

LIGONIER BOROUGH
Westmoreland County, Pennsylvania

SUBDIVISION
AND
LAND DEVELOPMENT
ORDINANCE

(1994)

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ORDINANCE NO.

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND AND LAND DEVELOPMENT IN LIGONIER BOROUGH, PROVIDING FOR THE PREPARATION OF PRELIMINARY AND FINAL PLANS FOR SUCH PURPOSES REQUIRING CERTAIN IMPROVEMENTS TO BE MADE OR GUARANTEED TO BE MADE BY THE SUBDIVIDER OR DEVELOPER ESTABLISHING STANDARDS FOR IMPROVEMENTS AND SUBDIVISION OF LAND, REGULATING SALE OF LOTS, ERECTION OF BUILDINGS, LAYING OUT, CONSTRUCTION, OPENING AND DEDICATION OF STREETS, SEWERS, OTHER FACILITIES AND PUBLIC IMPROVEMENTS IN CONNECTION WITH SUBDIVISIONS AND LAND DEVELOPMENT AND PRESCRIBING PENALTIES.

BE IT ENACTED AND ORDAINED BY LIGONIER BOROUGH, Westmoreland County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

ARTICLE I

GENERAL PROVISIONS

ARTICLE I

GENERAL PROVISIONS:

Title, Purpose, Authority, and Jurisdiction

Section 101 Title: This Ordinance shall be known and may be cited as the "Subdivision and Land Development Ordinance of the Borough of Ligonier".

Section 102 Purpose: The Purpose of this Ordinance is to provide for the orderly, logical, and harmonious development of the Borough and to protect, promote, and create conditions favorable to the health, safety, morals, and general welfare of the Borough's Citizenry by:

- 102.1 Insuring that all future development is consistent with the Comprehensive Plan for Westmoreland County as well as those plans developed through "Local Level" Planning Programs
- 102.2 Providing for the orderly transformation of open lands and acreage into urban development thereby minimizing the inefficient use of land
- 102.3 Assuring uniform and equitable processing of all Subdivision Plans by providing uniform standards and procedures
- 102.4 Establishing requirements, standards, and specifications to aid in guiding elected Public Officials, Planners, Planning Commissions, Subdividers, Developers, Land Surveyors, Landscape Architects, Architects, Engineers, and others in the design and development of Subdivisions throughout the Borough
- 102.5 Assuring a coordination of proposed streets, parks, and other features in and bordering a proposed Subdivision or Land Development, as to such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, with the existing street and highway system of the Borough thereby facilitating the rational movement of traffic
- 102.6 Assuring sites suitable for building proposed and human habitation
- 102.7 Providing for adequate open spaces for traffic, recreation, light and air, and for proper distribution of the population

- 102.8 Encouraging and providing for innovations in new Residential Developments such as Planned Residential Development, Cluster Development, and other evolving methods which provide for: a greater variety in type, design, and layout of dwellings; the conservation and more efficient use of usable space in relation to new dwellings; savings on utilities and paving; and integration of slope and other undevelopable areas into the total Development Plan for use as open space
- 102.9 Protecting the character and social and economic stability of Ligonier Borough

- 102.10 Protecting and conserving the value of land throughout Ligonier Borough, and the value of buildings and improvements upon the land and minimize the conflicts among the uses of land and buildings
- 102.11 Guiding public and private policy and action in order to provide adequate and efficient transportation, water supply, sewerage, schools, parks, playgrounds, recreation and other public requirements and facilities
- 102.12 Insuring that public facilities are available and will have a sufficient capacity to serve the proposed subdivision
- 102.13 Preventing the pollution of air, streams, and ponds to assure the adequacy of drainage of facilities, to safeguard the water table, and to encourage the wise use and management of the natural resources in order to preserve the community and value of the land
- 102.14 Preserving the natural beauty and topography of Ligonier Borough and to ensure appropriate development with regard to these natural features
- 102.15 Providing the most beneficial relationship between the uses of land and buildings and the circulation of traffic within Ligonier Borough, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and building lines
- 102.16 Providing for the logical and orderly addition and extension of the community facilities and public utilities systems to developing areas
- 102.17 Upgrading the quality of land records through creation and filing of accurate and legible subdivision plans with the County Recorder of Deeds for future information and use by municipal officials and the general public
- 102.18 Generally insuring the future orderly growth and development of Ligonier Borough and making Ligonier Borough a better place in which to live and work

When development throughout the Borough is guided by the foregoing and incorporated into the general context of Area-wide Comprehensive Planning, a mutual benefit will be derived by the Developer, the Buyer, the Local Municipalities, the Borough, the County and the General Public.

Section 103 Creation, Authority, and Jurisdiction:

- 103.1 Subdivision Control: The Ligonier Borough Council has the jurisdiction, powers, and authorities as particularly and specifically set forth in the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and specifically the said Ligonier Borough Council shall have the jurisdiction and control of all Subdivision of Land located within the limits of Ligonier Borough. All Plans shall be submitted to the Ligonier Borough Planning Commission for review and approval. This includes all plans, plots, or re-plots of land. No subdivision or land development of any lot, tract, or parcel of land within Ligonier Borough shall be made; no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon except in accordance with the provisions of these regulations. No plat shall be accepted for recording by the Westmoreland County Recorder of Deeds unless such plat officially notes the approval of the Ligonier Borough Council.
- 103.2 Land Development Control: Land development must comply with the regulations contained in this ordinance. Such compliance shall include, but not be limited to, the filing of Preliminary and Final Plans, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Borough Council. Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way.
- 103.3 Ligonier Borough Planning Commission: The Ligonier Borough Planning Commission is hereby designated by the Borough Council as an agency which shall review and make a recommendation upon Preliminary and Final Subdivision Plans and Land Development Plans as required herein, prior to action by the Borough Council.
- 103.4 Enforcement: For any person or persons violating this ordinance, the following enforcement actions should be applied. A letter sent to the violator stating the violation to the ordinance and that a reply is required within twenty (20) days of the mailing date. If within the twenty (20) day reply no reply is given then a letter written by the Borough Solicitor will be sent to the violator and a new twenty (20) day reply period will be given. If a reply is not received within the reply period, a final letter stating that legal action may be enforced shall be sent to said violator and given a final twenty (20) day time period to reply before legal action may be enforced. Penalties may be enforced under Article XI, Section 1105 or other legal action.

ARTICLE II

DEFINITIONS

ARTICLE II

DEFINITIONS

Section 201 Interpretation – General Terms

For the purpose of this Ordinance, words in the singular include the plural, and those in the plural include the singular. Words in the present tense include the future tense. Words in the masculine gender include the feminine and neuter. The word "Person", "Subdivider", and "Owner" include a corporation, unincorporated association, and a partnership or other legal entity, as well as an individual. The word "Street" includes Street, Avenue, Boulevard, Road, Highway, Freeway, Parkway, Lane, Alley, Viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The word "Building" includes structures and shall be construed as if followed by the phrase "Or Part Thereof" The word "Watercourse" includes Channel, Creek, Ditch, Drain, Dry Run, Spring, and Stream. The words "Should" and "May" are permissive; the words "Shall" and "Will" are mandatory.

Section 202 Definitions – Specific Terms

For the purpose of this Ordinance, the terms or words used herein unless otherwise expressly stated shall have the following meanings:

Administrator: The officer as appointed by the Borough Council to administer these regulations and to assist administratively the Planning Commission and other Boards and officers of the Borough.

Alley or Service Drive: A minor right-of-way, privately or publicly owned, primarily for service access to the back or sides of properties.

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of the Zoning Ordinance as expressly authorized by the provisions of Article X and Article XI of the Municipalities Planning Code.

Applicant: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

Application for Development: Every application, whether preliminary, tentative, or final, required to be filed and approved prior to start of construction or development, including but not limited to, an application for a building or zoning permit, for the approval of a subdivision plat or plan, or for the approval of a development plan.

Appointing Authority: The mayor in cities, (the chairman of) the board of commissioners in counties, the council in incorporated towns and boroughs, the board of commissioners in townships of the first class, and the board of supervisors in townships of the second class, or as may be designated in the law providing for the form of government.

Authority: A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as "Municipality Authorities Act of 1945."

Block: A tract of land, a lot, a group of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, and boundary lines of the borough, unsubdivided land, other definite barriers, or by a combination of the above.

Board: Any body granted jurisdiction under a land use ordinance or under this act to render final adjudications.

Borough: The Borough of Ligonier, Westmoreland County, Pennsylvania.

Borough Council: The Borough Council of Ligonier Borough, Westmoreland County, Pennsylvania.

Building: A combination of materials to form a permanent structure having walls and a roof, including but not limited to, all mobile homes.

Building Setback Line: The line within a property, parallel to, and defining the required minimum distance between the foremost part of any building and the adjacent right-of-way or property boundary line.

Cartway (Roadway): The portion of a street right-of-way, paved or unpaved, intended for vehicular traffic.

Clear Sight Triangle: An are of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

Commission Planning: The Ligonier Borough Planning Commission.

Common Open Space: A parcel or parcels of land or an area of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of (the planned residential) a development, not including streets, off-street parking areas, and areas set aside for public facilities.

Comprehensive Plan: The Ligonier Area Study and Plan as adopted by the Borough and any Amendments or any of its component parts for the development of Westmoreland County and Ligonier Borough providing the continuing orderly development of the municipality and being adopted by the governing bodies of the County as the "Official Plan" including such elements as community development objectives and plans and policies for use of the land, for housing, for community facilities, for transportation, and for plan implementation.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices, and other types of space in commercial and industrial buildings or on real property.

Construction Plan: The maps or drawings accompanying a subdivision or development plan and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the Planning Commission and Borough Council as a condition of the approval of the plan.

County: Westmoreland County, Pennsylvania.

County Planning Commission: The Westmoreland County Planning Commission.

Crosswalk: A right-of way, municipally or privately owned, intended to provide access for pedestrians.

Cul-de-sac: A short street having one end open to traffic and being permanently terminated by a vehicular turn-around.

Culvert: A pipe, conduit, or similar enclosed structure, including appurtenant works, which carries surface water.

Cut: An excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

Decision: Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of Westmoreland County.

Density:

High Density: Those residential districts in which the density is equal to or greater than ten (10) dwelling units per acre.

Low Density: Those residential districts in which the density is equal to or less than one (1) dwelling unit per acre.

Medium Density: Those residential districts in which the density is between 2 and 9 dwelling units per acre.

Dedication: The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Department of Environmental Resources (DER): The Pennsylvania Department of Environmental Resources, its Bureaus, Departments, or Divisions.

Design Storm: The magnitude of precipitation from a storm event measured in probability of occurrence (e.g., 50-year storm) and duration (e.g., 24 hour), and used in computing storm water management control systems.

Determination: Final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

1. the governing body;
2. the zoning hearing board; or

3. the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions.

Determination shall be applicable only to the boards designated as having jurisdiction for such appeal.

Detention Basin: A basin designed to retard storm water runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention basin can be designed to drain completely after a storm event or it can be designed to contain a permanent pool of water.

Developer: A person, firm, partnership, corporation, trust, or authorized agent thereof proposing to divide land so as to constitute a subdivision as defined by the Pennsylvania Municipalities Planning Code Act 247 as amended by Act 170 of 1988. (See also Subdivider.)

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations, and the subdivision of land.

Development Plan: The provision for development including, a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use of density of development, streets, ways and parking facilities, common open space, and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

Drainage Facility: Any ditch, gutter, culvert, storm sewer, or other structure designed, intended, or constructed for the purpose of carrying, diverting, or controlling surface water or groundwater.

Drainage Right-of-Way: The lands required for the installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Dwelling: Any building which is designed for human living quarters.

Dwelling or Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

A. Detached House: A dwelling unit occupying the whole of a freestanding residential structure.

- two (2) dwelling units.
walls of units.
from
to stand
- B. Twin or Semi-Detached House: A residential structure occupied by dwelling units with a common wall.
 - C. Duplex: A residential structure divided horizontally into two (2) dwelling units.
 - D. Row House or Town House: A structure with two (2) or more party three (3) or more units not having any horizontal division between walls of units.
 - E. Apartment: A dwelling unit separated horizontally and/or vertically one or more other units in a structure.
 - 1. Apartment House or Multiple Dwelling Unit: A residential structure containing three (3) or more apartments.
 - 2. Garden Apartment: An apartment house not exceeding three (3) stories in height.
 - 3. High-Rise Apartment: An apartment house exceeding three (3) stories in height.
 - F. Trailer: A dwelling unit contained entirely within a vehicle arranged either on wheels or rigid supports (permanent foundation).

Easement: A right-of-way granted, but not dedicated, for specific use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.

Engineer: A person licensed to practice in the Commonwealth of Pennsylvania as a "Registered Professional Engineer".

Engineering Specifications: The engineering criteria of Ligonier Borough regulating the installation of any improvement or facility. In the absence of such Ligonier Borough engineering criteria, the applicable standards of Westmoreland County Subdivision and Land Development Ordinance shall apply.

Erosion: The removal of surface materials by the action of natural elements.

Erosion, Accelerated Water: Erosion of the soil or rock over and above normal erosion brought about by changes in the natural cover or ground conditions, including changes caused by human activity. There are several kinds of accelerated erosion, they are: sheet, rill, and gully erosion.

Excavation: Any act by which earth, sand, gravel, rock, or any other material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed. It shall include the conditions resulting therefrom.

Fill: Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between the point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Financial Security: Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit and restrictive of escrow accounts from Federal or Commonwealth chartered lending institutions in an amount and form satisfactory to the Board of Supervisors and to be used wherever required by these regulations. (See Article III.)

