

**ARTICLE I
GENERAL PROVISIONS**

SECTION 101 SHORT TITLE

This ordinance shall be known and may be cited as "The Somerset County Subdivision and Land Development Ordinance".

SECTION 102 PURPOSE

These regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety and general welfare of the citizens of Somerset County. Those areas, which are subject to hazards of life, health, or property, as may arise from fire, flood, disease, subsidence, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- B. To guide the future growth and development of the County;
- C. To protect and preserve the value of land throughout Somerset County and the value of buildings and improvements upon the land; and to minimize the conflicts among the use of land and buildings;
- D. To assure adequate and efficient transportation, sewage, water, and other requirements and facilities;
- E. To provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic through the county, having particular regard to the avoidance of congestion in the streets and highways, and to provide for the proper location and width of streets;
- F. To insure that public and private facilities are available and will have a sufficient capacity to serve the proposed subdivision;
- G. To establish standards of design and procedures for subdivisions, re-subdivisions and land developments, in order to further the orderly layout and use of land;
- H. To preserve the natural beauty, topography, and environment of the county and to insure appropriate development with regard to these natural features;
- I. To provide for adequate storm water management practices and improvements as required in Pennsylvania Act 167 of 1978, 32 P.S. 680.1 et seq;
- J. To provide an implementation tool in carrying out the adopted Somerset County Comprehensive Plan and its amendments.

SECTION 103 AUTHORITY & JURISDICTION

The authority of the Somerset County Commissioners to adopt this Ordinance regulating subdivision and land development within Somerset County is granted by Article V of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, 53 P.S. Section 10101 et seq.

The Somerset County Planning Commission is hereby delegated the authority to administer and enforce all provisions of this ordinance.

SECTION 104 INTERPRETATION

Where provisions of this ordinance conflict or are inconsistent with the provisions of any other regulation or requirement, the more restrictive provisions in question shall apply. The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.

SECTION 105 REPEAL

This Ordinance replaces the Somerset County Subdivision and Land Development Ordinances, adopted July 12, 1963, May 28, 1991, and March 1, 1997 and such ordinances are hereby repealed. All ordinances or parts of ordinances in conflict with or inconsistent with this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. Any ordinance(s) that contain more restrictive requirements shall continue in full force and effect.

ARTICLE II DEFINITIONS

SECTION 201 TENSE, GENDER, & NUMBER

Words in the singular include the plural and those in the plural include the singular; words in the present tense include the future tense, words used in the masculine gender include the feminine and neuter.

SECTION 202 TERMS OR WORDS NOT DEFINED

Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

SECTION 203 SPECIFIC TERMS

Terms or words used herein, unless otherwise stated, shall have the following meanings:

Applicant - a landowner or developer (including his heirs, successors and assigns) who has filed an application for development.

Application for Development - the document required to be filed with each subdivision or land development plan submitted. (See Appendix) **Block** - a unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity to development.

Buffer strip or area - an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences and/or berms, designed to limit the view of and/or noise from the site to adjacent sites or properties.

Building - a structure designed to be used as a place of occupancy, storage or shelter.

Campground - any portion of land, used for the purpose of providing a space or spaces for travel trailers, recreational vehicles, tents or other temporary forms of living accommodations, for camping purposes regardless of whether a fee has been charged for the leasing, renting or occupying of a space. A campground includes the improvement and development of land under common ownership for seasonal or leisure

time activities, not used for year-round dwelling.

Cart-way - the area of a street within which vehicles are permitted, including travel lanes and parking areas but not including shoulders, curbs, or sidewalks.

Certificate of Completion - certificate that is to be obtained prior to occupying the building in a land development or prior to selling lots within a subdivision.

Commission - the Somerset County Planning Commission.

Communication Tower - Any form of tower, including but not limited to manned communication towers, unmanned communications towers, communication facilities, equipment shelters, transmitters, relay facilities, cell towers, television towers, radio towers, etc.

Developer - any landowner, or agent of a landowner (with acknowledged permission before a notary, of the landowner) who makes or causes to be made a subdivision of land or a land development.

Dwelling Unit - any structure or portion thereof, designed to be occupied as separate living quarters for the exclusive use of a single family maintaining a household.

Easement - an interest held by one person in land of another whereby the first person is accorded limited use of such land.

Engineer - a Professional Civil Engineer licensed as such in the Commonwealth of Pennsylvania.

Incidental Boundary Change - the adjustment or modification of a boundary line, between abutting property owners, in which

1. The land is not part of a recorded plan and,
2. the modification does not create a new parcel that reduces either tract, as existing before the Incidental Boundary Change, to less than the area required under Article V, Section 504.B, Items 1, 2, and 3 and,
3. the change does not eliminate access to any parcel or tract and,
4. provided that any area which is subject of any Incidental Boundary Change shall be added to and shall become a part of the property of one of the abutting property owners and shall not be a separate parcel or tract for any purpose whatsoever under this Ordinance. (For recorded plans refer to Section 309)

Land Development - 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:

- (i). a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on lot or lots regardless of the number of occupants or tenure; or
- (ii) 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

3. Development in accordance with section 503(1.1) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended by Act 170 of 1988) shown below:

Section 503(1.1) - Provisions for the exclusion of certain land development from the definition of land development only when such land development involves:

- a. 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;
- b. the addition of an accessory building, including farm buildings, on lot or lots subordinate to an existing principal building; or

the addition or conversion of buildings or rides within the confines of an enterprise, which would be considered an amusement park.

For purposes of this sub clause, 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 proper authorities have approved initial plans for the expanded area.

