopted, there exists lots, structures, and uses of land which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. Such conditions are declared by this Ordinance to be incompatible with permitted conditions. This Ordinance is intended to permit these nonconformities to continue until they are removed, but not to encourage their survival.

SECTION 702: NONCONFORMING LOTS OF RECORD

Notwithstanding the limitations imposed by other provisions of the Ordinance, any lot of record recorded in Westmoreland County prior to December 22, 1969 by its current owner(s) or their heirs by Right of Survivorship or Right of Representation may be divided in whole or in part from one or more contiguous lot(s) of record having the same ownership.

If, subsequent to the effective date of this Ordinance, construction is undertaken on any building lot which is conforming or permitted by variance for the building lot, but which would not be conforming with respect to one or more included lots of record, than any affected lot of record or portion thereof may not subsequently be divided from the zoning lot or developed except in conformance with this Ordinance notwithstanding its prior condition as a lot of record.

SECTION 703: NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;

3. If any such nonconforming use of land ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

SECTION 704: NONCONFORMING STRUCTURES

Where lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way which increases its nonconformity except when the Zoning Board may determine undue hardship and may authorize a reasonable enlargement not to exceed fifty (50) percent of the original structure at the date of adoption of this Ordinance.

2. Should such structure be destroyed by any accidental means, it may be reconstructed not to exceed its original size prior to such destruction, provided application for a building permit is made within 180 days from the date of such destruction.

3. Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 705: REPAIRS AND MAINTENANCE

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE VIII: ADMINISTRATION AND ENFORCEMENT

SECTION 801: BUILDING PERMITS

1. No principal building, dwelling, dwelling unit or garage shall be erected, enlarged to increase height of ground coverage, or moved until a permit therefore has been issued by the Borough. No permit shall be issued for any building where said construction, addition, or alteration or use thereof would be in violation of any of the provisions of this or any other Borough Ordinance, except after written order from the Zoning Hearing Board. Any permit issued in conflict with the provisions of this or any other Borough Ordinance shall be null and void.

2. All applications for building permits shall be accompanied by site plans in duplicate showing the dimensions and shape of the lot to be built upon, the sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Officer, including existing or proposed uses of the building and land, conditions existing on the lot and such other matters as may be necessary to determine conformance with and provide for the enforcement of this Ordinance.

3. In approving an application for a building permit, the Zoning Officer may require such changes in plans for construction, addition, or alteration or use of such buildings or lots as may be necessary to assure compliance with this Ordinance.

4. A permit for any building or use may be revoked and withdrawn by the Zoning Officer if the holder of the permit has failed to comply with the requirements of this Ordinance or with any conditions attached to the issuance of the permit, and the holder of the permit may be subject to penalties as provided by Section 808 of this Article.

5. The Zoning Officer shall act upon permit applications no later than twenty (20) days after receiving the application. Applications for buildings which do not meet all the specifications set forth in this Ordinance or which are otherwise required to be submitted to the Zoning Hearing Board shall be submitted by the Zoning Officer to the Zoning Hearing Board as required. Such applications shall be acted upon within forty-five (45) days. Failure to act within these time periods shall not be deemed approval of the application.

6. One copy of the plans shall be returned to the applicant by the Zoning Officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Zoning Officer.

7. If the work described in any building permit has not begun within one hundred eighty (180) days from the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Officer and written notice thereof shall be given to the persons affected. If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire; it shall be canceled by the Zoning Officer and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained. If no new building permit is obtained, the applicant shall remove all incomplete work within the period of sixty (60) days after the two (2) year period expires.

8. Building permits shall not be required for structures other than as listed in Section 801, paragraph 1 provided they meet all other requirements of this Ordinance. However, owner(s) shall advise the Zoning Officer in writing prior to beginning all construction other than that of a temporary structure.

SECTION 802: OFFICE OF THE ZONING OFFICER

1. The Zoning Officer shall enforce this Ordinance by approving building permits for only those structures and uses that comply with the provisions of this Ordinance. He shall, furthermore, arrange for all inspections necessary to determine compliance with this Ordinance and shall maintain records thereof.

2. The Zoning Officer shall be responsible for:

(a) Maintaining all of the records of this Ordinance, including but not limited to, all maps, amendments, and conditional uses, variances, planned developments, nonconforming uses, appeals and applications thereof and hearings thereon;

(b) Collecting fees which shall accompany applications for building permits, conditional uses, variances, and amendments;

(c) Receiving, filing, and forwarding to the Borough Council for action all applications for conditional uses and amendments to this Ordinance;

(d) Receiving, filing, and forwarding to the Zoning Hearing Board all applications for appeals, variances, or special exceptions in accordance with the provisions of this Ordinance;

(e) Providing the Borough Secretary and tax collector with copies of all building permits issued.