Flood Plain: Those areas adjacent to streams or rivers subject to frequent flooding (yearly or every two (2) or three (3) years).

Floodway: The channel of a river or other watercourse and the adjacent land area required to carry and discharge a flood of the one-hundred-year magnitude as specifically defined in this chapter.

Governing Body: The council in cities, boroughs, and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class A through eighth classes or as may be designated in the law providing for the form of government.

Grade: The slope of a road, street, or other public way, specified in percentage terms.

Hearing: An administrative proceeding conducted by a board pursuant to Section 909.1 of Act 170 of 1988.

Infiltration Structures: A structure designed to direct runoff into the ground, e.g., French drains, seepage pits, dry wells, and seepage trenches.

Land Development: Any of the following activities which involves the improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:

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

- d. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into two (2) or more residential units.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Land Use Ordinance: Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the Pennsylvania Municipalities Planning Code (Act 247 of 1968) as amended.

Lot: A tract or parcel of land, regardless of size, intended for transfer of ownership, use, lease, or improvements or for development, regardless of how it is conveyed. Lot shall mean parcel, plot, site, or any similar term which shall not be further subdivided.

Lot Area: The horizontal area contained within the property lines of a parcel of land as shown on a subdivision plan, excluding space within any street, but including the area of any easement.

Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Lot, Interior: A lot having side lot lines which do not abut on a street.

Lot of Record: Any lot which individually, or as part of a subdivision, has been recorded in the Office of the County Recorder of Deeds.

Lot, Reverse Frontage: A lot extending between and having frontage on an arterial and a minor street and with vehicular access solely from the latter.

Lot, Through or Double Frontage: A lot with both front and rear street frontage.

Maintenance Guarantee: Any security, other than cash, which may be accepted by Ligonier Borough for the maintenance of any improvements required by this ordinance.

Marker: A wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

Marginal Access Street: A street parallel and adjacent to major traffic streets, providing access to abutting properties and control of intersections with major traffic streets.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Mobile home: A transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one 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.

Mobile home Lot: A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

Mobilehome Park: A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Modifications: Waivers of the requirements of one or more provisions of the ordinance as the literal enforcement will exact undo hardship because of particular conditions pertaining to the land in question.

Monument: Stone or concrete monument of known coordinates, established by Engineers or Land Surveyors, and utilized to locate property lines.

Municipal Authority: Added in order to address the Pennsylvania Public Utility Commission (PUC) amendments found in Sections 503.1 and 705(j) relating to assurance that adequate water supplies will be available for subdivisions or PRD's. The definition is identical to that used in the Municipality Authorities Act of 1945, 1945 P.L. 382, No. 164.

Municipal Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

Municipality: A borough, township, city, or the County of Westmoreland.

Nonresidential Subdivision: A subdivision whose intended use is other than residential such as commercial or industrial. Such subdivision shall comply with the applicable provisions of these regulations.

Official Map: The Municipal Map adopted by Ordinance showing the exact location of the lines of existing and proposed public streets, watercourses, and public grounds including widening, narrowing, extensions, diminutions, openings, or closing of same for the entire municipality or part thereof.

Peak Discharge: The maximum rate of flow of water at a given point and time resulting from a storm event.

Planning Agency County: A planning commission, planning department, or a planning committee of the County. The Westmoreland County Planning

Commission.

Plan, Sketch: An informal optional submission preparatory to the Preliminary Plan showing the general intent of the subdivider.

Plan, Preliminary: A subdivision plan or land development plan in lesser detail than the final plan.

Plan, Final: A complete and exact subdivision plan prepared for official recording as required by statute; a final plat.

Plat: The map or plan of a subdivision or land development whether preliminary or final indicating the location and boundaries of individual properties.

Public Grounds:

1. Parks, playgrounds, trails, paths, and other recreational areas and other public areas;
2. Sites for schools, sewage treatment, refuse disposal, and other publicly owned or operated facilities; and
3. Publicly owned or operated scenic and historic sites.

Public Hearing: Conducted to obtain, add, and provide information, stenographic records of which are retained as transcripts for future use in an appeal or related matter.

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

Public Notice: Notice published once each week for two successive weeks in a newspaper or 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 (7) days from the date of the hearing.

Report: Any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

Resubdivision: Any replatting or resubdivision of land involving changes of street layout, or any reserved for public use, or any lot line on an approved or recorded plan. Any other more major changes shall be considered as

constituting a new subdivision of land. (See also Subdivision.)

Right-of-way: A public thoroughfare for vehicular or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, or alley, and including both cartway and shoulders.

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Sanitary Sewage Disposal Community: A sanitary sewage collection system, either publicly or privately owned, in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal Public: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Sanitary Sewage Disposal On-Lot: Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot.

Sedimentation: The process by which mineral or organic matter is accumulated or deposited by moving, wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".

Septic Tank: A watertight receptacle which receives sewage or industrial wastes and is designed and constructed to provide for sludge storage, sludge decomposition, separate solids from liquids through a period of detention before allowing the liquid to be discharged.

Setback Line: The line within a property defining the required minimum distance between any building to be erected and the adjacent property line. The front-yard setback shall be measured at right angles from the front street right-of-way line which abuts the property upon which said building is located and shall be parallel to said right-of-way line.

Sewage Disposal System On-lot: A system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

Sewage Disposal System Public: A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

Shade Tree: A tree in a public place, street, special easement, or right-of-way adjoining a street as provided in these regulations.

Sight Distance: The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is

unobstructed by traffic. Sight distance measurements shall be made from a point 4.5' above the centerline of the road surface to a point 0.5' above the centerline of road surface.

Slope: The rise or fall of the land usually measured in percent slope. The percent slope is equal to the rise or fall in feet for a horizontal distance of 100 feet.

<u>Description</u>	<u>Percent Slope</u>	<u>Slope Class</u>
(a) Nearly level	0-3 percent	A
(b) Gently sloping	3-8 percent	B
(c) Sloping	8-15 percent	C
(d) Moderately steep	15-25 percent	D
(e) Steep	25-35 percent	E
(f) Very steep	35+ percent	F

Soil Percolation Test: A field test conducted to determine the suitability of the soil for on-site sanitary sewage disposal facilities by measuring the absorptive capacity of the soil at a given location and depth.

Solicitor: The licensed attorney designated by the borough to furnish legal assistance for the administration of this ordinance.

Stabilization: Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability and insure its resistance to erosion, sliding, or other movement.

Storm Water Management Plan: The plan for managing storm water runoff adopted by Westmoreland County as required by Act of October 4, 1978, P.L. 864, (Act 167), and known as the "Storm Water Management Act".

Streets: A strip of land, including the entire right-of-way, intended for use as a means of vehicular and pedestrian circulation.

Arterial Streets: Those streets whose primary function is to serve comparatively high volumes of through-traffic at speeds higher than desirable on a collector and minor street.

Collector Streets: Those streets which, in addition to providing access to abutting properties, collect traffic from minor streets and provide routes to community facilities and the arterial streets system.

Expressway: Those highways whose primary function is to move traffic with little or no land service and to accommodate large volumes of relatively high-speed traffic. Usually, a high degree of access control is provided with few, if any, intersections at grade.

Local Streets (Minor Streets): Those streets used primarily to provide access to abutting properties, including but not limited to cul-de-sacs and marginal access streets.

Marginal Access Streets: Minor streets, parallel and adjacent to arterial streets, providing access to abutting properties and control of intersections with arterial streets.

Service Street: A minor public right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.

Street Line: The limit of a right-of-way.

Street Private: Those streets not officially dedicated and/or accepted by the municipality.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider: Same as developer.

Subdivision: The division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision Major: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of six (6) or more lots, or any size subdivision requiring any new street or extension of borough facilities, or the creation of any public improvements.

Subdivision Minor: Any subdivision containing not more than five (5) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Official Map, Zoning Ordinance, or these regulations.

Substantially Completed: Where, in the judgment of the borough Engineer, at least ninety percent (90%)--based on the cost of the required improvements for which financial security was posted pursuant to Article II--of those improvements required as a condition for final approval have been completed in accordance with the approved plan so that the project will be able to be used, occupied, or operated for its intended use.

Surface Drainage Plan: A plan showing all present and proposed grades and facilities for storm water drainage.

Surveyor: A licensed "Land Surveyor" registered by the Commonwealth of Pennsylvania.

Swale: A low-lying stretch of land which gathers or carries surface water runoff.

Topographic Map: A map showing the elevations of the ground by contours or elevations including all existing topographic features such as streams, roads, streets, existing facilities and improvements, etc., as specified herein.

Top Soil: Surface soil and subsurface soil which presumably is fertile soil and ordinarily rich in organic matter or humus debris.

Transfer of Development Rights: TDRs describe a unique planning concept whereby a municipality may, in its zoning ordinance, permit development rights which are severable and separately conveyable as another estate in land. The specific authority and procedure is provided in Section 619.1. This provision would allow a municipality to encourage local development in a manner more reasonably related to the best interests of the community while at the same time avoiding economic hardship to landowners who cannot otherwise develop their land by allocating to them TDRs, the transfer of which to other areas of the municipality may economically benefit the seller thereof.

Waiver: When the subdivider can show that a provision of this ordinance would cause unnecessary hardship if strictly adhered to because of conditions peculiar to the site, and where, in the opinion of the borough, a departure from this ordinance may be made without destroying the intent of such provisions, the borough may authorize a waiver. A modification to the minimum standards of the ordinance. (Refer to Modification.)

Watercourse: A permanent or intermittent stream, river, brook, creek, or channel or ditch for collection and conveyance of water, whether natural or man made.

Water Supply and Distribution System Community: A system for supplying and distributing water from a common source to two or more dwellings and other buildings within a subdivision, neighborhood, or whole community--the total system being publicly or privately owned.

Water Supply and Distribution System On-Lot: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

Water Survey: An inventory of the source, quantity, yield, and use of groundwater and surface-water resources within a municipality.

Section 203 Terms Not Defined

Where terms or words are not defined in the foregoing definitions, they shall have their ordinarily accepted meanings or such as the context may imply; provided, however, that as to those terms which are not defined herein, but are defined in Section 107 of the Act of July 31, 1968 P.L. 247 (53 P.S. 10107), as amended by Act 170 of 1988, then said words shall have the meaning as set forth in said section.

ARTICLE III

APPLICATION SUBMISSION AND REVIEW PROCEDURES

ARTICLE III

SUBMISSION AND REVIEW PROCEDURES

Section 301 General Procedures

The procedures established in this Article shall apply to all subdivisions that require review and approval by Ligonier Borough. It shall be the subdivider's responsibility to observe and follow the procedures established in this Article and to submit all plans and documents as may be required herein.

301.1 Classification of Subdivision: Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the owner or his agent shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development, which includes a maximum of two (2) steps for a minor subdivision and three (3) steps for a major subdivision as follows:

(a) Minor Subdivision

1. Sketch Plan (optional)
2. Final Plan

(b) Major Subdivision

1. Sketch Plan (optional)
2. Preliminary Plan
3. Final Plan

301.2 Pre-Application Consultation: Prior to filing an application for approval of a subdivision or land development within the Borough, the owner, or his authorized agent, shall meet with the Borough Planning Commission for an official classification of his proposed subdivision or land development. The Borough Planning Commission shall determine whether the proposal shall be classified as a minor subdivision, a major subdivision, or a land development. At this time, the Borough Planning Commission shall advise the owner or his authorized agent as to which of the procedures contained herein must be followed.

301.3 Official Filing Date: For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the Borough Planning Commission next following the date the application and plans are received at the Borough Building provided that said regular meeting shall occur more than thirty (30) days following the submission of the application the official filing date shall be the thirtieth (30th) day following the day the application has been submitted. Upon receipt of an

application for subdivision or land development approval, the Borough Planning Commission shall affix to the application both the date of submittal and the official filing date.

- 301.4 Westmoreland County Planning Commission Review: All plans shall be submitted to and reviewed by the Westmoreland County Planning Commission in accordance with its then prevailing rules and regulations. The Borough shall forward to the subdivider a copy of any report of the Westmoreland County Planning Commission. The Borough shall not approve an application until the County report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

Section 302 Submission and Review of "Sketch Plan" (Optional)

It is encouraged that prior to the preparation of a "Preliminary Plan" the subdivider confer with the Borough Planning Commission for the purpose of an informal discussion concerning his proposed subdivision. The subdivider may submit a "Sketch Plan" following the guidelines set forth in Article IV, Section 402, of these regulations. The submission of a "Sketch Plan" is optional. The Sketch Plan shall be submitted for review not less than ten (10) days prior to the date of the regular meeting of the Borough Planning Commission at which it is to be considered.

- 302.1 "Sketch Plan" Review: The Borough Planning Commission will review the "Sketch Plan" with the subdivider as it related to:
- (a) Westmoreland County's Comprehensive Plan
 - (b) Any "Local Level" Comprehensive Plan which may exist
 - (c) Any zoning ordinance which may exist
 - (d) The general suitability of the site for proposed development
 - (e) The demand for development for the type proposed and the particular location proposed
 - (f) The availability of necessary services and facilities
 - (g) The improvements and design required by these regulations
 - (h) Any proposals of either local, state or federal governments for such improvements as: highways, dams, recreation areas, historic sites, plus any other facility that may have an impact upon the proposed subdivision.

Section 303 Minor Subdivision Procedure

Minor subdivision plans shall be initiated and submitted for review in the form of a "Final Plan" as specified in Section 404 and shall be otherwise reviewed in accordance with the procedures and standards of Section 303 through Section 309.