4. Residential Land Developments containing less than four (4) residential units are exempt from filing a plan, except where spaces or units are leased or rented.

5. An addition to a building (which was built prior to May 28, 1991) shall be exempt from filing a major plan provided Section 1005 is followed. A statement verifying the construction date of the original building shall be required from the owner.

6. An addition to a building (which was built after May 28, 1991) and totaling less than 50% of the gross floor area of the original building, or complex of buildings, shall be exempt from filing a plan provided Section 1005 is followed and provided a land development had previously been filed and approved pursuant to these regulations. A statement verifying the construction date of the original building shall be required from the owner. If the cumulative total of any addition or subsequent additions exceeds fifty (50%) percent of the gross floor area of the original building, a Major plan will be required for the entire development.
7. New non-residential land developments, which total less than 2500 square feet of gross floor area, are exempt from filing a plan provided Section 1005 is followed.
8. In order to claim an exemption as mentioned in (5), (6), or (7) above, the developer must submit a Minor Land Development Sketch to the Planning Commission. (see Section 1005 for requirements)
9. The installation of wind energy tower(s), unmanned communication towers, unmanned communication facilities and associated equipment shelters (which may include towers, transmitters relay facilities, and associated equipment shelters) shall be required to file a non-residential land development plan.

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

Landscape Architect - Professional or Registered Landscape Architect in the Commonwealth of Pennsylvania.

Lease - Use of or occupation of land or holdings during a specific period in exchange for rent.

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

Marker - a demarcation on the ground, through artificial or natural means, that delineates the boundary of the lot or lots on the plan.

Mobile home - a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units 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. [Manufactured Housing Units]

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

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.

Municipality - a borough or township.

Open space - a parcel or parcels of land or an area of water, or a combination of land and water within the subdivision and designed and intended for the use of residents of a development, including but not limited to: streets, off-street parking areas, and areas set aside for public facilities.

Original building - the building as it existed on May 28, 1991.

Original Parcel - the original parcel as recorded in the Recorder of Deeds Office of Somerset County as of May 28, 1991.

Permanent Monument - A physical structure being of reasonably permanent character (for example: Artificial Monuments - abutments, stone markers, concrete markers, iron pin set in concrete and railroad rail set in concrete; and Natural Monuments - streams, rivers, lakes, ponds, trees, ledges, and rock outcrops).

Plan, Master - a plan filed pursuant to Section 303.

Plan - the map, plan, or record of a subdivision and any accompanying materials, as described in this ordinance.

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

Right-of-Way - a right of passage or travel for general or limited purposes over the land of an owner given to another person.

Sketch, Minor Land Development - A sketch to be provided to the Planning Commission, by a developer that wishes to utilize the Land Development Plan exemption for certain land developments, as defined in these regulations. (See Section 1005)

Street - includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or

pedestrians, whether public or private.

Street, Cul-De-Sac - a minor street with a single common ingress and egress and with a turn-around at the end.

Street, Major - those streets that collect minor streets; State Route numbers with two or three primary digits (i.e., SR-0030, SR-0985, SR-0160, SR-0031, SR-0653, SR-0056, etc.).

Street, Minor - those streets which are used primarily for access to abutting properties and carry limited volumes of traffic (all township and borough roads and all four digit State Route Numbers (i.e., T-591, T-482, T-890, T-223, SR-1004, SR-4024, SR-3003, SR-2005, etc).

Subdivider - See Developer and/or Landowner.

Subdivision - the division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, building, or lot development.

The acquisition of a parcel by adverse possession shall also be considered a subdivision. The claimer shall be responsible for filing the subdivision plan.

The division of a parcel, held in interest by two or more owners, shall be considered a subdivision if one or all of the owners desire to separate their interest from that of the other(s).

Provided, however, that the following shall be exempt:

1. The subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access for any residential dwelling;
2. An Incidental Boundary Change as defined herein;
3. The granting of an easement or right-of-way,
4. Consent line agreements or property line agreements.
5. The mortgage of a portion of land shall not be considered a subdivision unless the mortgagee defaults on the mortgage. The mortgagee shall be responsible for filing the subdivision plan.
6. The division, addition, or development of a parcel or parcels of land for the purposes of a public or private cemetery is exempt from filing a subdivision or land development plan.
7. Dedication or conveyance of land to governmental bodies for construction, re-construction or relocation of roadways shall require

the filing of a minor subdivision plan however the lot or lots will not be counted as a lot for purposes of determining the type of subdivision plan that will be required. If the land ceases to be used for the initially intended purpose, a re-evaluation of the type of plan required will be made.

8. The subdivision of land for the purpose of installing communication towers, radio towers, television towers, commercial wind energy facilities, pump stations, water tanks, storm water facilities, sewer plants, electrical power sub-stations, utilities, water treatment facilities or any other facility not involving a new residential, commercial or industrial building will require the filing of a minor subdivision plan, however, the lot or lots will not be counted for purposes of determining the type of subdivision plan that will be submitted. If the land ceases to be used for the initially intended purpose, a re-evaluation of the type of plan required will be made.
9. The lease of a parcel of land for the purpose of installing communication towers, radio towers, television towers, commercial wind energy facilities, pump stations, water tanks, storm water facilities, sewer plants, electrical power sub-stations, utilities, water treatment facilities or any other facility not involving a new residential, commercial or industrial building will require the filing of a minor subdivision plan, however, the lot or lots will not be counted for purposes of determining the type of subdivision plan that will be submitted. If the land ceases to be used for the initially intended purpose, a re-evaluation of the type of plan required will be made.

The type of the subdivision shall be determined by counting the total number of lots that have been and intend to be subdivided, from the original lot, after May 28, 1991.

