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**DRAFT #3 – CHAPTER 138 –  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
SOMERSET TOWNSHIP, WASHINGTON COUNTY**



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# ARTICLE I - TITLE, PURPOSE, AUTHORITY, AND APPLICATION

## 138-1. SHORT TITLE

This chapter shall be known as the "Somerset Township Subdivision and Land Development Ordinance (SALDO)."

## 138-2. PURPOSE

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of Somerset Township.
- B. To guide the future growth and development of Somerset Township in accordance with the Comprehensive Plan of Somerset Township.
- C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
- D. To protect the character and social and economic stability of Somerset Township and to encourage the orderly and beneficial development of Somerset Township.
- E. To protect and conserve the value of land throughout Somerset Township, and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
- F. To guide public and private policy and action, in order to provide adequate and efficient transportation, water supply, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- G. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic within Somerset Township, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.
- H. To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- I. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- J. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources, in order to preserve the community and value of the land.

- K. To preserve the natural beauty and topography of Somerset Township and to ensure appropriate development with regard to these natural features.
- L. To provide for open spaces through efficient design and layout of the land.
- M. And finally, to ensure that documents prepared as part of a landownership transfer fully and accurately describe the parcel of land being subdivided, and the new parcels thus created.

### 138-3. AUTHORITY

- A. The Board of Supervisors by virtue of the provisions of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. § 10101 et seq.), is authorized, subject to the holding of required public hearings, to adopt rules and regulations covering plans for subdivisions and land developments, and to approve, conditionally approve, or disapprove plans of subdivisions and land developments falling within their jurisdiction.
- B. The Planning Commission is hereby designated as the reviewing authority of and for the Supervisors and is charged with the duty of making investigations, reports and recommendations on the design and improvement of proposed subdivisions and land developments; and shall submit such reports and recommendations to the Supervisors.
- C. Procedural regulations. The Supervisors are authorized to publish procedural regulations to implement the procedural and substantive content of this chapter, including, but not limited to, forms for applications for development.
- D. Reports. All reports drafted by the Planning Commission shall be deemed recommendatory and advisory only, and shall not be binding upon the recipient, board, officer, body, or agency, nor shall any appeal lie therefrom. Any report used, received, or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

### 138-4. APPLICATION OF REGULATIONS

- A. Subdivision control. No subdivision, as herein defined, of any lot, tract or parcel of land shall be effected and no street, alley, sanitary sewer, storm sewer, water main or other facilities 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 or to abut thereon, except in strict accordance with the provisions of this chapter. No lot in any subdivision may be sold, and no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded; and until the improvements required by the Board of Supervisors in connection therewith have either been constructed or guaranteed as herein.
- B. Land development control.

- 1) Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Board of Supervisors.
- 2) Land development plans shall indicate the location of each structure and clearly define each unit and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking, and other features, and shall be indicated on the land development plans.

### 138-5. INTERPRETATION AND CONFLICTS

- A. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.
- B. Conflict with public and private provisions.
  - 1) Public provisions. Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this chapter or any other chapter, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
  - 2) Private provisions. This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this chapter are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of this chapter shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Board of Supervisors in approving a subdivision or in enforcing this chapter, and such private provisions are not inconsistent with this Chapter or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

## ARTICLE II - DEFINITIONS

### 138-6. GENERAL INTERPRETATION

Unless otherwise expressly stated, the following words shall, for the purpose of this Chapter, have the meaning herein indicated. The present tense shall include the future, the singular number shall include the plural of the singular, words used in the masculine gender shall include the feminine and the neuter; the word "shall" is always mandatory, and the word "may" is always permissive.

### 138-7. SPECIFIC WORDS AND PHRASES

As used in this chapter, the following terms shall have the meanings indicated:

**ALLEY** - A minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties which abut on a street, and not intended for the purpose of through vehicular traffic.

**APPLICANT** - A landowner, subdivider, or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

**APPLICATION FOR DEVELOPMENT** - Every application, whether preliminary, tentative, or final required to be filed and approved prior to start of construction or development, including, but not limited to, an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**BLOCK** - A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, or parks, etc., or a combination thereof.

**BOARD OF SUPERVISORS** - The Board of Supervisors of Somerset Township, Washington County, Pennsylvania.

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

**CARTWAY or ROADWAY** - The improved or paved portion or portions of a street available for vehicular or other traffic; the portion or portions between curbs where curbs are used.

**CHAPTER** - Reference to the Subdivision and Land Development Ordinance provisions of the Somerset Township Code of Ordinances itself, when used generally, and to another chapter of the Township Code of Ordinances, if referenced specifically.

**CLEAR SIGHT TRIANGLE** - An area of unobstructed vision at every intersection of a public street, private street or commercial driveway with a public street defined by the center lines of the streets and by a line of sight between points on their center lines at a given distance from the intersection of the center lines.

**COMMON OPEN SPACE** - A parcel or parcels of land or an area of water, or a combination of land and water, within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.



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

CONSOLIDATION - The combination of two or more lots, tracts, or parcels of land.

CONSTRUCTION - The construction, reconstruction, renovation, extension, expansion, structural alteration, or relocation of a structure, including the placement of mobile homes.

COUNTY - The County of Washington, Pennsylvania.

COUNTY PLANNING COMMISSION - The Planning Commission of the County of Washington.

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.

CUL-DE-SAC - A minor street intersecting another street at one end and terminated at the other by a vehicular turnaround.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) - The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as, may in the future succeed it.

DESIGNATED FLOODPLAIN DISTRICTS - Those floodplain districts specifically designated in Chapter 180, Zoning, as being inundated primarily by the one-hundred-year flood. Included would be areas identified as the Floodway District (FW) and the Flood-Fringe District (FF).

DETENTION POND - An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

DEVELOPER - Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to affect a subdivision or development of land hereunder for himself or for another. The term may be used interchangeably with "applicant".

DEVELOPMENT AGREEMENT - An agreement between the Township and the owners or developers of property that is subject to an approved land development plan, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property.

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

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

**DRAINAGE FACILITY** - Any ditch, gutter, culvert, storm sewer or other structure designed, intended, or constructed for the purpose of carrying, diverting, or controlling surface water or groundwater.

**DRAINAGE RIGHT-OF-WAY** - The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

**DRIVEWAY** - A private vehicular passageway providing access between a street and a private parking area or private garage.

**DWELLING** - Any building designed or used as a permanent living quarter for one or more families, not including hotels, motels or lodging or boarding houses.

**EASEMENT** - A grant of limited use of private land for a public or quasi-public purpose.

**ENGINEER** - A registered professional engineer in Pennsylvania designated by Somerset Township.

**ENGINEERING SPECIFICATIONS** - The engineering criteria of Somerset Township regulating the installation of any improvement or facility. In the absence of such Somerset Township engineering criteria, the applicable standards of the Washington County Subdivision and Land Development Ordinance shall apply.

**EROSION** - The removal of surface materials by the action of natural elements.

**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.

**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.

**FINACIAL SECURITY** - A corporate bond, letter of credit, or escrow account from a surety or a financial institution in a form acceptable to the Township, naming the Township as "obligee."

**FLOODPLAIN** - The area along a natural watercourse which may from time to time be overflowed by water therefrom.

**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-year magnitude.

GRADING AND DRAINAGE PLAN - A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

IMPROVEMENTS - Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to grading, paving, curbing, streetlights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

INTERIOR WALK - A right-of-way or easement for pedestrian use, extending from a street into a block or across a block to another street.

LAND DEVELOPMENT -

A. Any of the following activities:

- 1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- 2) A subdivision of land.

B. "Land development" does not include development which involves:

- 1) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
- 2) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or
- 3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

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

LOT AREA - That area measured on a horizontal plane bounded by the front, rear and side lot lines, exclusive of any area within a street right-of-way.

LOT, CORNER - A lot abutting upon two or more streets at their intersection.

LOT, DOUBLE FRONTAGE - An interior lot which abuts streets in both the front and rear.

LOT, INTERIOR - A lot having side lot lines which do not abut on a street.

LOT, MINIMUM WIDTH - The distance between the side lot lines measured at the building setback line.

LOT, NONCONFORMING - A lot, area, or dimension of which was lawful prior to the adoption or amendment of this chapter, but which fails to conform to the requirements of the zoning district in which it is located by reason of such adoption or amendment.

LOT OF RECORD - A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of Washington County, Pennsylvania.

LOT, REVERSE FRONTAGE - A lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

MAINTENANCE GUARANTEE - Any security, other than cash, which may be accepted by Somerset Township for the maintenance of any improvements required by this chapter.

MANUFACTURED HOME - A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION - A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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

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

MOBILE HOME - A transportable, single-family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

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

**MONUMENT** - A concrete, stone, or other permanent object placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

**MUNICIPAL AUTHORITY** - A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164),<sup>2</sup> known as the "Municipalities Authority Act of 1945."

**MUNICIPALITIES PLANNING CODE** - The Pennsylvania Municipal Planning Code, Act 247, of 1968, as amended.

**ONE-HUNDRED-YEAR FLOOD** - A flood that, on average, is likely to occur once every 100 years (i.e. that has a one-percent chance of occurring each year, although the flood may occur in any year).

**OPEN SPACE** - A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed as intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, driveways and areas set aside for public facilities.

**OWNER** - The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the owner, or other persons having a proprietary interest in the land, shall be deemed to be an owner for the purpose of this Chapter.

**PARCEL** - Any designated piece or tract of land located in the Township established by plat or otherwise as permitted by law.

**PERFORMANCE GUARANTEE** - Any security which may be in lieu of a requirement that certain improvements be made before the Board of Supervisors approve a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

**PERSON** - An individual, partnership, corporation, or other legally recognized entity.

**PLAN, FINAL** - A complete and exact subdivision plan or land development plan, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

**PLAN, PRELIMINARY** - A tentative subdivision plan or land development plan, in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

**PLAN, SKETCH** - An informal plan, subdivision, or land development plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision.

**PLAN, SOIL EROSION AND SEDIMENTATION CONTROL** - A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

**PLANNING COMMISSION** - The Planning Commission of Somerset Township, Washington County, Pennsylvania.

**PLAT** - A map or plan of a subdivision or use indicating the location and boundaries of individual properties.

**PRIVATE IMPROVEMENTS** - Any of the following improvements for which plans must comply with the minimum requirements of this chapter: streets, walkways, parking areas, gutters, curbs, waterlines, sewers, stormwater management facilities, landscaping, or other facilities to be owned, maintained, or operated by a private entity, such as an individual, corporation, or homeowners' association, including temporary erosion and sedimentation control, or stormwater management control methods undertaken during construction.

