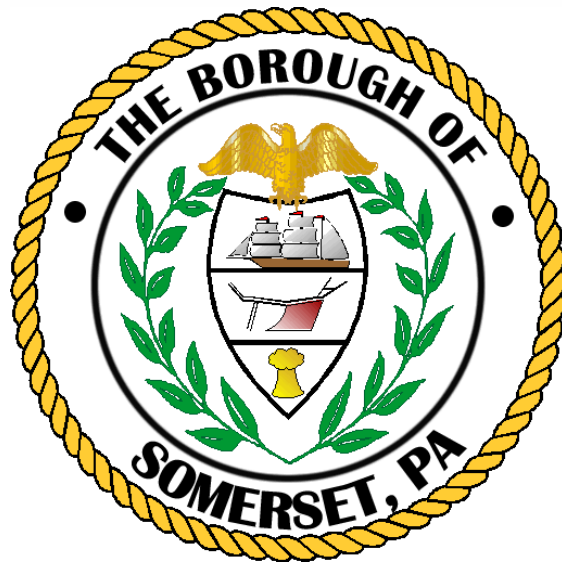




SUBDIVISION ORDINANCE



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BOROUGH OF SOMERSET SUBDIVISION ORDINANCE

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Article I – GENERAL PROVISIONS

SECTION 101 – Short Title

This ordinance shall be known and may be cited as “The Somerset Borough Subdivision and Land Development Ordinance.”

SECTION 102 – Purpose

The purpose of this Ordinance is:

1. To help protect and promote the safety, health, and general welfare of the citizens of Somerset Borough; to assist in accomplishing a coordinated guide and protect amenity and convenience, growth and development; to guide uses of land and structures, type and location of streets, public grounds and other facilities; and to permit the Borough the opportunity to minimize such problems as may presently exist and/or which may be foreseen.
2. To ensure safety in flood-prone areas, special provisions are included:
 - a. To regulate the subdivision and/or development of flood-plane land areas in order to promote the general health, welfare, and safety of the community.
 - b. 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 at the time of initial construction.
 - c. To protect individuals from buying lands which are unsuitable for use because of flood by prohibiting the subdivision and/or development of unprotected flood-prone lands.
3. To assist developers in achieving the optimum development of building sites.

SECTION 103 – Authority and Jurisdiction

1. The authority of Borough Council to adopt this ordinance regulating subdivision and land development within Somerset Borough is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247, as amended. As a result, no subdivision or land development of any lot, tract, or parcel of land shall be made, no streets, 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 this ordinance.

2. This ordinance supersedes any ordinances currently in effect in flood areas. However, any other applicable ordinances shall remain in full force and effect to the extent that those provisions are more restrictive.

SECTION 104 – Interpretation

The provisions of this ordinance shall be interpreted to be the minimum requirements to meet the purposes of the ordinance. Where the provisions of this ordinance conflict or are inconsistent with the provisions of any other ordinance, regulation or requirement, the more restrictive provisions in question shall apply.

SECTION 105 – County Review

All applications for subdivision and/or land development approval within Somerset Borough shall be forwarded upon receipt to the Somerset County Planning Commission for review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant. Such action shall occur at the preliminary plan state, and the Borough shall not take action on said plans until the county report is received or until the expiration of forty-five (45) days from the date the plans were forwarded to the county.

SECTION 106 – Municipal Liability

The grant of a permit of approval of a plan for any proposed subdivision and, or land development whether located within or outside and flood-prone area(s) shall not constitute a representation, guarantee, or warranty of any kind by the municipality or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its official, or employees.

Article II – DEFINITIONS

SECTION 201 – Definitions

For the purposes of this ordinance, the following words and phrases shall have the meaning as given in this Article.

Words in the present tense include the future.

The singular includes the plural.

The word “shall” is mandatory; the word “may” is optional.

The word “person” means an individual, corporation, partnership, firm, association, company, or any other similar entity.

1. Alley – a minor right-of-way privately or publicly owned, primarily for service access to the back or side of properties.
2. Applicant – a landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.
3. Application for Development – every application whether preliminary 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 permit, for the approval of a development plan.
4. Block – a tract of land or a lot or group of lots, bounded by streets, public parks or parkways, railroad rights-of-way, watercourse or body of water, subdivided land, or a boundary line or lines of the Borough.
5. Building Setback Line – a line parallel to and set back from the front lot line a distance equal to the depth of the front yard required.
6. Cartway – the surface of a street or road available for vehicular traffic.
7. Clear Sight Triangle – an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.
8. Crosswalk - a publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

9. Developer – any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development or resubdivision.
10. Dwelling – a building or a portion thereof designed for and used exclusively for residential occupancy.
 - a. Dwelling unit – one or more rooms having cooking and sanitary facilities and access directly outdoors or through a common entrance hall.
 - b. Dwelling, Single-Family Detached – a building containing only one (1) dwelling unit and two (2) side yards.
 - c. Dwelling, Single-Family Semi-Detached – a building containing two (2) dwelling units which are separated by one (1) common wall, and which has two (2) side yards.
 - d. Dwelling, Single-Family Attached – a building containing three (3) or more dwelling units, which are separated from each other by two (2) common walls, except for the two (2) end units.
 - e. Dwelling, Two-Family Detached – a building containing two (2) dwelling units arranged one over the other on separate floors, and which has two (2) side yards.
 - f. Dwelling, Multi-Family – a building other than a single-family attached dwelling containing three (3) or more dwelling units.
11. Easement, Utility – a right-of-way granted for the limited use of land for public or quasi-public purposes.
12. Engineer – a registered professional engineer in Pennsylvania designated by the municipality to perform the duties of engineer as herein specified.
13. Engineering Specifications – the engineering specifications of the municipality regulating the installation of any required improvement or for any facility installed by any owner, subject to public use.
14. Erosion – the removal of surface materials by the action of natural elements.
15. Excavation – any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed,

displaced, relocated or bulldozed. It shall include the conditions resulting therefrom.

16. 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 a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

17. Flood -

- a. Flood-prone area – a relatively flat or low land area adjoining a stream, river, or water course, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source.
- b. Floodway – the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.
- c. Regulatory flood – a flood having an average frequency of occurrence on the order of once in one hundred (100) years, although the flood may occur in any year.
- d. Regulatory flood elevation – the one hundred (100) year flood elevation based upon the information contained in the Official Flood Insurance Study, as prepared by the Federal Insurance Administration.

18. Governing Body – the Borough Council of Somerset Borough.

19. Improvements – those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

20. Land Development –

- a. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1) A group of two or more buildings; or
 - 2) The division or allocation of land or space between or among two or more existing or prospective occupants

by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other structures.

b. A subdivision of land.

21. 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 conditions), a lease if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this ordinance.
22. Lot – a plat or parcel of land, which is, or in the future may be, offered for sale, conveyance, transfer, or improvement.
23. Lot, through or double frontage – a lot with front and rear street frontage.
24. Lot Area – the area contained within the property lines of a lot as shown on a subdivision plan excluding space within any street right-of-way, but including the area of any easement.
25. Lot, reverse frontage – a lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.
26. Mobile Home – a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly contained in one (1) unit, or in two (2) units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without permanent foundation.
27. Mobile Home Lot – a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.
28. Mobile Home Park – a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two (2) or more mobile home lots.

29. Plan, Sketch – an informal plan, not necessarily to exact scale, indicating salient existing features of a tract, its surroundings, and the general layout of a proposed subdivision or a land development.
30. Plan, Preliminary – a tentative subdivision or land development plan, in lesser detail than the final plan, indicating the approximate proposed layouts of a subdivision as a basis for consideration prior to preparation of the final plan.
31. Plan, Final – a complete and exact subdivision or land development plan prepared for official recording as required by statute.
32. Public Grounds – parks, playgrounds, and other public areas and sites for schools, sewer treatment, refuse disposal, and other publicly owned or operated facilities.
33. Public Notice – notice published once a week for two (2) successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time, place, and date of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty (30) days nor less than fourteen (14) days prior to the date of the hearing.
34. Resubdivision – any replatting or resubdivision of land limited to change in lot lines on an approved final plan or recorded plan.
35. Right-of-way, Street – a public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.
36. 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.
37. 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.”

38. Sight Distance – the 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.
39. Slope – the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.
40. Street – a right-of-way or portion thereof dedicated or intended for general public, vehicular, and/or pedestrian use.
41. Streets –
 - a. Arterial Street – a major street or highway with fast or heavy traffic volumes of considerable continuity, and used primarily as a traffic artery for intercommunications among large areas.
 - b. Collector Street – a major street or highway which carries traffic from minor streets to arterial streets including the principal entrance streets of a residential development and streets for circulation within such a development.
 - c. Minor Street – a street used primarily for access to abutting properties.
 - d. Cul-de-sac – a street intersecting another street at one end and terminating at the other in a vehicular turn-around.
 - e. Marginal Access Street – a minor street which is parallel and adjacent to limited access highways or arterial streets and which provides access to abutting properties and protection from traffic.
42. Structure – anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, factories, sheds, cabins, mobile homes, and other similar items.
43. Subdivider – the owner or authorized agent of the owner of a lot, tract, or parcel of land to be subdivided for the sale or development under the terms of this ordinance.
44. Subdivision (See Land Development) – the division or re-division of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land including changes in

existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership, or of building or lot development; provided, however, that the division of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted.

45. Surface Drainage Plan – a plan showing all present and proposed grades and facilities for storm water drainage.
46. Top Soil – surface soils and subsurface soils which presumably are fertile soils and soil material ordinarily rich in organic matter or humus debris. Top soil usually found in the uppermost soil layer called the ‘A’ Horizon.
47. Undeveloped Land – any lot, tract, or parcel of land which has not been graded or in any other manner improved or prepared for subdivision or land development, or the construction of a building.
48. Watercourse – a natural stream of water, river, brook, creek, or a channel of a perceptible extent with definite bed and banks to confine and conduct continuously or periodically flowing water.

Article III – PLAT PROCEDURES AND SPECIFICATIONS

SECTION 301 – Pre-Application Procedures

1. Copies of this ordinance shall be available for use by any person seeking information concerning land development and/or subdivision standards and procedures in effect within Somerset Borough. Any prospective developer or subdivider may meet with the Borough Planning Commission to discuss and review tentative plans and/or any provisions of this ordinance.
2. Prior to the final plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Pennsylvania Department of Environment Resources. It is suggested that the prospective developer consult the Somerset Borough Sewage Enforcement Officer or the Somerset County Office of the Pennsylvania Department of Environmental Resources as to the requirements of that act.
3. Prospective developers shall consult the Somerset 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. Land that is subject to flooding shall not be platted for residential occupancy or for any other use that may endanger health, life, or property. Such land within a subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional flooding and shall not produce unsatisfactory living conditions.

SECTION 302 – Sketch Plan

Prior to the submission of a preliminary plan, developers are encouraged to submit a sketch plan to the Borough Planning Commission. This sketch plan will enable the Planning Commission to review the proposal and to make any suggestions or inform the developer of any proposed plans or factors that may affect his development. Such review and discussion shall be informal and advisory only.

It is desired that a sketch plan contain the following information:

- a. Location Map.

- b. General information concerning any community facilities and/or other significant man-made natural features that will affect the proposal.
- c. A property map showing the specific parcel of land or site involved.
- d. A sketch of the proposed subdivision or land development on a map at a suggested scale of one (1) inch equals forty (40) feet showing the proposed layout of streets and lots, and other features.

SECTION 303– Minor Subdivision

When a single lot which has not been previously included in any act of subdivision is proposed to be divided into three lots or less, or where land is being transferred to be combined with an existing lot, the Borough Council may waive the requirement of the preliminary plat and the applicant may proceed with the requirements for final plat approval.

SECTION 304– Re-Subdivisions

In cases involving only a replatting or a re-subdivision of land limited to a change in lot lines on an approved final plan (or a recorded plan), the requirement calling for submission of a preliminary plan may be waived. All other applicable requirement and specifications shall remain the same.

SECTION 305 – Preliminary Plan Procedures

- 1. Submission of the preliminary plan
 - a. Preliminary plans and all required accompanying documentation shall be submitted by the developer or his authorized representative to the Somerset Borough Secretary.
 - b. Submission shall consist of the following:
 - i. Seven (7) blue-line or black-line paper prints of the preliminary plan showing all the information required in Section 306.
 - ii. Five (5) copies of all other required documentation.
- 2. Distribution of preliminary plan for review and comment.

Seven (7) copies of the preliminary plan and accompanying documentation shall be immediately distributed by the Somerset Borough Secretary as follows:

- a. One (1) copy of the plan and accompanying documentation to the Somerset Borough Engineer.
 - b. One (1) copy of the plan and accompanying documentation to the Somerset County Planning Commission.
 - c. One (1) copy of the plan and accompanying documentation to the Somerset Borough Zoning Officer.
 - d. One (1) copy of the plan to the Somerset County Soil Conservation District Office.
 - e. One (1) copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision or land development fronts, abuts, or is traversed by a state road.
 - f. One (1) copy of the plan to the Somerset Borough Sewage Enforcement Officer (SEO) for its review with respect to any proposed water and sewer facilities.
 - g. The remaining copies of the plan and accompanying documentation to the Somerset Borough Planning Commission.
3. Action on preliminary plan by the Planning Commission.
- a. Action on a preliminary plan shall be taken by the Planning Commission not later than ninety (90) days following receipt by the Borough of a complete submission.
 - b. No decision or action shall be taken by the Planning Commission until the reports are received from the Somerset County Planning Commission and other individuals and agencies to whom the plan was sent for review and comment, or until the expiration of forty-five (45) days from the date the plans were forwarded to such individuals and agencies.
 - c. All actions on the plan by the Planning Commission shall be taken at a public meeting whether it be a regularly scheduled or special meeting. In addition, the Planning Commission may also schedule a public hearing before taking any action on the plan. The developer shall be notified of the time and place of all such meetings and hearings.

- d. The decision of the Planning Commission concerning the plan shall be in writing and shall be forwarded to the developer within five (5) days following their decision. If a plan is not approved, or approves subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this ordinance. Copies of the decision shall be sent to the Borough Council, Borough Engineer, and Zoning Officer.
- e. Failure of the Planning Commission to render a decision and communicate it to the developer within ninety (90) days shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.
- f. Approval of the preliminary plan shall not constitute approval of the final plan for any purpose or reason, but shall constitute conditional approval of the proposed development as to its general character and layout.
- g. Then a preliminary plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this or any other applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development in accordance with the terms of such approval within three (3) years from such approval. Where final approval is preceded by preliminary approval, the three (3) year period shall be counted from the date of preliminary approval.
- h. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the applicable ordinances or plans as they stood at the time when the plan for such approval was duly submitted to the Borough.

SECTION 306 – Preliminary Plan Specifications

The preliminary plan shall consist of the following:

- 1. The plan, drawn at a scale of one (1) inch equals forty (40) feet on a maximum sheet size of thirty (30) inches by forty-three (43) inches, showing the following:
 - a. Name and address of subdivider.
 - b. Proposed name of the subdivision.

- c. North arrow, scale, and date.
- d. Name of engineer, surveyor, or other qualified person responsible for the plan.
- e. Location map showing the vicinity in which the proposed development is located.
- f. Topography showing existing and proposed contours at intervals of two (2) or five (5) feet, depending upon the slope of the land.
- g. Tract boundaries and the name of all abutting submissions or property owners.
- h. Number of acres in the tract, number of lots, the zoning classification, and the type of proposed development.
- i. Existing and proposed property lot and boundary lines, including building setback lines, and information concerning lot dimensions, lot areas, and the location of any easements.
- j. The location of all existing and proposed streets, with information concerning right-of-way widths, types of paving, and street names.
- k. The location of any parcels of land either existing or proposed to be dedicated or reserved for schools, parks, playgrounds, or other public, semi-public, or community purposes.
- l. The location of any existing bodies of water or watercourses, tree masses, buildings or structures, public facilities, and any other man-made or natural features within or near the proposed subdivision.
- m. A map showing the location of the proposed development with respect to the Borough's flood-prone areas, including information on the regulatory flood elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special ordinance restrictions.
- n. Where the development lies partially or completely in any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan map shall include detailed information giving the location and elevation of building sites. All such maps shall also identify accurately the boundaries of the flood-prone area.

2. Accompanying Data

- a. Tentative cross-section drawings for all proposed streets showing rights-of-way, cartway widths, location of sidewalks, and planting strips.
- b. Profile drawings of all proposed streets showing existing and proposed grades.
- c. Plans and profiles of proposed sanitary and storm sewers including grades and pipe sizes, and the plans for any proposed water distribution system showing pipe sizes and location valves and fire hydrants.
- d. Preliminary designs for any bridges, culverts, etc., which may be required.
- e. The appropriate component of the Department of Environmental Resources' "Planning Module for Land Development" to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act. This component is encouraged to be initiated by the developer prior to the submission of the preliminary plan (See, also, section 404.4 – Permits for Individual Sewage Systems.)
- f. Where any excavation or grading is proposed, the developer shall submit a plan to implement and maintain erosion and sedimentation control measures as required by the Pennsylvania Clean Streams Act.
- g. A preliminary storm water management plan.