- A. Major Subdivision - 4 lots or more (cumulative from May 28, 1991), (see Section 403);
- B. Minor Subdivision - 1 to 3 lots (cumulative from May 28, 1991), not including the original parcel, (see Section 402);

Surveyor - Registered or Professional Land Surveyor in the Commonwealth of Pennsylvania.

Vacant land - Land which is not developed, including land which may have previously been developed but there has been a discontinuation of activity exceeding one year.

Wind Energy Tower(s) – Any structure with moveable blades that generates energy by way of wind power, where the power generated exceeds 100 kilowatts.

ARTICLE III SUBMISSION & REVIEW PROCEDURE

SECTION 301 PRE-APPLICATION PROCEDURES

- A. Copies of this ordinance shall be available for review by any person seeking information regarding subdivision and/or land development standards and procedures in Somerset County. Any prospective developer or subdivider may schedule a meeting with the Planning Commission staff to discuss and review any tentative plan and/or provisions of this ordinance.
- B. The Planning Commission is only responsible for insuring that the developer meet at least the minimum requirements in this ordinance and those regulations set forth in Act 247, The Pennsylvania Municipalities Planning Code. The local municipalities are not responsible for insuring the provisions of this ordinance are met. There are other Federal, State, and Local laws, requirements and ordinances which may need to be addressed prior to land subdivision and development; for example, but not limited to:

- Pennsylvania Department of Environmental Resources-stream encroachment, sewage modules, sewage feasibility studies, ground water studies, culverts and bridges;

- Pennsylvania Department of Transportation - state highway access permits, culverts and bridges; Pennsylvania Public Utilities Commission - public water supplies;

- Environmental Protection Agency - wetland encroachment;

- Pennsylvania Fish Commission - stream changes;

- Pennsylvania Historical Commission - changes to properties on the National Register of Historic Places;

- Somerset Conservation District/Soil Conservation Service - soil erosion and sedimentation control plans;

- U.S. Postal Service - street names;

- Local Municipalities - public road dedications, sewage modules, building permits, flood plain compliance;

- Local Zoning Ordinances;

- American National Standards Institute (A.N.S.I.).

- United States Army Corps of Engineers

Americans with Disabilities Act

Department of Labor and Industry

Pennsylvania Farmland and Forestland Assessment Act 1974 (Act 319) [Clean and Green]

Act 167 Storm Water Management Ordinances

Pennsylvania One-Call (800-242-1776)

Utility line locations;

It is the developer's responsibility to insure all necessary areas are addressed prior to Final Plan submission. The Commission may require of the developer copies of reports and approvals of the applicable agencies prior to Final Plan approval.

- C. A subdivider may not transfer title to a lot within a subdivision, nor may a developer occupy any unit of a land development (residential or non-residential) until such time as a Certificate of Completion has been obtained. Pre-selling of lots is acceptable provided legal title remains in the subdivider's name(s).
- D. A subdivider or developer may not begin construction within any development until a plan has been submitted and approved by the Somerset County Planning Commission.

SECTION 302

TYPES OF SUBDIVISIONS

- A. Major Subdivision - 4 lots or more (cumulative from May 28, 1991), not including the original parcel; (see Section 403);
- B. Minor Subdivision - 1 to 3 lots (cumulative from May 28, 1991), not including the original parcel, (see Section 402);

SECTION 303

SUBMISSION & REVIEW OF A MASTER PLAN

- A. Developers may submit a Master Plan to the Commission for review, comment and approval at the option of the developer. Master Plans are not required for any subdivision or land development. The developer may submit any portion or area of the Plan to which Article V - Design Standards applies. The developer may select any single standard for review and approval by the Commission or may select additional standards for review and approval.
- B. All Master Plans shall include all information required under section 303, section 401, and Article V with respect to a particular standard for which review is sought sufficient to allow the Commission to adequately and reasonably review the plan.
- C. To the extent that the developer submits a Master Plan under the

provisions of this sub-section and in compliance with any or all of the requirements of this Ordinance (or variances of specific sections hereof), the Commission shall review the Development Plan submission and shall approve or disapprove those items for which specific submissions are made. All items for which no specific submission is made shall not be considered approved or disapproved.

- D. The Master Plan and filing fee shall be submitted to the Planning Commission for review and approval.
- E. The approval of a Master Plan shall be valid for a period of five (5) years within which time a formal final plan (prepared in accordance with the provisions of Section 403) shall be submitted to the Commission, or the Master Plan approval shall lapse unless specifically extended in writing by the Commission.
- F. The Master Plan shall be a non-recordable plan.
- G. An application shall be deemed permission to enter upon the applicant's and/or developer's property, by the Planning Commission or their designated agent, for the site review(s).

SECTION 304 PLAN

SUBMISSION AND RECORDING OF A MINOR SUBDIVISION

- A. Submission requirements of a Minor Subdivision Plan shall include the delivery of a minimum of five (5) copies of the plan, application, and the application fee to the Planning Commission offices for their review and approval (plan is to be prepared according to Section 402), along with an executed municipal and/or DEP sewer approval or waiver document. The package will not be accepted and will be returned to the developer or subdivider unless the sewer approval is included.

If the subdivision is located within an area covered by an adopted Act 167 Storm Water Management Plan Ordinance, the requirements of that municipal ordinance shall be addressed prior to submission of the plan. A copy of the municipal approval or exemption must accompany the plan submission. The submission package will not be accepted or will be returned to the developer or subdivider if it does not include all of the required items.