- 303.1 Additional Subdivision: Any additional subdivision of a tract from which a minor subdivision has already been formed shall be deemed to be a major subdivision and shall follow the procedure applying thereto.

Section 304 Official Submission of the "Preliminary Plan"

Upon reaching conclusions in the informal discussion(s) as a result of reviewing the optional "Sketch Plan", and after reviewing the Plan requirements of this ordinance, the subdivider is then in a position to proceed with the preparation and official submission of the "Preliminary Plan". The "Preliminary Plan" shall conform with the requirements set forth in Article IV, Section 403, of this ordinance. When filing applications for review and approval of subdivision plans, the subdivider shall submit to Borough Planning Commission plans and data at two (2) stages of preparation which shall be designated as: (1) "Preliminary Plan" and (2) "Final Plan". Application forms for the submission of both "Preliminary" and "Final" Plans are available in the Borough Office, Town Hall.

- 304.1 Application Fee: The fees for the submission and review of subdivisions within Borough are set forth in ARTICLE IX, Fees of this Ordinance.
- 304.2 Number of Copies: When submitting an application for review and approval of a "Preliminary Plan", the subdivider shall submit eight (8) prints of the proposed subdivision along with three (3) copies of any proposed covenants to the Borough Planning Commission. The Borough Planning Commission will then forward copies of the "Preliminary Plan" to applicable agencies such as Westmoreland County Planning Commission, Borough Engineer, utility companies, post offices, boards of education, assessors, fire departments, etc. In addition to filing with Borough, "Preliminary Plans" shall be concurrently submitted to appropriate officials of the Borough for action or information of such officials as appropriate. Upon receipt of the recommendations from the prints distributed to these agencies, if the same have been received within a period of ten (10) days of such transmittal or such reasonable further time as may be requested by the various agencies, the Borough Planning Commission shall review the application.
- 304.3 Sewage Facilities Planning Module: When applicable, the application form shall be accompanied by Sewage Facilities Planning Module as required by the Pennsylvania Department of Environmental Resources (DER).

Section 305 Review of the "Preliminary Plan"

Based upon a thorough review of the comments of the above-mentioned agencies and of the details of the "Preliminary Plan" in light of this ordinance, the Borough Planning Commission shall approve, approve with modification, or disapprove the "Preliminary Plan". The Borough Planning Commission shall render its decision and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the governing body next following the date the application is filed, provided that, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

- 305.1 Changes and Modifications: The Borough Planning Commission may require or recommend changes or modifications of the "Preliminary Plan" as a prerequisite for approval of the "Final Plan".
- 305.2 Approval of the "Preliminary Plan": Approval or approval with conditions, revisions, or modifications as stipulated or suggested by the Borough Planning Commission of the "Preliminary Plan" shall constitute approval of the subdivision as to the character and intensity of development; the arrangement; and approximate dimensions of streets, lots, and other planned features. However, approval of the "Preliminary Plan" shall not

constitute acceptance of approval for final approval and recording upon fulfillment of all requirements of these regulations. The action of the Borough Planning Commission shall be communicated to the subdivider in writing no later than fifteen (15) days following the decision.

Section 306 Submission of the "Final Plan"

After the subdivider has received official notification that his "Preliminary Plan" has been approved and recommended changes, if any, have been made, he has five (5) year in which to submit a "Final Plan". If he does not do so within a five (5) year period, his "Preliminary Plan" shall be nullified unless a written time extension is approved by Borough Planning Commission. The "Final Plan" must conform to the general scheme of the "Preliminary Plan" as approved and must contain the information specified in Article IV, Section 404.

The "Final Plan" may be a portion of the entire subdivision shown on the "Preliminary Plan".

306.1 Subdividers for "Final Plan" Approval: Before requesting "Final Plan" approval, the

- (a) Submit one (1) of the following to Borough Planning Commission:
1. A certificate that all improvements and installations to the subdivision required by this ordinance have been made or will be made in accordance with specifications
 2. A bond which shall
 - (1) Run to the municipality in which the lot or lots, tract or parcel of land is located
 - (2) Be in an amount determined by the Borough Engineer to be sufficient to complete the improvements and installations in compliance with these regulations
 - (3) Be with surety satisfactory to the Borough Planning Commission
 - (4) Specify the approximate time for the completion of the improvements and installations
- (b) Install all the improvements required in Article VI, Section 602
- (c) At the time each improvement is to be installed and upon its completion, the subdivider must notify the Borough Planning Commission so that adequate inspections can be made.

Section 307 Review of the "Final Plan"

Within ninety (90) days from the submission of the "Final Plan", the Borough Planning Commission shall review and act upon the "Plan" and notify the subdivider in writing of its action. Upon finding the "Final Plan" application to be in accordance with the requirements of this ordinance and for compliance with the approved "Preliminary Plan", the Borough Planning Commission shall affix its seal upon the "Plan" together

with the certifying signature of the Chairman. Where modifications of the "Final Plan" are requested or the "Plan" is disapproved, the grounds for these actions must be stated in the notification and noted in the Borough Planning Commission records.

- 307.1 Approval of the "Final Plan": Based upon a thorough review of the details of the "Final Plan", the Borough shall approve; approve with conditions, revisions, or modifications; or disapprove the application; render its decision; and communicate its decision to the applicant within ninety (90) days after the date the "Final Plan" application was filed. The Borough Planning Commission shall notify the applicant in writing of its decision no later than fifteen (15) days following the decision. The approval of the "Final Plan" by the Borough Planning Commission shall not be deemed an acceptance of the proposed dedication and shall not impose any duty upon any of the municipalities of Westmoreland County concerning the maintenance or improvements of any such street, highway, alley, or other portions of the same, until the municipality in which the subdivision is located shall have accepted or made actual appropriation of the same by entry, use, or improvement.

Section 308 Recording of the "Final Plan"

Within thirty (30) days after the date of the approval of the "Final Plan" by the Borough Planning Commission, the subdivider shall record an original of the same in the office of the County Recorder of Deeds and file with the Borough a Recorder's Certificate that the approved Plan has been recorded with the Deed Book and page numbers indicated. If the subdivider fails to have the "Plan" recorded, the decision of the Borough Planning Commission is voided unless the subdivider has obtained a written extension of time approved in writing by the Borough. The subdivider shall proceed with the sale of lots and structures only after the "Final Plan" has been recorded with the County Recorder of Deeds.

Recording the "Final Plan" shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park, open space, and other public areas to public use unless reserved by the subdivider. The approval of the "Final Plan" shall not impose any duty upon the Borough Council or the Borough concerning maintenance or improvements by ordinance or resolution.

Section 309 Performance Guarantee

In submitting the "Final Plan" to Borough Planning Commission, the subdivider shall submit therewith:

- (a) A certificate approved and verified by the Borough that all improvements and installations to the subdivision required by these regulations have been made and satisfactorily completed
- (b) A certificate from the subdivider, accepted and approved by the municipality, that a bond, certified check, or other security satisfactory to the municipality has been filed with the municipality to guarantee the installation and completion satisfactory of the improvements required

(c) A bond, certified check, or other security satisfactory to the Borough, which shall:

1. Be made available to the Borough
2. Be in an amount determined by the Borough Engineer to be sufficient to complete the improvements and installations in compliance with these regulations
3. If a bond is filed, the same shall be with surety satisfactory to the Borough.

309.1 At the time of the filing of the bond, certified check, or other security with the Borough, there shall also be specified the time for the completion of the required improvements, with said time to be such as is satisfactory to and accepted by the Borough. When the improvements have been completed and approved by the Borough, the guarantee shall be released and returned provided, however, that when a portion of the required improvements have been satisfactorily completed and approved by the Borough, a portion of the bond, monies, or other security commensurate with the costs of the improvement completed, may be released and returned.

ARTICLE IV

PLAN REQUIREMENTS

ARTICLE IV
PLAN REQUIREMENTS

Section 401 Preliminary Considerations

After the effective date of this ordinance, no person, firm, or corporation proposing to make or having made a subdivision or land development within the area of jurisdiction of this ordinance shall proceed with any development like grading of roads or alleys or any other action before obtaining approval of the proposed subdivision by the Ligonier Borough Planning Commission. The provisions and requirements of this ordinance shall apply to and control all land subdivision which has not been recorded in the Office of the Recorder of Deeds in and for Westmoreland County, Commonwealth of Pennsylvania, prior to the effective date of this ordinance.

- 401.1 Discussion of Requirements: Before preparing a "Sketch Plan" or "Preliminary Plan" for a subdivision, the applicant should discuss with the Borough the procedure for adoption of a subdivision or land development plan and the requirements as to the general layout of streets and for the reservation of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Borough shall also advise the applicant, where appropriate, to discuss the proposed subdivision or land development with those officials (such as the Soil Conservationist, Borough Engineer, and Sewage Enforcement Officer) who must eventually approve these aspects of the subdivision or land development plan coming within their jurisdiction.
- 401.2 Conformity with Master Plan: The layout of the proposed subdivision shall be in conformity with the Comprehensive Plan for Westmoreland County, the adopted Borough Comprehensive Plan, and any local level plans which may exist within the area of the proposed subdivision.
- 401.3 Site Considerations: No land shall be subdivided:
- (a) Unless access to the land over adequate streets or roads exist or will be provided by the subdivider
 - (b) If such land is considered by Ligonier Borough as unsuitable for residential use by reason of floodplain and floodway location or improper drainage, unacceptable underlying geologic structure, insufficient depth of the seasonal water table, unsuitable soil conditions, wetlands, unfavorable topographic features, or the presence of any other features harmful to the health and safety of possible residents and the community as a whole.

Section 402 "Sketch Plan"

Prior to the official submission of the "Preliminary Plan", a subdivision "Sketch Plan" may be submitted by the subdivider or property owner to facilitate an informal discussion with Ligonier Borough concerning the proposed subdivision. This informal discussion can be extremely valuable in guiding the subdivider on the proper course in the development of a subdivision thereby reducing the possibility for any costly mistakes. Submission of the "Sketch Plan" will not constitute formal filing of the plan with the Borough. The "Sketch Plan" need not be drawn to scale or contain precise dimensions.

The following items are suggested for inclusion in the "Sketch Plan" presentation:

- (a) Proof of Ownership
- (b) Name of Owner/Name of developer (if applicable)
- (c) General location within the Borough
- (d) Proposed name of subdivision
- (e) Tract boundary including all land which the subdivider intends to subdivide
- (f) General topographical and physical features along with water courses, streams, ponds, flood plains, and wetlands
- (g) Names of surrounding property owners
- (h) North point; approximate scale and date of original drawing
- (i) Streets on and adjacent to the tract
- (j) Proposed general street layout
- (k) Proposed general lot layout
- (l) Proposed use of the lots and the degree of conformity with any existing zoning
- (m) Any other information which would be helpful in the preliminary discussion of what the subdivider intends to do
- (n) Statement of general availability of utilities of water and sewer, etc.

Refer to ARTICLE XII, A-1, Sketch Plan for a suggested format.

Section 403 "Preliminary Plan"

The "Preliminary Plan" shall be accurately drawn to a scale of 1" = 40 feet. The "Preliminary Plan" shall be 18" by 24" in size or 6" multiples thereof. The sheet size shall be no smaller than 18" by 24" and no larger than 42" by 42".

403.1 Required Information: The "Preliminary Plan" shall show the following information:

(a) The title block shall include the following:

- (1) Proposed subdivision name or identifying title and the municipality in which the subdivision is located
 - (2) Name and address of record owner of the tract or of his authorized agent, the subdivider, and source of title to the land as shown in the books of the Westmoreland County Recorder of Deeds
 - (3) Name, address, license number, and seal of Registered Professional Engineer, Architect, Landscape Architect, or Surveyor responsible for the plan
 - (4) North point, graphic scale, and date of original plan and each revision
 - (5) A place for the signatures of the Chairman and Secretary of the Borough Council
 - (6) A place for the signatures of the authorized persons of the County and the Borough Planning Commission
 - (7) Identification of the Plan as a Preliminary Plan.
- (b) A location map showing the proposed subdivision in relation to municipal boundaries, public roads, streams, and the adjoining areas
- (c) Exterior boundary line of the tract
- (d) Total acreage of the tract
- (e) Ground elevations indicated by contours at vertical intervals of two (2) feet with land of average natural slope of five (5) percent or less and at intervals of five (5) feet on more steeply sloping land, and also the location of the bench mark and datum used
- (f) The names of all owners of immediately adjacent land
- (g) Existing and proposed streets on and adjacent to the tract; name, location right-of-way and cartway widths; approximate grades, type, elevation or surfacing; walks, curbs, gutters, etc.
- (h) Existing and proposed easements including location, width, purpose, and responsible party
- (i) Existing and proposed utilities on and adjacent to the tract including location, type, size, and invert elevation of sanitary storm and combined sewers; location and

size of water mains; location of gas lines, fire hydrants, gas and electric lines, and oil transmission lines; and street lights. If any of the foregoing are not available at the site, indicate the distance to the nearest available utility and furnish a statement of availability.