SECTION 307 – Final Plan Procedures

1. Submission of a final plan for approval by the Borough Council shall occur not more than three (3) years following the date of approval of the preliminary plan. Failure to submit the final plan within this period of time shall make the approval of the preliminary plan null and void unless an extension of time has been requested in writing by the applicant with good reason and has been granted by the Borough Council.
2. The final plan shall basically conform to the approved preliminary plan except for any modification or changes required by the Planning Commission. Where, in the opinion of the Planning Commission,

there have been significant modifications or changes to the approved preliminary plan other than those required by the Borough, the plan shall be submitted again as a preliminary plan.

3. A final plan may be prepared in sections or stages involving portions of the approved preliminary plan if so desired by the developer.
4. Submission of the final plan shall be governed as follows:
 - a. The final plan or plans and all accompanying documents shall be submitted by the developer or his authorized representative to the Borough Secretary.
 - b. Submission shall consist of the following:
 - i. Four (4) blue-line or black-line paper prints and the original record plan drawn on tracing cloth or linen showing all the information required in Section 308.
 - ii. Three (3) copies of all other documentation required in Section 308.
 - iii. A filing fee established by resolution of Borough Council; reference Appendix to this ordinance.
5. Distribution of the final plan by Borough Secretary shall be as follows:
 - a. One (1) copy of the plan and accompanying documentation to the Borough Engineer.
 - b. One (1) copy of the plan and accompanying documentation to the Borough Zoning Officer.
 - c. The remaining copies of the plan and documentation to the Borough Planning Commission. In addition, the record plan shall also be forwarded to the Borough Planning Commission.
6. Advisory action on the final plan by the Borough Planning Commission shall be taken in the same manner as for preliminary plans, Section 305.3, except subsection (b). In addition, if a final plan is approved, the Planning Commission Chairman shall sign the record plan and all prints for forwarding to the Borough Council along with a copy of their written decision. One print shall be retained by the Commission for file.
7. Borough Council action on final plan shall be governed as follows:

- a. Following receipt of the written decision from the Planning Commission, Borough Council shall consider the final plan at their next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified, and in addition, Borough Council may also schedule a public hearing before taking any action on the plan.
- b. Action on a final plan shall be taken by Borough Council and communicated to the developer not later than ninety (90) days following the receipt of a complete submission by the Borough. In their review, Borough Council shall consider the reports and recommendations of the Borough Planning Commission and the various other individuals and agencies to whom the plan was sent for review and comment. As a result of their review, Borough Council may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.
- c. The decision of Borough Council concerning the plan shall be in writing and shall be communicated to the developer not later than five (5) days following the meeting of which the decision is made, but still within the ninety (90) day limit. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this ordinance. Copies of the decision shall be sent to the Borough Planning Commission and Zoning Officer.
- d. Failure of Borough Council to render a decision and communicate it to the developer within the time and in the manner required by this ordinance shall be deemed an approval of the plan in terms as presented unless the developer has agreed in writing to an extension of time.
- e. Before any final plan is approved, the developer shall either install all the required improvements or shall provide for deposit with the Borough a corporate bond or other security acceptable to the Borough pursuant to the provisions of Section 309 of this ordinance.
- f. Failure to initiate the installation of improvements and demonstrate tangible evidence of construction other than earth moving work within three (3) years following approval of a final plan shall constitute grounds for Borough Council to consider the plan null and void unless an extension of time has been

requested in writing by the developer and a written approval granted by the Borough Council.

8. Recording of Plan

- a. Upon approval of the final plan by the Borough council, the developer shall within ninety (90) days of such final approval, record such plat in the office of the Somerset County Recorder of Deeds. No plan shall be recorded unless it has been given official final plan approval by the Borough Council.
- b. If the plan is not recorded within ninety (90) days, the approval by the Borough Council shall be null and void.

SECTION 308 – Final Plan Specifications

1. The final plans shall be drawn on tracing cloth or linen with blue-line or black-line prints at a scale of forty (40) feet to the inch. The sheet size shall be a minimum of fifteen (15) inches x twenty-four (24) inches or a maximum of thirty (30) inches x forty-two (42) inches. If the final plans are drawn in two (2) or more sections, it shall be accompanied by a key map showing the location of the sections.
2. The final plan shall show the following:
 - a. Name and address of developer.
 - b. Proposed name of development.
 - c. North arrow, scale, and date.
 - d. Name of registered engineer or surveyor responsible for the plan.
 - e. A location map showing the vicinity in which the proposed subdivision is located.
 - f. Primary control points approved by the Borough Engineer or description and “ties” to such control points, to which all dimensions, angles, bearings, and similar data on the plan shall be referred.
 - g. Tract boundary lines, rights-of-way lines of streets, easements, and other rights-of-way, and all property lines, with accurate dimensions, bearing the deflection angles, and radii, arcs, and central angles of all curves.

- h. Name and right-of-way width of each street or other right-of-way.
 - i. Location, dimensions, and purpose of all easements.
 - j. Number to identify each lot or site and street numbers of lots.
 - k. Purpose for which sites other than residential lots are dedicated or reserved.
 - l. Building setback lines on all lots and other sites.
 - m. Names of record owners of adjoining unplatted land.
 - n. Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.
 - o. Certification by registered engineer or surveyor attesting to the accuracy of the survey and plan.
 - p. Certification of title showing that the developer is the owner of the land or agent of the land owner.
 - q. Statement by owner dedicating streets, rights-of-way, and any sites for public use which are to be dedicated.
 - r. Proposed protective covenants running with the land, if any.
 - s. The location and types of erosion and sedimentation control, if any.
3. Accompanying Data
- a. All information required for the submission of the preliminary plan incorporating any changes requested by Borough Council.
 - b. Cross-connection drawings for all proposed streets, showing rights-of way, cartway widths, and location of sidewalks and planting strips.
 - c. Profile drawings of all proposed streets, showing existing and proposed grades.
 - d. Final approval by the Department of Environmental Resources of the appropriate component of the “Planning Module for Development” to meet the requirements of the Pennsylvania Sewage Facilities Act and the Clean Streams Act.

- e. Plans and profiles of proposed sanitary and storm sewers including grades and pipe sizes may be required as may also the plans for any proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
 - f. A storm water drainage plan.
 - g. Final plans for any bridges culverts, etc., which may be required.
 - h. Any other certificates, affidavits, endorsements, or dedications, etc. that may be required by the Planning Commission or Borough Council.
 - i. A street light plan showing the location of all lights, junction boxes, and any easements. From time to time Council will adopt by resolution standards for street light installation.
 - j. Where any excavation or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed, the developer shall consult the County Conservation District Representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a Grading and Excavation Permit if such is required.
4. Additional Accompanying Data for Flood-Prone Areas:
- a. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any designated flood-prone area. All such maps shall show contours at intervals of two (2) feet and identify accurately the boundaries of the flood-prone areas.
 - b. 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 any 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 of the proposed alteration or relocation. The Department of Community Affairs, and the Federal Insurance Administrator shall also be notified whenever any such activity is proposed.

SECTION 309 – Performance Bonds

1. No final plan shall be approved by Borough Council until the improvements required by this ordinance are constructed in a satisfactory manner and approved by Borough Council. In lieu of such construction, Borough Council may grant final approval prior to completion providing:
 - a. The developer enters into an agreement with Borough Council guaranteeing that the improvements will be installed in accordance with the plans, specifications, and schedules approved by Borough Council prior to plat approval. This agreement shall also guarantee that no lot will be sold or building constructed in any flood-prone area prior to completion of all protective works or measures planned for such lot and necessary access facilities.
 - b. Simultaneous with the execution of the agreement specified in (a) above, the developer offers a fiscal surety to guarantee performance of this agreement and installation of improvements by the developer/owner at their own expense in accordance with the approved plans, specifications, and schedules. The surety bond shall be for one hundred twenty-five (125) percent of the amount of the current estimated costs as determined by the Borough Engineer. The surety agreement shall be conditioned upon final approval of the plat. A corporate bond or other security acceptable to the governing body shall be offered by the developer, his agent, or an authorized bonding firm.
 - c. Such performance bond or other security shall run and be enforceable by the Borough not later than three (3) months after the date set in the bond schedule for completion of the improvements.
2. All such improvements shall be completed within two (2) years of final plan approval. An extension in time for the completion of improvements may be granted at the option of the Borough for a period not to exceed one (1) year.
3. Building permits may be issued by section for which improvements are completed and satisfactorily inspected. However, not certificate of occupancy shall be issued until all such improvements are completed, approved, and dedicated to the Borough.
4. Prior to offering any improvement to the governing body, the developer shall furnish a written guarantee (release of liens) that all

indebtedness incurred for supplies, material, labor furnished, or engineering and professional services in the construction or improvements shall have been paid in full and that there are no claims for damage or suits against the contractor involving such improvements.

SECTION 310 – Maintenance Bonds

1. The developer, prior to the dedication of any improvements, shall file a maintenance bond with the Borough. The amount of such bond shall be determined by Borough Council upon consultation with the Borough Engineer and Solicitor, and may be held for a period of twelve (12) months after final completion of such improvements for the purpose of:
 - a. Guaranteeing and securing the correction of any defect in material or workmanship not discernible at the time of final inspection or acceptance by the governing body, and;
 - b. Guaranteeing against any damage to such improvements by reason of the settling of the ground, base, or foundation thereof.
2. Such agreement shall provide that the bond may be applied by Borough Council for any amounts incurred correcting such defects. The balance of such deposit shall be returned by the governing body to the depositor, or paid to the order of the depositor without payment of interest by the governing body.

SECTION 311 – Inspection of Improvements

1. It shall be the duty of the Borough Engineer to monitor and inspect the installation of improvements during construction as well as making a formal final inspection upon notice by developer of completion as required below.
2. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the municipal governing body, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the municipal engineer. The municipal governing body shall, within ten days after receipt of such notice, direct and authorize the municipal engineer to inspect all of the aforesaid improvements. The municipal engineer shall, thereupon, file a report, in writing, with the municipal governing body, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the municipal engineer

of the aforesaid authorization from the governing body; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the municipal engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

3. The municipal governing body shall notify the developer, in writing by certified or registered mail, of the action of said municipal governing body with relation thereto.
4. If the municipal governing body or the municipal engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security.
5. If any portion of the said improvements shall not be approved or shall be rejected by the municipal governing body, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
6. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or otherwise, any determination of the municipal governing body or the municipal engineer.
7. Where here reference is made to the municipal engineer, he shall be a duly registered professional engineer employed by the municipality or engaged as a consultant thereto.

Article IV – DESIGN

SECTION 401 – General Standards

1. General standards that apply to all areas:
 - a. A subdivision or land development must be coordinated with existing development in the neighborhood so the entire area will be developed harmoniously.
 - b. In all subdivisions or land developments, every precaution shall be taken to preserve all natural features and historic features determined to be worthy or preservation by the Borough. Examples of such features would include, but not be limited to, large trees or stands of trees, watercourses, historic areas and structures, and scenic views.

To ensure the protection of such features, the Borough may require additional information to be submitted:

- i. A grading plan showing the existing and proposed ground elevations relative to the features.
 - ii. The accurate location of the features to be protected.
 - iii. An explanation of the precautions to be taken by the developer to protect such features.
- c. The Pennsylvania Clean Streams Act requires that all earthmoving activities within the Commonwealth shall be conducted in such a way as to prevent accelerated erosion and the resulting sedimentation; and that all persons engaged in earthmoving activities shall design, implement, and maintain erosion and sedimentation control measures which effectively prevent accelerated erosion and sedimentation. These measures must be set forth in a plan as required by the Pennsylvania Department of Environmental Resources and must be available at all times at the site of activity.
- d. In areas of a subdivision or land development where the average slope exceeds fifteen (15) percent, the Borough may recommend modifications to these regulations.
- e. Where the lots in a subdivision are large enough for re-subdivision or where a portion of the tract is not subdivided, suitable access shall be provided.

2. Additional Standards for Flood-Prone Areas:

- a. Where not prohibited by this or any other laws or ordinances, land located in flood-prone area(s) 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.
- b. No subdivision and/or land development, or part thereof, shall be approved if the proposed development and/or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.
- c. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area if the sites or dwelling units are elevated to a height at least one and one-half (1 ½) feet above the elevation of the regulatory flood elevation. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures.
- d. Building sites for structures or buildings other than for residential uses shall also not be permitted in any floodway area. Also, such sites for structures or buildings outside the floodway shall be protected as provided for in “c” above. However, the governing body may allow the subdivision and/or development of areas or sites for commercial and industrial uses at an elevation less than one and one half (1 ½) feet above the regulatory flood elevation if the developer otherwise protects the area to the height or assures that the buildings or structures will be flood proofed at least up to that height.
- e. If the Somerset Borough Council determines that only a part of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- f. When a developer does not intend to develop that plat himself and the Borough Council determines that additional controls are required to ensure safe development, it may require the developer to impose appropriate deed restrictions on the land.

Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

SECTION 402– Street Design

1. General

- a. The location and width of all streets shall conform to any official map or comprehensive plan or to such parts thereof as may have been adopted by the Borough.
- b. The proposed street system shall extend existing or recorded streets at the same width but in no case at less than the required minimum width.
- c. Where in the opinion of the Planning Commission it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property.
- d. New minor streets shall be designed so as to discourage through traffic, but the developer shall give adequate consideration to providing for the extension and continuation of major and collector streets into and from adjoining properties.
- e. Where a subdivision abuts an existing street of improper width or alignment, the Planning Commission may require the dedication of land sufficient to widen the street or correct the alignment.
- f. Private streets (streets not offered for dedication) shall meet the design standards of these regulations.

2. Streets in Flood-Prone Areas

The finished elevation of proposed streets shall not be less than the one hundred (100) year flood elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

3. Alleys

Alleys shall be prohibited except where found to be necessary.

4. Intersections

- a. Number of Streets – No intersection shall involve the junction of more than two (2) streets.

- b. Angle of Intersection – Right-angle intersections shall be used wherever possible. In no instance, however, shall streets intersect at an angle of less than seventy-five (75) degrees.
- c. Horizontal Alignment – Approaches shall follow a straight line for a distance of at least one hundred (100) feet from the intersection of the center lines.
- d. Vertical Alignment – Intersections shall be approached on all sides by leveling areas; such leveling areas shall have a minimum length of one hundred (100) feet (measured from the intersection of the center lines) within which no grade shall exceed a maximum of four (4) percent; furthermore the maximum grade within any intersection shall not exceed one (1) percent in any direction.
- e. Intersection Sight Distance – Proper sight lines shall be provided and maintained at all intersections. Measured along the street center line at a height of three (3) feet, there must be a clear sight triangle of seventy-five (75) feet. Where either of the two (2) streets is a collector street a clear sight triangle of one hundred (100) feet shall be required and where either of the two (2) streets is an arterial a clear sight triangle of one hundred fifty (150) feet shall be required. No building structure or other visual obstruction shall be located within this triangle area.
- f. Intersection Curb Radii – Design of curb of edge of pavement must take into account such factors as types of turning vehicles, likely speeds of traffic, angle of turn, etc., but in no instance shall the radius of the curb or edge of pavement be less than the following:

<u>Intersection</u>	<u>Curb Radius</u>
Minor with Minor Street	15 feet
Minor with Collector	25 feet
Collector with Collector	35 feet

- g. Distance Between Intersections – Minor and collector streets shall not intersect arterial streets on the same side at less than eight hundred (800) foot intervals and shall be in alignment with any existing or proposed streets intersecting from the opposite side.

5. Streets Not in Alignment

If streets are not in alignment, the distance between the center lines of streets opening on opposite sides of an existing or proposed street shall be no less than one hundred fifty (150) feet.

6. Sight Distance

Sight distance must be provided with respect to both horizontal and vertical alignment. Measured along the center line, from height of eye of 3.75 feet to height of object on roadway of 0.5 feet, this sight distance must be as follows:

Collector Street	= 200 feet
Minor Street	= 100 feet

7. Curves

Where connecting street lines deflect from each other at any one point by more than ten (10) degrees, the line must be connected with a true, circular curve. The minimum radius of the center line for the curve must be as follows:

Collector Street	= 300 feet
Minor Street	= 150 feet

Straight portions of the street must be tangent to the beginning or end of curves. Except for minor streets, there must be a tangent of at least one hundred (100) feet between reverse curves.

8. Street Widths

a. Minimum street right-of-way and cartway shall be as follows:

<u>Class</u>	<u>Right-of-Way</u>	<u>Cartway</u>
Arterial	- as determined by the Planning Commission after consultation with the Borough Engineer and PennDot.	
Collector	60 feet	36 feet
Minor	50 feet	30 feet
Cul-de-sac	50 feet	30 feet
Marginal Access	40 feet	24 feet
Alley or Service Drive	20 feet	20 feet

b. Provisions for additional street width (right-of-way, cartway, or both) may be required when determined to be necessary by the Planning Commission in specific cases for:

i. Public safety and convenience.