**PUBLIC GROUNDS** - Includes:

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

**PUBLIC HEARING** - A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this chapter.

**PUBLIC IMPROVEMENTS** - Any improvements (parks, streets, buildings, public utilities) made, owned, and/operated by federal, state, county, or local government.

**PUBLIC MEETING** - A forum held pursuant to notice under the Act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act," 65 P.S. § 271 et seq.

**PUBLIC NOTICE** - Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

**REGULATORY FLOOD ELEVATION** - The one-hundred-year-flood elevation plus a freeboard safety factor of 1 1/2 feet.

**RESERVE STRIP** - A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

**RESIDENT PROPERTY OWNER** - Any individual maintaining a voting address in Somerset Township, within 1,000 feet of the proposed subdivision, owning real estate in his own or joint names.

**RESUBDIVISION** - Any subdivision or transfer of land, laid out on a plan which has been approved by the Board of Supervisors, which changes or proposes to change property lines and/or public right-of-way not in strict accordance with approved plan.

**RIGHT-OF-WAY** - Land legally dedicated for public purposes, including, but not limited to, a street, alley, or interior walk.

**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.

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

**SEPTIC TANK** - A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

**SETBACK (BUILDING SETBACK LINE)** - The line within a property defining the required minimum distance between any structure and the ultimate adjacent right-of-way, and the line defining side and rear yards where required.

**SEWAGE DISPOSAL SYSTEM, ON-SITE** - A system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

**SEWAGE DISPOSAL SYSTEM, PUBLIC** - A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

**SHOULDER** - The portion of a roadway (cartway) between the curb or gutter and the travelway intended for emergency and parking use.

**SIGHT DISTANCE** - The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in this Chapter.

**SLOPE** - The face of an embankment of 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 100 feet of horizontal distance.

**SLOPE, STEEP** - Land area where the inclination of the land's surface from the horizontal plan is 15% or greater.

**SOIL PERCOLATION TEST** - A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

**STREET** - A public or private recorded right-of-way that affords primary means of vehicular access to abutting property, but not including alleys.

- A. Local access streets are those used primarily to provide access to abutting properties.
- B. Collector streets are those which, in addition to giving access to abutting properties, intercept local access streets and provide routes to community facilities and to arterial streets.
- C. Arterial streets are those serving large volumes of comparatively high-speed and long distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.



- D. Marginal access streets are minor streets, parallel and adjacent to arterial streets, providing access to abutting properties and control of intersections with the arterial street.
- E. Half or partial street is a street generally parallel and adjacent to a property line having a lesser right-of-way width than normally required for satisfactory improvements and use of the street.

STREET, ARTERIAL - A public street, which serves large volumes of high-speed and long-distance traffic.

STREET, COLLECTOR - A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

STREET, LOCAL ACCESS - A public street, other than an arterial or collector street, designed to provide access to abutting lots and to discourage thru-traffic.

STREET, PRIVATE - A street, including the entire private right-of-way, that is privately owned and maintained through private agreement, and which is intended for private use.

STREET, PUBLIC - A public right-of-way dedicated and open for public use that has been adopted by the Township, County, the Commonwealth, and other governmental body.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, excluding paving (with the exception of driveways of a typical width and sidewalks), storm and sanitary sewers and their appurtenances, stormwater management facilities, and similar features of the infrastructure.

SUBDIVISION - The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

SUBDIVISION, MAJOR - Any subdivision not classified as a minor subdivision.

SUBDIVISION, MINOR - The subdivision of land into not more than 10 parcels located on an existing improved street that does not involve: installation of improvements as required by this chapter; extension of utilities; frontage on an arterial or collector street; adverse effect to the development of the remaining parcel; adverse effect to adjoining properties; and conflict with Somerset Township's Comprehensive Plan, Chapter 180, Zoning, any portion of this Chapter or other state, county or Somerset Township chapters, laws or regulations.

SUBSTANTIALLY COMPLETED - Where in the judgment of the Township Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.



SURVEYOR - A licensed surveyor registered by the Commonwealth of Pennsylvania.

SWALE - A low-lying stretch of land characterized as a depression used to carry surface water runoff.

TOPSOIL - Surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the "A Horizon."

TOWNSHIP - The Township of Somerset, Washington County, Pennsylvania.

UNDEVELOPED LAND - Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

UNIT - A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

WATERCOURSE - A stream of water, river, brook, creek, or a channel or ditch for water, whether natural or man-made.

WATER FACILITY - Any water works, water supply works, water distribution system or part thereof, designed, intended, or constructed to provide or distribute potable water.

WATER SURVEY - An inventory of the source, quantity, yield and use of groundwater and surface water resources within the Township.

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# ARTICLE III – APPLICATION TYPES AND PROCEDURES

## 138-8. APPLICATION TYPES

- A. Major Subdivision. The consolidation, division or redivision of one or more lots, tracts, or parcels of land by any means into two or more lots, tracts, or parcels of land.
- B. Minor Subdivision. The subdivision of land into not more than 10 parcels located on an existing improved street that does not involve:
  - 1) The installation of improvements as required by this Chapter;
  - 2) An extension of utilities;
  - 3) Frontage on an arterial or collector street;
  - 4) Adverse effect to the development of the remaining parcel;
  - 5) Adverse effect to adjoining properties; and
  - 6) Conflict with Somerset Township's Comprehensive Plan, Chapter 180, Zoning, any portion of this Chapter or other state, county or Somerset Township chapters, laws, or regulations.
- C. Land Development. Any of the following activities:
  - 1) The improvement of one lot or more contiguous lots, tracts, or parcels of land for any purpose involving:
    - a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
    - b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of street, common areas, leaseholds, condominiums, building groups or other features.
  - 2) Subdivision of land.
- D. Land Development shall not include:
  - 1) The addition of an accessory building to a residential principal use.
  - 2) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units unless such units are to be a condominium.
  - 3) Improvements to a residential principal use, which may include and may not be limited to decks, porches, residential addition, not greater in size than 25% of the

existing principal structure's footprint, outdoor recreation space, and other similar improvements.

- 4) The expansion of an existing non-residential building footprint such that the expansion footprint is 1,000 square feet or less and no greater than 10% of the existing building footprint.

## 139-9. CONCURRENT APPLICATIONS

When both a subdivision application and a land development application may be required for the same parcel, applicants are encouraged to submit both applications to the Township at the same time, whereby the Township shall review the applications concurrently. This best practice allows for more efficient use of municipal resources and expeditious decisions on the proposed project. All applicable application requirements and deadlines for each application must be met.

## 138-10. APPLICATION PROCEDURES

- A. Recommended Pre-Application Conference (Optional). Before submission of any application for subdivision or land development, the applicant is encouraged to meet with the Township staff and Planning Commission to determine the feasibility, suitability, and timing of the application. The intent of the preapplication conference is for the applicant to obtain information and guidance from the Township with regard to the proposed preliminary plan, prior to entering into any commitments or incurring substantial expenses with regard to the site and the plan preparation. The pre-application conference is voluntary, and no formal application or fee is required.
  - 1) All pre-application conferences shall be scheduled with the Township staff. The request for a preapplication conference with the Planning Commission shall be received and accepted by the Township staff at least 20 days prior to the date of the next regularly scheduled Planning Commission workshop meeting.
  - 2) The submission of a pre-application conference request and any plans, documents, or information related thereto that are presented at the conference shall not be deemed by the Township to be the submission or filing of an application for subdivision or land development approval with the Township, nor shall it be the start of any statutorily prescribed Township review period. The preapplication conference shall not protect the application from subsequent amendments to any applicable Township ordinance provision made prior to the date of the filing of a complete application. The preapplication conferences are intended to be advisory only and shall not bind the Township to take any action on any application subsequently submitted.
  - 3) A sketch plan may be submitted by the subdivider or developer as a basis for informal discussion with the Planning Commission, which may comment upon such sketch plan, but no approval or disapproval shall be given.
  - 4) Data furnished in a sketch plan shall be at the discretion of the subdivider. For fullest usefulness, it is suggested that a sketch should include the following information:

- a) Tract boundaries.
- b) Location within Somerset Township.
- c) North point.
- d) Streets on and adjacent to the tract.
- e) Significant topographical physical features, including floodplains, if any.
- f) Proposed general street layout.
- g) Proposed general lot layout, including location of proposed open space and other preservation areas.

5) A subdivision sketch plan need not be to scale nor are precise dimensions required.

## 138-11. APPLICATION FOR APPROVAL

- A. Applications and required application materials for approval of subdivision and land development plans in the Township shall be submitted to the Township for review and consideration of approval or denial.
- B. Application must be submitted 30 days prior to the next Planning Commission Meeting. The application shall not be considered complete and properly filed unless and until all items required by this Ordinance, including the application filing fee and the application form, are received by the Township prior to the required submittal deadline.
- C. Authority for approval or denial for all applications is vested in the Board of Supervisors. However, prior to action by the Board of Supervisors, all such plans shall be referred to the Planning Commission for review and recommendation. The failure to make such referral and/or the failure of the Planning Commission to review and/or make a recommendation with respect to any such plan shall not affect the validity of any action taken by the Board of Supervisors with respect to any such application.
- D. All applications shall be submitted to the Washington County Department of Planning and Community Development.
- E. The Board of Supervisors shall take action on the application and advise the applicant of such action in the manner as prescribed by the Pennsylvania Municipalities Planning Code.
  - 1) The Board of Supervisors shall render a decision on the application for approval no later than 90 days after the date of the next regularly scheduled Planning Commission meeting following the filing of the application. However, if the next scheduled meeting of the Planning Commission occurs more than 30 days after the application is filed, the 90-day decision period shall be measured from the 30th day following the date the application is filed.
    - a) An application is considered filed pursuant to the application requirements of this Ordinance.