- B. The plan must either be recorded at the Somerset County Recorder of Deeds Office, with each deed in said plan or as a plan of lots (in the Plot Book of the Recorder of Deeds Office). The plan shall be recorded within 90 days of the approval, and if not so recorded the approval shall become null and void.
- C. For the purposes of this ordinance, a Minor Plan may be submitted for recording in the form of a mylar or a paper copy.
 - 1. An 18" by 24" mylar, or whatever other media type and size, that is acceptable to the Somerset County Recorder of Deeds Office, must be recorded in the Plot Book, as a Plan of Lots.

2. A paper copy of the plan, no larger than 8-1/2" X 14" (or reducible to that size), must be recorded with the deed(s) of transfer. Any size reductions shall not limit or reduce the clarity of the information shown on the plan. If it does, a larger plan size must be submitted. The recorded plan must be able to be clearly read.
- D. Action shall be taken by the Commission within ten (10) working days or the plan shall be deemed approved.
 - E. An application shall be deemed permission to enter upon the applicant's and/or developer's property, by the Planning Commission or their designated agent, for the site review(s).

SECTION 305 SUBMISSION OF A MAJOR PLAN

- A. From the time an application for approval of a plan is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision, or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed.
- B. Major Plans and all required supporting data, folded no larger than 8-1/2" x 14", shall be submitted by the developer or authorized representative to the Somerset County Planning Commission. The mylar shall not be folded. The submission package will not be accepted or will be returned to the developer or subdivider if it does not include all of the required items.
- C. Submission of the Major Plan shall comprise:
 1. An Application
 2. A minimum of five (5) blue-line or black-line paper prints of the Plan, which shall fully comply with the requirements of this ordinance;
 3. The Commission may request that the developer provide the results of studies that other agencies have required of the developer;
 4. One (1) Variance Request Form, completed by the owner, if deemed necessary by the developer, subdivider, or Commission;
 5. One (1) copy of all other required information as outlined in Article IV, Section 403;
 6. Application fee and resubmission fees (see Appendix).
 7. An 18" by 24" mylar, or whatever other media type and size, that is acceptable to the Somerset County Recorder of Deeds Office,

must be recorded in the Plot Book, as a Plan of Lots.

8. The submission package must also contain an executed municipal and/or DEP sewer approval or waiver document. The package will not be accepted and will be returned to the developer or subdivider unless the sewer approval is included.

9. If the subdivision falls within an area covered by an adopted Act 167 Storm Water Management Plan Ordinance, the requirements of the municipal ordinance shall be followed and will supersede the requirements found in Section 506. A copy of the municipal approval shall be included with the Major Plan submission.

D. An application shall be deemed permission to enter upon the applicant's and/or developer's property, by the Planning Commission or their designated agent, for the site review(s).

E. Resubmissions of Major Plans: A letter shall be submitted along with the revised plan and shall specifically outline the revisions made to the plan. A revision date shall be placed prominently on the plan.

SECTION 306 REVIEW OF A MAJOR PLAN

A. When a Major Plan has been officially submitted in a completed form, it will be placed on the plan review list. Plans will be reviewed in the order in which they are received, in completed form.

B. After plan review and upon correction of all plan deficiencies, the Planning Commission staff will approve the plan.

Requests for variances cannot be acted upon by the staff and must be considered by the Planning Commission Board. Requests for variances must be submitted on variance request forms no less than 7 calendar days prior to the scheduled meeting. Meetings

are scheduled or cancelled at this time, and agendas are sent out to board members. If a variance is received after the deadline, it will be acted on at the following scheduled meeting.

D. During review of the Major Plan, the Commission may consider any reports from the site reviews, recommendations from the municipality and/or it's engineer, results from the on-lot percolation tests, hydrologic studies and/or sewage feasibility studies, before making its final decision.

E. The decision of the Commission shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address (as shown on the plan) not later than fifteen (15) days following the decision.

SECTION 307 RECORDING OF THE MAJOR PLAN

- A. Upon the issuance of a Certificate of Completion for the Plan, by the Commission, the subdivider shall within ninety (90) days of such issuance record the plan in the Somerset County Recorder of Deeds Office. If the subdivider fails to record the Plan within such period, the action of the Commission shall become null and void, unless the Commission grants an extension of time, in writing. An extension to a plan approval shall be considered, by the Board after receiving a written request to do so by the subdivider.
- B. One (1) copy of the recorded Plan shall be returned to the Somerset County Planning Commission for their permanent files or, notice shall be given to the Commission regarding the recording of the plan (date and where recorded).
- C. One (1) copy of the approved Plan will be submitted to the Municipality, by the Planning Commission.
- D. Original signatures, in black opaque ink, shall appear on the mylar of the plan, or whatever other media type and size acceptable to the Recorder of Deeds Office. Original signatures shall also appear on at least one print of the plan. The Planning Commission, for their files, will retain this plan.
- E. The approved plan shall be recorded prior to the selling of lots and/ or prior to the occupancy of a non-residential structure.

SECTION 308 REVISION AND RE-SUBDIVISION PROCEDURES

Any revision or re-subdivision of land, which includes changes to a recorded plan, shall be considered a subdivision and shall comply with the requirements of this ordinance.

Plan Revision Procedures:

- A. The revision of a lot(s) of a previously approved plan shall be reviewed by the staff and approved or disapproved by the staff.
- B. Lot lines may be changed from those shown on a recorded plan, provided that on making such changes:
 - 1. The portion of the plan wherein the change is made, must be recorded at the Somerset County Recorder of Deeds Office, within ninety (90) days of the approval by the Commission, and if not so recorded the approval shall become null and void;
 - 2. Easements and rights-of-way reserved for drainage shall not be changed;
 - 3. Street locations and block sizes shall not be changed;
 - 4. No new lot shall be created.
- C. In every case, wherein lot lines are changed, as permitted by the above, the developer shall prepare a new Plan and shall submit the new Plan to the Somerset County Planning Commission. The new Plan shall

specifically identify the previously recorded plan, that is superseded, and shall contain a reference where the previous plan has been recorded. A copy of the previously approved and recorded subdivision plan shall also be submitted with the proposal.