- (j) Proposed lot lines, lot area number, and block numbers along with dimensions and areas of lots
- (k) Proposed building setback lines indicating minimum building setback, front, side, and rear
- (l) Areas to be reserved for parks, playgrounds, or other public uses with conditions governing such
- (m) Existing water courses, floodplains, tree masses, and other significant natural features
- (n) Areas to be reserved for schools, shopping, churches, industries, multi-family dwellings, or any other known public use exclusive of single family dwellings
- (o) Additional information when required by the Borough may include profiles showing existing ground surface and proposed street grades, typical cross sections of the roadways and sidewalks, a preliminary plan of proposed sanitary and storm water sewers, and water mains with grades and size indicated.
- (p) A draft of protective covenants in cases where the subdivider wishes to regulate land use within the subdivision and otherwise protect the proposed development
- (q) A tentative time table for the proposed sequence of development of the subdivision
- (r) A water and sewerage feasibility report, when required, prepared by a Registered Professional Engineer
- (s) An indication of the general soil characteristics as they affect construction with particular emphasis upon the suitability of the soil for on-lot sewage disposal
- (t) The location of soil percolation tests if on-lot sewerage is to be used
- (u) The location of all well sites when on-lot water supply is to be utilized
- (v) Building locations and parking areas in addition to the foregoing in the case of land development plans
- (w) Traffic studies will be required for all non-residential uses, unless waived by the Borough Planning Commission, residential uses which exceed fifteen (15) units, or upon determination by the Borough Planning Commission. Justification for a waiver for traffic studies by commercial uses must demonstrate that the proposed commercial use will not substantially increase vehicular traffic and/or not be dependent on vehicular traffic. Traffic studies should provide information which allows the Borough to determine:
 - (1) The impact generated by the proposed development on the neighboring street network, as well as on streets which provide immediate access to the

site. The Planning Commission reserves the right to stipulate the limit of study.

- (2) The capital improvements to existing transportation facilities that will be needed because of the development.
- (3) The traffic safety problems that may be generated by the development.

As a minimum, the impact statement shall include the following:

- (1) A description of the traffic impact area (TIA) including its major roads and potential traffic generation rates to be determined by current land use planning.
- (2) Existing 24-hour and peak hour traffic volume data for all streets which provide direct access to the proposed development and for the collectors and arterials which will serve it, as well as any major intersection within the TIA.
- (3) Estimates of the total number of vehicle trips to be generated by the development for a typical 24-hour period, and typical a.m. and p.m. peak periods.
- (4) Assignment of future 24-hour and peak hour volumes to the collectors and arterials, and other streets that will serve the proposed development based on the above assignment and projections of increased traffic volumes within the TIA, to be determined by an extrapolation of former development trends, and the amounts of usable area already planned and/or zoned within the traffic impact area. Any previously approved projects within the TIA that have not yet been occupied, should also be factored in these future traffic volume projections.
- (5) Projected 24-hour and peak hour turning movement data for all access points proposed for the development.
- (6) Capacity/level of service analysis on major intersections which will be impacted by the additional volumes generated by the development.
- (7) The most recent data about existing accident levels at the above intersections categorized by accident type for each intersection.
- (8) Descriptions of the street improvements that will be required in order to avoid problems of traffic congestion and traffic safety.
- (9) Cost estimates of any proposed improvements that will be required.
- (10) Descriptions of existing and planned public transportation services in the Township and the potential to serve the proposed development.
- (11) Descriptions of any actions proposed or offered by the applicant to alleviate any burdens caused by the impact of the proposed development on the transportation network.

(12) The source of standards used in the data as presented.

- (x) Other studies: The Planning Commission may require the submission of archeological surveys, recreational studies, and other informational studies as dictated for specific development.

Refer to ARTICLE XII, A-2, Preliminary Plan for a standard format to be followed.

Section 404 "Final Plan"

The "Final Plan" shall be accurately drawn on a stable base material (e.g. mylar film) at a scale of 1" = 40 feet. The "Final Plan" shall be 18" by 24" in size or 6" multiples thereof. The sheet size shall be no smaller than 18" by 24" and no larger than 42" by 42".

404.1 Required Information: The "Final Plan" shall show the following information:

- (a) The title block of the "Plan" shall include the following:
- (1) Name of the subdivider and the municipality or municipalities in which it is located
 - (2) Name and address of the owner of the tract or of his authorized agent, if any, and of the subdivider
 - (3) Name and seal of the Registered Professional Engineer, Architect, Landscape Architect, or Surveyor responsible for the preparation of the plan
- (b) North point, graphic scale, and date of preparation and the date of "Preliminary Plan" approval
- (c) Exterior boundary line of the total tract
- (d) Streets existing and proposed on and adjacent to the tract indicating name, right-of-way, width, and cartway width
- (e) Street lines (right-of-way and center) with accurate dimensions in feet and hundredths of feet, with angles to the nearest one (1) minute to streets, alley, and lot line
- (f) Typical sections of all proposed streets
- (g) Easements existing and proposed including location, width, purpose, and maintenance arrangements
- (h) Lot numbers
- (i) Lot boundary lines completely dimensioned in feet and hundredths of feet with distances and bearings which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet. Lengths of all arcs, tangents, and radii along with internal angles, points of curvature, and adjacent bearing and length of all curves
- (j) Proposed building setback lines or placement of each building

- (k) The location and material of all permanent monuments and lot markers
- (l) Accurate dimensions of any property to be dedicated to be reserved for public or community use
- (m) An approval signature block providing space for signature, date, and type of formal action of each of the following
 - (1) County Planning Commission
 - (2) Ligonier Borough Council
 - (3) Borough Planning Commission
 - (4) Borough Engineer
 - (5) Other
- (n) Space at the lower edge of the "Final Plan" shall also be provided for acknowledgement of receipt and recording of the Plan by the Westmoreland County Recorder of Deeds Office
- (o) A copy of final deed restrictions or protective covenants
- (p) An approved Planning Module by the Pennsylvania Department of Environmental Resources (DER) where on-lot sewage disposal systems are proposed, or written approval by DER for the extension of existing sanitary sewer service
- (q) A highway occupancy permit when required by Pennsylvania Department of Transportation for plats requiring access to a highway under the jurisdiction of the Department
- (r) Approval of U.S. Postal Service of street names

Refer to ARTICLE XII, A-3, Final Plan for a standard format to be followed.

ARTICLE V

DESIGN STANDARDS

ARTICLE V

DESIGN STANDARDS

Section 501 General Intent

In all subdivisions developed after the effective date of this ordinance, certain improvements shall be installed in accordance with design specifications set forth herein. Whenever the Borough in its zoning ordinance, building codes, road ordinances, or other ordinances, resolutions, or regulations require standards that exceed these minimum standards, those Borough standards shall apply. Whenever the standards of this subdivision ordinance exceed those of the other municipal ordinances, the standards of this ordinance shall apply.

Section 502 General Standards

The following general standards shall apply to all types of development. The Borough will study the following factors affecting the suitability of a proposed subdivision:

- (a) Land subject to flooding and land deemed by the Borough to be uninhabitable for other reasons shall not be plated for residential occupancy, nor for such other uses as may increase danger to health, life, or property, or aggravate the flood hazard; but such land within a plan shall be set aside for such uses as will not be endangered by periodic or occasional inundation, or as will not endanger life or property or further aggravate or increase the existing menace.
- (b) Areas characterized by steep slopes (slopes greater than eight (8) percent), rock formations, or other such features which restrict the useability of the land shall not be subdivided.
- (c) In determining the suitability of land for subdivision, the Borough shall refer to applicable studies by the County Planning Commission, state, and federal agencies including the soil survey prepared by the U. S. Department of Agriculture, Soil Conservation Service.
- (d) The layout or arrangement of the subdivision or land development shall conform to Westmoreland County's Comprehensive Plan, the Borough Comprehensive Plan, and to any regulations or maps adopted in furtherance thereof; in addition, the layout or arrangement of the subdivision or land development shall conform to any local level comprehensive plan or other applicable ordinances which may exist.
- (e) No subdivision showing reserve strips controlling the access to public ways will be approved except where the control and disposal of the land comprising such strips are definitely placed within the jurisdiction of the Borough under agreement meeting the approval of the Borough.
- (f) Lot lines shall, where possible, follow municipal and county boundary lines rather than cross them.

Section 503 Streets

The following general standards shall apply to all streets within a subdivision:

- (a) The location and width of all streets shall conform to the County and local level comprehensive plans or to such parts thereof as may have been adopted by the County or Borough.
- (b) The proposed street system shall extend existing or recorded streets with the same width or larger but in no case at less than the required minimum width.
- (c) Where, in the opinion of the Borough Planning Commission, it is desirable to provide for street access to adjoining property, street stubs shall be extended by dedication to the boundary of such property.
- (d) New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of major arterial and collector streets into and from adjoining properties.
- (e) Where a subdivision abuts or contains an existing street of improper width or alignment, the Borough may require the dedication of land sufficient to widen the street or correct the alignment.
- (f) Private streets (streets not to be offered for dedication) are discouraged. They will be approved only if they meet the design standards of this ordinance.
- (g) Street pavement design and construction shall conform with standards of the Pennsylvania Department of Transportation and/or the Borough Engineer.

503.1 Width: Minimum street right-of-way and pavement widths, if not specified in the county or local level comprehensive plans, shall be as set forth in the following table:

STREET RIGHT-OF-WAY
AND
PAVEMENT WIDTHS

STREET TYPE MAXIMUM	STREET	SHOULDER WIDTH	MINIMUM SLOPE	MAXIMUM SLOPE
<u>Marginal Access and Cul-De-Sac</u>				
Right-of-way	40'	4	1%	12%
Cartway	20'			
<u>Turnaround of Cul-De-Sac</u>				
Right-of-way (diameter)		100'	N/A	1%N/A
Cartway (diameter to outside curb)		80'		
Length (maximum)		800'		
<u>Local (Minor)</u>				
Right-of-way	50'	4	1%	12%
Cartway	20'			
<u>Collector</u>				
Right-of-way	60'	6	1%	10%
Cartway	24'			
<u>Arterial (Major)</u>				
Right-of-way	80'	10	1%	5%
Cartway	44'			

503.2 Alignment: Minimum street alignment standards shall be as follows:

- (a) The minimum radius at the center line for horizontal curves on arterial streets shall be seven-hundred (700) feet; for collector streets, four-hundred (400); and for minor streets, two-hundred (200) feet. Proper super-elevation shall be provided for curves on arterial streets.
- (b) Between reverse curves a tangent of not less than the following dimensions shall be provided:

1. Arterial streets - 200 feet
2. Collector streets - 100 feet
3. Minor streets - 50 feet

(c) Proper sight distance shall be provided with respect to both horizontal and vertical alignment. Measured along the center line, four and one-half (4 1/2) feet above grade, the minimum sight distance shall be:

1. Arterial streets - 400 feet
2. Collector streets - 200 feet
3. Minor streets - 150 feet

503.3 Grades: Minimum street grade standards shall be as follows:

(a) The minimum grade on all streets shall be one (1) percent, the maximum permitted grade shall be:

1. Arterial Streets - Five (5) percent
2. Collector Streets - Ten (10) percent
3. Minor Streets - Twelve (12) percent, for a maximum distance of twelve-hundred (1,200) feet

(b) Intersection shall be approached on all sides by leveling areas. Where the grade exceeds five (5) percent, such leveling areas shall have a minimum length of seventy-five (75) feet (measured from the intersection of the center lines), within which no grade shall exceed a maximum of three (3) percent.

503.4 Horizontal Curves: Minimum horizontal curves shall be as follows:

(a) Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

(b) To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

1. Minor streets - One-hundred fifty (150) feet
2. Collector streets - Three-hundred (300) feet
3. Major streets - Five-hundred (500) feet

(c) A tangent of at least one-hundred (100) feet shall be introduced between all horizontal curves on collector and major streets.

(d) To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

503.5 Vertical Curves: When all changes of street grades occur where the algebraic difference exceeds one (1) percent, vertical curves shall be provided to permit the following minimum sight distances:

(a) Minor streets - Two-hundred (200) feet

- (b) Collector streets - Three-hundred (300) feet
- (c) Major streets - Four-hundred (400) feet

503.6
intersections:

Intersections: The following standards shall apply to all street

- (a) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle less than seventy-five (75) degrees or more than one-hundred five (105) degrees.
- (b) No more than two (2) streets shall intersect at the same point.
- (c) Streets intersecting another street shall either intersect directly opposite to each other or shall be separated by at least one-hundred twenty-five (125) feet between center lines measured along the centerline of the street being intersected.
- (d) Intersections with major streets shall be located not less than one-thousand (1,000) feet apart measured from centerline to centerline along the centerline of the major street.
- (e) Street curb intersections shall be rounded by a tangential arch with a minimum radius of:
 - 1. Twenty (20) feet for intersections involving only minor streets
 - 2. Thirty (30) feet for all intersections involving a collector street
 - 3. Forty (40) feet for all intersections involving a major street
- (f) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

503.7 Alleys: Alleys shall not be permitted in residential subdivisions except in cases where other methods of entrance and exit are impractical. In other types of development, where permitted, their design standards shall be determined by the Borough.

503.8 Names: The subdivider may choose street names subject to the approval of the Borough. Proposed streets which are in alignment with others already existing and named shall be assigned the names of the existing streets. In no case shall the name of a proposed street duplicate or confuse an existing street name in the Borough, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.

Section 504

Blocks

The length, width, and shape of blocks shall be determined with due regard to the following:

- (a) Provision of adequate sites for building of the type proposed
- (b) Zoning requirements (if applicable)
- (c) Topography
- (d) Requirements for safe and convenient vehicular and pedestrian circulation
- (e) Other site constraints

504.1 Width: Blocks subdivided into lots will be two (2) lot depths in width excepting lots along a major thoroughfare which front on an interior street, or are prevented by the site topographic conditions or other inherent conditions of the property in which case the Borough may approve a single tier of lots.