- b) Before action is taken on an application, the Board of Supervisors may hold a public hearing thereon after public notice.
- 2) The Board of Supervisors shall render its decision during a public meeting.
- 3) The Board’s decision shall be in writing and shall be communicated to the applicant personally or mailed not later than 15 days following the decision.
- 4) When the application is not approved in terms as filed, the Board’s decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
- 5) As a condition of approval, the applicant shall enter into improvement and maintenance agreements with the Township when applicable, as determined at the sole discretion of the Township. No Township permits shall be issued until said agreements are executed and secured to the satisfaction of the Township and until the approved final plan has been recorded in the County Recorder of Deeds Office.

**Table 1 – Subdivision and Land Development Application and Review Process**

<b>1</b>	<b>Voluntary Pre-Application Conference</b>	<b>5</b>	<b>Planning Commission Recommendation</b>
<b>2</b>	<b>Application Submitted</b>	<b>6</b>	<b>Public Hearing (Board Option)</b>
<b>3</b>	<b>Review – Staff and Township Engineer</b>	<b>7</b>	<b>Review – Board of Supervisors</b>
<b>4</b>	<b>Review – Planning Commission</b>	<b>8</b>	<b>Board of Supervisors Decision</b>

**138-12. RECORDING OF THE PLAN**

- A. Following approval of a final plan pursuant to the requirements of this chapter, three paper copies of the final plan (full size, 24 inches by 36 inches) shall be endorsed by the Township Supervisors and Township Planning Commission. The signature of the Washington County Planning Commission shall also be placed on the plans indicating the Commission's review. The signature block shall state the following:  

"Submitted to Washington County on \_\_\_\_ and reviewed by Washington County on this \_\_\_\_ day of \_\_\_\_, 20\_\_\_\_."
- B. The record plan shall be a clear and legible print of a type and material required by the Washington County Recorder of Deeds.
- C. After the required endorsements are completed, the applicant shall file the record plan with the Washington County Recorder of Deeds within 90 days of the date of final approval or 90

days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later. The signature blocks shall include endorsements from the following:

- a) Township Supervisors
  - b) Planning Commission
  - c) Washington County Planning Commission
  - d) Township Secretary, with date of delivery to applicant.
- D. In addition to the required endorsements in the above signature block, the signature block for the land development plan shall state the following:

“In accordance with Section 513 of the Pennsylvania Municipalities Planning Code, the fully executed plat is released this day of \_\_\_\_, 20 \_\_\_\_.

---

Somerset Township Secretary”

### 138-13. EXPIRATION OF FINAL APPROVAL

In the case of a land development plan that is not recorded in the Office of the Washington County Recorder of Deeds, failure to obtain a grading permit or building permit to complete the construction described in the approved plan within five years of the date the final approval is granted by the Board of Supervisors shall result in the automatic expiration of final approval.

## ARTICLE IV – APPLICATION REQUIREMENTS

### 138-14. FILING OF APPLICATION

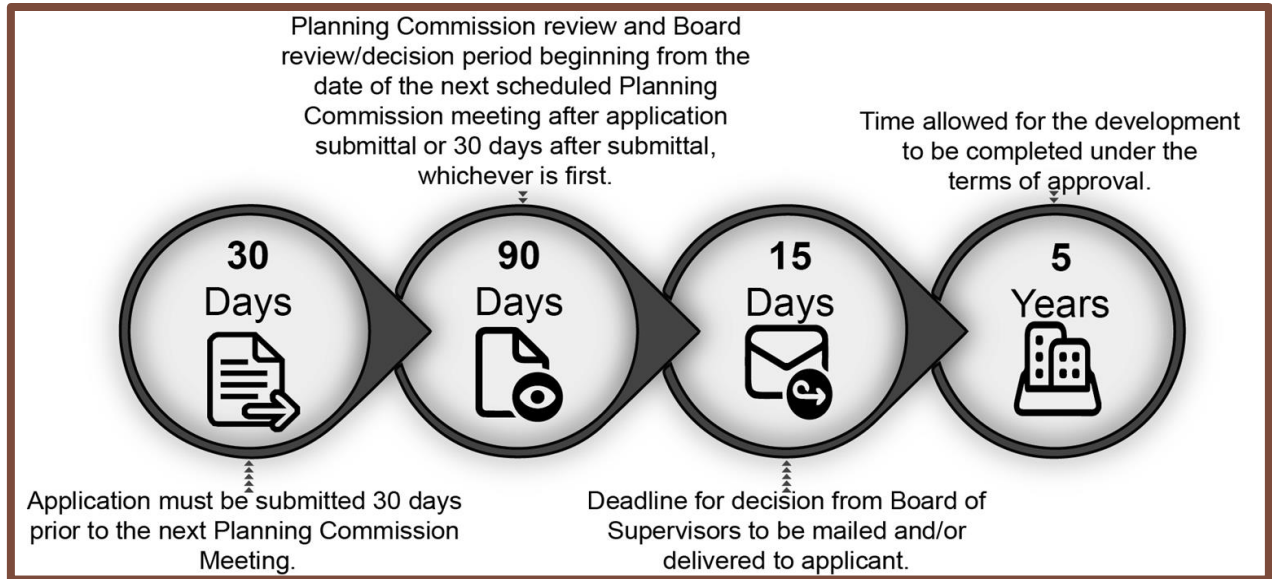
An application for subdivision or land development plan approval shall be considered filed with the Township on the date of submission of an application that meets the following application content requirements, as determined by the Zoning Officer or other staff as shall be designated by the Township. The Township shall make such determination as to the administrative completeness of the application within five business days of the application submittal date, and if the following application content requirements are met, the application will be considered filed as of the date the application was submitted to the Township.

- A. Required application form, fully completed and executed by a person with authority to do so, including such information as may be necessary to verify said authority;
- B. Application fee, in the correct amount, as set by Township resolution, and as may be amended from time to time;
- C. Eight complete sets of application materials, as well as digital copies of all application materials, as required by this section;
- D. Application drawings shall be clearly and legibly drawn to a scale of one inch equals 50 feet or larger.
- E. All submitted plan drawings should be on sheets a minimum of up to 24 inches by 36 inches in size.
- F. Applicant shall be required to provide large-scale plan drawings at each Board of Supervisors and/or Planning Commission meeting where the application shall be reviewed.

### 138-15. APPLICATION REVIEW TIMELINE

Land Development and Major Subdivision application reviews shall proceed using the following time, as outlined by the MPC.

**Image 1 – Subdivision and Land Development Application Timeline for Review and Approval**



## 138-16. APPLICATION CONTENTS

- A. All Major Subdivision and Land Development Plan drawings shall include the following information, and if more than one plan sheet is required, a key diagram illustrating the relative location of the several sections shall be drawn on each sheet.
- 1) Application Information and Plan Sheet Information:
    - a) Name, address, and phone number of record owner;
    - b) Name, address, and phone number of developer, if different than owner;
    - c) Name of the proposed subdivision or development plan;
    - d) Name of the municipality or municipalities within which plan is proposed;
    - e) Names of all adjoining properties and recorded subdivision or land development plans;
    - f) Name, address, license number, and seal of a registered engineer or surveyor responsible for the application plans;
    - g) North point, graphic scale, written scale, and date including the month, day, and year that the original drawing was completed and the month, day, and year that the original drawing was revised for each revision;
    - h) A location map, for the purpose of locating the property being subdivided or developed, drawn at a scale not smaller than one inch equals 2,000 feet and showing the relation of the property to adjoining property and to all streets, roads, and Township boundaries, within one mile of any part of the property;



- i) The current total tract boundary lines of the parent lot, parcel of land and/or property (tract) being subdivided or developed. Boundaries of the adjacent parcels which intersect the boundaries of the plan or subdivision shall be shown but are not required to be field surveyed;
- j) In the case of a subdivided parcel, a statement of the total area of the resulting tract(s) shall also be on the plat or plan;
- k) Tax map sheet, block, and lot numbers within the proposed subdivision or land development;
- l) The zoning district or districts within which the proposed subdivision or development is located;
- m) The latest source of title to the land as shown by the deed, page number and book of the County Recorder of Deeds;
- n) The current total tract boundary lines of the parent lot, parcel of land and/or property (tract) being subdivided or developed with accurate distances to thousandths of a foot and bearings to one quarter of a second. The length and bearing of all the parent parcel boundary lines shall be determined by an accurate field survey performed by a Professional Surveyor licensed in the Commonwealth of Pennsylvania. The field survey shall be balanced and closed with an error of closure not less than one foot in 10,000 feet. The Licensed Professional Surveyor shall certify to the accuracy of the survey and the drawn plat. The drawn plat shall clearly show all surveyed distances and bearings and any other information required to accurately define the parcel. A statement of the total surveyed areas of the parent parcel shall be on the plan. Boundaries of the adjacent parcels, which intersect the boundaries of the plan or subdivision, shall be shown but are not required to be field surveyed;
- o) Lot closures sealed by a Professional Surveyor licensed in the Commonwealth of Pennsylvania shall accompany the survey. In the case of a subdivided parcel, a statement of the total area of the resulting tract(s) shall also be on the plat or plan; the resulting tract(s) shall be defined by accurate bearings and distances and closed with an Error of Closure not less than one foot in ten thousand feet. Also, in the case of a subdivision, the Licensed Professional Surveyor shall certify to the accuracy of the bearings and distances and Error of Closure, as well as the location and elevation of the Plan Monuments;
- p) All lot lines shall be completely dimensioned in feet, if straight, and by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds), if curved. All internal angles within the lots shall be designated to within 15 seconds; and
- q) The proposed building setback and the proposed placement of each building.

- r) Where applicable, a highway occupancy permit or review and written approval by the PA DOT. No plat, which will require access to a highway under the jurisdiction of the PA DOT, shall be finally approved unless the plat contains a notice stating that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a state highway is permitted.