- D. The developer shall record the new plan in accordance with Section 304, Section 307, Section 402, or Section 403 of this ordinance.
- E. The developer shall have the Recorder of Deeds Office place a statement on the previously recorded plan (or in some other recordable reference that is acceptable to the Recorders Office) which indicates there has been a revision to that plan and which states where the revision is recorded. The developer shall return, to the Commission, verification of the note placement, or recordable reference, by means of a receipt from the Recorder of Deeds Office.
- F. The signatures of both the subdivider(s) and/or current lot owner(s)(of the lot or lots being revised) shall be acknowledged on the revised lot plan.
- G. Revisions that are more complex and involve revisions to items other than lot lines shall be considered a new subdivision plan submission. The signatures of the subdivider(s) and any lot owner(s) within the plan, shall be acknowledged on the newly submitted subdivision plan.
- H. In all cases, a copy of the previously recorded plan shall be submitted with the proposed plan revision.

Re-subdivisions Procedures:

- A. The re-subdivision of a lot(s) of a previously approved plan shall be reviewed by the staff and approved or disapproved by the staff.
- B. The developer shall record the new plan in accordance with Section 304, Section 307, Section 402, or Section 403 of this ordinance.
- C. The developer shall have a statement placed on the previously recorded plan (or in some other recordable reference that is acceptable to the Recorders Office), which indicates there has been a re-subdivision of that plan and where the re-subdivision plan is recorded. The developer shall return, to the Commission, a verification of the note placement or recordable reference. This may be accomplished by means of a receipt from the Recorder of Deeds Office,
- D. Each lot, within a plan approved and recorded prior to May 28, 1991 that is proposed for re-subdivision shall be considered an original parcel.
- E. For re-subdivisions of lots approved and recorded prior to May 28, 1991, the type of plan required to be filed will be determined by totaling the number of lots within the proposed re-subdivision. The number of lots will begin accumulating with the initial re-subdivision and shall be cumulative thereafter. This re-subdivision procedure shall only apply to plans recorded prior to May 28, 1991. All other re-subdivisions shall use the cumulative method outlined under the definition of subdivision.
- F. The numbering system of all re-subdivided lots shall retain the integrity of the original lot number and shall have an alphabetical or numerical prefix

or suffix attached to the original lot number (ie. Lot 1-A, Lot 1-1, Lot 1-01, A-1, etc.)

- G. Developer(s) and/or Subdivider(s) shall prepare a Plan of Re-subdivision and shall submit the Plan to the Somerset County Planning Commission for approval. The Plan shall specifically identify the previously recorded lot plan and shall contain a reference where the previous plan has been recorded. A copy of the previously approved and recorded subdivision plan shall be submitted with the proposal.
- H. The approved Re-subdivision plan must be recorded at the Somerset County Recorder of Deeds Office, within ninety (90) days of the approval by the Commission, and if not so recorded the approval shall become null and void;

SECTION 309

INCIDENTAL BOUNDARY LINE CHANGES

- A. An Incidental Boundary Line Change can only occur between landowners that join each other and whose lots are not parts of a recorded plan. The parcel that is proposed to be conveyed, as part of an Incidental Boundary Line Change, must be combined with the grantee's parcel and must be included in the grantee's new tract description. The end result of a conveyance of this type must be one tract of land for the grantee.
- B. The proposal must be submitted to the Planning Commission of the final recorded documents shall be delivered to the Somerset County Planning Commission office.
- C. No size limitations are placed on Incidental Boundary Line Changes, provided the proper procedures are followed.
- D. Consent Line Agreements and/or Boundary Line Agreements do not constitute a subdivision or an Incidental Boundary Line Change.

Incidental Boundary Change - the adjustment or modification of a boundary line, between abutting property owners, in which

1. The land is not part of a recorded plan and,
2. The modification does not create a new parcel that reduces either tract, as existing before the Incidental Boundary Change, to less than the area required under Article V, Section 504.B, Items 1, 2, and 3 and,
3. The change does not eliminate access to any parcel or tract and,
4. Provided that any area which is subject of any Incidental Boundary Change shall be added to and shall become a part of the property of one of the abutting property owners and shall not be a separate parcel or tract for any purpose whatsoever under this Ordinance. (For recorded plans refer to Section 308)

The following wording may be used as part of the deed recital:

The within conveyance is an Incidental Boundary Line Change as defined in Article II, Section 203 of the Somerset County Subdivision and Land Development Regulations ("Regulations"), enacted May 28, 1991, as amended, as said conveyance is of property not part of a recorded plan and does not create a new parcel that reduces either tract, as existing before the Incidental Boundary Line Change, to less than the area required under Article V Section 504.B, Items 1, 2, and 3 of the Regulations. By acceptance and recording of this deed, Grantees, for themselves, their heirs, successors and assigns, covenant, agree and declare that the within conveyed parcel described as follows:

"Insert description of parcel to be conveyed"

shall be merged with their property shown in Somerset County Record Book Volume _____, Page _____, and which is described as follows:

"Insert description of the currently owned tract" such that the two parcels shall become one parcel. Any conveyance of less than the two merged parcels shall constitute a subdivision under the Somerset County Subdivision and Land Development Regulations.