504.2 Length: All blocks in a subdivision shall have a maximum length of 500 feet and a minimum length of 400 feet. Blocks over 600 feet in length shall require crosswalks wherever necessary to facilitate pedestrian circulation and to give access to community facilities. Such crosswalks shall have a width of not less than ten (10) feet and a stabilized walkway of not less than five (5) feet.

Section 505

Lots

Within the Borough, the width and area of lots shall be no less than provided in any application or zoning ordinance. In so far as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines. Lot lines should tend to follow municipal boundaries rather than cross them in order to avoid inter-jurisdiction problems.

505.1 Frontage: All lots shall meet the following frontage requirements:

- (a) All lots shall have direct access to a public street existing or proposed;
- (b) Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific topographic problems.

505.2 Size: All lots shall meet the following requirements of the Zoning Ordinance or the following, whichever is applicable:

- (a) In all sections of the Borough not served by sanitary sewer nor public water facilities, each lot shall have a minimum width of one-hundred fifty (150) feet at the building line and a minimum area of four thousand three hundred sixty (4,360) square feet.

(b) In all sections of the Borough served by either public water supply or public sewerage, each lot shall meet the minimum lot size and width requirement for the appropriate land use classification and density as delineated in the Zoning Ordinance.

(c) In all sections of the Borough served by both public water supply and public sewerage, each lot shall have a minimum width of forty (40) feet at the building line and a minimum area of five thousand (5,000) square feet

505.3

Width: In no case shall the width of the lot at the building setback line be less than forty (40) feet nor the area of the lot be less than five thousand (5,000) feet. Corner lots for residential use shall have a width of at least twenty (20) percent greater than the aforementioned required widths to permit appropriate building setback from and orientation to both streets, providing that corner lots need not exceed forty (40) feet.

Section 506

Easements

The following shall apply to easements within all subdivisions:

- (a) Easements with a minimum of fifteen (15) feet shall be provided for poles, wires, conduits, storm and sanitary sewers; gas, water, and heat mains; and/or other utility lines intended to serve abutting lots. No structures or trees shall be placed within such easements.
- (b) Emphasis shall be placed upon the location of easements centered on or adjacent to side and rear lot lines.
- (c) Where a subdivision is traversed by a watercourse, drainage-way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainage-way, channel, or stream and of such widths as will be necessary to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, improving, or protecting such drainage facilities or for the purpose of installing a storm water system.
- (d) There shall be a minimum distance of one-hundred (100) feet, measured in the shortest distance between each proposed dwelling unit and any petroleum products or natural gas transmission, high pressure line, or high tension electric line which may traverse the subdivision.

Section 507

Community Facilities

In reviewing subdivision plans, the Borough will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. The reservation of land for community facilities will be requested when appropriate; therefore, the subdivider shall give earnest consideration to reserving land for parks, playgrounds, churches, schools, and other community facilities. If a facility of this type has been planned by any group or agency in any area that is to be subdivided, the subdivider shall ascertain from such organization whether or not it plans to use the site.

Section 508

Public Utilities

The following public utilities, when required, shall meet the indicated standards below:

- 508.1 Water: Where public water lines are required in a new subdivision, they shall be in conformity with the "Area Wide Water Plan" for Westmoreland County and any applicable water plans developed for the Borough in which the proposed subdivision is located. The

design specifications of all water lines installed in new subdivisions shall meet the minimum standards set forth by the Borough. Whenever the Borough has no standards or has standards which are below those of the Pennsylvania Department of Environmental Resources, the standards of the Department shall apply.

In determining the acceptability of design standards, a decision by the Borough with the assistance of the Borough Engineer will prevail.

Public water lines should be located between the curb line and the property line within any street right-of-way.

508.2 Sanitary Sewer: Where public sewer lines are required in a new subdivision, they shall be in conformity with the "Area Wide Sewer Plan" for Westmoreland County and any applicable sewer plans developed for the municipality in which the proposed subdivision is located. The design specifications of all sewer lines installed in new subdivisions shall meet the minimum standards set forth by the Borough, whenever the Borough has no standards or has standards which are below those of the Pennsylvania Department of Health, the standards of the Pennsylvania Department of Environmental Resources shall apply.

In determining the acceptability of design standards, a decision by the Borough with the assistance of the Borough Engineer shall prevail.

Public sewer lines shall be located as near to the center line of any street right-of-way and/or utility easement as is reasonably possible, and all such sewer lines shall provide sewage connectors to the property lines of each and every lot - said sewage collection lines being properly capped. Manholes shall be provided at all changes in grades and direction and in no instance shall the distance between manholes exceed four-hundred (400) feet. All sewer pipelines must be at least eight (8) inches in diameter and sewer lateral must be at least four (4) inches in diameter. Storm sewers or foundation under-drainage systems shall not be connected with the sanitary sewer system.

508.3 On-lot Sewage Disposal: Where it is found necessary and feasible to rely upon on-lot systems for sewage disposal, the on-lot sewage disposal systems shall meet the minimum requirements and standards of the Pennsylvania Sewage Facilities Act 537, as amended. Within Ligonier Borough, the provisions of Act 537 are administered by the Borough's Sewage Enforcement Officer (SEO).

508.4 Storm Sewers: Where storm sewers are required in a new subdivision, they shall be in conformity with the "Area Wide Sewer

Plan" for Westmoreland County and any applicable sewer plans developed for the Borough in which the proposed subdivision is located. All storm sewer lines shall meet the minimum standards set forth by the Borough with the advice of the Borough Engineer.

Section 509 Drainage: The following standards shall apply to stormwater drainage within Ligonier Borough:

Lots shall be laid out and graded to provide positive drainage away from buildings. The Borough may require a grading and drainage plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.

No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or water course without having obtained prior approval from Ligonier Borough or Department of Environmental Resources, whichever is applicable.

Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

The Borough will assure that all permanent streams not under the jurisdiction of other official agencies are maintained open and free flowing.

The subdivider or developer and each person, corporation, or other entity which makes any surface changes shall be required to:

Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area

- (2) Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for Westmoreland County and any local level plans
- (3) Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property, and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural water course
- (f) Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural water courses to drain all low points along streets, and to intercept storm water runoff along streets at intervals reasonably related to the extent and grade of the area drained
- (g) Storm sewers, as required, shall be placed in front of the

curb or curb line when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than fifteen (15) feet wide, as approved by Ligonier Borough Engineer, who may require additional width of easement as circumstances warrant.

- (h) Street drainage will not be permitted to cross intersections or the crown of the road.
 - (1) Maximum spacing of street inlets shall not exceed six hundred (600) feet.
 - (2) All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.
 - (3) All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.
 - (4) Minimum pipe size shall be fifteen (15) inch diameter.
 - (5) When material for storm drain is not specified, PennDOT specifications will govern.
- (i) All springs and sump pump discharges shall be collected so as not to flow in the streets.
- (j) Storm water roof drains shall not discharge water directly over a sidewalk.
- (k) Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.
- (l) The Soils Cover Complex Method of the Soil Conservation Service of the U.S. Department of Agriculture shall be used as the primary means of estimating stormwater runoff.
- (m) The Rational Method may be used for analysis of storm sewer systems and for stormwater management facilities in minor subdivisions.
- (n) Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.
- (o) The minimum design criteria shall be a ten (10) year storm. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property.
- (p) Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.

(q) Control facilities shall adhere to the following:

- (1) Permanent control measure/facilities shall be designated to assure that the maximum rate of stormwater runoff is not greater after development than prior to development for a ten (10) year storm frequency. More stringent criteria may be required in sensitive areas where storm water problems presently exist.
- (2) Control facilities shall be designed to meet as a minimum the design standards and specifications of the "Erosion and Sedimentation Control Handbook for Westmoreland County."
 - (a) Detention ponds may be waived by the Borough on the recommendation of the Borough Engineer at sites in close proximity to the major streams. This is to facilitate drainage prior to stream flooding.
 - (b) In areas underlain with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining. Detention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the municipality, a lining shall be required.
 - (c) Any ponds with slopes steeper than three (3) to one (1) shall be fenced with a six (6) foot fence with a type subject to the approval of the municipality.
- (3) A maintenance program for control facilities must be included as part of the Grading and Drainage Plan.
 - (a) Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.
 - (b) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the Borough Council.
 - (1) In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowner's association). In such cases a legally binding agreement between the owner and Ligonier Borough shall be made providing for maintenance of all permanent erosion control facilities.

including the inspection by Ligonier Borough.

Section 510 Lot Grading

The following standards shall apply to lot grading for subdivisions and land developments:

- (a) Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.
- (b) Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted, or lined as required. A Grading and Draining Plan shall be required for all subdivisions and land developments except minor subdivisions.
- (c) No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
 - (1) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Borough Engineer and approved by him. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
 - (2) A concrete or stone masonry wall constructed according to sound engineering standards from which plans are submitted to the Ligonier Borough Engineer for review and approval is provided.
- (d) No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one or more of the following conditions:
 - (1) The fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, alley, or buildings.
 - (2) A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in

erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Borough Engineer.

- (3) A wall is constructed to support the face of the fill.
- (e) The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence no less than three (3) feet in height approved by the Borough Engineer.
- (f) All lots must be kept free of any debris or nuisances whatsoever.

Section 51 Erosion and Sediment Control

The following standards shall apply to erosion and sediment control within Ligonier Borough:

- (a) General Purpose
 - (1) The Borough Council finds that the minimization of erosion and control of sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety and welfare; and, therefore, those regulations governing erosion control and sedimentation control are necessary for the Borough.
 - (2) No changes shall be made in the contour of the land, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time as a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Borough Engineer and/or Westmoreland County Soil and Water Conservation District, or there has been a determination by the above entities that such plans are not necessary.
 - (3) No subdivision or land development plan shall be approved unless:
 - (a) There has been an Erosion and Sedimentation Control Plan approved by the Borough Council that provides for minimizing erosion and sedimentation consistent with this section, and an improvement bond or other acceptable securities are deposited with the Borough in the form of an escrow

guarantee which will ensure installation and completion of the required improvements

(b) There has been a determination by the Borough Council that a plan for minimizing erosion and sedimentation is not necessary.

(4) Where not specified in this ordinance, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the Westmoreland County Soil and Water Conservation District. The Borough Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Soil and Water Conservation District.

(b) Performance Principles

(1) Stripping for vegetation, regrading, or other development shall be done in such a way that will prevent all but minor erosion.

(2) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

(3) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

(4) The disturbed area and the duration of exposure shall be kept to a practical minimum.

(5) Disturbed soils shall be stabilized as quickly as practicable.

(6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(7) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(8) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be

structurally retarded.

- (9) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

(c) Grading for Erosion and Other Environmental Controls

In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

- (1) Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development. The wearing surface shall be installed in accordance with Section 503 and as approved in the "Final Plan".
- (2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills by installation of temporary or permanent drainage across or above these areas.
- (3) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
- (4) Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
- (5) During grading operations, necessary measures for dust control will be exercised.
- (6) Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.

(d) Responsibility

- (1) Whenever sedimentation damage is caused by stripping vegetation, grading, or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems, and watercourses

and to repair any damage at his expense as quickly as possible.

- (2) Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider.
- (3) It is the responsibility of any developer or subdivider, and any person, corporation or other entity doing any act on or across a communal stream, watercourse, or swale, or upon the flood plain, or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, flood plain or right-of-way during the pendency of the activity to return it to its original or equal condition after such activity is completed.
- (4) The subdivider or land developer shall provide and install, at his expense, in accordance with Borough requirements, all drainage and erosion control improvements (temporary and permanent) shown on the Erosion and Sediment Control Plan.

(e) Compliance with Regulations and Procedures

- (1) The Borough Council, in their consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as contained in Sections 511.(b) 511.(c) hereof.
- (2) The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the Westmoreland County Soil and Conservation District.

(f) Stream Channel Construction

- (1) Stream channel construction on watersheds with drainage in excess of one-half (1/2) square mile, or in those areas where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Resources.

Section 512

Flood Plain Area Regulations

The following standards shall apply to flood plain within Ligonier Borough:

(a) Purpose

The specific purposes of these special provisions are:

- (1) To regulate the subdivision or development of land within any designated flood plain area in order to promote the general health, welfare, and safety of the community.
- (2) To require that each subdivision lot in flood-prone areas be provided with a safe building site with adequate access and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction;
- (3) To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated flood plain districts.

(b) Abrogation and Greater Restrictions

To the extent that this section imposes greater requirements or more complete disclosure than any other provisions of this ordinance in any respect, or to the extent that the provisions of this section are more restrictive than such other provisions, it shall control such other provisions of this ordinance.

(c) Disclaimer of Municipal Liability

The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated flood plain area shall not constitute a representation, guarantee, or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Borough, its officials, employees, or agents.

(d) Application Procedures and Requirements

(1) Pre-Application Procedures

- (a) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Resources concerning soil suitability when on-site sewage disposal facilities are proposed.

- (b) Prospective developers shall consult the County

Conservation District Representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

(2) Preliminary Plan Requirements

The following information shall be required as part of the preliminary plan and shall be prepared by a registered engineer or surveyor:

- (a) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section

- (b) A map showing the location of the proposed subdivision or land development with respect to any designated flood plain area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the flood plain area or areas, proposed lots and sites, fills, flood, or erosion protective facilities, and areas subject to special deed restrictions

- (c) Where the subdivision or land lies partially or completely within any designated flood plain area, or where the subdivision or land development borders on a flood plain area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of five (5) feet and shall identify accurately the boundaries of the flood plain areas

- (d) Such other information as is required by this ordinance

(3) Final Plan Requirements

The following information shall be required as part of the "Final Plan" and shall be prepared by a registered engineer or surveyor:

- (a) All information required for the submission of the

preliminary plan incorporating any changes requested by the Borough Council

- (b) A map showing the exact location and elevation of all proposed buildings, structures, roads and public utilities to be constructed within any designated flood plain area. All such maps shall show contours at intervals of five (5) feet within the flood plain area and shall identify accurately the boundaries of the flood prone areas.
- (c) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Resources and any other Commonwealth agency, or local municipality where alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been

notified in advance of the proposed alteration or relocation. The Department of Community Affairs and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Borough Planning Commission meeting at which such plan is to be considered.