2) Existing Features:

- a) All existing buildings or other structures;
- b) All existing streets, including streets recorded, but not constructed, on or adjoining the subject property, including street names, rights-of-way widths, pavement widths and approximate grades;
- c) All existing sewer lines, stormwater lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railways, or other man-made features within the proposed subdivision or development and those features within 100 feet of the boundaries of the proposed subdivision or development;
- d) Location, width, and purpose of existing easements and utility rights-of-way within 100 feet of the boundaries of the proposed subdivision or development;

3) Proposed Features:

- a) Location and width of all streets and rights-of-way, with a statement of any conditions governing their use;
- b) Proposed street names;
- c) Utility easement locations;
- d) Yard and setback lines along each street and property line, as required by the Somerset Township Zoning Ordinance;
- e) Lot lines, with approximate dimensions;
- f) A statement of the intended use of all lots and parcels;
- g) Lot numbers, a statement of total number of lots and parcels, and lot size in square feet and acres for each lot;
- h) Sanitary and stormwater facilities with the size and material of each indicated, and any proposed connections to existing facilities;
- i) Location, width and purpose of proposed easements and utility rights-of-way;
- j) Copies of any proposed deed restrictions and protective and restrictive covenants or rights-of-way; and

- k) Location, type and size of all monuments and lot markers in accordance with the standards and requirements of §138-31 of this Chapter and the Washington County Planning Commission and an indication of whether they were found or set.
- l) In the case where one or more variances to the requirements of Chapter 180, Zoning, of the Code of the Township of Somerset has been granted, a notation on the plat regarding the date and substance of the variance(s).

B. Additional Materials

- 1) Contour intervals, except for subdivision applications, of not more than two feet for land with average natural slope of twenty (20%) percent or less, and at intervals of not more than five feet for land with average natural slope exceeding 20 percent;
- 2) Preliminary profiles, typical cross-sections, and specifications for proposed street, sanitary sewer, water system improvements, and storm drainage;
- 3) A completed Pennsylvania Department of Environmental Protection Sewage Facilities Planning module or exemption for all subdivisions that create a lot/lots and all land development, including soil and representative percolation tests, where applicable, and information necessary for the Township to make a determination as to revising or supplementing the plan for sewage facilities;
- 4) A stormwater management plan that conforms to the Township design requirements as outlined in the Stormwater Management Ordinance;
- 5) A landscape plan, where necessary, to illustrate requirements of the Stormwater Management Ordinance and the Zoning Ordinance;
- 6) Building elevations, in color, for all sides of proposed buildings.
- 7) Preliminary designs of any bridges or culverts that may be required. Such designs shall meet all applicable federal, state, and local requirements; and
- 8) Written statement requesting any modifications or waivers to any applicable ordinance provision.
- 9) Data clearly showing all distances and bearings and any other information required to accurately describe the subdivision.
- 10) All easements or rights-of-way, where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan. Easements shall either be shown or specifically described on the plan. Easements shall be located in cooperation with the appropriate utility companies;
- 11) Such private deed restrictions, including covenants, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions

previously imposed that may affect the title to the land being subdivided or developed;

- 12) If the plan includes a proposed new access point to a state legislative route, the application for highway occupancy permit and associated materials shall be submitted;
- 13) A certification of ownership, acknowledgement of plan and offer of dedication shall be lettered on the plan, and shall be duly acknowledged and signed by the owner of the property and notarized;
- 14) Location, size, and invert elevation of all sanitary sewer, water distribution, and storm drainage systems and the location of all manholes, inlets, and culverts;
- 15) Final profiles, cross sections, and specifications for proposed streets, sanitary sewers, water distribution systems, and storm drainage systems shall be shown;
- 16) Evidence of a sewage planning module approval or exemption from the Pennsylvania Department of Environmental Protection;
- 17) Homeowner Association By-Laws and management plan, if applicable;
- 18) For proposed plans with earth disturbance over 5,000 square feet, an erosion and sedimentation control plan developed in accordance with the Pennsylvania Department of Environmental Protection Standards shall be provided to the Township. For proposed plans with earth disturbance over one acre, an erosion and sedimentation control plan developed in accordance with Pennsylvania Department of Environmental Protection Standards and approved by the Washington County Conservation District shall be provided to the Township;
- 19) Parks, playgrounds, and other areas to be dedicated or reserved for public or common use, with any conditions governing such use;
- 20) Evidence of a NPDES permit approval by the PADEP, if required;
- 21) A legal description of all areas offered for dedication; and
- 22) In the case of subdivision or land development plans to be developed in stages, sections, or phases, over a period of time, a map delineating each phase of the proposed subdivision of land development, consecutively numbered so as to illustrate phasing and a schedule indicating the approximate time for which the application for final approval of each phase is intended to be filed.
- 23) Spaces for the signatures of the Chairman and Secretary of the Planning Commission and the Chairman and Secretary of the Board of Supervisors.
- 24) If applicable, flood hazard zone boundaries as identified on the current Official Map for the Township issued by the Federal Insurance Administration.
- 25) Final grading plan that demonstrates compliance with Excavations, Filling and Grading of the Code of the Township of Somerset.

26) A landscaping plan showing compliance with all applicable buffer area and landscaping requirements of Chapter 180, Zoning, of the Code of the Township of Somerset.

C. The Township may request additional documentation based upon the unique circumstances of a particular proposed plan.

## 138-17. MODIFIED APPLICATION REQUIREMENTS FOR MINOR SUBDIVISIONS

A. Application Contents. All Minor Subdivision Plan drawings shall include the following information, and if more than one plan sheet is required, a key diagram illustrating the relative location of the several sections shall be drawn on each sheet.

1) Application Information and Plan Sheet Information:

- a) Name, address, and phone number of record owner;
- b) Name, address, and phone number of developer, if different than owner;
- c) Name of the proposed subdivision or development plan;
- d) Name of the municipality or municipalities within which plan is proposed;
- e) Names of all adjoining properties and recorded subdivision or land development plans;
- f) Name, address, license number, and seal of a registered engineer or surveyor responsible for the application plans;
- g) North point, graphic scale, written scale, and date including the month, day, and year that the original drawing was completed and the month, day, and year that the original drawing was revised for each revision;
- h) A location map, for the purpose of locating the property being subdivided or developed, drawn at a scale not smaller than one inch equals 2,000 feet and showing the relation of the property to adjoining property and to all streets, roads, and Township boundaries, within one mile of any part of the property;
- i) The current total tract boundary lines of the parent lot, parcel of land and/or property (tract) being subdivided or developed boundaries of the adjacent parcels which intersect the boundaries of the plan or subdivision shall be shown but are not required to be field surveyed;
- j) A statement of the total area of the resulting tract(s) shall also be on the plan;
- k) Tax map sheet, block, and lot numbers within the proposed subdivision or land development;
- l) The zoning district or districts within which the proposed subdivision or development is located;

- m) The latest source of title to the land as shown by the deed, page number and book of the County Recorder of Deeds;
- n) The current total tract boundary lines of the parent lot, parcel of land and/or property (tract) being subdivided or developed with accurate distances to thousandths of a foot and bearings to one quarter of a second. The length and bearing of all the parent parcel boundary lines shall be determined by an accurate field survey performed by a Professional Surveyor licensed in the Commonwealth of Pennsylvania. The field survey shall be balanced and closed with an error of closure not less than one foot in 10,000 feet. The Licensed Professional Surveyor shall certify the accuracy of the survey and the drawn plan. The drawn plan shall clearly show all surveyed distances and bearings and any other information required to accurately define the parcel. A statement of the total surveyed areas of the parent parcel shall be on the plan. Boundaries of the adjacent parcels, which intersect the boundaries of the plan or subdivision, shall be shown but are not required to be field surveyed;
- o) Lot closures sealed by a Professional Surveyor licensed in the Commonwealth of Pennsylvania shall accompany the survey. In the case of a subdivided parcel, a statement of the total area of the resulting tract(s) shall also be on the plat or plan; the resulting tract(s) shall be defined by accurate bearings and distances and closed with an Error of Closure not less than one foot in 10,000 feet. Also, in the case of a subdivision, the Licensed Professional Surveyor shall certify to the accuracy of the bearings and distances and Error of Closure, as well as the location and elevation of the Plan Monuments;
- p) All lot lines shall be completely dimensioned in feet, if straight, and by designating length of arc and radius (in feet) and central angle (in degrees, minutes, and seconds), if curved. All internal angles within the lots shall be designated to within 15 seconds; and
- q) The proposed building setback and the proposed placement of each building.
- r) Where applicable, a highway occupancy permit or review and written approval by the PA DOT. No plat, which will require access to a highway under the jurisdiction of the PA DOT, shall be finally approved unless the plat contains a notice stating that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a state highway is permitted.

2) Existing Features:

- a) All existing buildings or other structures;

- b) All existing streets, including streets recorded, but not constructed, on or adjoining the subject property, including street names, rights-of-way widths, pavement widths and approximate grades;
- c) All existing sewer lines, stormwater lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railways, or other man-made features within the proposed subdivision or development and those features within 100 feet of the boundaries of the proposed subdivision or development;
- d) Location, width, and purpose of existing easements and utility rights-of-way within 100 feet of the boundaries of the proposed subdivision or development;

3) Proposed Features:

- a) Utility easement locations;
- b) Yard and setback lines along each street and property line, as required by the Somerset Township Zoning Ordinance;
- c) Lot lines, with approximate dimensions;
- d) A statement of the intended use of all lots and parcels;
- e) Lot numbers, a statement of total number of lots and parcels, and lot size in square feet and acres for each lot;
- f) Sanitary and stormwater facilities with the size and material of each indicated, and any proposed connections to existing facilities;
- g) Location, width, and purpose of proposed easements and utility rights-of-way; and
- h) Copies of any proposed deed restrictions and protective and restrictive covenants or rights-of-way.
- i) Location, type and size of all monuments and lot markers in accordance with the standards and requirements of §138-31 of this chapter and the Washington County Planning Commission and an indication of whether they were found or set.
- j) In the case where one or more variances to the requirements of Chapter 180, Zoning, of the Code of the Township of Somerset has been granted, a notation on the plat regarding the date and substance of the variance(s).
- k) Spaces for the signatures of the Chairman and Secretary of the Planning Commission and the Chairman and Secretary of the Board of Supervisors.
- l) If applicable, flood hazard zone boundaries as identified on the current Official Map for the Township issued by the Federal Insurance Administration.

- m) Final grading plan that demonstrates compliance with Excavations, Filling and Grading of the Code of the Township of Somerset.
- n) A landscaping plan showing compliance with all applicable buffer area and landscaping requirements of Chapter 180, Zoning, of the Code of the Township of Somerset.

### 138-18. REVISED APPLICATION MATERIALS

Revised application materials for applications that are already under consideration by the Somerset Township Planning Commission or Board of Supervisors must be submitted at least seven days prior to the Planning Commission or Board of Supervisors meeting, at which the revised application materials are to be considered.