SECTION 803: ZONING HEARING BOARD

The Council of the Borough of Laurel Mountain shall appoint a Zoning Hearing Board in accordance with the provisions of Article IX of the Pennsylvania Municipalities' Planning Code, Act 247, effective January 1, 1969. The Zoning Hearing Board shall have the following powers, in connection with or in addition to the powers set forth in the Municipalities' Planning Code:

1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Zoning Officer in the enforcement of this Article or of any Ordinance adopted pursuant thereto.

2. To authorize upon appeal in specific cases such variance from the terms of the Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done.

3. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of this Article, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision

or determination as, in its opinion, ought to be made. Notice of such decision shall forthwith be given to all parties in interest, and shall be filed within ten (10) days with the Zoning Officer.

SECTION 804: VARIANCES

1. The Zoning Hearing Board shall authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board unless and until:

(a) A written application for a variance is submitted to the office of the Zoning Officer demonstrating that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district; that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance; that the special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings. No nonconforming use of neighboring lands, structures, or buildings shall be considered grounds for the issuance of a variance.

(b) The required fees are paid. (See Section 811 of this Article.)

(c) A public hearing shall be held. Any party may appear in person, by agent or by attorney.

(d) Notice shall be given at least fifteen (15) days in advance of a public hearing before the Zoning Hearing Board or the Council of the Borough of Laurel Mountain, as applicable. The owner of the property for which a variance or conditional use is sought, or his agent, and property owners within two hundred (200) feet of the proposed variance or conditional use, shall be notified by certified mail. Notice of such hearing shall be advertised in a local newspaper, posted on the property for which the variance or conditional use is sought; at the municipal meeting building; and in one other public place, at least fifteen (15) days prior to the public hearing.

(e) The Zoning Hearing Board shall make findings that the requirements of 1(a) of this Section have been met or not met by the applicant for the variance.

(f) The Zoning Hearing Board shall further determine if the reasons set forth in the application justify the granting of the variance, and whether the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(g) The Zoning Hearing Board shall further determine whether the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety and general welfare.

2. In granting any variance, the Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a

violation of this Ordinance and punishable under Section 808 of this Article.

3. Under no circumstances shall the Zoning Hearing Board grant a variance to allow a use expressly, or by implication, prohibited by the terms of this Ordinance.

SECTION 805: CONDITIONAL USES AND SPECIAL EXCEPTIONS

1. The Council of the Borough of Laurel Mountain or the Zoning Hearing Board shall hear and decide upon Conditional Uses or Special Exceptions in accordance with the provisions of this Ordinance. However, a Conditional Use or a Special Exception shall not be approved unless and until:

(a) A written application is submitted to the office of the Zoning Officer indicating the Section of this Ordinance under which the Conditional Use or Special Exception is sought and stating the grounds on which it is requested. Where applicable, a site development plan shall be provided by the applicant.

(b) The required fees are paid. (see Section 810 of this Article.)

(c) A public hearing shall be held in conformance with the provisions of Section 804, 1, (c) and (d) above.

(d) A copy of the application for Conditional Use shall be submitted to the Zoning Hearing Board. The Board shall review and make recommendations to the Borough Council.

2. In considering any Conditional Use or Special Exception the Borough Council or Zoning Hearing Board may prescribe appropriate conditions and safeguards in conformity with the spirit and intent of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the request is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of Section 808 of this Article.

3. If the Borough Council or the Zoning Hearing Board determine that the application meets all requirements of this Ordinance, receive assurance that any additional conditions deemed necessary shall be fulfilled and that the application is in conformity with the spirit and intent of this Ordinance, they shall direct the Zoning Officer to authorize the request.

SECTION 806: APPEALS

1. Appeals may be made to the Zoning Hearing Board by any aggrieved person, firm or corporation or by any officer or department of the Borough Council affected by any decision of the Zoning Officer relative to the interpretation of this Ordinance. Such appeal shall be made within thirty (30) days from the date of such decision by filing with the Zoning Officer and with the Zoning Hearing Board a notice of appeal specifying the grounds therefore. The Zoning Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action was appealed.

2. The Zoning Hearing Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within forty-five (45) days after the hearing; or, if said hearing is continued, within forty-five (45)

days after said continued hearing. If the Zoning Hearing Board does not make a decision within forty-five (45) days after the hearing or continued hearing, it shall be deemed that such Board has decided in favor of the person or the officer of the Borough aggrieved or affected who is seeking relief. During the hearing, any party may appear in person or be represented by agent or by attorney.

3. Any party in interest aggrieved by the decision of the Zoning Hearing Board may appeal that decision to the Council of the Borough of Laurel Mountain.

SECTION 807: COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaints, stating fully the causes and basis thereof, shall be filed with the Zoning Officer. He shall record properly such complaints, promptly investigate and, within thirty (30) days, take action thereon as provided by this Ordinance.