(4) Design Standards and Improvements in Designated Flood Plain Areas

(a) General

- (1) Where not prohibited by this or any other laws or ordinances, land located in any designated flood plain area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
- (2) No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will individually or collectively increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- (3) Building sites for residences or any other type of dwelling or accommodation shall not

(2) Plans shall be subject to the approval of the Borough Council. The Borough may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local, county, and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

(c) Streets and Driveways

(1) The finished elevation of proposed streets and driveways shall not be more than one (1) foot below the Regulatory Flood Elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this ordinance shall be submitted with the "Final Plan". Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

(d) Sewer Facilities

(1) All sanitary sewer systems located in any designated flood plain area whether public or private shall be flood proofed up to the Regulatory Flood Elevation.

(e) Water Facilities

(1) All water systems located in any designated flood plain area whether public or private shall be flood proofed up to the Regulatory Flood Elevation.

(f) Other Utilities and Facilities

(1) All other public or private utilities and facilities, including gas and electric, shall be elevated or flood proofed up to the Regulatory Flood Elevation.

Section 513

Landscaping Requirements

Existing wooded areas shall be protected to prevent unnecessary destruction. Healthy trees with a caliper of six (6) inches or more as measured four and one-half (4 1/2) feet above existing grade shall not be removed unless they are located

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Section 513

Landscaping Requirements

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within the proposed cartway or sidewalk portion of the street right-of-way, exclusive of the landscape strip between a sidewalk and curb. Where existing trees must be removed, appropriate street trees shall be reintroduced planted in random patterns. Replacement trees shall be of a minimum trunk caliper of two (2) inches at a height of six (6) inches above finished grade.

(a) Screening Requirements

Screening and landscaping shall be provided in accordance with the Ligonier Borough Zoning Ordinance and consist of fifty (50) percent evergreen plantings.

(b) Shade Trees

All residential lots shall be provided with one shade tree per residential unit located no closer than ten (10) feet from any utility line. Such trees shall be planted between a point no less than five (5) feet from the street right of way and the building set back lines. Such trees shall have a minimum caliper of one and one-half (1 1/2) inches.

Section 514

Other Requirements

All subdivision and land development proposals shall conform with the relevant design standards identified in the Ligonier Regional Study and Plan, as summarized below with page references to the Plan:

- (a) Residential plans shall conform with the guidelines for the "Traditional Neighborhood District", (pp. 83-85).
- (b) Commercial plans for the Diamond Area Business District and the Historic District identified in the Ligonier Borough Zoning Ordinance shall conform with the "Neighborhood Commercial District" guidelines, (pp. 86-89).
- (c) Commercial plans for the General Business District identified in the Ligonier Borough Zoning Ordinance shall conform with the guidelines for the "Highway Commercial District", (pp. 89-91).

ARTICLE VI

IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

ARTICLE VI

IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

Section 601 General

It is the purpose of this Article to set forth the required improvements in all subdivisions and the construction standards required. Where not set forth, they shall be in accordance with the prevailing standards as established by the Borough Engineer. Alternate improvement standards may be permitted if the Borough deems them equal or superior in performance characteristics to the standards specified herein. Additional or higher type improvements may be required in specific cases where the Borough believes it necessary to create conditions essential to the health, safety, morals, and general welfare of the citizenry of the County.

Any or all of the following improvements as may be required by the Borough pursuant to the authority granted in the municipal code, considering the needs of the area in which the proposed subdivision is located, must have been completed in accordance with the requirements established by this ordinance as well as in accordance with the requirements of the responsible public authority affected, public officials, or township engineer for that portion included in the final plat. If the improvements are not completed, then satisfactory arrangements must have been made with the Borough to the satisfaction of all public authorities concerned regarding proper completion of such improvements prior to the consideration of a final plat.

The following improvements shall be installed by the subdivider. The "Final Plan" shall not be approved until final detailed design of the improvements is approved and the improvements are installed or financial security has been established with the Borough.

Section 602 Required Improvements

602.1 Monuments: At least one (1) monument shall be set, preferably at an angle, in the perimeter of the subdivision. The monument shall meet the following specifications:

- (a) Monuments shall be of concrete or stone with a minimum size of six (6) inches by six (6) inches by thirty (30) inches and shall be marked on the top with a copper or brass dowel.
- (b) Monuments shall be set by a Registered Professional Engineer or Registered Land Surveyor so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the monument is level with the top of the surrounding ground.
- (c) Monuments shall be set at the intersection of lines forming angles in the boundaries of the subdivision or development or at the intersection of street lines.
- (d) Monument locations must be shown on the "Final Plan". Any monuments that are removed shall be replaced by a Registered Professional Engineer or Registered Land Surveyor at the expense of the person removing it.

602.2 Markers: Markers shall consist of iron pipes, iron, steel bars, or copperweld

markers at least fifteen (15) inches long and not less than three-quarters (3/4) inch in diameter. Markers shall be set:

- (a) At the beginning and ending of all curves along street property lines
- (b) At all points where lot lines intersect curves, either front or rear
- (c) At all of the property lines of lots
- (d) At all other lot corners
- (e) Markers shall be placed so that the scored or marked point will coincide exactly with the lines to be marked and will be set so that the top of the marker is level with the top of the surrounding ground.

602.3 Streets: All streets shall be graded to the full width of the right-of-way surfaced and improved to grades and dimensions shown on the plans, profiles, and cross-sections submitted by the subdivider and approved by the Borough Engineer. In subdivisions where sidewalks are not required, the sidewalk areas shall be graded in the same manner as if sidewalks were to be constructed.

- (a) Streets shall be graded, surfaced, and improved to the dimensions required by the cross-sections. Pavement base and wearing surface shall be constructed according to the specifications of the Pennsylvania Department of Transportation and/or the specifications as set forth by the Borough Engineer.
- (b) Prior to placing street surface, adequate sub-surface drainage for the streets and all utilities under the streets shall be provided by the subdivider upon the completion of the street improvements. Respective plans and profiles as built shall be filed with the Borough.

602.4 Curbs: Curbs shall be required on new streets in subdivisions which have a typical lot width of interior lots at the building setback lines of less than one-hundred (100) feet. Curbs may also be required in any subdivision in which the lot areas or lot widths exceed one hundred (100) feet when the centerline street grade of any street exceeds three (3) percent. In such cases, curbs or other drainage controls shall be installed to properly control surface damage and protect the streets from erosion. The curbing requirement may be waived at the discretion of the Borough; but when the requirement is waived, grass-lined swales or rock-lined ditches shall be required.

Curb materials, placement, and other design standards shall be as approved by the Borough Engineer. All curbs shall be depressed at intersections to sufficient width to accommodate the requirements of the handicapped. The depression shall be in line with sidewalks where provided. All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet. In areas where curbs are not used, gutters must be provided and stabilized to avoid erosion.

602.5 Sidewalks: Sidewalks shall be provided when considered necessary by the Borough for the protection of the public and shall be approved by the Borough Engineer. Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having a sidewalk on one (1) or both sides. Sidewalks shall also be provided on all streets and parking areas located within multi-family and apartment developments.

When sidewalks are required, they shall meet the following standards:

- (a) Sidewalks shall be located within the street right-of-way one (1) foot from the right-of-way line and shall be a minimum of four (4) feet wide, except along streets which have a right-of-way of eighty (80) feet or more in width where they shall be a minimum of six (6) feet wide.
- (b) Generally, a grass planting strip should be provided between the curb and sidewalk. Where curb is used, a grass planting strip shall be provided.
- (c) Sidewalks shall be constructed of Portland cement concrete and be at least four (4) inches thick, underlain by three (3) inches of compacted cinder, gravel, or crushed stone. Alternative sidewalk construction must be reviewed by the Borough Engineer and approved by Borough Council.
- (d) Where unusual or peculiar conditions prevail with respect to prospective traffic and/or safety of pedestrians, the Borough may require different standards of improvements than those set forth in the previous paragraphs. Crosswalks may be required when deemed necessary by the Borough.
- (e) In all respects in which standards for required improvements are not set forth herein or specified by the Borough hereunder, the applicable standard requirements of the Pennsylvania Department of Transportation shall govern; and all work shall be performed in a manner prescribed in the standard specifications for road construction of said department for the type of construction under consideration.
- (f) Maximum slope of banks measured perpendicular to the center line of the street should be three (3) to one (1) for fills and two (2) to one (1) for cuts.

602.6

Sanitary Sewers: The method of sanitary waste disposal in a proposed subdivision shall be determined by the Borough. Generally, where a public sanitary sewer system is within one-thousand (1,000) feet of, or where plans approved by the governing bodies provide for, the installation of such public sanitary sewer facilities to within one-thousand (1,000) feet of the proposed subdivision, the subdivider shall provide the subdivision with a complete sanitary sewerage system to be connected to the existing or proposed public sanitary sewerage system. The system shall be designed by a Registered Professional Engineer and meet the requirements of the Pennsylvania Department of Environmental Resources.

To aid the Borough in making their decision upon the best method of sanitary waste disposal within a proposed subdivision, the subdivider shall submit, accompanying the "Preliminary Plan" application, two (2) copies of an "Engineering Feasibility Report". The submission of the water and sewerage feasibility report may be waived by the Borough when such report is not deemed necessary by the Borough.

In cases where no municipal sewer system is available under the conditions stated previously, a decision shall be made as to which of the following methods of sewage disposal best meets the needs of the proposed subdivision: a community disposal system, an interim plant, individual on-lot septic tanks, or other satisfactory methods of sewage waste disposal. The Borough shall recommend the most suitable type of sewage disposal in consideration of the results of the Engineering Feasibility Report, the individual site characteristics of the proposed subdivision, and both the short-range (5 to 10 years) water and sewer program and the long-

range (20 years) water and sewer plan for Westmoreland County. Regardless of the method of sewage disposal chosen, the system must meet the requirements of the Pennsylvania Sewage Facility Act 537, as amended, and other applicable local, state, and federal regulations. Where required, a DER Planning Modual approval shall also be obtained for "Final Plan" approval of the subdivision.

602.7 Water: Where a municipal water supply system is within one-thousand (1,000) feet of, or where plans approved by the governing body or private water company provide for, the installation of municipal water supply facilities to within one-thousand (1,000) feet of the proposed subdivision, the subdivision shall be provided with a complete water main supply system which shall be connected to the municipal water supply. The system shall be designed by a Registered Professional Engineer and approved by the Borough Engineer and the Pennsylvania Department of Environmental Resources.

In cases where no municipal or community water supply system is available, each lot in a subdivision shall be provided with an individual water supply system in accordance with the minimum standards of the Pennsylvania Department of Environmental Resources.

The plans for installation of the mains of a water supply system shall be prepared for the subdivision with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision will be connected shall be submitted to the Borough. Upon the completion of the water supply system, one (1) copy each of the as built plans for such system shall be filed with the Borough.

- 602.8 Storm Water Management Control: Lots shall be laid out, designed, and graded in such a manner as to provide for drainage of surface run-off away from buildings and into the natural drainage system of the area. Storm water management control improvements, where determined to be necessary by the Borough Engineer, the Soil and Water Conservation District, the Pennsylvania Department of Environmental Resources, or the Pennsylvania Department of Transportation, shall be installed and maintained in accordance with the plans submitted by the subdivider or developer and approved by the Borough Engineer and above-mentioned agencies. The improvements shall be designed and constructed to the standards set forth in Section 508.4 of this ordinance. Outlets shall be approved by the owners of the properties affected and by the Borough.

Under no circumstances shall storm sewers be connected with sanitary sewers.

- 602.9 Off-Street Parking: Off-street parking shall meet the standards outlined in the Zoning Ordinance.

- (a) Each proposed dwelling unit in a subdivision shall be provided with one (1) off-street parking space. Such off-street parking space may be provided as an individual garage, carport, or driveway, preferably located behind the building line, or in a parking compound adjacent to or near the dwelling units it serves. When served by an alley, driveways for residential lots must use the alley for access rather than the fronting street.
- (b) Commercial subdivision and land developments within the scope of these regulations shall provide for the appropriate number of spaces required in the Zoning Ordinance for the specific use. In addition, paved truck loading, unloading, and maneuvering can be accommodated with the property lines.
- (c) Manufacturing, wholesale and warehousing, subdivisions and land developments within the scope of these regulations shall provide for the appropriate number of spaces required in the Zoning Ordinance for the specific use. In addition, paved truck loading areas shall be provided such that all truck loading, unloading, and maneuvering can be accommodated within the property lines.

- 602.10 Street Name Signs: Street name signs shall be placed at all intersections in conformance with the specifications of the Borough. They shall be paid for by the subdivider and installed by the Borough.

Section 603 Recommended Improvements

Although not required, the following improvements are recommended as valuable to safety, convenience, and attractiveness of a subdivision. They, therefore, are a great asset not only to the Borough and the County as a whole, but also to the potential buyer and future residents of the area.