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## ARTICLE V - FINANCIAL SECURITY

### 138-19. FINANCIAL SECURITY

- A. No plan shall be given final approval by the Board of Supervisors unless the public improvements required by this Ordinance have been installed in accordance with the standards set forth in the Design Standards of this Ordinance. In lieu of the completion of any improvement(s) required prior to, and as a condition for final approval, the applicant shall provide for the deposit, in a form acceptable with the Township and as specified in the MPC, financial security in an amount sufficient to the Township to cover the costs of such improvement(s) or common amenities.
- B. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvement(s) which have been completed and the estimated cost for the completion of the remaining improvement(s) as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the financial security equals but does not exceed said 110%. Any additional security shall be posted by the developer in accordance with this subsection.
- C. The amount of the financial security required shall be based upon an estimate of the cost of completion of the required improvement(s), submitted by the applicant and prepared by a registered professional engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township Engineer shall review the proposed estimate and make a recommendation to the Board of Supervisors as to acceptance and may provide an estimate, if deemed unacceptable.
  - 1) If the applicant and the Township cannot agree upon an estimate, then the estimate shall be recalculated and recertified by another registered professional engineer chosen mutually by the applicant and the Township. The estimate by the third engineer shall be deemed as the final estimate.
  - 2) If a third engineer is selected, the fees for services shall be evenly divided between the applicant and the Township.
- D. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10 percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount equal to 110 percent

of the revised cost of completing the improvement(s) as established on or about the one-year anniversary of the original posting. The revised costs shall be determined by using the same manner as described for the initial financial security.

### **138-20. PARTIAL RELEASE FROM FINANCIAL SECURITY**

- A. As the work of installing the required improvements proceeds, the developer may request the Township to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work.
- B. Any such requests must be in writing and describe the portion of the work claimed to be completed and the amount of security requested to be released.
- C. The Township shall have 45 days from receipt of such request to have the Township Engineer certify in writing to the Township that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Township shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed, or if the Township fails to act within the said 45-day period, the release of funds shall be deemed approved.
- D. Notwithstanding anything to the contrary, the Township may, prior to final release at the time of completion and certification by its engineer, require retention of 10 percent of the estimated cost of improvements.
- E. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Township, the applicant shall proceed to complete the same, and upon completion, the same procedure of notification as identified above shall be followed.
- F. The applicant shall reimburse the Township for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Township.

### **138-21. FINAL RELEASE FROM FINANCIAL SECURITY**

- A. When the applicant has completed all of the necessary and appropriate improvements, the applicant shall notify the Township, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the Township Engineer. The Township shall, within 10 days after receipt of such notice, direct the Township Engineer to inspect all of the installed improvements.
- B. Within 30 days of authorization by the Board of Supervisors, the Township Engineer shall file a report, in writing, of the result of the inspection. A copy shall also be forwarded to the

applicant by certified or registered mail. The report shall detail the improvements and shall indicate approval or rejection, in whole, or in part of the improvement(s). Rejection, in whole, or in part of the improvement(s) shall contain a statement of reasons for such recommendation.

- C. The Township shall notify the applicant within 15 days of receipt of the engineer's recommendation, in writing, by certified or registered mail, of the action by the Board of Supervisors.
- D. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Township, the applicant shall proceed to complete the same, and upon completion, the same procedure of notification as identified above shall be followed.
- E. The applicant shall reimburse the Township for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Township.

## **138-22. AS-BUILT PLANS**

The subdivider or developer will furnish Somerset Township with as-built plans for sanitary sewer systems and storm sewer systems within the subdivision or land development.

## **138-23. MAINTENANCE GUARANTEE**

When the Township accepts dedication of all or some of the required public improvement(s) following completion, the Board of Supervisors require the posting of a maintenance guarantee to secure the structural integrity of the dedicated improvement(s) in accordance with the design and specifications as depicted on the final plan. The term for financial security for the maintenance of the improvement(s) shall be 18 months, and the amount shall not exceed 15 percent of the actual cost of installation.

# ARTICLE VI – REQUIRED IMPROVEMENTS

## 138-24. GENERAL REQUIREMENTS

The following improvements shall be installed by the subdivider. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or security to the Board of Supervisors is provided.

## 138-25. STREETS

Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider and approved by the Somerset Township Engineer. The subdivider must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. The streets shall be designed and constructed to the standards set forth in the General Design Principles of this chapter.

## 138-26. CURBS AND SIDEWALKS

Curbs and sidewalks shall be provided in accordance with the standards set forth in the General Design Principles of this Chapter.

## 138-27. SEWERS

- A. Public sewer systems. When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the Board of Supervisors. Where required, DEP Planning Module approval shall also be obtained for final plan approval.
- B. Private sewer systems. When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Board of Supervisors from the Pennsylvania Department of Environmental Protection certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to Somerset Township.
- C. On-lot sewage disposal. In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided.
- D. Capped sewer system. Where the sanitary sewer system is not yet accessible but is planned for extension to the subdivision or development, the subdivider shall install sewer lines, including lateral connections, in order to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as well as any septic system required. At such time as any planned construction of extensions to the existing sanitary sewer system is under contract, the

subdivider may reduce the size of any required septic system drain fields or septic tank by 50%.

## 138-28. WATER

- A. Provision of system. The subdivision or land development shall be provided with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the Pennsylvania Department of Environmental Protection with satisfactory provision for the maintenance thereof; except that, when such municipal or community water supply system is not available, each lot in a subdivision shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the Pennsylvania Department of Environmental Protection.
- B. Plans. The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision or land development will be connected shall be submitted to the Board of Supervisors. Upon the completion of the water supply system, one copy of each of the plans for such system shall be filed with Somerset Township.
- C. Water supply. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Board of Supervisors that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- D. Fire hydrants. Fire hydrants shall be provided as an integral part of any public water supply system. The Officials from the Bentleyville Fire Department shall be consulted to determine the location of proposed fire hydrants.

## 138-29. STORM DRAINAGE

A storm drainage system shall be provided in accordance with the standards as set forth in the General Design Principals of this chapter.

## 138-30. UTILITIES

- A. Easements for utilities shall have a minimum width of 15 feet.
- B. To the fullest extent possible, easements for public utilities shall be centered on or adjacent to rear or side lot lines.
- C. Telephone, electric, T.V. cable and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such

utilities, and in accordance with plans approved by the Board of Supervisors and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to street paving and gutter, curbing, and sidewalk installation.

### 138-31. MONUMENTS AND MARKERS

- A. Monuments shall be of concrete or stone at least six inches by six inches by 30 inches and marked on top with a copper or brass dowel. They shall be set at the intersection of lines forming angles in the boundaries of the subdivision and at the intersection of street lines. Markers shall be iron pipes or brass 30 inches by 3/4-inch diameter and set at all points where lines or lines and curves intersect.
- B. Monument replacement. Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person responsible for the removal.
- C. In minor subdivisions, the Board of Supervisors, upon recommendation of the Township Engineer, may waive the requirement for the number of monuments or markers.
- D. The installation and certification shall be made by a registered surveyor prior to final approval of the subdivision. In lieu of such prior installation, the applicant shall furnish a cash deposit in the form of a certified check to guarantee the proper installation of the required monuments, markers, and benchmarks. The refundable deposit shall be in an amount established from time to time by resolution of the Board of Supervisors.
- E. The location and tie-in dimensions of all monuments or markers shall be shown on the plan for recording. No public improvements shall be accepted by the Township until all monuments or markers have been set and their placement certified by a registered surveyor.

### 138-32. OTHER IMPROVEMENTS

- A. Shade trees shall be provided as specified in the General Design Principles of this chapter.
- B. Street name signs conforming to Somerset Township specifications shall be provided and installed by the subdivider or developer at all street intersections.
- C. Open space shall be provided as specified in the General Design Principals of this chapter.
- D. Other improvements to promote public safety and health as required by the Board of Supervisors as a condition of approval.

### 138-33. TIME LIMITS

All improvements shall be installed according to a time schedule which shall be approved by the Board of Supervisors.

### 138-34. INSPECTION

At the time each improvement is to be installed and upon its completion, the subdivider shall notify the Board of Supervisors so that adequate inspections can be made. The inspection will be made by

the Somerset Township Engineer. All costs of undertaking the inspection will be borne by the subdivider.

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# ARTICLE VII - GENERAL DESIGN PRINCIPLES

## 138-35. APPLICATION OF PRINCIPLES

The following principles, standards, and requirements will be applied by the Board of Supervisors and Planning Commission to evaluate plans for proposed subdivision or land developments. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of public health, safety, morals, and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the Board of Supervisors may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this chapter.

## 138-36. LAND REQUIREMENTS

- A. Land shall be suited to the purposes for which it is to be subdivided or developed.
- B. Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan. Land included as having unsuitable characteristics would be the following:
  - 1) Land subject to flooding or which has a high groundwater table.
  - 2) Land which, if developed, will create or aggravate a flooding condition upon other land.
  - 3) Land subject to subsidence.
  - 4) Land subject to underground fires.
  - 5) Land containing significant areas of slopes greater than 10%.
  - 6) Land which, because of topography or means of access, is considered hazardous by the Board of Supervisors.
  - 7) Land which is subject to ground pollution or contamination.
- C. Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community, as a whole, may develop harmoniously.
- D. Proposed land uses and general area and bulk regulations shall conform to the Somerset Township Zoning Ordinance.

## 138-37. STREETS

Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the subdivider and approved by the Somerset Township Engineer. The subdivider must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. The streets shall be designed and constructed to the standards set forth in this subsection.



## 138-38. STREET SYSTEM

- A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by Somerset Township and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments.
- B. Proposed streets shall further conform to such county and state road and highway plans as have been prepared, adopted, or filed as prescribed by law.
- C. Streets shall be related to the topography to produce usable lots and acceptable grades.
- D. Access shall be given to all lots and portions of the tract in the subdivisions or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to Somerset Township specifications. Reserve strips and land-locked areas shall not be created.
- E. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic.
- F. Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a limited access highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or limited access highway and the marginal access streets. The Board of Supervisors may also require rear service areas, double frontage lots, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.
- G. Half or partial streets will not be permitted in new subdivisions or land developments except where essential to reasonable subdivision or development of a tract in conformance with the other requirements and standards of this chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured.
- H. Wherever a tract to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan.
- I. Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as a cul-de-sac.
- J. New reserve strips, including those controlling access to streets, shall be forbidden.
- K. Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development shall be made to provide for the proper projection of streets into the unsubdivided land.