- ii. Parking in commercial and industrial areas and in areas of high density development.
- iii. Widening of existing streets where the width does not meet the requirements of the preceding paragraphs.

9. Cul-de-sac Streets

Cul-de-sac streets designed to be so permanently shall not exceed five hundred (500) feet in length, and in residential areas, shall not serve more than twenty (20) dwelling units. The paved turn-around shall have a minimum diameter of eighty (80) feet and a legal right-of-way of one hundred (100) feet in diameter. In non-residential areas, cul-de-sac streets may exceed five hundred (500) feet in length when, under special circumstances, the Planning Commission deems such additional length necessary.

10. Street Grades

- a. The minimum grade of all streets shall not be less than one half percent (0.5%). The maximum grade shall be as follows:

Arterial	- as determined by the Planning Commission after consultation with the Borough Engineer and PennDot.
Collector	- seven (7) percent
Minor	- ten (10) percent
Alleys	- ten (10) percent

- b. Vertical curves shall be used in changes of grade where the difference exceeds one (1) percent and shall be designed for maximum visibility.

11. Slope of Banks Along Streets

The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:

- a. One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
- b. One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.

12. Partial and Half-Streets

The dedication of half-streets at the perimeter of new subdivisions is prohibited.

13. Names of Streets

Names of new streets shall not duplicate or approximate existing or platted street names, or approximate such names by the use of suffixes such as "lane," "way," "drive," "court," or "avenue." In approving the names of streets, consideration should be given to existing or platted street names within the postal delivery district served by the local post office. New streets shall bear the same name or number of any continuation or alignment with an existing or platted streets.

14. Reserve Streets

Controlling access to streets by reserve strips is prohibited except where their control is definitely placed in the Borough under conditions approved by the Borough. A reserve strip is a parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

SECTION 403 – Blocks

1. General

The length, width, and shape of blocks shall be determined with due regard for:

- a. The provision of adequate sites for buildings of the type proposed.
- b. Topography.
- c. Any other codes, plans, or ordinances.
- d. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

2. Block Length

The length of residential blocks shall not ordinarily exceed five hundred (500) feet or be less than two hundred fifty (250) feet.

3. Block Depth

The residential blocks shall be of sufficient depth to accommodate two tiers of lots except where prevented by the size, topographical conditions, or other inherent conditions or property, in which case the Planning Commission may approve a single tier of lots.

4. Commercial or Industrial Blocks

Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by the nature of the use. In all cases, however, adequate provision shall be made for off-street parking and loading areas, as well as for traffic circulation and parking for customers and employees, as may also be required by the Borough's Zoning Ordinance.

SECTION 404 – Lots

1. General

- a. The size, shape, and orientation of lots shall be appropriate for the type of development use contemplated. Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.
- b. Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
- c. Generally, the depth of residential lots shall be not less than one (1) not more than two and one-half (2 1/2) times their width.
- d. Depth and width of parcels intended for non-residential area shall be adequate for the use proposed and sufficient to provide satisfactory space for onsite parking, loading and unloading, setbacks, and landscaping.
- e. If, after subdividing, the exists remnants of land, they shall be either incorporated in existing or proposed lots, or legally dedicated to public use, if acceptable to the municipality.

2. Lot Frontage

- a. All lots shall front on a public street, or on a private street if it meets the requirements of these regulations.
- b. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential,

commercial, or industrial developments from arterial or major street to overcome specific disadvantages or topography and orientation.

- c. A planting screen easement of at least ten (10) feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such traffic artery or other disadvantageous use.

3. Lot Dimensions

See the Somerset Borough Zoning Ordinance.

4. Permits for Individual Sewage System

- a. The developer shall arrange for soils evaluation tests to be made on all tracts not served by sanitary sewers.
- b. Soils evaluation tests shall be conducted in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Resources.
- c. The results of the soils evaluation tests shall be submitted to the Planning Commission in a report signed by the developer and by the Pennsylvania Department of Environmental Resources or other officially designated agent responsible for administration of sewage facilities.
- d. From the results of the soils evaluation tests, the lot size shall be established large enough to provide for the specified minimum area required for the absorption fields as prescribed by the Department of Environmental Resources Rules and Regulations, but in no case shall the lot size be less than the requirements of the Borough Zoning Ordinance.
- e. The approval of the Planning Commission shall not be given to a development where individual sewage systems are to be provided, unless the size of lots, the results of the soils evaluations tests, and the disposal system conform to the Department of Environmental Resource's Rules and Regulations.
- f. For lots lacking permits for individual sewage systems, the developer shall note in land sale contracts that there is no community sewage system available, that a permit for an individual system will have to be obtained, and any other disclosure information as required by Act 280 of 1976.

5. Lot sizes and Slopes

The minimum lot area established may be increased by the Planning Commission if reports from the Borough's Sewage Enforcement Officer or the Soil Conservation Service indicate that because of slope or surface runoff, subsurface drainage of septic tank effluent is likely to result in a hazardous condition.

6. Wedge-Shaped Lots

In the case of wedge-shaped lots, no lot shall be less than fifty (50) feet in width measured along the arc at the front street right-of-way line.

7. Corner Lots

Corner residential lots must have enough extra width to permit appropriate setbacks from both streets.

8. Building Setbacks

Refer to the Somerset Borough Zoning Ordinance.

9. Side and Rear Yard Setbacks

Refer to the Somerset Borough Zoning Ordinance.

10. Off-street Parking

Refer to the Somerset Borough Zoning Ordinance.

11. Access Driveways

- a. Where access is to a state road or highway, a written permit of authorization must be obtained from the District Office of the Pennsylvania Department of Transportation approving the location, design, and mode of construction of that portion of the driveway within the state right-of-way. The design, construction, and maintenance of such driveways shall conform to Pennsylvania Department of Transportation Regulations, Chapter I, Regulation 100.
- b. Driveways without direct access to a state highway shall conform to Borough Ordinance 1031.

SECTION 405 – Easements

1. Utility easements shall be provided for wires, conduits, storm and sanitary sewers, gas, water, and/or other utility line intended to service abutting lots. No structures or trees shall be placed within such easements. Local utility companies shall be consulted by the developer when locating utility easements.
 - a. The minimum width of such easements shall be fifteen (15) feet.
 - b. Wherever possible, such easements shall be centered on side or rear lot lines.
2. In residential subdivisions of five (5) or more dwelling units, electric, telephone, and cable TV utility distribution and service lines shall be installed underground in compliance with the rules and regulations of the Pennsylvania Public Utility Commission.
3. In residential subdivisions of less than five (5) dwelling units, except where it is demonstrated to the satisfaction of the Planning Commission that underground installation is not feasible because of the physical condition of the lands involved, all electric, telephone, and cable TV utility distribution and service lines shall be installed underground.

Article V – IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

SECTION 501 – Monuments and Markers

Monuments and markers must be placed so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the finished grade of the surrounding ground. Monuments must be marked on top with a copper or brass plate or dowel set in concrete.

1. Monuments shall be set:
 - a. At the intersections of all right-of-way lines.
 - b. At the intersection of lines forming angles in the boundaries of the subdivision.
 - c. At such intermediate points as may be required by the Engineer.

Monuments shall be six (6) inches square or six (6) inches in diameter, thirty-six (36) inches long and made of concrete, stone, or by setting a four (4) inch cast iron or steel pipe filled with concrete.

2. Markers

Markers shall be set:

- a. At all lot corners except those monumented.
- b. Prior to the time the lot is offered for sale.

Markers shall be three quarters (3/4) of an inch square or three-quarters (3/4) of an inch in diameter, fifteen (15) inches long. Markers shall be made of iron pipe or iron or steel bars.

SECTION 502– Streets

1. Street improvements shall be installed to the grades and dimensions drawn on the plans, profiles, and cross-sections submitted by the developer and approved by the Planning Commission. Before installing the street base the developer shall install all required utilities and provide, where necessary, adequate storm water drainage for the street acceptable to the Planning Commission and Borough Engineer.

2. All street construction shall be in accordance with Borough specifications.
3. The Planning Commission shall decide if a collector or arterial street is required as a direct result of the construction of the development.

SECTION 503 – Sewers and Water

1. All properties shall be connected to a public sanitary sewer system when possible.
2. Where a public sanitary sewer system is not accessible but is planned within five (5) years for extension to the development or within one thousand (1,000) feet of the development, the developer shall install sewer lines, including lateral connections, to provide adequate service to each lot when connection with the public system is made. The sewer lines shall be capped at the limits of the development and the laterals shall be capped at the street right-of-way. When capped sewers are provided, on-site disposal facilities shall also be provided.
3. Where connection to a public sanitary sewer system is not possible or feasible, an approved individual sewage disposal system consisting of a septic tank and tile absorption field or other approved sewage disposal system shall be permitted. All such individual sewage disposal systems shall be constructed in accordance with Pennsylvania Department of Environmental Resources regulations.
4. All sanitary sewer systems located in flood-prone areas, whether public or private, shall be flood-proofed up to a point one and a half (1 ½) feet above the Regulatory Flood elevation.
5. The Planning Commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The Planning Commission may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.
6. Where a water main supply system is within one thousand (1,000) feet of, or where plans approved by the municipality provide for the installation of such public water facilities within five (5) years, the developer shall provide the development with a complete water main supply system to be connected to the existing or proposed water main supply system in accordance with the Borough's specifications.

7. If connection to a public water supply system is not possible, the feasibility of constructing a separate water supply system shall be investigated and a report submitted setting forth the findings.
8. Where neither of the above alternatives are possible or feasible, an individual water supply system shall be permitted. All such individual systems shall meet all applicable regulations of the Pennsylvania Department of Environmental Resources.
9. All water systems located in flood-prone areas, whether public or private, shall be flood-proofed to a point one and a half (1 ½) feet above the Regulatory Flood elevation.

SECTION 504 – Storm Water Management

1. General

The purpose of storm water management is to control surface runoff in urbanizing areas to reduce the volume and/or rate of runoff in order to:

- a. Prevent damage to private property and possible loss of life due to flooding resulting from excessive rates and velocities of runoff.
- b. Maintain the adequacy of natural stream channels and prevent accelerated bank erosion by controlling the rate and velocity of runoff discharge to these watercourses, so as to avoid increasing occurrence of stream bank overflow.
- c. Prevent degradation of the stream biota caused by excessive flushing and sedimentation.
- d. Preserve present adequacy of culverts and bridges by suppressing artificially induced flood peaks.
- e. Reduce private and public expenditures for replacement or repair of private and public facilities resulting from artificially induced flood peaks.
- f. Enhance the quality of surface runoff by water retention measures.
- g. Enhance groundwater supplies by promoting infiltration and recharge through retention measures.
- h. Permit unimpeded flow of natural watercourses except as modified by storm water detention facilities required by Subsection 12.

- i. Ensure adequate drainage of all low points along the line of streets.
- j. Intercept storm water runoff along streets at intervals related to the extent and grade of the area drained.
- k. Provide positive drainage away from on-site sewage disposal systems.
- l. Take surface water from the bottom of vertical grades, lead water from springs, and avoid excessive use of cross-gutters at street intersections and elsewhere.

2. Runoff Rate

- a. The developer shall ensure that the rate of runoff leaving his property shall not exceed the rate prior to development unless planned and coordinated retention facilities located elsewhere in the watershed will accommodate the excess runoff.
 - 1) Where farm field or disturbed earth is the proper condition, good pasture or lawn shall be used as the natural condition or starting base for calculation instead of the actual condition.
 - 2) In cases where the developer chooses to rely on retention facilities constructed elsewhere in the watershed by the Borough with the concurrence of the Borough, the developer shall pay a fee to the Borough.
- b. An exception to the “zero increase in runoff rate” policy may be made for any portion of the site located in the S.C.S. delineated high groundwater table area, or if the capacity of retention facilities needed to comply is calculated to be less than one thousand (1,000) cubic feet per acre in residential developments involving less than five dwelling units.

3. Storm Water Management Plan

A storm water management plan for the proposed subdivision or development tract shall be prepared which illustrates the following information:

- a. A location map showing the site in relation to the watershed.
- b. Calculations of runoff for all points of runoff concentration.

- c. Complete drainage systems for the subdivision or development. All existing storm water management features which are to be incorporated in the design shall be so identified. If the subdivision is to be developed in stages, a general storm water management plan for the entire subdivision shall be presented with the first stage and appropriate development stages for the storm water management system shall be indicated.
4. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
5. No storm water runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands without approved provisions being made by the developer for the properly handling such conditions.
6. Storm water management facilities shall be designed to convey through the land development the peak design runoff that will occur when all tributary areas upstream are fully developed. The calculation of this runoff rate shall take into account the land use and development regulations including runoff controls in effect in the tributary areas.
7. Where a subdivision or development is traversed by a watercourse, there shall be provided a drainage easement conforming substantially with the line of such watercourse, and of such width as will be adequate to provide for unimpeded flow of storm runoff based on calculations made in conformance with Subsection 12. The terms of the easement shall prohibit excavation, the placing of till or structures, and any alterations which may adversely affect the flow of storm water within any portion of affect the flow of storm water within any portion of the easement. Also, periodic cutting of vegetation in all portions of the easement shall be required.
8. Drainage facilities that are located on State highway rights-of-way shall be approved by the Pennsylvania Department of Transportation and a letter indicating such approval shall be directed to the Borough Planning Commission.
9. All streets shall be so designed as to provide for the discharge of surface water away from their cartways and, as far as practical, away from their rights-of-way. The slope of the crown on proposed streets shall not be less than one-eighth (1/8) of an inch per foot and not more than one-third (1/3) of an inch per foot unless the Borough Engineer determines that conditions warrant use of a different slope.

10. Storm water management facilities and appurtenances shall be so designed and provided as to minimize erosion in watercourse channels and at all points of discharge.

11. Storm Water Detention Areas

Where detention ponds are included as part of the storm water management system, the following provisions will apply:

- a. Detention ponds shall be designed so that they return to normal conditions within approximately twenty-four (24) hours after the termination of the design storm, unless the Borough Engineer finds that downstream conditions may warrant other design criteria for storm water release.
- b. The developer shall demonstrate that such ponds are designed, protected, and/or located to assure that public safety is maximized and health problems are prevented.
- c. If the lands of the proposed land development will remain in common ownership, the developer shall provide written assurances to the Borough that the detention ponds will be properly maintained.
- d. If the lands of the proposed land development will be conveyed to two or more separate owners, the developer shall provide written assurances (such as deed restrictions) to the Borough that the detention ponds will be properly maintained, or offer to dedicate the land on which the detention ponds are located to the Borough which shall then be responsible for maintaining the detention ponds.

12. Dual System/Engineering Methods

- a. Storm water management facilities shall be designed to provide protection from both minor or frequent storms and major storms. The initial drainage system shall be designed to accommodate runoff generated by frequent storms up to a minimum frequency of ten (10) years. The major drainage system shall handle a storm of a minimum twenty-five (25) year frequency. *

Storm drainage facilities shall be designed to meet the following criteria:

* Rainfall intensity-duration curves for Somerset, Pennsylvania as published in the U.S. Weather Service Technical Paper No. 40 indicate 4.80 inches of rainfall for a twenty-four (24) hour storm of a twenty-five (25) year frequency.

Design Standards: (Higher standards may be implemented by developer for maximum legal protection.)

Criteria:

Minor or Primary System	Ten (10) year storm frequency
Grass Waterways, Swales, Diversions	Variable (two (2) – ten (10) year minimum)
Major or Secondary System	Minimum twenty-five (25) year storm
Outlet Discharge (pipe spillway)	Twenty-five (25) year storm or less (i.e., two (2), or ten (10) recommended) Note: The outlet system may be routed for a two (2) – twenty-five (25) year storm.
Emergency Spillway	Twenty-five (25) year storm
Maximum Velocity at Pipe Outlets	Use Soil Erosion/Sedimentation control manual, January, 1974 as a guideline (section: permissible velocities for channels.)

b. Engineering Methodology

The soil cover complex method is the preferred design criteria; however, other acceptable engineering methods may be used with the approval of the Planning Commission. Complete calculations shall be certified by a registered engineer and submitted to substantiate all design features.

c. The Manning equation shall be used in calculating capacities of culverts, storm sewers, and open channels.

d. Materials and construction requirements shall meet specifications and procedures acceptable to the Borough.

SECTION 505 – Curbs and Gutters

1. Curbs shall be installed on each side of the street and the type of curbing shall be determined by the Planning Commission and Borough Engineer.
2. When making new installations of curbs and sidewalks, ramps may be installed at all crosswalks, where feasible, for the convenience of handicapped persons, in accordance with Chapter 8 “Pedestrian Facilities,” Pennsylvania Department of Transportation Design Manual Part 2.
3. Curbing shall be constructed in accordance with Borough specifications.
4. Curbs constructed within a state right-of-way must obtain an occupancy permit from the District Office of PennDot; all construction must be in accordance with PennDot Standards and specifications.