ARTICLE IV PLAN REQUIREMENTS

SECTION 401 MASTER PLAN

A Master Plan (see Section 303) shall contain the following information:

1. General shape of the property;
2. Name of municipality in which the subdivision is located;
3. Name and address of owner or agent;
4. North point and date;
5. Proposed general street and lot layout, and right-of-way;
6. Tax Map Number(s) of the parcel(s) being subdivided;
7. Minimum lot size proposed;
8. Proposed use of the land;
9. Total acreage of the parcel being subdivided;
10. Total number of lots proposed;
11. General location map of the tract;
12. Any item(s) for which the developer desires approval.

SECTION 402 MINOR PLAN (1 to 3 lots or units)

(NOTE: THE LAND OWNER SHALL CONSIDER THE POSSIBLE FUTURE DEVELOPMENT REQUIREMENTS OF THE BALANCE OF THE OWNER'S [DEVELOPER'S] LANDS).

- A. The Minor Plan shall be clearly and legibly drawn to a commonly accepted engineering scale. The scale shall be of a size that is large enough to provide clear details of all plan components. The Minor Plan shall be no larger than 18" x 24" and shall be folded no larger than 8-1/2" X 14". All paper plans shall be folded.

Site data, composed of items 3, 7, 8, 9, and 10 shall be placed on the plan in a distinctive manner at or near the plan's title block.
- B. The Minor Plan shall include the following information:
 1. A survey of the lot or lots certified by a Licensed Pennsylvania Registered or Professional Surveyor;

2. Access shall be provided to each lot by one of the following methods:
 - a. Access to all lots by a minimum thirty-three (33') foot wide right-of-way except that access to a single lot may be by way of a sixteen and one half (16 1/2') foot right-of-way.
 - (1.) Consideration of the future development of the remaining land in the residual tract shall be made prior to limiting the right of way to sixteen and one half (16-1/2) feet;
 - (2.) If the road is to be dedicated to the municipality, consideration must be made as to the adequacy of the right of way for municipal dedication;
 - b. Access directly to an existing Federal, State or Municipal road right of way;
 - c. Access to a proposed lot may also be across other lands of the grantee, however, a deed restriction shall be placed on the lot and a note on the plan which restricts the future conveyance of that lot until such time as an appropriately sized right of way is provided to access the lot.
 - d. In all cases, the location of the right of way shall be specifically identified on the plan or provided in a separate document that is prepared in a recordable form.
3. Tax Assessment map number including the municipality number, the map number, and the parcel and sub-parcel numbers of the tract being divided;
4. Name of the owners of all abutting land and the name of all abutting subdivisions, including the deed book and page number or the plat book and page number of those parcels. Abutting owners and/or subdivisions shall include the owners and/or subdivisions that are located across private or public roadways, rivers, etc.;

The owner(s) signature(s) in ink, and acknowledged before a notary shall appear on the plan to be recorded. Original signature(s) shall also appear on at least one blue line or black line prints submitted for approval. This print will remain in the files of the Somerset County Planning Commission.

(Sample acknowledgement)

NOTARY PUBLIC STATEMENT

COMMONWEALTH OF PENNSYLVANIA (or other)

COUNTY OF SOMERSET (or other)

On this, the ____ day of _____, _____, before me,
the undersigned officer, personally appeared

_____	_____
Signature	Signature
_____	_____
Typed or printed name	Typed or printed name

who being duly sworn according to law, deposes and says that
(she/he/they)(is/are) the owner(s) and/or equitable owner of the property
shown on this plan, and that (she/he/they) acknowledge(s)the same to be
recorded as such according to law.

Witness my hand and seal the day and date above written.

(Leave adequate space for seal here) (Notary signature
here)

_____	_____
My Commission expires	Notary Public or other officer

If the plan is being signed by an Executor, Executrix, Power of Attorney or something other such official, documentation shall be provided at the time of plan submission noting the individual's authority to execute the submitted document.

If the source of title has more than one recorded owner; all recorded owners shall sign the plan and if all owners' signatures do not appear on the plan, documentation shall be provided at the time of plan submission noting the signer(s) authority to sign the plan on behalf of those not signing;

6. Title Block - including the name of the plan, municipality, date of the plan and/or plan revision, graphic scale, and the name and address of the recorded owner(s);

Deed book and page number of the tract or tracts being subdivided. If the source of title has more than one parcel, specifically identify the parcel being divided and provide a copy of the source of title document along with a plot of the original parcel.

8. Proposed use of the land;

9. Total acreage of the parcel being subdivided (the original parcel);

10. Total number of lots proposed with this submission, not including the original parcel;
11. Location map of the tract (1"=2000') that outlines the shape of the lot
12. Acreage of the lot or lots;
13. An approval block for the Authorized Commission signature and date. The space provided shall be large enough so that a normal signature (approximately 3/8" X 2-1/2") and approval date including month; day and year can be legibly affixed to the plan. Signature blocks that have been reduced such that a legible signature cannot be affixed to the plan will be returned;
14. A statement indicating whether sewer approvals or waiver has or has not been obtained for the proposed lot or lots must be shown on the plan. An effort shall be made in order to determine if an existing system has been permitted. All correspondence with municipal and Commonwealth officials shall be documented and submitted along with the plan. (See Sections 304 and 305);
15. Certificate for any subdivision that proposes to access on a Pennsylvania State Highway stating "A highway occupancy permit is required pursuant to Section 402 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." This statement must be placed on the plan even if the site has an existing driveway.
16. A north arrow;
17. Name of the Registered Professional Surveyor responsible for the preparation of the plan,
18. The names of the streets, which will access the lot or lots. In the event that the access will be provided over a new street, right-of-way or easement, the street name must be approved by the E-911 Addressing Manager.
19. Location and material of all monuments and lot markers;
20. If the subdivision is located within a zoned area, it shall be so designated on the plan and the provisions of the zoning ordinance shall be addressed;

C. The Minor Plan shall:

1. Be submitted to the Somerset County Planning Commission for their review and approval (Section 304). The Commission within ten (10) working days will take action or the plan shall be deemed approved.

