

Article I – GENERAL PROVISIONS

SECTION 101 – Short Title

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

SECTION 102 – Purpose

The purpose of this Ordinance is:

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

SECTION 103 – Authority and Jurisdiction

1. The authority of Borough Council to adopt this ordinance regulating subdivision and land development within Somerset Borough is granted by Article V of the Pennsylvania Municipalities Planning Code of July 31, 1968, Act No. 247, as amended. As a result, no subdivision or land development of any lot, tract, or parcel of land shall be made, no streets, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated

for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this ordinance.

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

SECTION 104 – Interpretation

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

SECTION 105 – County Review

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

SECTION 106 – Municipal Liability

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