SECTION 506 – Sidewalks

Portland cement concrete sidewalks shall be installed on each side of the street in accordance with Borough specifications (See Sidewalk Ordinance No. 1056).

1. Sidewalks shall be within the right-of-way of the street and shall extend in width from the right-of-way line toward the curb line except that a permeable buffer between the sidewalk and street shall be installed. The buffer may be planted with grass, shrubs, or a bed of gravel.
2. Sidewalks shall be four (4) feet wide in single-family residential areas and at least five (5) feet wide when serving multi-family residential areas or other uses.
3. Sidewalks constructed within a state right-of-way must obtain an occupancy permit from the District Office of the Pennsylvania Department of Transportation; all construction must be in accordance with PennDot standards and specifications.

SECTION 507 – Street Lights

A street light meeting Borough specifications, shall be installed at one (1) corner of every intersection.

SECTION 508 – Street Signs

Street name signs shall be placed at one (1) corner of every intersection. The design must be according to Borough specifications.

SECTION 509 – Public Utilities and Facilities

Public and/or private utilities and facilities shall be elevated or flood-proofed to a point one and one-half (1 ½) feet above the regulatory flood elevation.

SECTION 510 – Street Trees

Shade trees shall be planted by the developer at intervals of between fifty (50) feet and seventy (70) feet along both sides of all streets of the development. The trees shall be centered in the buffer strip between the sidewalk and curb or edge of pavement. Each tree shall be at least eight (8) feet in height and have a diameter of at least one and one-half (1 ½) inches.

The following is a list of preferred trees which may be used:

Acer Plantanoides (and vars.)	Norway Maple
Acer Pseudoplatanus	Sycamore Maple
Acer Saccharum	Sugar Maple
Faxinus Pennsylvania Lanceolata	Green Ash
Gleditsia Triacanthos Inermis “Moraine”	Moraine Locust
Platanus Acerifolia	London Planetree
Quercus Borealis	Red Oak
Quercus Coccinea	Scarlet Oak
Quercus Palustris	Pine Oak
Quercus Phellos	Willow Oak
Tilia Cordata	Littleleaf Linden
Tilia Euchlora	Crimean Linden
Tilia Europarea	European Linden
Tilia Tomentosa	Silver Linden
Zelkova Serrata	Japanese Zelkova

The use of any tree other than those listed above will require the approval of the Planning Commission.

SECTION 511 – Installation and Completion of Improvements

1. Before starting any construction or installation of improvement, the developer shall notify the Borough of his intention to initiate such work. The Borough shall authorize the Borough Engineer to monitor and inspect the installation of improvements during their construction. When the developer has completed all the necessary and appropriate improvements, he shall notify Borough Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. Borough Council shall within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with Borough Council, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portions thereof shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
2. Borough Council shall notify the developer, in writing, by certified or registered mail, of the action of said Borough Council with relation thereto.
3. If Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to its performance guaranty bond or other security agreements.
4. If any portion of the said improvement shall not be approved or shall be rejected by Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

SECTION 512 – Remedies to Effect Completion of Improvements

In the event that any improvements which may be required have not been installed in accord with the approved final plan, Somerset Borough Council is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said

security, Borough Council may, at its option, install part of such improvements in all or part of the developer and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting either from the security or from any legal or equitable action brought against the developer or both, shall be used solely for the installation of the improvements covered by such security, and not for any other purpose.

SECTION 513 – Dedication of Improvements

Upon installation by the developer and subsequent final inspection by the Borough Engineer, the developer shall take final steps to dedicate the improvements and have them accepted by the Borough of Somerset. The recording of the final plan, following approval by Somerset Borough Council has the effect of an irrevocable offer to dedicate all streets and other public ways and areas to public use. The offer, however, does not impose any duty on the Borough concerning maintenance or improvement until the proper authorities of the Borough have made actual acceptance, either by ordinance or by resolution.

The developer, prior to the dedication of any improvements, shall file a maintenance bond with the Borough in accordance with Section 310.

SECTION 514 – Private Streets

Wherever a developer proposed to establish a street, which is not offered for dedication, he shall submit a copy of a statement signed by the Borough Solicitor that he has made an agreement on behalf of his heirs and assigns with the Borough. Said agreement shall be subject to the Borough Solicitor's approval and shall be filed with the development plan. Said agreement shall establish the conditions under which the street or streets may later be offered for dedication and shall stipulate among other things:

- a. That the street shall be in a good state of repair as certified by the Borough Engineer, or that the owners of the lots along it agree to include with the offer of dedication sufficient money, as estimated by the Borough Engineer, to restore the street to a good repair.
- b. That an offer to dedicate the street shall be made only for the street as a whole.
- c. The method of assessing repair costs.

SECTION 515 – Dedication of Lands for Local Recreation and Other Public Use

Where a proposed park, [playground, open space, school, or other public site is shown on the Somerset Borough Comprehensive Plan, the developer may be requested to dedicate all or part of such a site in accordance with the following:

- a. The land to be dedicated must be suitable in size, shape, topography, and general character for the proposed use.
- b. The amount of land requested for the dedication may not exceed 0.02 acres of land for each lot or number of dwelling units shown on the final plan.

SECTION 516 – Reservations

Where sites are identified for eventual public acquisition in an official map ordinance or an adopted comprehensive land use plan, no building or development shall be permitted for a period of twelve (12) months after the owner of such property submits an application to build or develop and applies for necessary permits. The reservation for public grounds shall then lapse within twelve (12) months unless the landowner consents in writing to an extension of time or the Borough Council begins condemnation proceedings.

Article VI – MOBILE HOME PARKS

This Article contains provisions setting forth minimum standards for the design, construction, alteration, extension, and maintenance of mobile home parks and related utilities and facilities. Provisions are also included authorizing the issuance of permits for such construction, alteration, and extension of mobile home parks, the licensing of those who operate mobile home parks, the inspection of mobile home parks by authorized Borough officials; and the fixing of penalties for the violation of any of these provisions.

SECTION 601 – Definitions

1. License – written approval, in whatever form as issued by the Borough of Somerset annually, authorizing a person to operate and maintain a mobile home park.
2. Mobile Home – a transportable, single-family dwelling intended for permanent occupancy, office, or place of assembly contained in one unit, or in two 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 or incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.
3. Mobile Home Lot – a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot.
4. Mobile Home Park – a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use, consisting of two or more mobile home lots.
5. Person – any individual, firm, trust, partnership, public or private association or corporation, or other entity.
6. Recreation Vehicle – a vehicle which is designed for human occupancy under transient circumstances, such as camping, travel, or other recreation, sometimes variously known as a “travel trailer” or a “camping trailer.”
7. Service or Recreational Building – a structure housing operational office, recreational, park maintenance, and other facilities built to conform to required local standards.

SECTION 602– Plan Approval for Mobile Home Park Construction, Alteration, or Extension

1. Permits Required

It shall be unlawful for any person to construct, alter, or extent any mobile home park within the limits of Somerset Borough unless a valid certificate has been issued by the Pennsylvania Department of Environmental Resources, in the name of such person for the specific construction, alteration, or extension proposed, and also a plan approval and license by the Borough of Somerset.

2. Application to the Pennsylvania Department of Environmental Resources

All applications for a Certificate of Registration shall be made by the owner of the mobile home park or his authorized representative to the Pennsylvania Department of Environmental Resources in accordance with their rules and regulations.

3. Application to Borough Concerning Mobile Home Parks

Copies of the application submitted to the Pennsylvania Department of Environmental Resources shall be concurrently filed with the Borough Secretary. Such application shall be accompanied by a plan at a scale not smaller than one (1) inch equaling forty (40) feet and containing the following information:

- a. All information as required by the Pennsylvania Department of Environmental Resources.
- b. Name of mobile home park.
- c. Name and address of owner of record and/or applicant.
- d. Name of engineer, surveyor, or other qualified person preparing plan.
- e. North arrow, scale, and date of plan preparation.
- f. Location map.
- g. Site data:
 - number of mobile home lots
 - total number of acres

- number of lots/acres
 - zoning district – conditional use approved
 - number of off-street parking spaces
- h. Topography showing existing and proposed contours at intervals of two (2) or five (5) feet, depending upon the slope of the land.
 - i. The location of any existing bodies of water or watercourses, flood plain areas, tree masses, buildings or structures, public facilities, and any other man-made or natural features within or near the proposed mobile home park area.
 - j. A storm water management plan.
 - k. Existing and proposed property, lot and boundary lines, including setback lines, and information concerning lot dimensions, lot areas, and the location of all utilities and easements.
 - l. Location and dimension of all mobile home stands.
 - m. The location of all existing and proposed streets with information concerning pavement widths, types of paving, and street names.
 - n. Typical cross-sections of all streets.
 - o. Street center line profiles.
 - p. Location of all off-street parking areas.
 - q. Location and dimension of all pedestrian ways and sidewalks.
 - r. Location of proposed recreation areas.
 - s. Location of all plantings and landscaping.
 - t. Location, dimensions, and proposed use of all service and accessory structures.
 - u. Location any type of all fire extinguishers and waste containers.
 - v. Location of bench mark and datum used.

- w. Location of proposed monuments and markers.
 - x. Engineer's or surveyor's seal with certification that survey and plan are correct.
 - y. Block for approval by Planning Commission.
 - z. Block for approval by Borough Council.
4. Review of Plans and Issuance of Permit
- a. with the exception of Section 306 Preliminary Plan Specifications and Section 208 Final Plan Specifications, the procedures to be followed in reviewing proposed plans which have been submitted to the Borough for approval, shall be the same as those contained in Article III of this ordinance.
 - b. At the time a final plan is approved, Borough Council shall authorize the Zoning Officer to issue a permit to the applicant.
5. Plan Review Fees

Each application for a preliminary plan approval shall be accompanied by a fee in accordance with the provisions of the fee schedule established in the appendix to this ordinance.

SECTION 603 – Registration and Licensing

1. License Required

It shall be unlawful for any person to operate any mobile home park within the limits of the Borough unless he holds a Certificate or Registration issued annually by the Pennsylvania Department of Environmental Resources, and a license issued annually by the Borough of Somerset.

2. Renewal Licenses

Annual licenses shall be issued by the Somerset Borough Zoning Officer upon the furnishing of proof by the applicant that his park meets the standards prescribed by the Pennsylvania Department of Environmental Resources, this ordinance, and the Somerset Borough Housing Code.

3. Application to Borough for Annual License

Application for initial or renewal licenses to operate a mobile home park shall be made, in writing, to the Borough zoning Officer using a form furnished by the Borough. All such applications shall be accompanied by a fee of one hundred dollars (\$100.00) and shall contain any change in the information submitted since the original license was issued or latest renewal issued.

4. Transfer of Ownership

Every person holding a Department of Environmental Resources Certificate and/or Borough license shall file a written notice to the Pennsylvania Department of Environmental Resources and the Somerset Borough Zoning Officer within ten (10) days after having sold, transferred, given away, or otherwise disposed or, interest in or control of any mobile home park. If the Certificate of Registration and/or license is transferred by the Pennsylvania Department of Environmental Resources, proof of such transfer shall be furnished to the Borough Zoning Officer.

5. Suspension

Whenever, upon inspection of any mobile home park, it is determined that conditions or practices exist which are in violation of any provisions of this ordinance, or of any regulations adopted pursuant thereto, the Somerset Borough Zoning Officer shall give written notice to the person to whom the Department of Environmental Resources Certificate of Registration and Borough license was issued, advising him that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license to operate in the Borough shall be suspended. At the time end of such period, such mobile home park shall be inspected and if such conditions or practices have not been corrected, and the licensee has not requested a hearing, the Zoning Officer shall suspend the license and give notice, in writing, of such suspension to the person to whom the certificate and license is issued.

SECTION 604 – Inspection of Mobile Home Parks

The Somerset Borough Zoning Officer or other authorized Borough representative may inspect a mobile home park periodically to determine compliance with this ordinance. As a result of such inspection, the Zoning Officer may give notice for any violation of this ordinance.

SECTION 605 – Design and Construction Requirements

1. Minimum Park Area

A mobile home park shall have a gross area of at least four (4) acres, except that the minimum area may be two (2) acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of four (4) acres or more.

2. Site Location

The location of all mobile home parks shall comply with the following minimum requirements:

- a. Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.
- b. Not subject to flooding.
- c. Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, heat, odor, glare, etc.

3. Storm Water Management

- a. The ground surface in all parts of a park shall be graded and equipped to drain surface water in a safe, efficient manner. Where necessary, storm sewers, culverts, and related facilities shall be provided to permit the unimpeded flow of natural watercourses and ensure the adequate drainage of all locations within the park.
- b. A drainage plan in accordance with the provisions of Section 504 shall be prepared and submitted prior to the granting of a plan approval or license for any mobile home park.
- c. All storm water facilities shall be kept completely separate from any sanitary waste facilities

4. Soil and Ground Cover Requirements

- a. Ground surfaces in all parts of every park shall be paved, covered with stone or other acceptable material, or planted with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.
- b. Park grounds shall be maintained free of vegetative growth which is poisonous or which may harbor rodents, insects, or other pests.

5. Park Areas for Non-Residential Uses

- a. No part of any park shall be used for non-residential purposes, except such uses that are required for direct servicing, management or maintenance of the park and its residents.
- b. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home lot and connected to utilities.

6. Setbacks, Buffer Strips, and Screening

- a. Mobile homes shall be located at least sixty (60) feet from the center line of any abutting existing or proposed public local street, seventy (70) feet from the center line of any abutting existing or proposed public collector street.
- b. There shall be a minimum distance of twenty-five (25) feet between an individual mobile home, including accessory structures attached thereto, and adjoining pavement of a park street, or common parking area or other common areas and structures.
- c. Mobile home parks shall provide a screen planting (trees, shrubs) along the property boundary line separating the park and adjacent uses. The landscaped strip shall provide an open space of fifty (50) feet along the street frontage with a collector or arterial street and twenty-five (25) feet wide and along all other boundary lines or street frontages.
- d. Mobile homes shall be located at least twenty-five (25) feet from any park property line and at least ten (10) feet from any side or rear mobile home lot line.

7. Placement of Mobile Homes

- a. Mobile homes shall be separated from each other and from other buildings, structures, and outdoor living areas by at least twenty (20) feet on all sides.
- b. An enclosure of compatible design and material shall be erected around the entire base of each mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- c. All mobile homes shall be properly placed upon a mobile home stand and securely fastened to the foundation.

8. Park Street System

- a. A safe and convenient vehicular access shall be provided from abutting public streets or roads.
- b. The entrance road, or area, connecting the park with a public street or road shall have a minimum pavement width of thirty-six (36) feet.
- c. Other internal streets shall be as follows:
 - 1. Where parking is permitted on both sides, a minimum width of thirty-six (36) feet will be required.
 - 2. A minimum pavement width of twenty-eight (28) feet will be required where parking is limited to one (1) side.
 - 3. A minimum pavement width of twenty-five (25) feet will be required if no on-street parking is allowed.
 - 4. Dead end streets shall be provided at the closed end with a paved turn-around having an outside diameter of at least sixty (60) feet.
- d. Grades of all streets shall be at least 0.5 percent and not more than 8.0 percent.
- e. Intersections of more than two (2) streets are prohibited.
- f. Within one hundred (100) feet of an intersection, streets shall be approximately right angles. In no case shall streets intersect at less than seventy-five (75) degrees.
- g. If intersecting streets are not in alignment, a distance of at least one hundred twenty-five (125) feet shall be provided between the center line of intersecting streets.
- h. Minimum curb or edge of pavement radii at intersections shall be as follows:

Minor street with minor street	15 feet
Minor street with collector street	20 feet
Collector street with collector street	20 feet

- i. All streets shall be constructed in accordance with Borough specifications.
- j. All streets within a mobile home park shall be privately owned and maintained.

9. Off-Street Parking Areas

A paved off-street parking space for two (2) motor vehicles shall be provided at each mobile home lot.

10. Walks

- a. All mobile home parks shall be provided with pedestrian walks on both sides of the street. Such walks shall be at least three and one-half (3 ½) feet in width.
- b. All mobile home lots shall be connected to a pedestrian walk with an individual walk at least two (2) feet in width.
- c. All pedestrian walks shall be constructed of a hard, durable, all-weather material that can be easily maintained, in accordance with Borough specifications.

11. Mobile Home Lots

- a. All lots shall abut and be accessible from a park street.
- b. Mobile home lots within the park shall have a minimum area of four thousand (4,000) square feet and a minimum width of forty (40) feet frontage in any direction.
- c. Each mobile home lot shall be improved to provide a hard surfaced mobile home stand and adequate frost-free foundation for the placement of the mobile home unit.

12. Recreation Areas

- a. In all mobile home parks a recreation area, or in areas, with suitable facilities shall be maintained within the park for the use of all park residents.
- b. Land required for such recreation areas shall not be less than ten (10) percent of the gross area of the mobile home park.