SECTION 808: PENALTIES FOR VIOLATION

1. A person violating any of the provisions of this Ordinance or failing to comply with any of its requirements may be prosecuted before any Magistrate having jurisdiction in the Borough of Laurel Mountain. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be sentenced to pay a fine of not more than \$500.00, or in default of payment thereof, shall be liable to imprisonment for not more than ten (10) days and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

2. The owner or tenant of any building, structure, premises, or part thereof and any agent of the owner or tenant or other person who knowingly permits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

3. Nothing herein contained shall prevent the Borough from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 809: THE COUNCIL OF THE BOROUGH OF LAUREL MOUNTAIN

Under the provisions of this Ordinance, the Council of the Borough of Laurel Mountain shall have the duties of considering and adopting, or rejecting, proposed amendments, conditional uses, nonconforming uses or the repeal of this Ordinance, as provided by law of hearing appeals from the Zoning Hearing Board under Section 806, and of establishing a schedule of fees and charges as stated in Section 810 of this Article.

SECTION 810: SCHEDULE OF FEES, CHARGES AND EXPENSES

The Borough Council shall establish a schedule of fees, charges and expenses and a collection procedure, for Building Permits, Special Exceptions, Conditional Uses, Variances, Amendments and other matters pertaining to this Ordinance. This schedule of fees shall be posted in the Office

of the Zoning Officer, and may be altered or amended only by the Borough Council.

No required hearing shall be held or permit issued unless or until such costs, charges, fees or expenses have been paid in full. Nor shall any action be taken on proceedings before the Zoning Hearing Board unless or until preliminary charges or fees have been paid in full.

ARTICLE IX: AMENDMENTS

The Borough of Laurel Mountain Council may, from time to time, on their own motion or on petition, or on recommendation of the Zoning Hearing Board, amend, supplement or repeal the regulations and provisions of this Ordinance, except that the amendment or repeal of this Ordinance shall require a seventy-five (75) percent majority vote of the full Borough Council, not merely a quorum thereof. Every such proposed amendment or change, whether initiated by the Borough Council or by petition shall be referred to the Zoning Hearing Board for report thereon prior to the public hearing herein provided for. The Borough Council shall, by resolution adopted at a stated meeting, fix the time and place of a public hearing on the proposed amendment and cause notice to be given as follows:

1. By publishing a notice thereof once a week for two (2) successive weeks prior to the date fixed for such hearing in a newspaper of general circulation in the County.
2. By mailing or delivering a notice thereof to every resident or association of residents of the Borough who shall have registered their names and addresses for this purpose with the Borough Secretary.
3. By posting three (3) notices in conspicuous places in the area affected by such amendment. The notices shall state the general nature of the proposed amendment and a reference to where copies of the full amendment may be examined, in addition to the time and place of the hearing.

BOROUGH COUNCIL OF THE BOROUGH OF LAUREL MOUNTAIN
Westmoreland County, Pennsylvania

ORDINANCE NO: 01-92-07

AN ORDINANCE AMENDING AND SUPPLEMENTING ORDINANCE NO 02-83-05, BOROUGH OF LAUREL MOUNTAIN ZONING ORDINANCE OF 1983, AS AMENDED.

BE IT ORDAINED AND ENACTED, by the Borough Council of the Borough of Laurel Mountain and it is hereby ordained and enacted pursuant to the authority of the same to amend and supplement as follows:

The Borough of Laurel Mountain Zoning Ordinance of 1983 is hereby amended, supplemented, and reaffirmed to read in accordance with the attached twenty (21) pages.

THIS ORDINANCE ORDAINED AND ENACTED this 12th day of August, 1992 by the Borough of Laurel Mountain, Westmoreland County, Pennsylvania

ATTEST

Borough of Laurel Mountain

/S/ Taryn Ankney
Secretary

By /S/ John Goughnour
Acting President

Examined and approved this 12th day

of August, 1992

ATTEST:

/S/ Taryn Ankney
Secretary

By /S/ Philip B. Light
Mayor

ZONING ORDINANCE

BOROUGH OF LAUREL MOUNTAIN
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 02-83-05 Effective May 11, 1983
Amendments included through Ordinance No. 01-92-07 of August 12, 1992

An Ordinance to regulate and restrict the location, use and occupancy of buildings, structures and land for residence, for public and semipublic and other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and determine the area of yards, courts and other open spaces; to regulate and limit the density of population; to provide enforcement and administration of this Ordinance; to prescribe penalties for violations, and fees for the execution of its provisions.

THIS ORDINANCE ORDAINED AND ENACTED this 11th day of May, 1983 by the Borough Council of the Borough of Laurel Mountain, Westmoreland County, Pennsylvania

for the BOROUGH OF LAUREL MOUNTAIN

ATTEST:

/S/ Retta Welsh
Secretary

by: /S/ James L. Foster, Jr.
Vice President

EXAMINED AND APPROVED this 11th day of May, 1983

ATTEST:

/S/ Retta Welsh
Secretary

by: /S/ Bill Leipold
Mayor