- L. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.
- M. No street shall be laid out or opened which extends to or crosses any boundary between Somerset Township and any other municipality except with the specific approval of the Board of Supervisors and upon such condition as the Board of Supervisors may impose. If the street is proposed to serve a commercial area, an industrial area or a residential area of 50 dwelling units or more, located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of Somerset Township are adequate to handle the anticipated volume.
- N. All streets shall have a uniform width throughout their respective lengths except where otherwise required by the Board of Supervisors pursuant to § 138-21B(3).
- O. Development of private streets is discouraged. It is the policy of this Somerset Township that all subdivided lands shall have immediate access to a public street. Because of unique property configuration and location, Somerset Township recognizes the need for limited exceptions to the foregoing general policy. No subdivision will be approved on a private street or road if more than two lots already front on such street or road or if after subdivision more than two lots will front such private street or road.

## 138-39. STREET DESIGN

- A. Street Construction and Issuance of Building Permits. All proposed streets and/or driveways associated with an approved subdivision and/or land development shall be completed to an extent accepted by the Township Engineer, and in accordance with this ordinance, prior to construction of any other facility with the exception of detention/retention basins, approved with the development.
- B. Street classification.
  - 1) Three functional classifications are hereby established for the streets and roads in Somerset Township:
    - a) Arterial. This classification includes highways which provide intra-county or intermunicipal traffic of substantial volumes where the average trip lengths are usually five miles or greater. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour.
    - b) Collector. This classification is intended to include those highways which connect local access highways to arterial highways. They may serve intra-county and intra-Township traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping, and other services. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 miles per hour.
    - c) Local access. This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of

roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour or under.

C. Right-of-way widths.

- 1) Minimum widths for each type of public street shall be as follows:

**Table 1 – Minimum Right-of-Way Width**

<b>Minium Right-of-Way Width</b>		
<b>Types of Streets</b>	<b>Width (feet)</b>	<b>Cartway Width (feet)</b>
<b>Arterial</b>	80 to 120	46
<b>Collector</b>	60	34
<b>Local access</b>	50	30

- 2) Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this chapter, sufficient additional width for right-of-way shall be provided and dedicated to meet the foregoing standards.
- 3) Additional right-of-way and cartway widths may be required by the Board of Supervisors to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.

D. Cul-de-sac streets.

- 1) Cul-de-sac streets, whether permanent or temporary, shall be provided at the closed end with a turnaround having a minimum radius to the edge of the finished street or curb line of not less than 50 feet.
- 2) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into the adjoining tract. When such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.
- 3) Commercial and industrial cul-de-sac shall be reviewed for adequacy by the Somerset Township Engineer. His recommendations will be given to the Board of Supervisors who shall have final authority in this matter.
- 4) Permanent cul-de-sac streets are to be discouraged.
- 5) If a permanent cul-de-sac is necessary, it shall not exceed 600 feet in length. The cul-de-sac shall be constructed in a teardrop shape or with a median planting in the turn around radius.

E. Street alignment.

- 1) Whenever street lines are deflected by more than five degrees, connection shall be made by horizontal curves.
- 2) The minimum radius at the center line for horizontal curves on collector and arterial streets shall be 300 feet, and for local streets the minimum radius shall be 100 feet.
- 3) On local access streets, the minimum tangent between reverse curves shall be at least 100 feet; on collector and arterial streets, the minimum tangent shall be at least 250 feet.
- 4) Minimum vertical sight distance measured four feet above grade shall be 300 feet for collector and arterial streets and 100 feet for local access streets.

E. Street grades.

- 1) The minimum grade on all streets shall be 0.5 percent.
- 2) The maximum grade on collector or arterial streets shall be seven percent and on local access streets 10 percent.
- 3) Vertical curves shall be used in changes of grade exceeding one percent and shall provide proper sight distances as specified herein above.

F. Street intersections.

- 1) Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than 800 feet as measured from center line to center line.
- 2) The distance between center lines of streets opening onto the opposite side of a proposed or existing street shall be not less than 150 feet unless the streets are directly opposite each other.
- 3) Multiple intersections involving the junction of more than two streets shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- 4) Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than 75 degrees. The intersection of two local streets shall not be at an angle of less than 60 degrees.
- 5) The minimum curb radius at the intersection of two local streets shall be at least 20 feet; and minimum curve radius at an intersection of a local street and a collector or arterial street shall be at least 25 feet.
- 6) There shall be provided and maintained at all intersections clear sight triangles of 75 feet in all directions measured along the center line from the point of

intersection. Nothing which obstructs the vision of a motorist shall be permitted in this area.

- 7) Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds 7 percent, a leveling area shall be provided having a grade of not greater than 4 percent for a distance of 25 feet measured from the nearest right-of-way line of the intersecting street.

G. Pavement design.

- 1) All components of the pavement structure shall be designed and constructed in accordance with Pennsylvania Department of Transportation Specifications, Form 408.
- 2) A geotextile fabric must be added to under road base.
- 3) Compaction must be inspected by an Engineer certified in the Commonwealth of Pennsylvania prior to the onset of paving.
- 4) Minimum requirements. The following shall be considered to be minimum standards for street construction in Somerset Township:

**Table 2 – Pavement Design Standards**

<b>Pavement Design</b>			
<b>Alternates</b>	<b>Type</b>	<b>Local Access Streets (inches)</b>	<b>Collector and Arterial Streets (inches)</b>
Rigid pavement	Plain cement concrete	6	6
	Subbase	6	6
Flexible pavements			
Surface	ID-2	1 ½	1 ½
Base	Bituminous	4	6
Subbase Surface	ID-2	3	3
Base	Crushed aggregate (regular or dense grade)	6	10
Subbase		6 (if required)	6 (if required)
Surface	ID-2	3	3
Base	Modified Stone Aggr.	8	10
Subbase		6 (if required)	9 (if required)

H. Alleys and driveways.

- 1) Alleys are prohibited in residential developments.

- 2) Driveways serving properties located adjacent to an intersection shall be offset from the intersection of the curblines a distance not less than the required setback dimension.
- I. Traffic Calming elements. Pedestrian safety and accessibility along and near streets is a priority. Street and traffic calming elements, including but not limited to, speed humps, choker, bulb-out, median island, and speed tables, shall be used to reduce vehicle speed and create a street environment that is safe and friendly for pedestrians.

## 138-40. CURBS AND SIDEWALKS

### A. Curbs.

- 1) Curbs shall be provided on all streets and parking compounds located within multifamily and apartment building developments. Curbs shall also be required on new streets in subdivisions or land developments in which the average lot width of interior lots at the required building setback line is 100 feet or less. Curbs may also be required in any subdivision in which the lot areas or lot widths exceed the above minimum, when the center line street grade of any street exceeds 3 percent. In such cases, curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The requirement of the curbs may be waived at the discretion of the Board of Supervisors.
- 2) All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.
- 3) Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be used on collector streets. The transition from one type of curb to another shall occur only at street intersections.
- 4) All curbs shall be constructed of Portland cement concrete with expansion joints every 20 feet and shall follow PennDOT standards where applicable.

### B. Sidewalks.

- 1) Sidewalks shall be provided by the developer on all streets and parking compounds located within multifamily and apartment building developments. Sidewalks shall also be required on new streets in subdivisions or land developments in which average lot width of interior lots at the required building setback line is 100 feet or less. The requirement of sidewalks may be waived at the discretion of the Board of Supervisors.
- 2) The minimum widths for sidewalks along each type of public street shall be four feet and shall follow PennDOT specifications where applicable, including for ADA accessibility.

138-41. STORMWATER DRAINAGE

- A. Lots shall be laid out and graded to provide positive drainage away from buildings. The Board of Supervisors may require a grading and drainage plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured.
- B. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from Somerset Township or Department of Environmental Protection, whichever is applicable.
- C. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.
- D. Somerset Township will ensure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.
- E. The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:
  - 1) Collect on-site surface runoff and dispose of it to the point of discharge into the common natural watercourse of the drainage area.
  - 2) Design drainage facilities to handle runoff from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for Somerset Township.
  - 3) Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property, and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural watercourse.
- F. Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural watercourses, to drain all low points along streets, and to intercept stormwater runoff along streets at intervals reasonably related to the extent and grade of the area drained.
- G. Storm sewers, as required, shall be placed in front of the curb or curblines when located in a street right-of-way. When located in undedicated land, they shall be placed within an easement not less than 15 feet wide, as approved by the Somerset Township Engineer, who may require additional width of easement as circumstances warrant.
- H. Street drainage will not be permitted to cross intersections or the crown of the road.
  - 1) The maximum spacing of street inlets shall not exceed 600 feet.

- 2) All street inlets shall be PennDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.
  - 3) All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections.
  - 4) The minimum pipe size shall be fifteen-inch diameter.
  - 5) When material for storm drain systems is not specified, PennDOT specifications will govern.
- I. All springs and sump pump discharges shall be collected so as not to flow in the streets.
  - J. Stormwater roof drains shall not discharge water directly over a sidewalk.
  - K. Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.
  - L. The Soils Cover Complex Method of the Natural Resources Conservation Service of the U.S. Department of Agriculture shall be used as the primary means of estimating stormwater runoff.
  - M. The Rational Method may be used for analysis of storm sewer systems and for stormwater management facilities in minor subdivisions.
  - N. Where the estimated runoff based upon the above methods is doubtful, several recognized methods should be studied and compared.
  - O. The minimum design criteria shall be a 10-year storm. Higher frequency conditions shall be used in sensitive areas and where an overflow would endanger public or private property.
  - P. Runoff calculations must include complete hydrologic and hydraulic design and analysis of all control facilities.
  - Q. Control facilities.
    - 1) Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is not greater after development than prior to development for a 10-year storm frequency. More stringent criteria may be required in sensitive areas where stormwater problems presently exist.
    - 2) Control facilities shall be designed to meet, as a minimum, the design standards and specifications of the Erosion and Sedimentation Control Handbook for Washington County.
      - a) Detention ponds may be waived by the Board of Supervisors on the recommendation of the Somerset Township Engineer at sites in close proximity to the major streams. This is to facilitate drainage prior to stream flooding.
      - b) In areas underlain with limestone geology, ponds shall be limited to the detention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining. Detention ponds shall be



prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the municipality, a lining shall be required.