13. Outdoor Living Area

An outdoor living and service space shall be provided for each mobile home as follows:

- a. Such space shall be located for privacy, convenience, and optimum use.
- b. The minimum size of such space shall be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet.
- c. A paved or hard surface area shall be provided which shall be at least one hundred (100) square feet in area with a least dimension of ten (10) feet.
- d. Visual barriers such as walls, fences, or planting shall be of a size and character to assure reasonable privacy and visual appeal.

SECTION 606 – Water Supply

1. General

All mobile home parks shall connect to the public water supply system, and every mobile home, service building, and other accessory facilities shall use water from the public system exclusively.

2. Individual Connections

- a. Individual water riser pipes having an inside diameter of no less than one-half (1/2) inch shall be provided on each mobile home stand and shall terminate no less than four (4) inches above the ground level. The water outlet shall be capped when a mobile home does not occupy the lot.
- b. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather.
- c. A shut-off valve below the frost line shall be provided near the water riser pipe on each mobile home lot.

SECTION 607 – Sewage Disposal

1. General

All mobile home parks shall be connected to the public sewage system, and every mobile home, service building, and other accessory facilities shall use the public sewage system exclusively. All such proposed sewage disposal facilities shall be approved by the Somerset Borough Sewer Authority.

2. Individual Connections

- a. Individual sewer riser pipes having at least a four (4) inch diameter shall be located on each mobile home stand and shall extend at least one (1) inch above the ground level.
- b. Provisions shall be made for plugging the sewer riser pipe when the mobile home lot is unoccupied.

SECTION 608 – Electrical Distribution System

1. General

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances, which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems.

2. Power Distribution Lines

- a. All power lines shall be placed underground at least eighteen (18) inches below the ground surface and shall be insulated and specifically designed for such installation. Such lines shall be located not less than one (1) foot distance from any other utility line, facility, or installation.
- b. Meter poles shall have a maximum height of six (6) feet.

3. Individual Electrical Connections

Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volts, AC, 100 amperes.

4. Required grounding

All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for the mobile home or other equipment.

SECTION 609 – Service Buildings and Other Park Service Facilities

1. Applicability

The requirements of this section shall apply to other service buildings, recreation buildings, and other community service facilities as follows:

- a. Management offices, repair shops, and storage area.
- b. Laundry facilities.
- c. Indoor recreation areas.
- d. Commercial uses supplying essential goods or services for the exclusive use of park occupants.

2. Facilities

- a. Every mobile home park shall have a structure clearly designed as the office of the mobile home park manager.
- b. Service and accessory buildings located in a mobile home park shall be used only by the residents of the mobile home park.

3. Structural Requirements for Buildings

- a. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed as to prevent entrance or penetration of moisture and weather.
- b. All rooms containing lavatory facilities shall:
 1. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture-resistant materials.

2. Have at least one (1) window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10) percent of the floor area served by them.
 3. Have at least one (1) window, which can be easily opened, or a mechanical device, which will adequately ventilate the room.
- c. Toilets shall be located in separate compartments equipped with self-closing doors.

SECTION 610 – Refuse Handling

The storage, collection, and disposal of refuse in the mobile home park shall be the responsibility of the mobile home park owner or manager and shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution and shall comply with all applicable Borough and state regulations.

SECTION 611 – Insect and Rodent Control

Grounds, buildings, and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall comply with all applicable Borough and state regulations.

SECTION 612 – Fuel Supply and Storage

1. Natural Gas System
 - a. Natural gas piping systems when installed in mobile home parks, shall be installed and maintained in conformity with the specifications of the company serving the area.
 - b. Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
2. Liquefied Petroleum Gas System

Liquefied petroleum gas systems provided for mobile homes, service buildings, and other structures when installed shall be maintained in

conformity with any applicable rules and regulations and shall include the following:

- a. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
- b. Systems shall have at least one (1) accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
- c. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
- d. Vessels of more than twelve (12) and less than sixty (60) U.S. gallons gross capacity may be securely but not permanently fastened to prevent accidental overturning.
- e. No LPG vessels shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure unless such installations are specially approved by the authority having jurisdiction.

3. Fuel Oil Supply Systems

- a. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformity with any applicable rules and regulations.
- b. All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
- c. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shut-off valves located within five (5) inches of storage tanks.
- d. All fuel storage tanks or cylinders shall be securely placed and shall not be less than five (5) feet from any mobile home exit.
- e. Storage tanks located in areas subject to traffic shall be protected against physical damage.

SECTION 613 – Fire Protection

1. Local Regulations

The mobile home park area shall be subject to any local fire protection rules and regulations.

2. Litter Control

Mobile home park areas shall be kept free from litter, rubbish, and other flammable materials.

3. Fire Extinguishers

Portable fire extinguishers of a type approved by the fire prevention authority shall be kept in public service buildings under park control and a sufficient number shall be maintained throughout the park in readily accessible and well marked positions.

4. Fire Hydrants

a. Fire hydrants shall be installed if their water supply source is capable to serve them in accordance with the following requirements:

1. The water supply source shall permit the operation of a minimum of one (1) four and one-half (4 ½) inch connection for a fire engine pumper, and two (2) two and one-half (2 ½) inch connections for direct hose connection.

2. Each of the nozzles, held four (4) feet above the ground, shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of at least thirty (30) pounds per square inch at the highest point of the park.

b. Fire hydrants shall be located within five hundred (500) feet of any mobile home, service building, or other structure in the park, and shall be installed in accordance with all applicable Borough specifications.

c. The park management shall give the Borough Zoning Officer or other authorized Borough representative free access to all mobile home lots, service buildings, and other community service facilities for inspection purposes.

SECTION 614 – Register of Occupants

The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park. The management shall notify the appropriate officer in accordance with state and local taxation laws of the arrival and departure of each mobile home and in accordance with the Somerset Borough Housing Code.

SECTION 615 – Removal of Mobile Home

No mobile home, whether installed on a single lot or in a mobile home park, shall be removed from the Borough without first obtaining a removal permit from the Borough Tax Collector as required by Act No. 54, 1969, the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee of two dollars (\$2.00) and real estate taxes assessed against the home and unpaid at time the permit is requested.

SECTION 616 – Notices, Hearings, and Orders

1. Whenever the Borough Zoning Officer or other authorized Borough Representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or of any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation to the person to whom the permit, certificate, or license was issued, as hereinafter provided. Such notice shall:
 - a. be in writing;
 - b. include a statement of the reasons for its issuance;
 - c. allow a reasonable time for the performance of any act it required;
 - d. be served upon the owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent with a copy thereof has been served with such notice by any other method authorized or required by the laws of this state;
 - e. contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this ordinance, or any part thereof, and with the regulations adopted pursuant thereto.
2. Hearing

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Somerset Borough Council,

provided that such person shall file in the office of the municipal authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension. Upon receipt of such petition, the Borough Zoning Officer shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice shall be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, Borough Zoning Officer may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

3. Findings and Order

After such hearing the Borough Council shall make findings as to compliance with the provisions of this ordinance and regulations issued thereunder and shall issue an order, in writing, sustaining, modifying, or withdrawing the notice which shall be served as provided in Section 616.1 (d). Upon failure to comply with any order sustaining or modifying a notice, the license of the mobile park affected by the order shall be revoked.

4. Record, Appeal

The proceedings at such a hearing, including the findings and decision of Borough Council, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Borough but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of Borough Council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this Commonwealth.

SECTION 617 – Penalties, Operations, Violations

1. Summary Offense

Any person who violates any operation or maintenance provision of this Article shall be guilty of a summary offence, and upon conviction shall be required to pay a penalty for the use of Somerset Borough in a sum not less than twenty-five dollars (\$25) nor more than three hundred dollars (\$300), together with the costs of prosecution, and in

default of such payment, shall be imprisoned in county prison for a term not to exceed ten (10) days. Each day during which any violation of this ordinance continues shall constitute a separate offense. The Borough of Somerset may also bring any actions at law or equity to enforce the terms of this ordinance at their sole discretion.

2. Revocation or Suspension of License

Upon repeated violations by the same licensee, his right to the issuance of a license, or to continued operation under a license, may be suspended for a fixed term or permanently revoked after notice and hearing by Somerset Borough Council subject to the right of appeal to the Somerset County Court of Common Pleas.

Article VII – VARIANCES

SECTION 701 – General

If any portion of this ordinance is shown by the developer to be unreasonable of application, or such as to cause undue hardship not of his own making in the special conditions of his proposed development, the Borough Council may grant a variance from the literal requirements of such provision, provided; that such variance will not be contrary to the public interest; that justice will be done, and that the purpose and intent of this ordinance is observed.

SECTION 702– Procedure

1. Any request for a variance shall be in writing and shall accompany and be a part of the submission of the plan, preliminary and/or final, to which it refers. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of this ordinance involved, and the exact variance therefrom which is requested.
2. All proposals for variance from the provisions of this ordinance, whether requested by the developer or deemed necessary by Borough Council or the Planning Commission, shall be reviewed and a recommendation made by the Planning Commission.
3. All proposals for variance from the provisions of this ordinance shall be reviewed by and shall have effect only when approved by Borough Council.
4. A record of the action on all variances from the provisions of this ordinance shall appear in the official minutes of the Planning Commission and of Borough Council.

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Article VIII– ADMINISTRATION, ENFORCEMENT, AND PENALTIES

SECTION 801 – Administration and Enforcement

1. The Somerset Planning Commission and Borough Council shall have the duty and authority for the administration and general enforcement of the provisions of this ordinance, as specified or implied herein.
2. Permits required by the Borough for the erection or alteration of buildings in a development, the installation of sewer or sewage disposal systems, or for other appurtenances to or use of the land shall not be used by any Borough official until he has ascertained that the site for such building, alteration, improvement, or use is located in a development approved and publicly recorded in accordance with the provisions of this ordinance.
3. The Borough Building Permit Officer shall require that each application for a building permit contain all the necessary information and shall issue no permit until it is determined that the site and plan for the proposed building, alteration, or other improvement is acceptable in accordance with the provisions of this ordinance, the Zoning Ordinance, and other pertinent ordinances and laws.

SECTION 802 – Penalties

Any person, partnership, or corporation who or which being owner or agent of the owner of any lot, tract, or parcel of land, shall lay out, construct, open, or dedicate any street, sanitary sewer, storm sewer, water main, or other improvement for public use, travel, or other purposes, or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees, or enters into an agreement to sell any land in a subdivision or land development, whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless and until a final plat has been prepared in full compliance with the provisions of this ordinance and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or its officers, shall pay a fine not exceeding one thousand dollars (\$1,000) per lot or parcel or per dwelling unit within each lot or parcel.

The description of such lot or parcel by metes and bounds in the instrument of transfer, or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided. The county may also enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, in addition to the penalty herein provided.

SECTION 803 – Action for Relief by Borough

Borough Council may obtain a writ of injunction against the owner or agency who attempts the improper sale or conveyance of land made prior to final plan approval of any development.

SECTION 804 – Other Actions

Nothing herein shall prevent Borough Council from taking such other action necessary to prevent or remedy any violation.

SECTION 805 – Appeals

The landowner or any person aggrieved may appeal directly to court the decision of the governing body or Planning Commission respecting a subdivision or land development plan, preliminary or final. Such appeal shall be filed not later than thirty (30) days following the date of the decision being appealed.

SECTION 806 – Severability

If any section of this ordinance shall be determined to be invalid or unconstitutional by a recognized court of the Commonwealth, such determination shall not affect the legality of the remaining provisions of the ordinance.

SECTION 807 – Repeals

All Borough ordinances or portions thereof which are inconsistent herewith are hereby repealed.

SECTION 808 – Enactment

This subdivision and Land Development Ordinance shall become effective on **February 13, 1978** and shall remain in force until modified, amended, or rescinded by the Borough Council of Somerset Borough, Somerset County, Pennsylvania, this **13th** day of **February, 1978**.

Borough of Somerset
Borough Council

By: William C. James
Mayor
Attest: John J. Kane
Secretary

By: Barry S. Lichty
President of Council

APPENDICES

The following appendices are not to be considered an integral part of this ordinance. The following standards, illustrations, and specifications are included for reference purposes and to aid in the administration and implementation of the Somerset Borough Subdivision and Land Development Ordinance. Borough policy represented in these appendices may be amended as necessary by resolution of Borough Council.