2. Be recorded at the Somerset County Recorder of Deeds Office, with the deed of each parcel to be conveyed or as a plan of lots;
3. The plan must be recorded at the Somerset County Recorder of Deeds Office, within 90 days of the approval, and if not so recorded the approval shall become null and void.
4. A copy of the recorded plan, or some other acceptable notice, shall be returned to the Commission Offices. The notice must indicate the date of the recording, and the recording reference.

D. Expired minor subdivision plans:

1. An approved plan that has not been recorded within the 90 day period mentioned above, can be re-approved for additional 90 day periods provided that:
 - a. The request is made in writing, to the Commission,
 - b. The regulations have not been changed or amended since the approval was last granted,
 - c. Plans with a blank signature block must be delivered to the Commission for approval. The plans shall include updated or new signatures if any changes have been made to the originally submitted plan,
 - d. An application fee is submitted to the Planning Commission, making the check payable to the **Somerset County Treasurer.**
2. If the plan has expired and the owner does not wish to have the plan re-approved, they must forward a letter to the Planning Commission stating their intent to void the plan. The plan will then be removed from the Planning Commission files.

SECTION 403 MAJOR PLAN AND LAND DEVELOPMENTS

- A. The Major Plan shall be prepared on mylar film, or whatever other media type and size acceptable to the Recorder of Deeds Office and drawn at a commonly accepted engineer's scale not smaller than one (1) inch equals one hundred (100) feet and the Major Plan shall be not greater than the recording size requirements of the Somerset County Recorder of Deeds Office. Any other prints or supporting data shall not be larger than 30" x 42". If the plan requires more than one sheet, match lines and a key diagram shall be provided to show the location of each section.
- B. The Major Plan shall be prepared in accordance with the design standards of this ordinance and shall show the following information:
 1. Title Block - including the name of the subdivision, municipality, graphic scale, and date of the plan;

2. Name and address of the recorded owner and subdivider or developer;
3. North point;
4. Name of the Pennsylvania Registered Surveyor or Registered Landscape Architect responsible for the plan preparation;
5. Deed book and page number of the tract or tracts being subdivided or developed. If more than one parcel is mentioned in the source of title, specifically identify the parcel being subdivided or developed and provide a copy of the deed of the original parcel and a plotting of the deed being subdivided;
6. A location map for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch equals two thousand (2,000) feet and showing the relation of the property to adjoining properties and to all streets, roads, and municipal boundaries within one thousand (1,000) feet of any part of the portion of the property being subdivided;
7. Tract boundaries of the portions of the property being subdivided or developed showing bearings and distances and a statement of total acreage of the original parcel;
8. Names of the owners of all abutting land and the names of all abutting subdivisions, with the Deed Book and Page number or Plat Book and Page number, where recorded. Abutting owners and subdivisions shall include those located across public or private roadways, rivers, etc.;
9. All existing sewer lines, water lines, fire hydrants, electric and telephone utility lines, railroads, quarries, strip mines, sink holes, flood plain areas, culverts, bridges, water courses and other significant man-made or natural features within the proposed subdivision;
10. All existing streets, easements, and rights-of-ways, including numbers, names and legal widths within or abutting the subdivision or development;
11. Lot lines with dimensions for each lot to the nearest one hundredth foot and bearings to the nearest degree and minute including a numbering system to identify each lot (lot identification number shall account for all lots subdivided after May 28, 1991) and the acreage to the nearest one hundredth;
12. The site data shall include the proposed use, number of lots or units, minimum lot area, total number of acres in the original tract that is being subdivided or developed and, the tax map number including the municipality number, the map number, and the parcel

- and sub-parcel number of the tract being subdivided or developed;
13. Location and width of all proposed streets, easements, and rights-of-way;
 14. Official Street names and/or numbers where identified on the Penn-DOT General Highway Map for Somerset County. Legislative Route (LR) Numbers are no longer used; State Route (SR) Numbers must now be used to identify state highways;
 15. Location and material of all permanent monuments and lot markers;
 16. Easements and/or rights-of-ways for proposed utilities;
 17. A completed Variance Request Form, if proposed;
 18. Surveyor's, Professional Engineer's or Landscape Architect's seal, signature, and certification; as permitted by law. A Landscape Architects' and Professional Engineer's certification may be used to certify a land development plan (as allowed in P.L. 913, No. 367 of May 23, 1945 "Engineer, Land Surveyor and Geologist Registration Law" and P.L. 1527, No. 535 of 1965 "Landscape Architects' Registration Law"), provided, however, that the tract perimeter surveys and lot divisions shall be the function only of the Professional Land Surveyor;
 19. An approval block for the Authorized Commission signature and date. The space provided shall be large enough so that a normal signature (approximately 3/8" X 2-1/2") and approval date including month, day and year can be legibly affixed to the plan.
 20. A statement indicating whether sewer approvals have or have not been obtained for the lots shown on the plan.
 21. Contours at intervals of not greater than twenty (20) feet;
 22. Any changes that may be proposed by the developer in the provisions of the zoning applicable to the area to be subdivided or developed. If the subdivision is located within a zoned area, it shall be so designated on the plan and the provisions of the zoning ordinance shall be addressed;
 23. The owner(s) signature(s) in ink, and acknowledged before a notary shall appear on the plan to be recorded. Original signature(s) shall also appear on at least one blue line or black line prints submitted for approval. This print will remain in the files of the Somerset County Planning Commission.