- c) Any ponds with slopes steeper than three to one shall be fenced with a six foot fence with a type subject to the approval of the municipality.
- 3) A maintenance program for control facilities must be included as part of the grading and drainage plan.
- a) Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.
  - b) Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the Board of Supervisors.
    - i. In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowners' association). In such cases a legally binding agreement between the owner and Somerset Township shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by Somerset Township.

#### 138-42. LOT GRADING FOR SUBDIVISIONS AND LAND DEVELOPMENTS

- A. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. A minimum of 2 percent slopes away from structures shall be required.
- B. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface water away from buildings, their grade shall not be less than 1 percent and nor more than 4 percent. The swales shall be sodded, planted, or lined as required. A grading and draining plan shall be required for all subdivisions and land developments, except minor subdivisions.
- C. No final grading shall be permitted with a cut face steeper in slope than two horizontal to one vertical, except under one or more of the following conditions:
  - 1) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two horizontal to one vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Somerset Township Engineer and approved by him. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.

- 2) A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the Somerset Township Engineer for review and approval is provided.
- D. No final grading shall be permitted which creates any exposed surface steeper in slope than two horizontal to one vertical except under one or more of the following conditions:
- 1) The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alley, or buildings.
  - 2) A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Somerset Township Engineer.
  - 3) A wall is constructed to support the face of the fill.
- E. The top or bottom edge of slopes shall be a minimum of three feet from property or right-of-way lines of street or alleys, in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one horizontal to one vertical and five feet or more in height shall be protected by a protective fence no less than three feet in height approved by the Somerset Township Engineer.
- F. All lots must be kept free of any debris or nuisances whatsoever.

### 138-43. BLOCKS AND LOTS

- A. The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed to the land use and/or zoning requirements of Somerset Township, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.
- B. Unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks and lots shall prevail:
  - 1) Blocks shall not exceed 1,600 feet in length, nor be less than 500 feet in length.
  - 2) Residential blocks shall generally be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two-tier design.
  - 3) Crosswalks or interior pedestrian walks shall be required in blocks exceeding 1,000 feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved for width of not less than four feet, shall be

located in easements not less than 10 feet in width, and shall, insofar as possible, be located in the center of any such block.

- 4) Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right-of-way, and utilities shall be provided, as necessary.
- 5) Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.
- 6) Lots shall, in general, front on a street which has already been dedicated to Somerset Township, or which the subdivider or developer proposes to dedicate to Somerset Township in connection with approval of the final plan. In commercial or industrial subdivisions or land developments where access is proposed to be provided by private streets within the subdivision or land development, this requirement may be waived by the Board of Supervisors.
- 7) Somerset Township shall assign house numbers to each lot within a subdivision.
- 8) Minimum lot sizes shall be in accordance with Chapter 180, Zoning.
- 9) Remnants of land, smaller than required for a lot, shall not be permitted within any subdivision. Such remnants shall be incorporated in existing or proposed lots or dedicated to public use if acceptable to the Board of Supervisors.
- 10) Double frontage lots are prohibited except in accordance with this subsection.
- 11) No residential lots shall be created, which front upon an arterial or collector street, as defined in this Chapter.

#### **138-44. OPEN SPACE, LOT SITING, PLANTING, AND BEAUTIFICATION**

- A. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and landforms intrinsic to the site shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas and watercourse.
- B. Open space. Where the applicant is offering for dedication, or is required by chapter to establish a reservation of open space or preserve an area of scenic or historic importance, a "limit of work," which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.
- C. Tree preservation. Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, or

within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.

- D. Topsoil preservation. All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10 percent and shall be stabilized by sodding on slopes 10 percent or more and planted in ground cover on slopes 20 percent or greater.
- E. Landscaping. For all multifamily, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees and natural barriers.
- F. Buffer planting requirements. Buffer yard requirements should be as specified in the Somerset Zoning Ordinance.
- G. Preserved landscaping. When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.
- H. Landscaping and Screening of Parking Areas. All new parking areas that have (5) or more parking spaces, or any existing parking area that will be expanded by five or more parking spaces, shall be landscaped in accordance with the following provisions:
  - 1) Perimeter landscaping. Where the parking area is adjacent to any public street, walk, right-of-way or where the Somerset Township Zoning Ordinance requires parking area screening, the perimeter of the parking lot shall be landscaped. Such landscaping shall be in addition to any required buffer yard or street trees and shall be provided in accordance the following criteria:
    - a) The landscaped area shall be at least 15 feet wide.
    - b) The landscaped area shall be planted with at least one tree, per five adjacent parking spaces, and sufficient shrubs to form a hedge or screen. The height of hedges and screens at the time of planting shall not be less than two and a half feet.
    - c) Masonry walls, fencing, berms, or a combination thereof may also be used. Walls, fences, and berms adjacent to neighboring properties shall have a minimum height of four feet. The height of walls, fences, berms, and hedges adjacent to public streets, walks, and rights-of-way may be reduced in areas where public safety is a concern. All berms shall have a maximum slope of 33 percent, and shall be completely covered with shrubs, grasses, or other plant material. Walls or solid fencing shall be planted with at least one shrub or vine per 10 linear feet of wall. Nonsolid fencing shall be planted with at least three shrubs or vines per 12 linear feet.

- d) Mature trees, woodlands, or other high quality existing vegetation, which remains undisturbed between the parking area and the right-of-way or adjoining properties, may be used to satisfy the requirements of this section. New shrubs or trees may be added as needed to help provide an effective screen.
- 2) Landscaping in interior areas. Landscaping in the interior of parking areas shall be designed to provide visual and climatic relief from large expanses of paving, and to channelize and define areas for safe pedestrian and vehicular circulation. Landscaping in the interior of parking areas containing more than 30 parking spaces shall be required and shall meet the following:
  - a) At least 7 percent of any parking lot containing more than 30 parking spaces shall be landscaped.
  - b) At least one large tree and three shrubs, or one medium tree, one small tree, and three shrubs shall be planted per ten parking spaces.
  - c) Trees required in this section shall be planted in protected areas, such as along walkways, or within curbed islands located between rows of parking spaces, at the ends of bays, or between parking stalls.
  - d) Curbed landscaping islands shall have a minimum width of nine feet, exclusive of curbing.
- I. Trees. The planting of trees within the street right-of-way line shall not be permitted. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer.
- J. Watercourse protection. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. Such easement shall be in addition to the open space required in General Design Principals of this Chapter.

## 138-45. EROSION AND SEDIMENT CONTROL

- A. General purpose.
  - 1) The Board of Supervisors finds that the minimization of erosion and control of sedimentation in connection with land development and subdivision are in the public interest, affecting public health, safety, and welfare, and therefore those regulations governing erosion control and sedimentation control are necessary for Somerset Township.
  - 2) No changes shall be made in the contour of the land, no grading, excavating, removal or destruction to the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been processed with and reviewed by the Somerset Township Engineer and/or Washington County Soil and Water Conservation District, or

there has been a determination by the above entities that such plans are not necessary.

- 3) No subdivision or land development plan shall be approved unless:
  - a) There has been an erosion and sedimentation control plan approved by the Board of Supervisors that provides for minimizing erosion and sedimentation consistent with this section, and an improvement bond or other acceptable securities are deposited with Somerset Township in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or
  - b) There has been a determination by the Board of Supervisors that a plan for minimizing erosion and sedimentation is not necessary.
- 4) Where not specified in this chapter, measures used to control erosion and reduce sedimentation shall as a minimum meet the standards and specifications of the Washington County Soil and Water Conservation District. The Somerset Township Engineer, or other officials as designated, shall ensure compliance with the appropriate specifications, copies of which are available from the Soil and Water Conservation District.

B. Performance principles. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

- 1) Stripping of vegetation, regrading, or other development shall be done in such a way that will prevent all but minor erosion.
- 2) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.
- 3) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- 4) The disturbed area and the duration of exposure shall be kept to a practical minimum.
- 5) Disturbed soils shall be stabilized as quickly as practicable.
- 6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- 7) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- 8) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.

- 9) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.
- C. Grading for erosion and other environmental controls. In order to provide suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:
- 1) Streets shall be improved to a mud-free or otherwise permanently passable condition as one of the first items of work done on a subdivision or development. The wearing surface shall be installed in accordance with the Streets subsection of the General Design Principals Article of this Chapter and as approved in the final plan.
  - 2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installation of temporary or permanent drainage across or above these areas.
  - 3) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
  - 4) Fills placed adjacent to watercourses shall have suitable protection against erosion during periods of flooding.
  - 5) During grading operations, necessary measures for dust control will be exercised.
  - 6) Grading equipment will not be allowed to enter into flowing streams. Provisions will be made for the installation of temporary or permanent culverts or bridges.
- D. Responsibility.
- 1) Whenever sedimentation damage is caused by stripping vegetation, grading or other development, it shall be the collective responsibility of the land developer and subdivider, and of the contractor, person, corporation, and other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
  - 2) Maintenance of all erosion and sedimentation control facilities during the construction and development period is the responsibility of the land developer or subdivider.
  - 3) It is the responsibility of any developer or subdivider, and any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right-of-way, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain or right-of-way during the pendency of the activity to return it to its original or equal condition after such activity is completed.
  - 4) The subdivider or land developer shall provide and install, at his expense, in accordance with Somerset Township requirements, all drainage and erosion control improvements (temporary and permanent) shown on the erosion and sediment control plan.
- E. Compliance with regulations and procedures.



- 1) The Board of Supervisors, in their consideration of all preliminary plans of subdivision and land development, shall condition its approval upon the execution of erosion and sediment control measures as contained in this Chapter.
  - 2) The installation and design of the required erosion and sediment control measures shall be in accordance with standards and specifications of the Washington County Soil and Conservation District.
- F. Stream channel construction. Stream channel construction on watersheds with drainage areas in excess of one half square mile, or in those cases where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environment Protection.