Appendix A – Fee Schedule

Appendix B – Drawings

APPENDIX A - FEE SCHEDULE

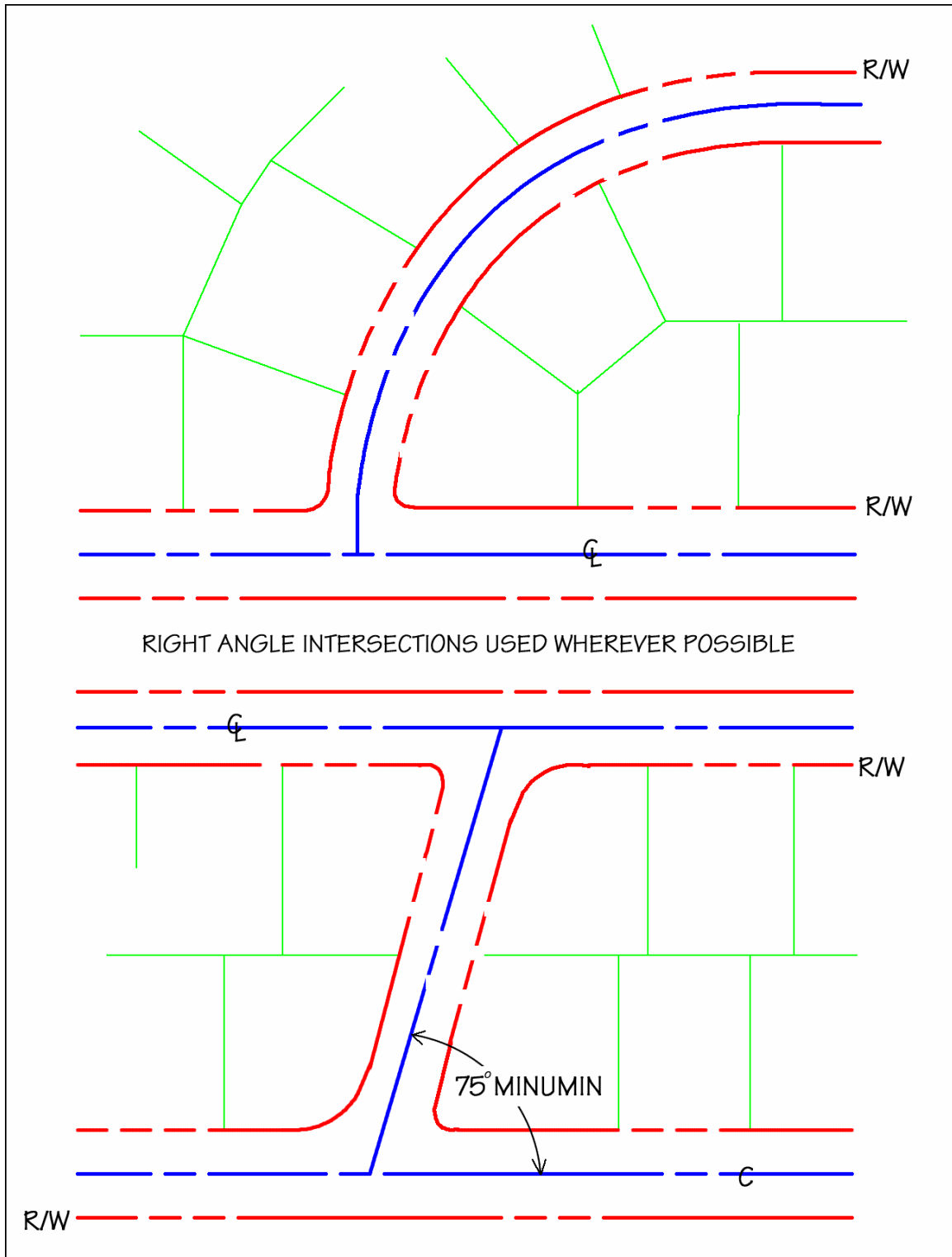
CATEGORY III

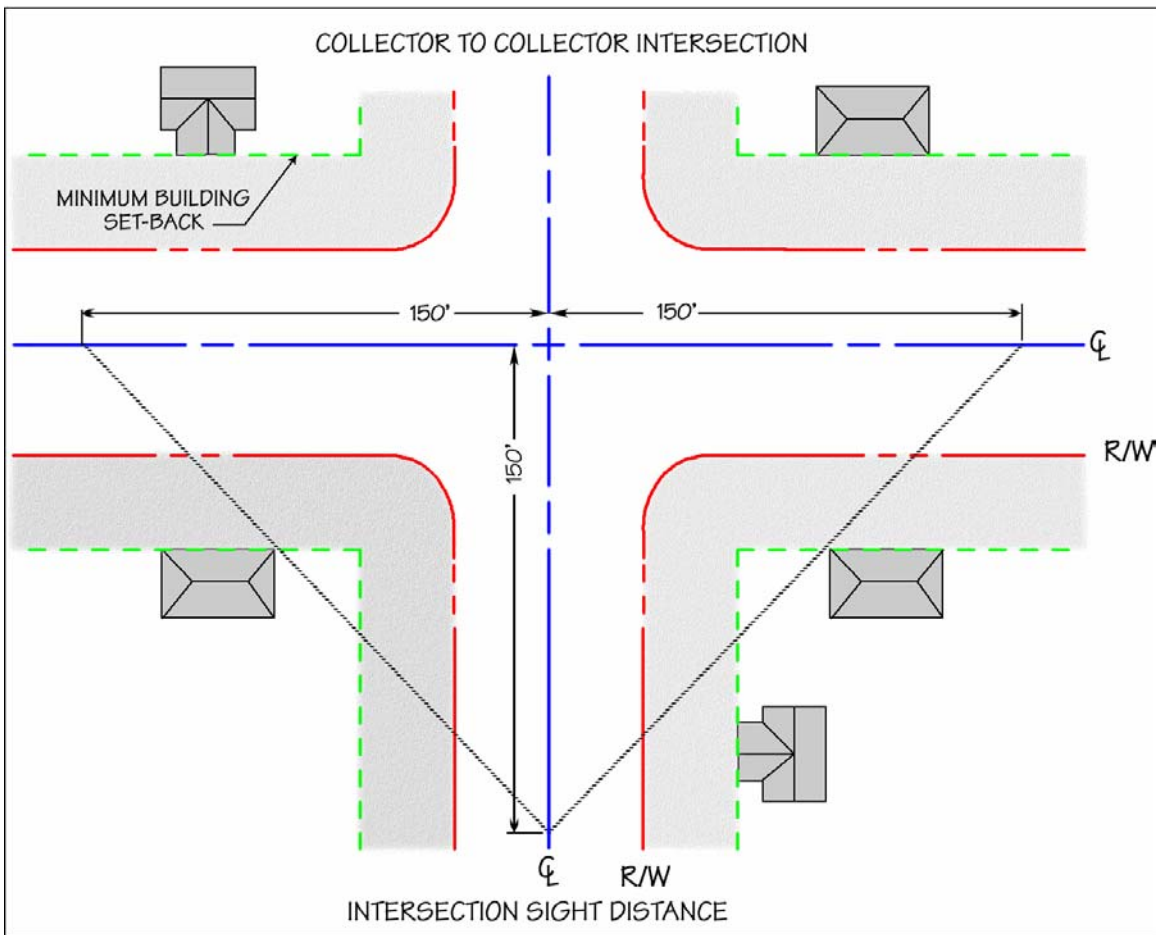
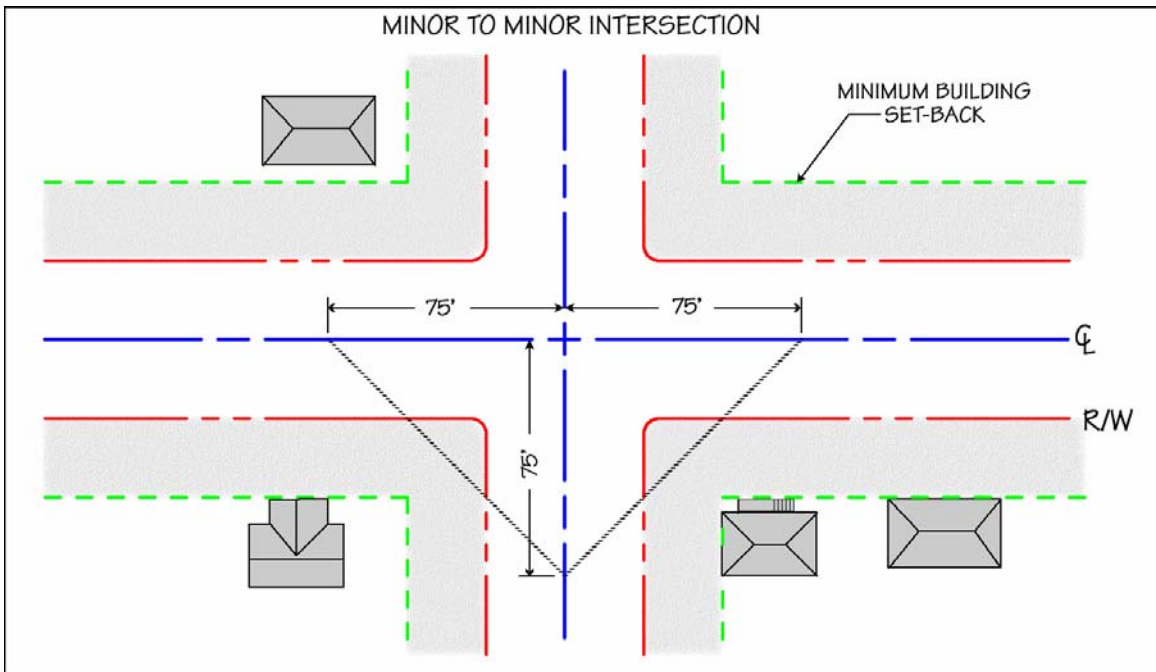
NON-RESIDENTIAL (MULTI-TRACT) SUBDIVISIONS: These fees apply to applications subdividing and conveying land for non-residential uses, not proposed for land development as defined in Section 107 of the Planning Code.

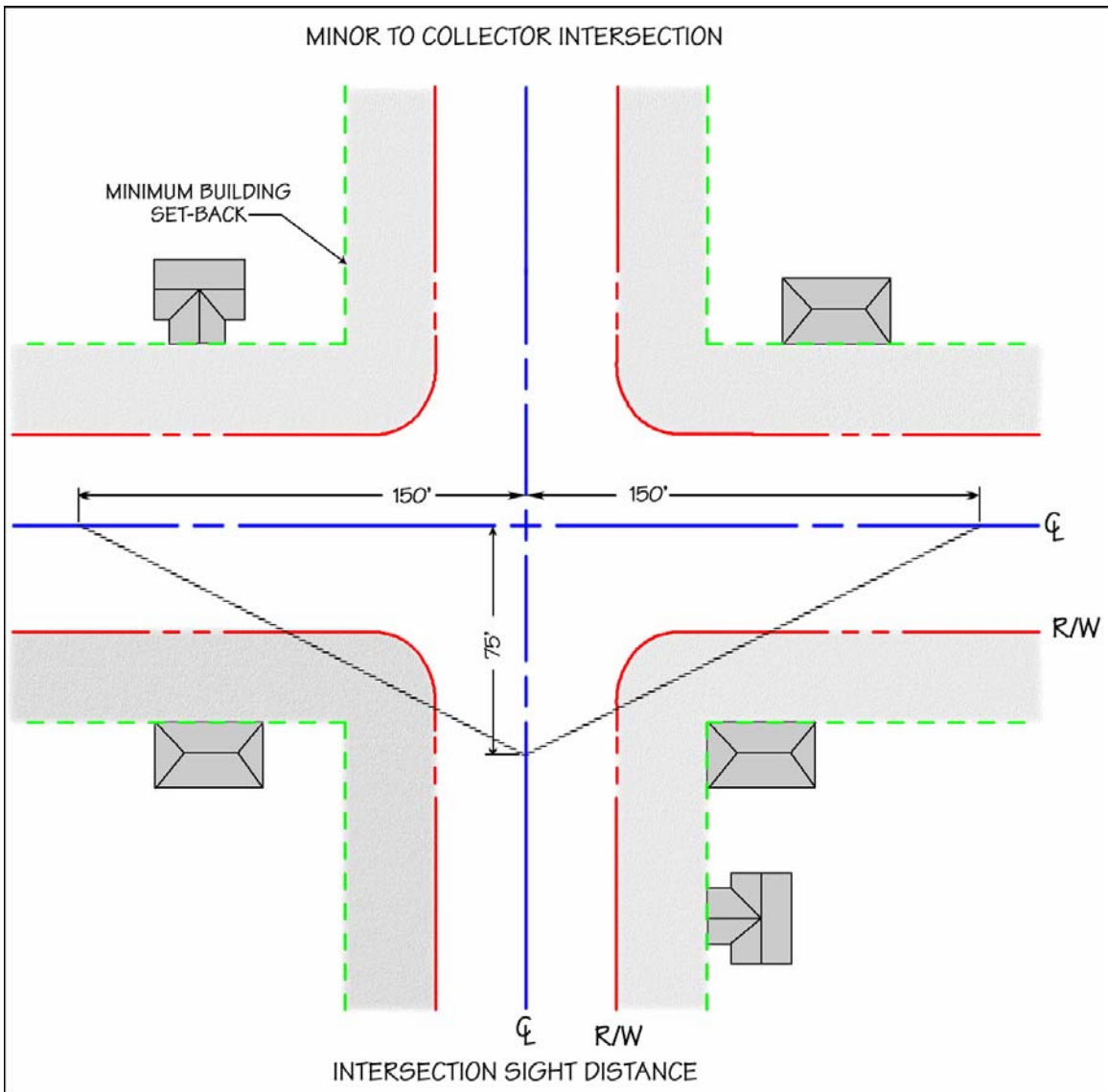
<u>General Fee</u>	<u>Additional Fee for Each Lot of the Subdivision</u>
\$100	\$15

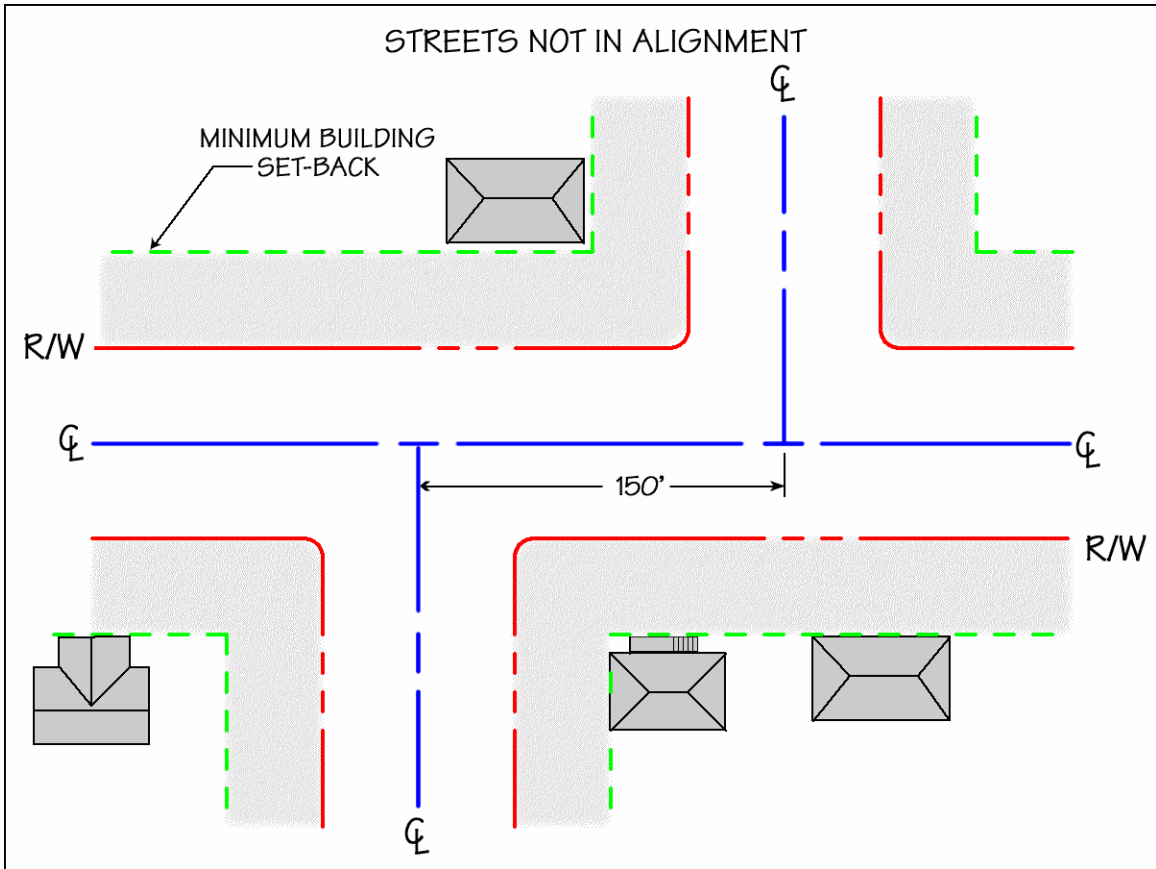
In addition, a fee shall be paid by the developer to the county to cover the cost, if any, of the county review of the preliminary plan.

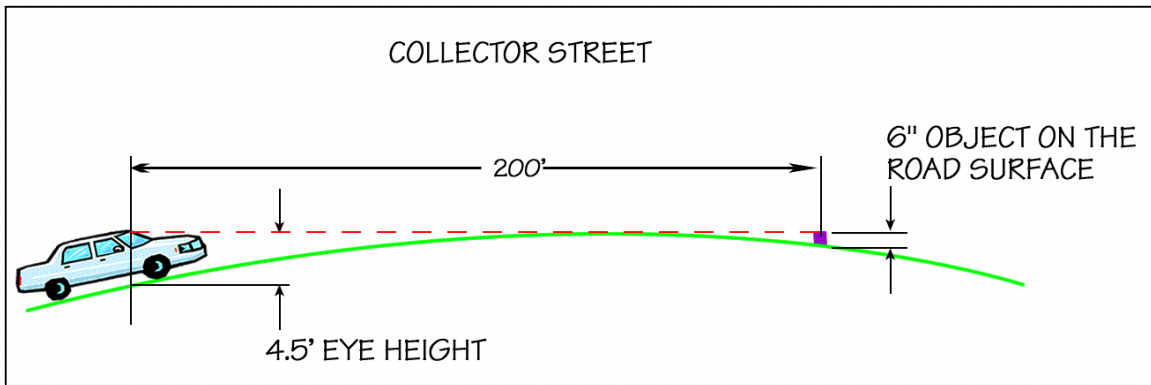
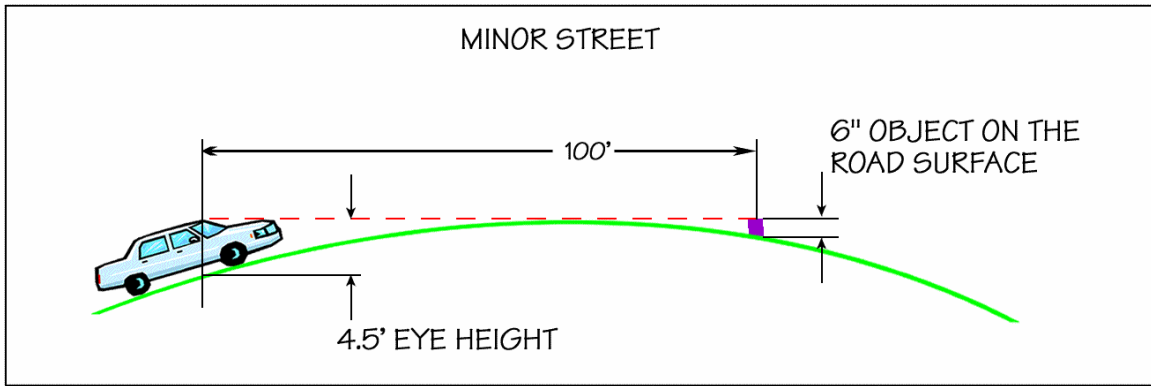
APPENDIX B – Drawings