(Sample acknowledgement)

NOTARY PUBLIC STATEMENT

COMMONWEALTH OF PENNSYLVANIA (or other)

COUNTY OF SOMERSET (or other)

On this, the ____ day of _____, _____, before me,
the undersigned officer, personally appeared

Signature Signature

Typed or printed name Typed or printed name

who being duly sworn according to law, deposes and says that
(she/he/they)(is/are) the owner(s) and/or equitable owner of the property
shown on this plan, and that (she/he/they) acknowledge(s) the same to
be recorded as such according to law.

Witness my hand and seal the day and date above written.

(Leave adequate space for seal here) (Notary signature here)

My Commission expires Notary Public or other officer

If the plan is being signed by an Executor, Executrix, Power of Attorney or some other such official, documentation shall be provided at the time of plan submission noting the individual's authority to execute the submitted document.

If the source of title has more than one recorded owner; all recorded owners shall sign the plan and if all owners' signatures do not appear on the plan, documentation shall be provided at the time of plan submission noting the signer(s) authority to sign the plan on behalf of those not signing;

24. Adequate space to accommodate recording information with the Somerset County Recorder of Deeds;

25. Certificate for any subdivision that proposes to access on a Pennsylvania State Highway stating "A highway occupancy permit

is required pursuant to Section 402 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." This statement shall appear on the plan even if the lot(s) currently has an established access.

The Major Plan shall be accompanied by supplementary sheets (as required) for improvements that have been proposed or as may be required by applicable ordinances or statutes,

such as, but not limited to:

1. Cross-sections; profiles and specifications for street improvements,
2. Sizes and locations of proposed sanitary sewers lines. The location of, or distances to, the existing line to which the proposed line will be connected shall also be indicated along with the size of the existing line;
3. Sizes and locations of proposed storm water facilities. The location of, or distances to, existing facilities that will be utilized shall also be indicated along with the size of the existing facilities;
4. Sizes and locations of proposed water distribution system. The location of, or distances to, the existing line to which the proposed line will be connected shall also be indicated along with the size of the existing line;
5. Where lot sizes are based on public water and/or public sewerage facilities; written assurances, from the supplying agency, to the Commission that such facilities are available;
6. A copy of any deed restrictions or covenants related to the approval of this subdivision or land development plan or which will run with the land;
7. Proposed Street names, to be accompanied by a letter from the E-911 Addressing Office approving the names;
8. A Certificate of intent to dedicate or to not dedicate the streets within the subdivision or land development shall be shown on the plan;

D. The Plan shall:

1. Be submitted to the Somerset County Planning Commission for their review and approval (Section 305);
2. Be recorded at the Somerset County Recorder of Deeds Office within ninety (90) days of the date the Commission grants a Certificate of Completion, after which the approval shall become null and void.

- E. The property owner or subdivider shall be required to provide improvements, or a suitable guarantee pursuant to Article VI, hereof, said improvements to be constructed pursuant to the standards established in this Ordinance or such other applicable ordinance(s), statute(s), or law(s).

SECTION 404

OBTAINING A CERTIFICATE OF COMPLETION

- A. A Certificate of Completions is required for all non-residential land developments and all Major Subdivisions. A Certificate of Completion may only be obtained upon the completion and certification of all required improvements, or the posting of an adequate security (see Article VI) with the Commission. Non-residential land developments must obtain a Certificate of Completion prior to beginning business operations at the site. Residential developments must obtain a Certificate of Completion prior to the conveyance of lots or units.
- B. In order to obtain a Certificate of Completion, the developer must have first obtained a plan approval from the Board and must have either installed the required improvements or posted an adequate security with the Board for the installation of those improvements.
- C. As may be permitted by the Registration Law, the Engineer's, Landscape Architect's or Surveyor's certification of the completion of required improvements shall be submitted to the Commission. The certification shall cite the specific items and sections of the ordinance, which are being certified.
- D. After the staff has reviewed the certifications, the Certificate of Completion will be issued or denied. The staff shall have a maximum of ten (10) working days in which to review the certifications that have been submitted by the Engineer, Landscape Architect or Surveyor.
- E. Failure to obtain a Certificate of Completion as specified above will result in the termination of further activities at the site until such time as the Certificate of Completion is obtained.
- F. The Request for a Certificate of Completion shall be accompanied by supplementary sheets and/or certifications by either a Pennsylvania Registered Surveyor, Registered Landscape Architect, or Registered Professional Engineer (as applicable) for improvements required by applicable ordinances and statutes, such as, but not limited to:
 - 1. Street Improvements;
 - 2. Storm Water detention and conveyance facilities;
 - 3. Water Distribution systems;
 - 4. Public Sewer systems;
 - 5. Landscaping,
 - 6. Parking lots or areas,

7. Street signs,
8. Monuments and Lot_Markers,
9. Mobile home lot and site improvements,
10. Campground lot and site improvements,
11. Cluster development site improvements,
12. Non-residential land development site improvements,

In the event any or all of the improvements are to be turned over to the municipality or municipal authority, a copy of the municipal or municipal authority's approval of the construction of those improvements shall be provided at the time the request for a Certificate of Completion is made.

- G. A Certificate of Completion may be granted for a portion of a subdivision or land development, provided the required improvements have been installed and certified (as provided for elsewhere in this regulation) for that portion of the subdivision or land development.