## 138-46. FLOODPLAIN AREA REGULATIONS

- A. Purpose. The specific purposes of these special provisions are:
- 1) To regulate the subdivision or development of land within any designated floodplain area, in order to promote the general health, welfare, and safety of the community.
  - 2) To require that each subdivision lot in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.
  - 3) To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated floodplain districts.
- B. Abrogation and greater restrictions. To the extent that this section imposes greater requirements or more complete disclosure than any other provisions of this chapter, in any respect, or to the extent that the provisions of this section are more restrictive than such other provisions, it shall control such other provisions of this chapter.
- C. Disclaimer of municipal liability. The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any designated floodplain area shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the Township, its officials, employees, or agents.
- D. Application procedures and requirements.
- 1) Preapplication procedures.
    - a) Prior to the preparation of any plans, it is suggested that prospective developers consult with the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed.
    - b) Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a



determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

- 2) Preliminary plan requirements. The following information shall be required as part of the preliminary plan and shall be prepared by a registered engineer or surveyor:
  - a) Name of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
  - b) A map showing the location of the proposed subdivision or land development with respect to any designated floodplain area, including information on, but not limited to, the one-hundred-year flood elevations, boundaries of the floodplain area or areas, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.
  - c) Where the subdivision or land development lies partially or completely within any designated floodplain area, or where the subdivision or land development borders on a floodplain area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of five feet and shall identify accurately the boundaries of the floodplain areas.
  - d) Such other information as is required by this chapter.
- 3) Final plan requirements. The following information shall be required as part of the final plan and shall be prepared by a registered engineer or surveyor:
  - a) All information required for the submission of the preliminary plan incorporating any changes requested by the Board of Supervisors.
  - b) A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any designated floodplain area. All such maps shall show contours at intervals of five feet within the floodplain area and shall identify accurately the boundaries of the flood-prone areas.
  - c) Submission of the final plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, 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 in advance of the proposed alteration or relocation. The Department of Community and Economic Development and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Planning Commission meeting at which such plan is to be considered.

E. Design standards and improvements in designated floodplain areas.

1) General.

- a) Where not prohibited by this or any other laws or ordinances, land located in any designated floodplain area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.
- b) No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will individually or collectively increase the one-hundred-year-flood elevation more than one 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 in a floodplain area if the lowest floor (including basement) is elevated to the regulatory flood elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least 15 feet beyond the limits of the proposed structures and access shall meet the requirements herein below.
- d) Building sites for structures or buildings other than for residential uses shall not be permitted in any floodway area. Sites for such structures or buildings outside the floodway in a Floodplain Area shall be protected as provided for above. However, the Board of Supervisors may allow the subdivision or development of areas or sites for commercial and industrial uses at an elevation below the regulatory flood elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed to the regulatory flood elevation.
- e) If the Board of Supervisors determines that only a part of a proposed plat 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 the plat himself and the Board of Supervisors determines that additional controls are required to ensure safe development, they may require the developer to improve appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

2) Drainage facilities.

- a) Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings and on-site waste disposal sites.
- b) Plans shall be subject to the approval of the Board of Supervisors. The Board of Supervisors may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less

frequent floods. Drainage plans shall be consistent with local, county, and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

- 3) Streets and driveways. The finished elevation of proposed streets and driveways shall not be more than one foot below the regulatory flood elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this chapter shall be submitted with the final plan. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- 4) Sewer facilities. All sanitary sewer systems located in any designated floodplain area, whether public or private, shall be floodproofed up to the regulatory flood elevation.
- 5) Water facilities. All water systems located in any designated floodplain area, whether public or private, shall be floodproofed up to the regulatory flood elevation.
- 6) Other utilities and facilities. All other public or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the regulatory flood elevation.

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## ARTICLE VIII - MOBILE HOME PARKS

### 138-47. GRANT OF POWER

Provisions regulating mobile home parks as set forth in this article are those pursuant to §50I of the Municipalities Planning Code.

### 138-48. PURPOSE, AUTHORITY AND JURISDICTION

The purpose, authority, and jurisdiction for land development as a mobile home park are the same as contained in Article I of this Chapter.

### 138-49. GENERAL PROCEDURE AND PLAN REQUIREMENTS

The general procedure and plan requirements for land development as a mobile home park shall be in accordance with the requirements contained in Articles III and IV of this chapter.

### 138-50. DESIGN STANDARDS

The arrangements and other design standards of streets, easements, blocks, lots, stormwater management, erosion and sedimentation control, and floodplain regulations shall be in accordance with the requirements contained in Article V of this chapter and Chapter 180, Zoning.

### 138-51. IMPROVEMENTS AND CONSTRUCTION REQUIREMENTS

In a mobile home park all improvements, construction requirements, and engineering specifications for the improvements required shall be provided in accordance with Articles IV and VI of this chapter.

### 138-52. FEES

The fee schedule for filing, inspection, and engineering fees for land development as a mobile home park shall be in accordance with the requirements contained in the General Design Principals Article of this Chapter.

# ARTICLE X- ADMINISTRATION

## 138.53. FEES

- A. The Board of Supervisors shall establish by annual Fee Resolution, a collection procedure and schedule of fees to be paid hereunder by the developer at the time of filing an application. The Fee Resolution shall establish an application fee, review fee and any other fees for subdivisions, simple subdivisions, and land development reviews.
- 1) A deposit shall be made, at the time of application, for subdivision approval or land development approval with the Township, in order to cover the costs of engineering review and inspection of proposed improvements, legal fees, and other consultants' fees whose services are required, in order to provide a comprehensive review of the subdivision application.
  - 2) A review fee, as established by resolution of the Board of Supervisors, and fees as charged to the Township for activities related to the subdivision application, shall be deducted from the deposit as invoices are received.
  - 3) A full accounting of all expenses incurred during the review and approval of a subdivision or land development application shall be kept by the Township Secretary and made available to the applicant.
  - 4) Upon completion of all improvements to the satisfaction of the Township Engineer, and upon a full and complete release of all sureties posted relative to the improvements proposed, the remaining balance of the deposit shall be returned to the applicant upon receipt of a written request to do so.
- B. The developer shall present a check or money order, made payable to the Township, in an amount equal to 20 percent of the estimated cost of the improvement(s) used in the determination of the Financial Security, as determined by the Township Engineer.
- 1) This fee is separate from and in addition to any application fees required by the Township.
  - 2) The fee shall be paid at the time of submission of the development agreement and kept in a separate account used solely for the purpose of complying with this Ordinance.
  - 3) Upon completion of all inspections and other requirements, the remainder of the funds held in this account retained by the Township shall be returned to the developer, along with an itemized statement evidencing the expenditures of the funds from the account.
  - 4) This fee shall be paid at the time of submission of the development agreement.
- C. Said schedule of fees shall be posted in the municipal offices and shall be available for inspection upon request.

- D. No final plan shall be approved unless and until all fees and charges are paid in full.

### 138.54. CERTIFICATES AND APPROVALS

The format and wording of certificates and approvals to appear on the final tracing proposed for recording shall conform to the requirements of the Washington County Subdivision and Land Development Ordinance as now, or hereinafter, amended.

### 138. 55. LIABILITY FOR TOWNSHIP STREETS

- A. Where any public street in the Township, including the paved area, gutters, utilities, and the right-of-way, is hereafter damaged in any manner whatsoever, the person or persons directly responsible for said damage, the subcontractor and/or general contractor for whom said persons or his superiors work, or with whom they have contracted, shall be jointly liable for any and all damage to said Township street, and shall repair said damage within 90 days of any written notification by the Township. All repairs shall meet Township standards and shall be subject to Township inspection.
- B. In certain cases where the damage to the Township street creates a hazard to public health, safety, and welfare, the Township Engineer, upon advice from the Solicitor, and direction from the Board of Supervisors, may require that the damage shall be repaired within a reasonable timeframe that is less than the 90 days provided herein or the Township, at its own discretion, may provide for the repair to address the hazard to public health, safety, and welfare at the Township's expense and thereafter pursue a lien against the contractor directly responsible for said damage.

### 138.56. MODIFICATIONS

- A. Where the applicant shows to the satisfaction of the Township that the literal compliance with any mandatory provision of these regulations causes undue hardship to the applicant because of peculiar conditions pertaining to the particular property, the Township may grant a modification to one or more provisions of this Ordinance. Such modification, however, shall not have the effect of nullifying the intent and/or purpose of this Ordinance.
- B. All requests for modification of any standard and/or requirement contained in this Ordinance shall be made in accordance with the following procedure:
  - 1) The request shall be made in writing and shall accompany the plan application. The request shall include:
    - a) A full description of the unreasonableness or hardship on which the request is based, and any peculiar circumstances.
    - b) A full description of the alternative standard proposed to provide equal or better results.
    - c) The section(s) of this Ordinance that are requested to be modified and the minimum modification necessary to relieve the hardship.

- 2) The request for modification shall be reviewed by Township staff to determine compliance with the requirements in the Modifications section of this Ordinance above and shall be recommended for action to the Board of Supervisors.
- 3) The Board of Supervisors, after receipt of staff's recommendation, shall complete its own review and shall grant or reject the required modification.
- 4) If the modification is granted, a note shall appear on the final recording plan.
- 5) The Board of Supervisors shall keep a written record of all action on all requests for modifications.

### **138.57. DEVELOPMENT AGREEMENT**

- A. As a condition of granting final plan approval, the Township shall require that the developer execute a Development Agreement with the Township in a form acceptable to the Township Solicitor, containing provisions that are reasonably required to ensure compliance with any conditions of approval, any Ordinance or regulation of the Township and to guarantee the proper installation of onsite improvements related to the subdivision and/or land development, and provisions necessary to indemnify the Township in connection with such subdivision and/or land development.
- B. Executed development agreements shall be required for approved Subdivision and Land Development applications.

### **138-58. RECONSIDERATION OF ORIGINAL FINDINGS**

Any subdivider aggrieved by a finding, decision or recommendation of the Board of Supervisors may request and receive opportunity to appear, present additional relevant information and request reconsideration of the original finding, decision, or recommendation.

### **138-59. RECORDS**

- A. Somerset Township shall keep a record of its findings, decisions, and recommendations relative to all subdivision plans filed with it for review.
- B. All such records shall be public records.

# ARTICLE XI - VIOLATIONS AND PENALTIES

## 138-60. PREVENTIVE REMEDIES

- A. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
  - 1) The owner of record at the time of such violation.
  - 2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - 3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - 4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee, or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

## 138-61. ENFORCEMENT REMEDIES

- A. Any person, partnership, or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating this chapter to have believed that there was no such violation, in which event there



shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

- B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.
- D. Magisterial District Judges shall have initial jurisdiction in proceedings brought under this section.

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