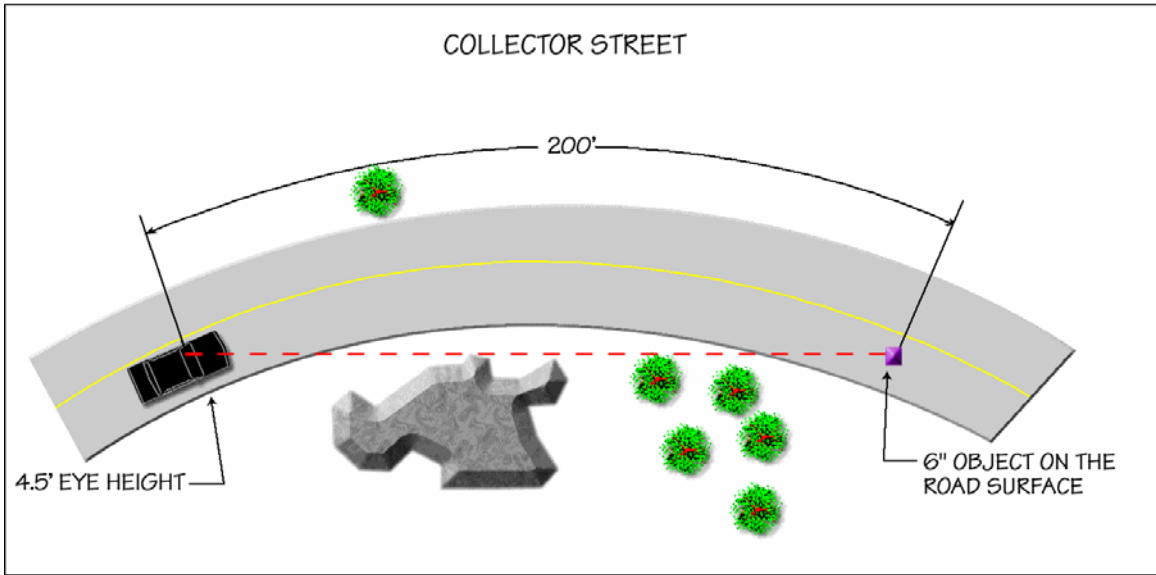
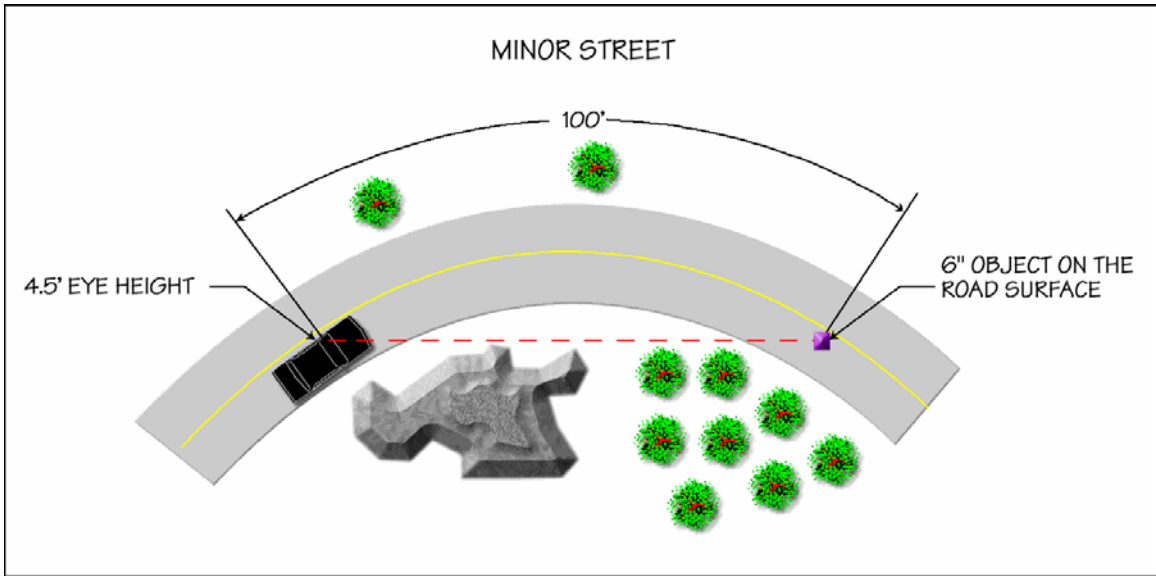






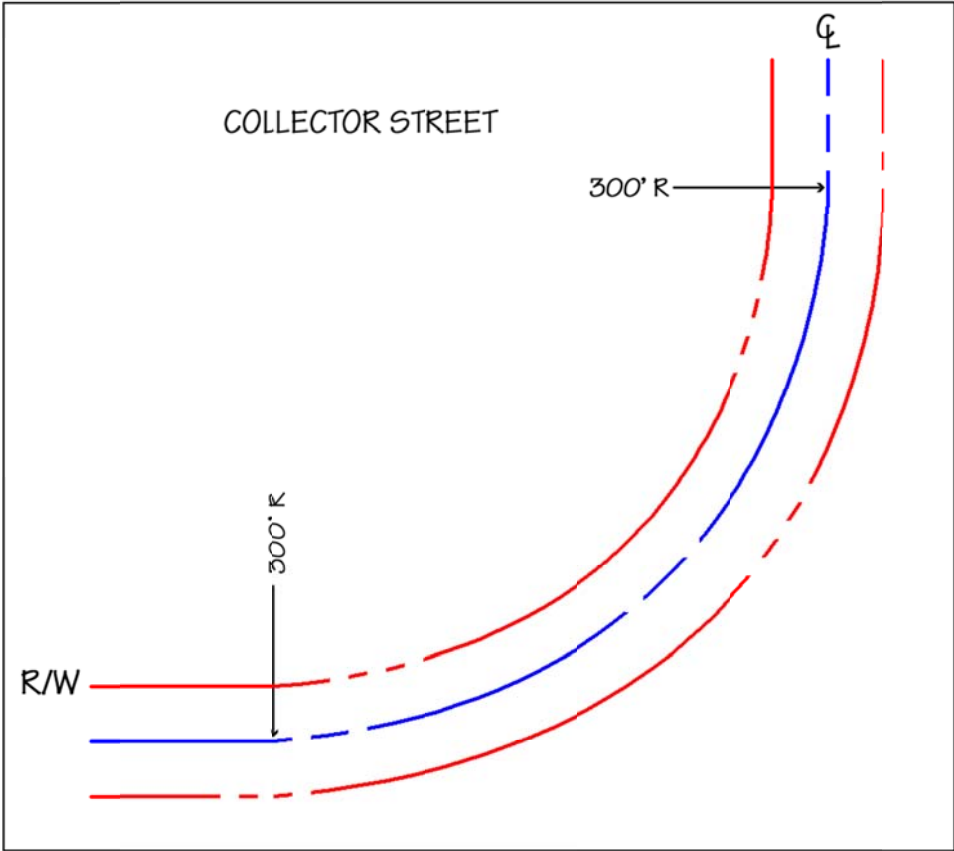
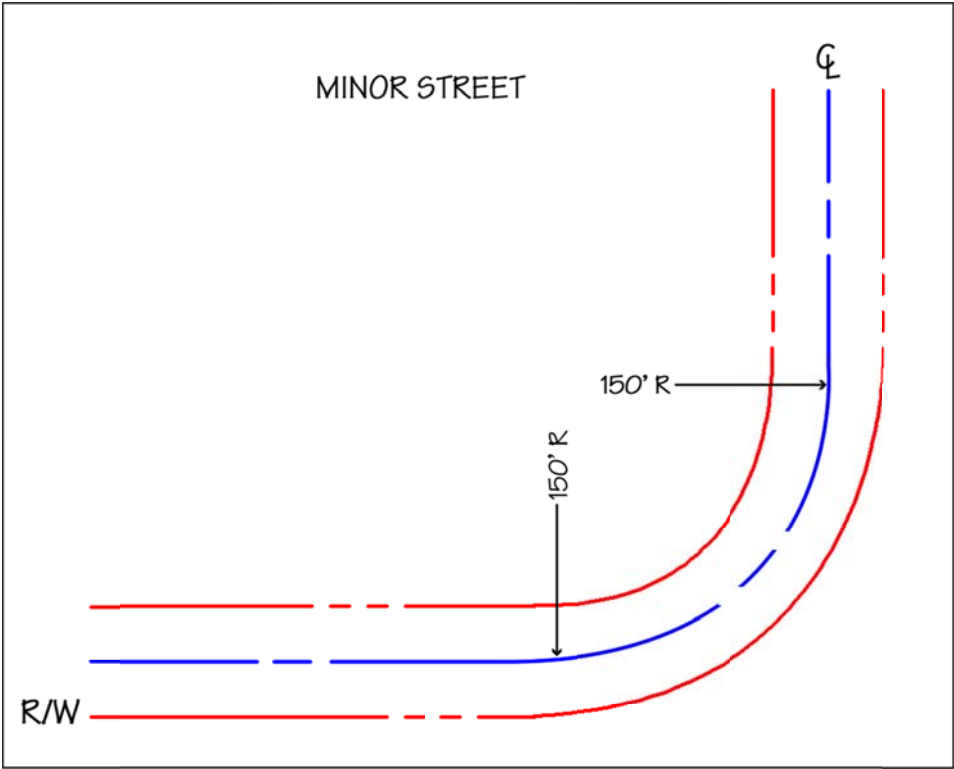