- 603.1 Street Lights: In accordance with the conditions to be agreed upon by the subdivider, the Borough, and the appropriate public utility, street lights are recommended to be installed in all subdivisions. The subdivider shall be responsible for making the necessary arrangements with the applicable agencies; and whether or not street lights are initially installed, the subdivider shall be responsible for providing utility easements for future street lighting installations.
- 603.2 Shade Trees: All possible efforts should be made by the subdivider to preserve existing shade trees. When provided, shade trees of deciduous hardwood type with a minimum caliper of two (2) inches shall be planted between the sidewalk and the building line at least five (5) feet from the sidewalk, or between the curb and sidewalk provided the planting strip is a minimum of six (6) feet wide.
- 603.3 Fire Hydrants: Fire hydrants should be provided as an integral part of any water supply system and shall be in accordance with the specifications set forth by the National Fire Protection Association. The fire hydrants shall be placed at intervals of not more than one-thousand (1,000) feet and shall contain a minimum of two (2) two and-one-half (2 1/2) inch outlets and one (1) four-and-one-half (4 1/2) inch bumper outlet.
- 603.4 Underground Wiring: It is strongly recommended that all electric, telephone, and television cable lines be placed underground. Trench arrangements should conform to accept standards for safety and maintenance purposes.

ARTICLE VII

MOBILE HOME PARKS

ARTICLE VII

MOBILE HOME PARK DESIGN STANDARDS

Section 701 General Requirements

The general design standards and required improvements of Articles V and VI and residential design standards shall apply to mobile home park subdivisions or developments even though streets will not be submitted for dedication. The following additional standards shall also apply to mobile home developments.

Section 702 Specific Design Standards

- (a) Site Location: A mobile home park shall be located on land having a reasonably flat terrain (having an average of eight percent [8%] or less). The land area shall be free from swamps, marshes, garbage, excessive noise, smoke, or other elements generally considered detrimental to residential development. The location shall be free from flooding by a one-hundred (100) year flood and shall have access to public roads.
- (b) Placement of Mobile Homes: Each mobile home site shall be provided with a stand or pad consisting of two (2) concrete strips to accommodate the axles of the mobile home. The poured concrete base shall measure one (1) foot deep, three (3) feet wide, and seventy (70) feet long for each of the two strips. Each mobile home site shall also be provided with a poured concrete outdoor patio one (1) foot deep and at least one-hundred eighty (180) square feet in area at the main entrance to the mobile home. The mobile home shall be required to be provided with anchors and tie-downs which are able to sustain a total tensile load equal to four times the weight of the particular mobile home. The length of each mobile home unit shall be parallel with the contour of the land so that no end of the unit is elevated higher than the other from the ground. An enclosure of compatible design and material, commonly called "skirting", shall be erected around the entire base of the mobile home prior to occupancy. The enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- (c) Mobile Home Lot: Lot area, dimension, setback, and coverage shall meet with the approval of the Borough and shall contain a minimum site area of four thousand (4,000) square feet. Each site shall contain no more than one (1) mobile home.
- (d) Buffer Areas: All mobile home parks shall be bounded by a buffer area twenty (20) feet in depth as measured at right angles to the tract boundary lines. This space shall be used for no other purpose but landscaping, except where access roads cross it.
- (e) Recreation Areas: A mobile home park shall be provided with a recreation area for mobile home residents. The recreation area shall be no less than five percent (5%) of the total area of the park. Such an area shall be appropriately developed with recreation facilities and easily accessible to all homes in the park.
- (f) Utilities: All utilities serving mobile home lots shall be placed at least four (4) feet

underground. Each mobile home in the park shall be served by public water and sewerage or central water and sewerage systems as well as with electric and other utilities.

- (g) **Drainage:** Storm drainage from roofs and paved areas shall be channeled to natural drainage courses and away from adjoining properties and public roads. Trees and shrubbery shall be maintained on the property of the mobile home park and on every lot within the park for absorption of water runoff and hence for flood protection. Storm drainage shall also be handled according to the requirements prescribed in Section 602 Storm Water Management in this Ordinance.
- (h) **Storage Sheds:** Each mobile home park shall provide to each mobile home an enclosed storage shed or partitioned space in such a shed, either of which shall have at least three hundred sixty (360) cubic feet and shall be located within one hundred fifty (150) feet of said mobile home.
- (i) **Refuse Storage:** Each mobile home shall provide its own garbage and refuse containers in accordance with Borough regulations pertaining to garbage and other solid wastes, or the mobile home park shall provide a dumpster and private hauling service where individual mobile homes cannot be served. Common refuse disposal containers shall be screened.
- (j) **Sewerage Systems:** Each mobile home lot shall be provided with at least a four (4) inch diameter vertical riser pipe which connects the mobile home sewage drain outlet to the sewer line. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be directed away from the riser. The rim of the riser pipe shall extend at least six (6) inches above ground elevation.
- (k) **Water Systems:** Each mobile home lot shall have a water riser pipe which connects the mobile home water supply to the central water system. An outside hose bib shall be supplied for each mobile home.
- (l) **Sidewalks:** All mobile home parks shall be provided with safe, convenient all season pedestrian walks of Portland cement concrete to a depth and width approved by the Borough Engineer between individual mobile homes and streets and to all park facilities provided for the residents. Walkways serving park facilities shall have a minimum width of four (4) feet.
- (m) **Parking Areas:** Two off-street parking spaces shall be provided for each mobile home. All parking spaces for mobile home lots shall be paved and common parking areas must be located within one hundred (100) feet of each mobile home to be served.
- (n) **Ingress and Egress:** Access points to public streets from a mobile home park shall be located no less than sixty (60) feet from any public street intersection. Streets within the mobile home park shall be constructed to Borough specifications as described in Article V, except that one-way streets shall be allowed, provided access by fire and other emergency vehicles is not impaired and provided the street plan is reviewed and approved by the Borough Engineer. Driveways to all mobile homes must access onto the interior street system of the mobile home park. Direct driveway access to an adjoining public street is prohibited.

- (o) Street Signs: Street identification signs shall be provided for all streets at every intersection in the mobile home park. Such signs shall be purchased by the developer and installed by the Borough.
- (p) Exterior Lighting: Streets, access drives, and walkways shall be illuminated at night with fixtures so spaced and equipped as to provide adequate levels of illumination for the safe movement of vehicles and pedestrians. Lighting fixtures shall be shielded to avoid glare on adjacent properties.
- (q) Fire Protection: Mobile home parks shall be provided with fire hydrants as approved by the Ligonier Volunteer Fire Company and the Borough Engineer. Fire extinguishers of a type for use on oil and electrical fires shall be required in each mobile home and all common buildings.
- (r) Hitch: The hitch or tow bar attached to the mobile home for transport purposes shall be removed and remain removed from the mobile home when it is placed on its mobile home pad.

ARTICLE VIII

LAND DEVELOPMENT

ARTICLE VIII

LAND DEVELOPMENT

Section 801 General Provisions

The following general planning concepts shall be applied during the review and approval process for a planned residential development and may be utilized as criteria in the evaluation of any planned residential development application:

- (a) Land shall be efficiently used.
- (b) The design and layout shall be consistent with the character of the surrounding neighborhood.
- (c) Permitted nonresidential buildings shall be so located and grouped as to minimize impact on adjacent residential uses.
- (d) Ownership, maintenance, and management of the development project shall be fully identified on the plan and within separate recorded documents to assure construction and continuation of the project.
- (e) Open space and recreation areas shall be well located and adequately serve the diverse needs of the proposed residents.
- (f) Although a mixture of housing types and design innovation are encouraged, plans shall not contain extensive departure from standard design patterns unless more conventional layout is determined to be impossible or inappropriate.
- (g) The plan shall specify that all proposed buildings, community facilities, site improvements, and development amenities are to be constructed in accordance with the approved plan and any development schedule approved therewith.

Section 802 Submission Review Procedures and Plan Requirements

The submission and review procedures contained in Article III and Article IV shall be required for all Land Development proposals, as noted in each applicable Section of the above referenced Articles. In addition, the following may be required for all proposals upon the recommendation of the Planning Commission.

- (a) A traffic study analyzing the capacity of area streets, roads, and intersections abutting the development, as determined by the Borough Council. The study shall include at a minimum, an analysis of the system before development, at each phase of development (if applicable), and at full build-out. The study shall include an analysis of capacities, levels of service, and improvements required to maintain acceptable levels of service.
- (b) A landscape plan for the site prepared by a landscape design or site planning professional.
- (c) A sewer and water study of the proposed development as directed by the Borough Engineer.

ARTICLE IX

FEEES

ARTICLE IX

FEES

Section 901 Payment of Fees

The following fees shall be paid by the developer, subdivider, or his agent to the Borough of Ligonier by check or money order:

- (a) An application fee for "Preliminary Plan" review when such plan is required. The fee shall be as established by Resolution by Borough Council.
- (b) An application fee for "Final Plan review, which fee shall be as established by Resolution by Borough Council.
- (c) A fee for review of the plan by the Westmoreland County Planning Department, if such fee is required.
- (d) A financial security in the amount of 110% of the cost of proposed required improvements if the completion of such improvements is to be delayed as a condition of final approval. (See Article III).
- (e) A final security for the maintenance of improvements for no more than eighteen (18) months from the date of their acceptance of dedication and not to exceed 15% of their actual cost of installation (See Article III).
- (f) An inspection fee based on the actual cost of inspection by the Borough Engineer of required improvements.

ARTICLE X

RELIEF FROM REQUIREMENTS

ARTICLE X

RELIEF FROM REQUIREMENTS

Section 1001 General Provisions

From time to time a situation may arise where the standards of the subdivision and land development ordinance cause an undue hardship or prove unreasonable in application. Faced with this situation, a modification or alteration of requirements can be granted from the literal application of the standards. However, modifications cannot be contrary to the public interest and must observe the basic purpose and intent of the ordinance.

Requests for a waiver, alteration, or modification of requirements must not be confused with relief granted by a variance under zoning restrictions. A zoning variance requires a difficult five-point finding of facts by a zoning hearing board, whereas the subdivision and land development process requires approval be obtained to alter site requirements in accordance with Municipalities Planning Code Section 503(5), 503(8) and 512.1.

Assurance must be provided that any modification is absolutely necessary and represents the minimum possible modification. Unusual physical circumstances may involve minor adjustments in curve radii, street grade or slope, cul-de-sac length, or problems over the width of an existing right-of-way. In most cases minor design modifications will not jeopardize public safety.

Any request must be submitted in writing citing the specific provisions or standards from which relief is requested and should be part of the "Preliminary" or "Final Plan" submission. A request states in full the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of the ordinance involved, and the exact alteration or modification necessary. A record of the request should appear in the official minutes of the governing body as well as the planning commission. This record documents the reasons for the request, facts of unreasonableness, and any action taken on the request. Any relief approved should represent the minimum or least possible modification of the standard.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT REMEDIES

ARTICLE XI

ADMINISTRATION AMENDMENT AND ENFORCEMENT

Section 1101 Revision and Amendment

The Ligonier Borough Council may revise or amend in whole or in part these regulations, provided, however, that the amendment thereof shall be accomplished in accordance with the provisions of Section 505 of the Act of July 31, 1968 P.L. 247 (53 P.S. 10505) as supplemented and amended.

Section 1102 Modification of Requirements

1102.1 Modified Standards: The provisions of these regulations are the minimum standards for the protection of the public welfare. The Ligonier Borough Council reserves the right to modify or to extend these regulations as may be necessary in the public interest.

1102.2 Waiver: If a majority of the Borough Council feels that this ordinance causes undue hardship upon a particular subdivision, they may grant a waiver providing it does not nullify the intent and purpose of this ordinance. In granting waivers, the Borough Council may impose such conditions at will, in its judgment, advance the achievement of the intent of this Ordinance. The standards and requirements of these regulations may be modified by the Borough Council in the case of a plan or program for complete community, new town, neighborhood, cluster subdivision, or mobile home park which in the judgment of the Borough Council provides adequate open and public spaces and improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and which also provides such covenants or other legal provisions which will assure conformity to and achievement of the development goals of the Borough.

Section 1103 Reconsideration and Appeal

1103.1 Any person aggrieved by action of the Borough Council may appeal within thirty (30) days directly to the Court of Common Pleas of Westmoreland County in accordance with and in a manner prescribed by law.

Section 1104 Keeping of Records

The Borough Planning Commission shall maintain a record of their findings, decisions, and recommendations relative to all subdivision plans filed for review. Such records shall be made available to the public.

Section 1105 Penalties

Any person who shall subdivide any lot, tract, or parcel of land or shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvements for public use, travel, or other purposes or for common use of occupants of building abutting thereon, or who wills, transfers, or agrees or enters into an agreement to sell any land in a subdivision of land development or erect any buildings thereon without having first complied with the provisions of this ordinance

and the Act of Assembly under which they have been adopted shall by the terms of the Act of Assembly be guilty of a misdemeanor, and upon conviction thereof, such person or the members of such partnership or the officers of such corporation or the agents of any of them responsible for such violation pay a fine not exceeding one thousand dollars (\$1,000) per lot or parcel or for dwelling unit within each lot or parcel.

Section 1106 Severability

Should any article, section, subsection, paragraph, sentence, clause, phrase, or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so declared invalid or unconstitutional.

Section 1107 Effective Date

This ordinance shall become effective five (5) days after the date of final passage.