SIGHT DISTANCE - VERTICAL ALIGNMENT

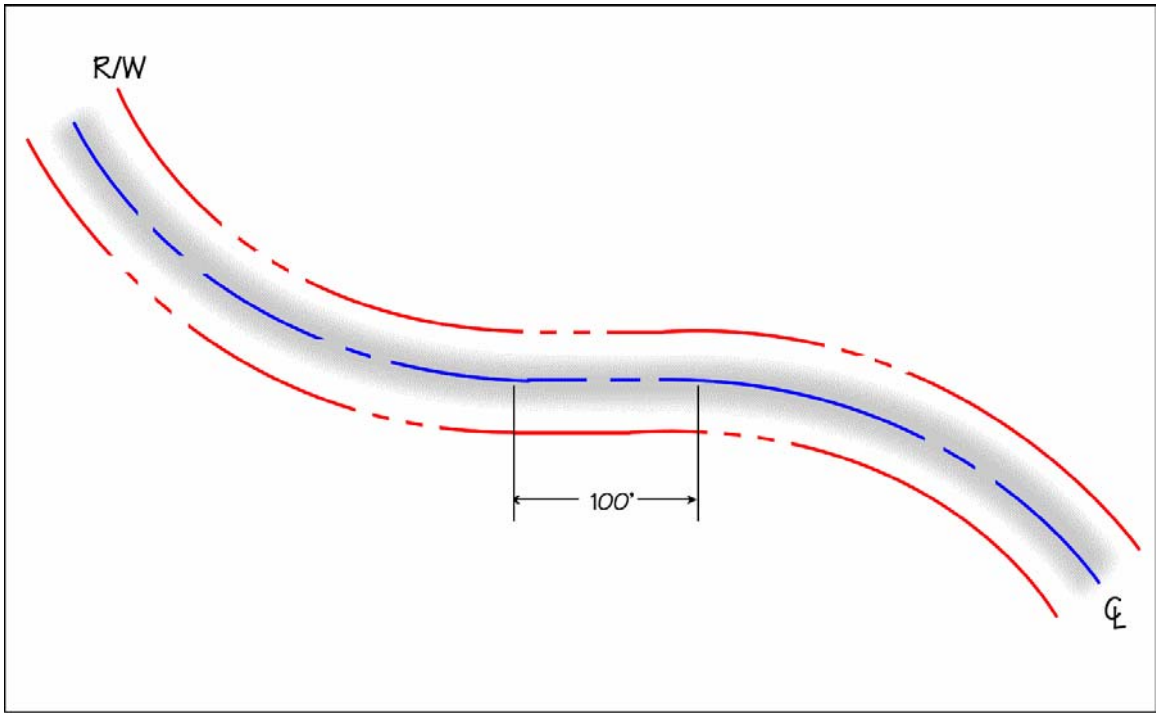


SIGHT DISTANCE HORIZONTAL ALIGNMENT

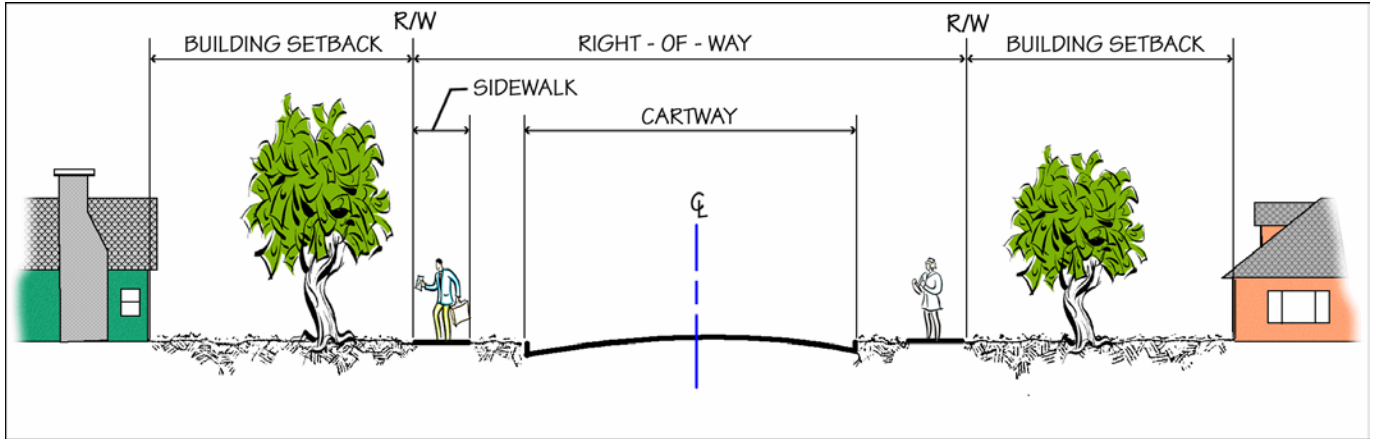
CURVES



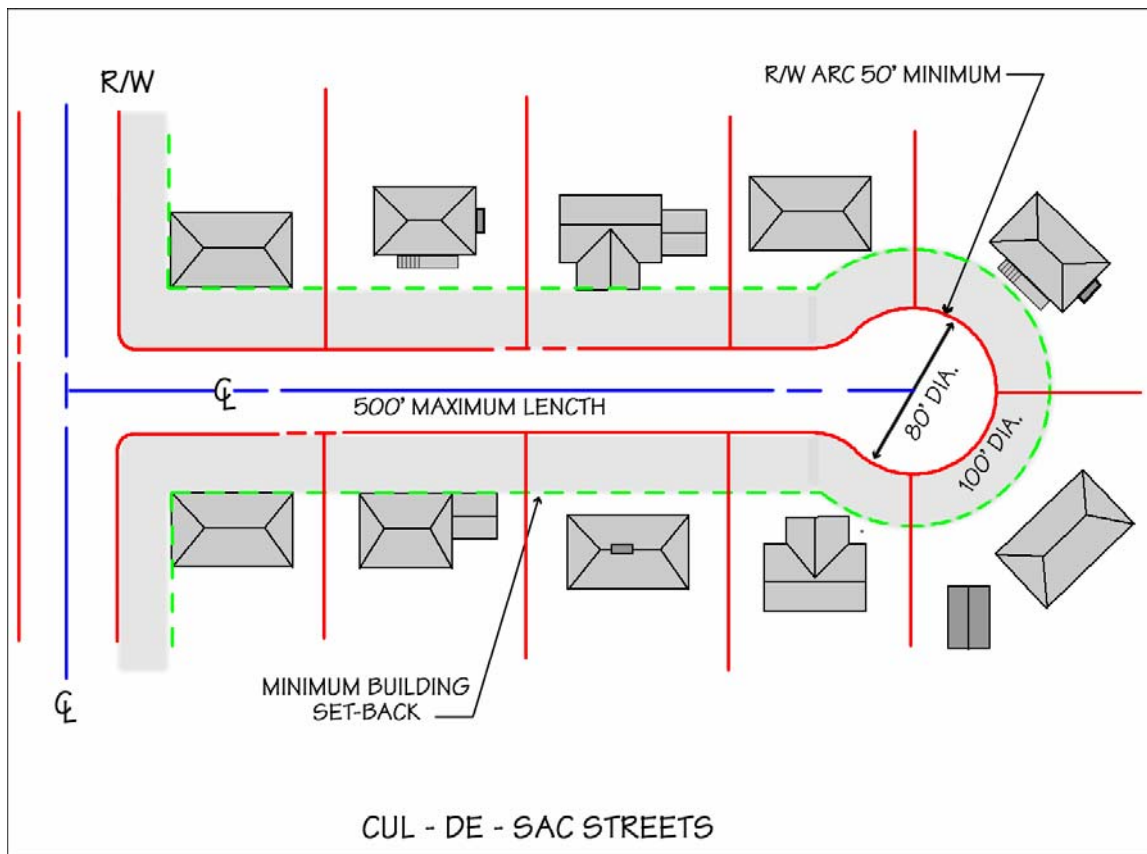
MINIMUM CURVE RADII
Appendix, Page 75



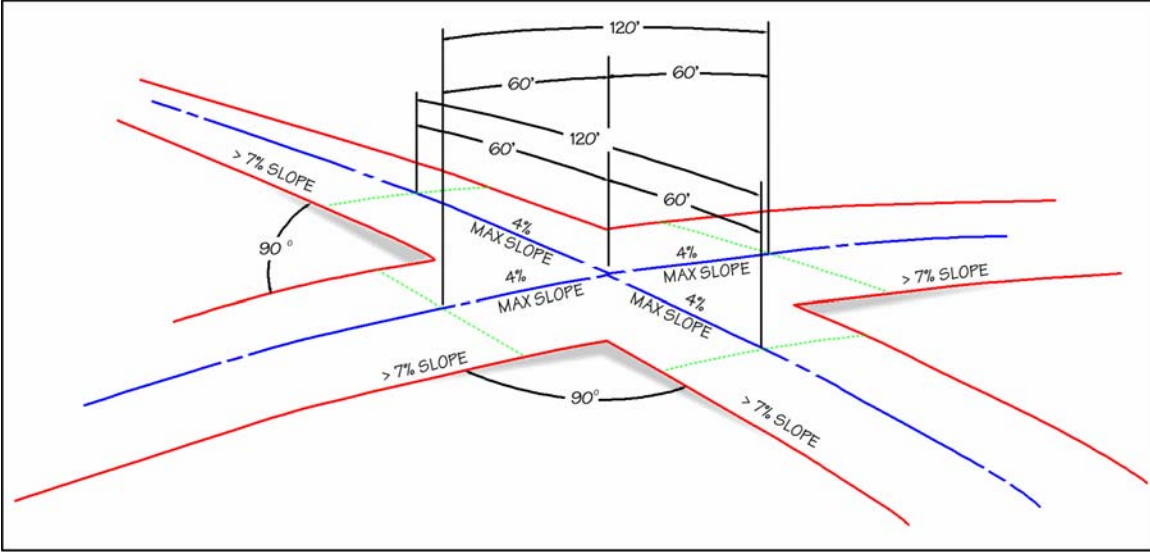
REVERSE CURVES - MINIMUM TANGENT



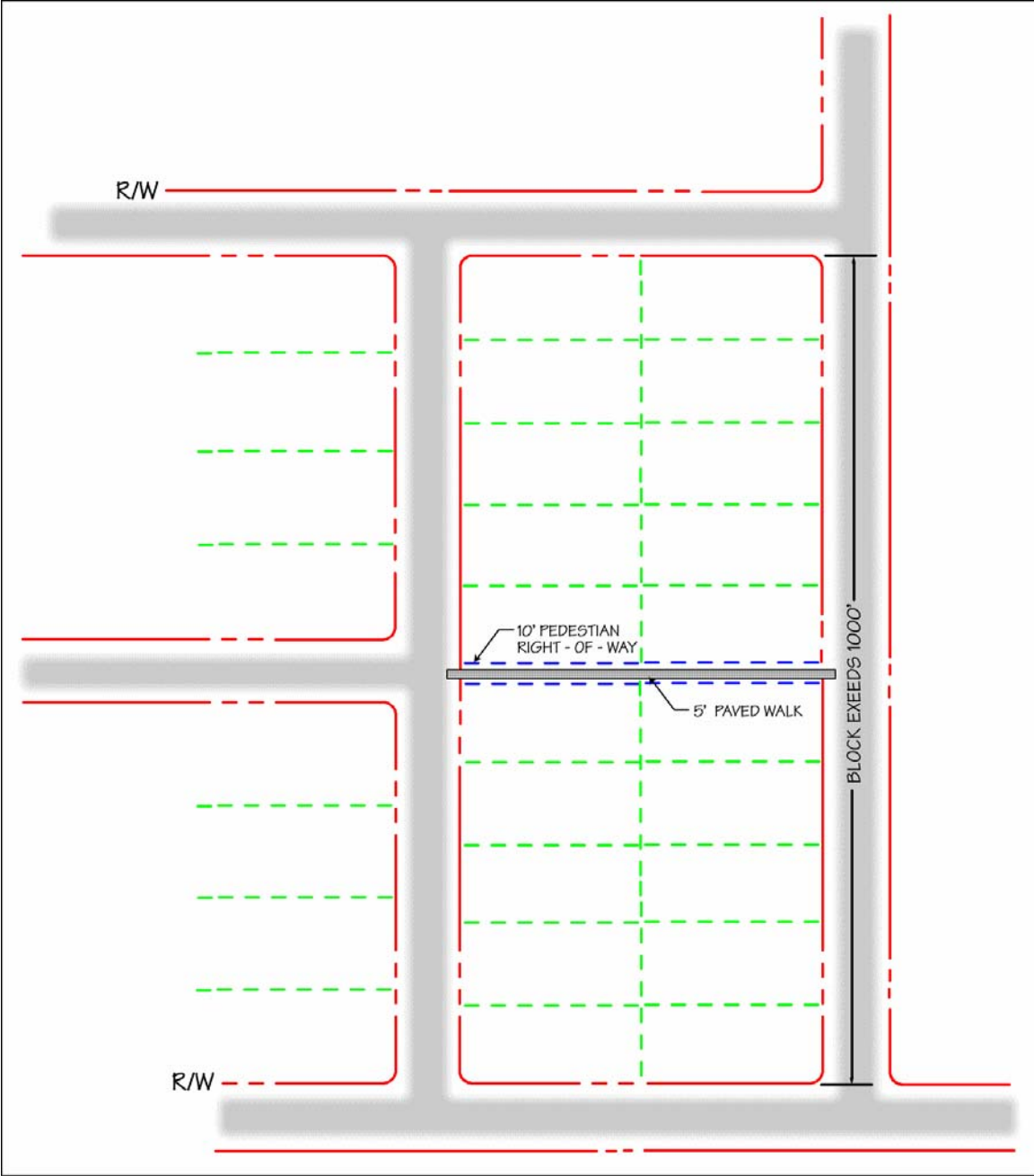
TYPICAL CROSS SECTION



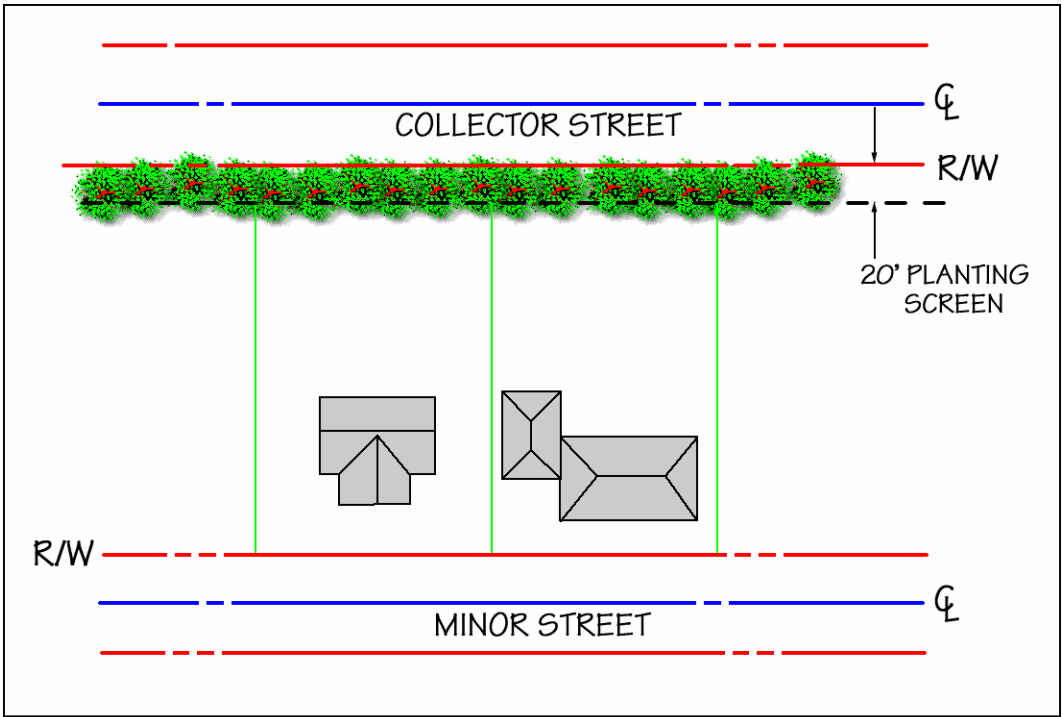
CUL - DE - SAC STREETS



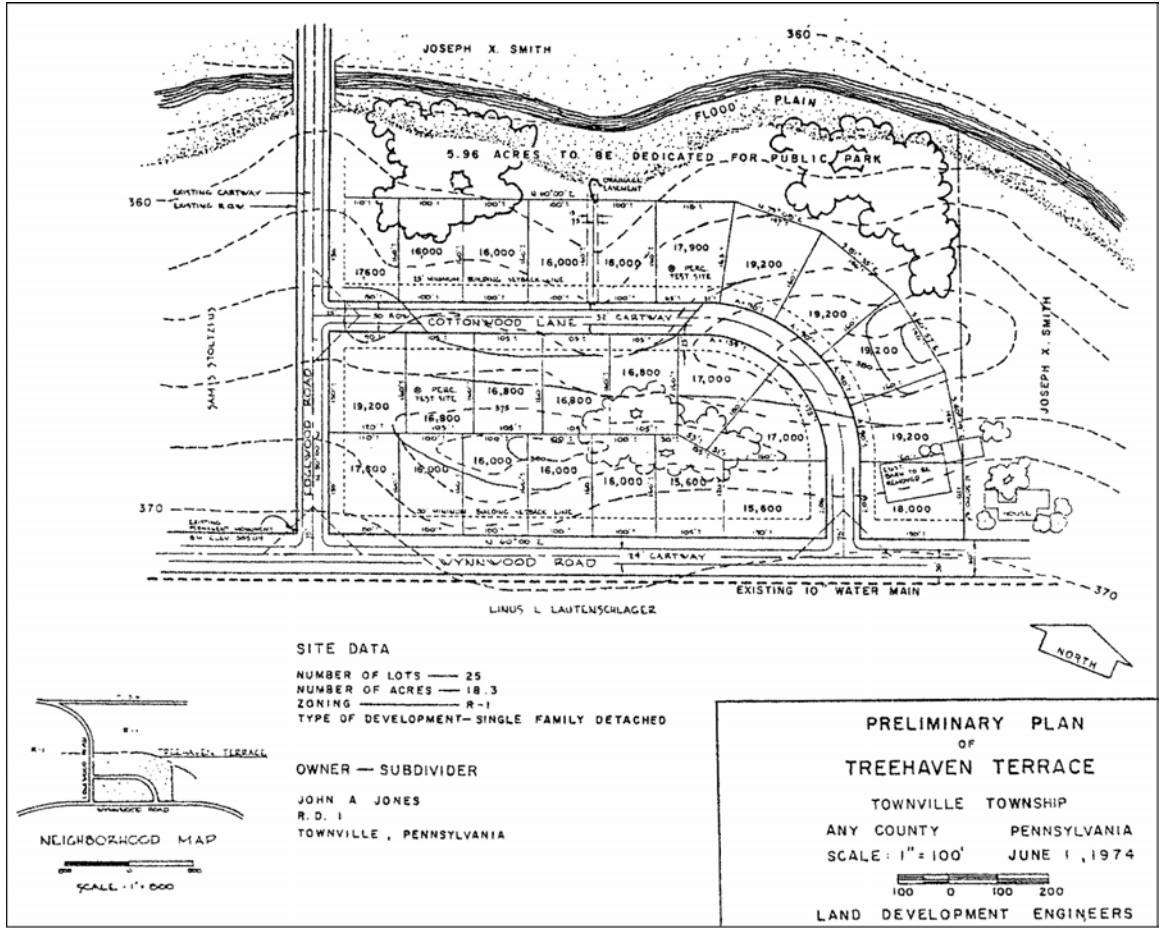
STREE GRADES - INTERSECTIONS

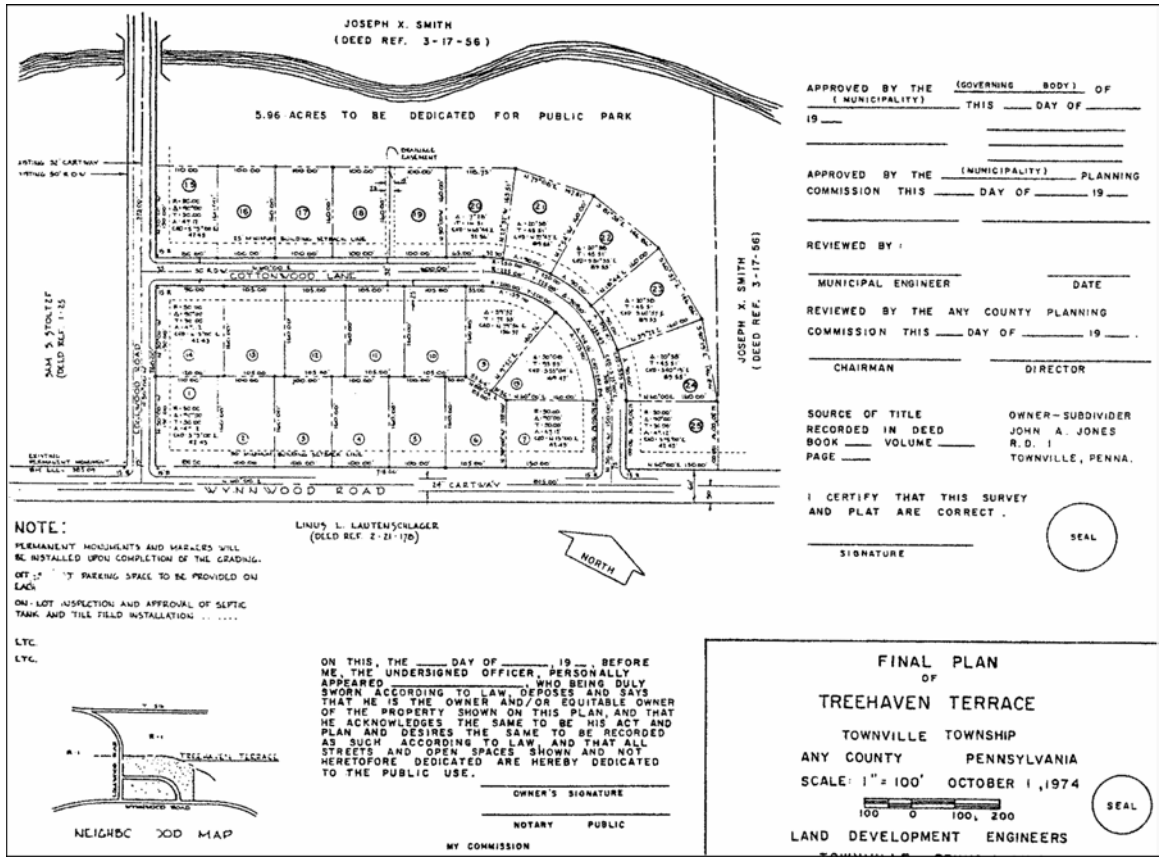


PEDESTRIAN CROSSWALK



REVERSE FRONTAGE LOT





JOSEPH X. SMITH
(DEED REF. 3-17-56)

5.96 ACRES TO BE DEDICATED FOR PUBLIC PARK

APPROVED BY THE (GOVERNING BODY) OF
[MUNICIPALITY] THIS DAY OF
19

APPROVED BY THE (MUNICIPALITY) PLANNING
COMMISSION THIS DAY OF 19

REVIEWED BY:
MUNICIPAL ENGINEER DATE

REVIEWED BY THE ANY COUNTY PLANNING
COMMISSION THIS DAY OF 19
CHAIRMAN DIRECTOR

SOURCE OF TITLE OWNER-SUBDIVIDER
RECORDED IN DEED JOHN A. JONES
BOOK VOLUME R. D. 1
PAGE TOWNVILLE, PENNA.

I CERTIFY THAT THIS SURVEY
AND PLAT ARE CORRECT.

SIGNATURE

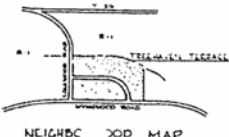


NOTE:
PERMANENT MONUMENTS AND MARKERS WILL
BE INSTALLED UPON COMPLETION OF THE GRADING.
OUT OF 27 PARKING SPACES TO BE PROVIDED ON
LOTS.
ON-LOT INSPECTION AND APPROVAL OF SEPTIC
TANK AND TILL FIELD INSTALLATION

LINUS L. LAUTENSCHLAGER
(DEED REF. 2-21-17b)



ETC.
ETC.



ON THIS, THE DAY OF 19, BEFORE
ME, THE UNDERSIGNED OFFICER, PERSONALLY
APPEARED [] WHO BEING DULY
SWORN ACCORDING TO LAW, DEPOSES AND SAYS
THAT HE IS THE OWNER AND/OR EQUITABLE OWNER
OF THE PROPERTY SHOWN ON THIS PLAN, AND THAT
HE ACKNOWLEDGES THE SAME TO BE HIS ACT AND
PLAN AND DESIRES THE SAME TO BE RECORDED
AS SUCH ACCORDING TO LAW, AND THAT ALL
STREETS AND OPEN SPACES SHOWN AND NOT
HERETOFORE DEDICATED ARE HEREBY DEDICATED
TO THE PUBLIC USE.

OWNER'S SIGNATURE

NOTARY PUBLIC

MY COMMISSION

FINAL PLAN
OF
TREEHAVEN TERRACE
TOWNVILLE TOWNSHIP
ANY COUNTY PENNSYLVANIA
SCALE: 1" = 100' OCTOBER 1, 1974
LAND DEVELOPMENT ENGINEERS