Duly elected and ordained by the Borough Council of Ligonier Borough, Westmoreland County, Pennsylvania, this 8 day of December, 1994

Approved by Ord. No. 473

ATTEST:

Mary Lou Johnston

Secretary

(SEAL)

J Clifford Naugle

President

12/08, 1994

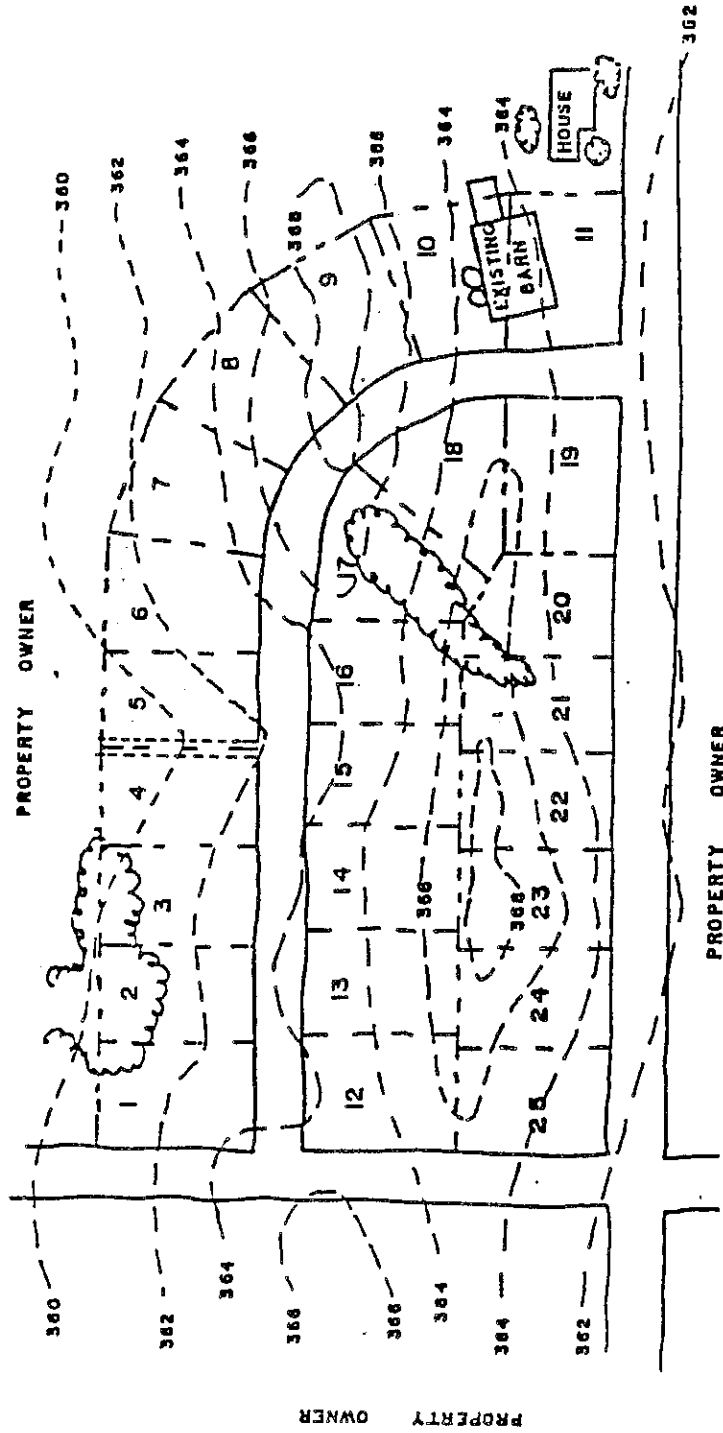
I, Mary Lou Johnston, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Borough Council of Ligonier Borough, Westmoreland County, Pennsylvania, on 12/08 1994

Borough Secretary

APPENDIX

SUGGESTED STANDARD FORMAT — SKETCH PLAN

A-1



NORTH

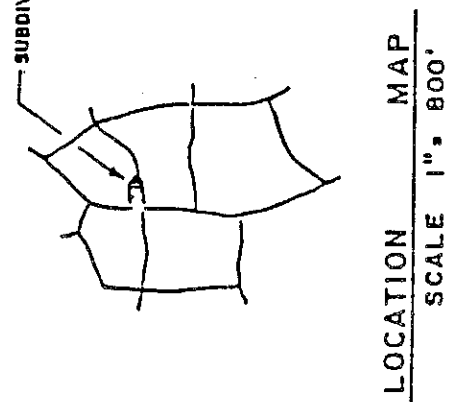
↑

L'CONIER BOROUGH

SCALE 1" = 100'

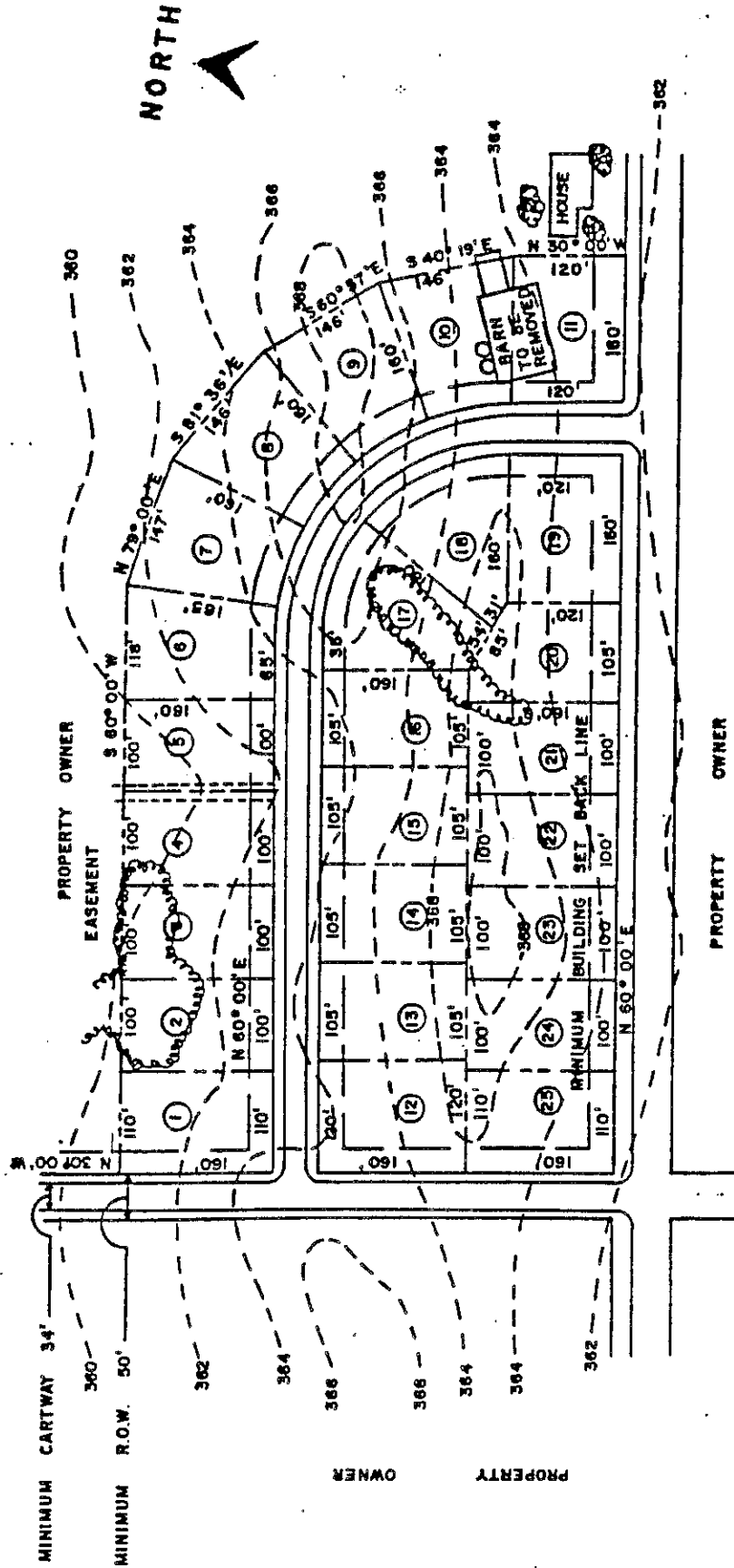
DATE _____

OWNER - SUBDIVIDER



SUGGESTED STANDARD FORMAT — PRELIMINARY PLAN

A-2



PRELIMINARY PLAN FOR

(SUBDIVISION NAME OR OWNER)

LIGONIER BOROUGH

SCALE _____
DATE _____
ADDRESS _____

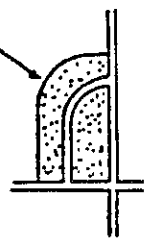
ALSO INCLUDE:

Cross-sections/Details on Improvements

Signature Blocks

Certifications

SUBDIVISION SITE



LOCATION MAP

SCALE 1" = 800'

APPROVED _____ DATE _____

RECEIVED _____ PLANNING DEPT.

APPROVED _____ DATE _____

TOWNSHIP SUPERVISORS

APPROVED _____ DATE _____

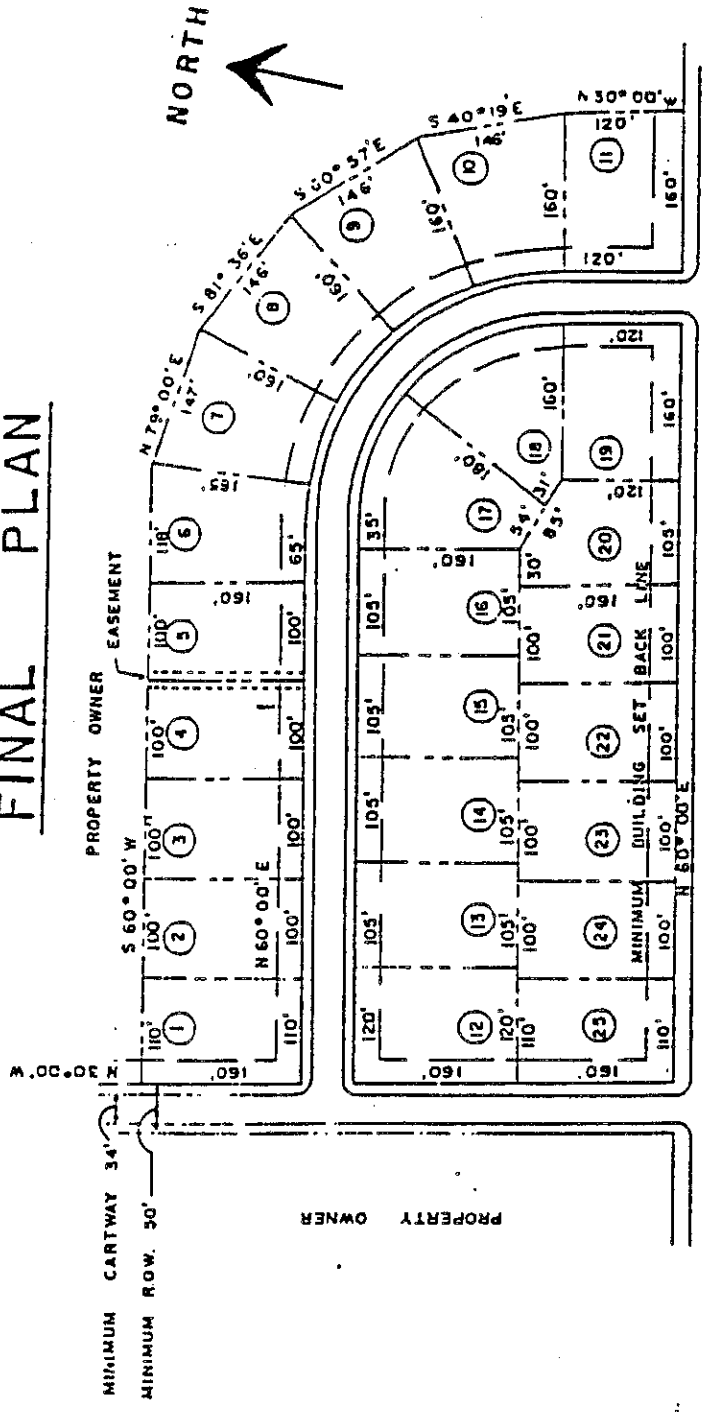
TOWNSHIP PLANNING COM.:

APPROVED _____ DATE _____



LOCATION SKETCH (1" = 600')

A-3 SUGGESTED STANDARD FORMAT FINAL PLAN



NOTE:

NO ZONING OR BUILDING PERMIT WILL BE ISSUED FOR ANY LOT UNTILL AN APPROVED SEPTIC TANK PERMIT IS OBTAINED.

I (WE) THE UNDERSIGNED OWNER OF THE REAL ESTATE SHOWN ON THIS PLAN DO HEREBY CERTIFY THAT I (WE) HAVE LAID OFF, PLATTED AND SUBDIVIDED AND HEREBY LAY OFF, PLAT AND SUBDIVIDE SAID ESTATE IN ACCORDANCE WITH ABOVE PLAN.

I (WE) DO FURTHER CERTIFY THAT I (WE), DEDICATE ALL STREETS OR ROADS, AS SHOWN ON ABOVE PLAN TO _____ TO BE USED AS A PUBLIC ROAD FOR A WIDTH BETWEEN RIGHT OF WAY LINES SHOWN ON THIS PLAN. _____ DATE _____

I HEREBY CERTIFY THIS PLAN TO BE CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE.



LAND SUBDIVISION PLAT FOR

(SUBDIVISION NAME OR OWNER)

LIGONIER BOROUGH

SURVEYED BY _____
DATE _____
SCALE _____

ADDRESS _____
PHONE _____

SOURCE OF TITLE _____
DEED BOOK _____
VOLUME _____
PAGE _____